

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 9, 2017. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER**                      6:00 pm

**MEMBERS PRESENT**            John Finelli, Chairman  
   Michael Barr                      Beth Midgett  
   Terry Gore II                      David Overton  
   Jeff Landreth

**MEMBERS ABSENT**            Charles Read, Jr.

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 11, 2017 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Jeff Landreth seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### PUBLIC HEARING

***Text Amendment Request, Section 22-27.16 Highway 345 Business District, Outer Banks Dare Challenge, Inc.***

Donna Creef said the applicant is requesting a text amendment because the Highway 345 Business District zoning does not include multi-family dwellings or recovery and treatment centers as an allowed use. Thirteen emails have been received in support of the text amendment and no negative comments have been received. Draft language for the text amendment has been provided to the board. There will need to be a finding of consistency or inconsistency with the Land Use Plan. There is now a requirement in the NC General Statutes that a written report be provided to the Board of Commissioners in addition to the recommendation from the Planning Board for all zoning amendments or re-zonings.

No one spoke at the Public Hearing. The Public Hearing was declared closed at 6:05 p.m.

Applicant Dustin Daniels, Executive Director of Outer Banks Dare Challenge, said this amendment is requested so the organization can expand in the future.

David Overton made a motion to recommend approval of the requested text amendment and further finds the text amendment to be consistent with Dare County Land Use Plan Policy LUC #4 and LUC #5. This motion will include a written report of findings to be forwarded to the Dare County Board of Commissioners.

Beth Midgett seconded the motion.

Vote: Ayes – Unanimous

This will be considered at the Board of Commissioners meeting October 16, 2017.

## **PUBLIC HEARING**

### ***Text Amendment Request, Section 22-24.2 Skyco Neighborhood Commercial District, Dare Storage, LLC***

Dr. William J. Adams, co-owner of Dare Storage, LLC was present at the meeting and available to answer any questions.

Noah Gillam said the applicant is requesting Group Developments be allowed in the Skyco Neighborhood Commercial District. The property has been posted and adjoining property owners have been notified. No comments have been received at this time. The draft amendment includes changes to both 22-24.2 and chapter 22-31. There will need to be a finding of consistency or inconsistency with the Land Use Plan. It is required that a written report be provided to the Board of Commissioners along with this recommendation.

No one spoke at the Public Hearing. The Public Hearing was declared closed at 6:11 p.m.

Michael Barr made a motion to recommend approval of the requested text amendment and further finds the text amendment to be consistent with Dare County Land Use Plan Policy LUC #5 and LUC #6. This motion will include a written report of findings to be forwarded to the Dare County Board of Commissioners.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This will be considered at the Board of Commissioners meeting October 16, 2017.

## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

### ***Conditional Use Permit Application, Home Occupation, 1163 N Highway 64/264, Roanoke Island, Bridgette Groce***

Bridgette Groce, applicant, was present at the meeting.

Noah Gillam said staff received a conditional use permit application to operate a hair salon at 1163 N Highway 64/264 on Roanoke Island. The site is zoned R-1 and home occupations are permitted as a conditional use. Mrs. Bridgette Groce would like to operate the hair salon in the garage attached to her home. She would be permitted to use up to 425 square feet of the garage for the home occupation. Mrs. Groce would be the only employee and the salon will have one chair. A draft conditional use permit has been provided to the board.

Chairman Finelli asked that the square footage be noted in condition 1 of the conditional use permit.

Bridgette Groce requested the hours of operation to be Monday through Saturday from 9 a.m. through 7 p.m.

Beth Midgett made a motion to recommend approval of the conditional use permit request subject to specifying that 425 square feet in the garage will be allowed for this use and the hours of operation will be Monday through Saturday from 9 a.m. through 7 p.m.

Jeff Landreth seconded the motion.

Vote: Ayes – Unanimous

This request will be considered by the Board of Commissioners on November 6, 2017.



***George Mann Tract 4-Lot Subdivision, NC Highway 345, Wanchese, JD Johnson Realty and Construction***

Jonathan Johnson, property owner, and Dylan Tillett of Quible and Associates were present at the meeting.

Noah Gillam said the subdivision site is 3.35 acres on NC Highway 345. All four lots will have access to Highway 345 and the smallest lot is 20,044 square feet. The subdivision is located in the Baumtown zoning district and all lots meet the minimum lot size requirements. Wetlands have been verified by the Corps of Engineers. Staff recommends a note on the plat stating Army Corps of Engineers permits will be obtained before filling any wetlands.

Dylan Tillett said the owner of the lot behind lot #1, Kathleen Whidbee, is interested in purchasing lot #1 to access her property. Chairman Finelli asked if the path on lot #1 is a recorded easement. Mr. Tillett said it is not. Jonathan Johnson said Ms. Whidbee has been using lot #1 to access her property for about 15 years. This issue was heard in court and the judge ruled there is no legal access provided on proposed lot #1 to Ms. Whidbee's lot. The Mavromattis family, who previously owned this parcel, allowed the Whidbees to use the Mavromattis property to access the Whidbee property. The judge ruled that 60 days written notice would be provided to Ms. Whidbee if this arrangement was to be terminated. Jonathan Johnson provided that written notice to Ms. Whidbee last June. Ms. Whidbee said she would like to purchase lot #1 and continue to use it to access her property. George Wood is working with both Mr. Johnson and Ms. Whidbee. When the parcel is subdivided, and a parcel number is provided, Ms. Whidbee will purchase parcel #1. Michael Barr asked if the Planning Board is obligated to provide access to the Whidbee's land-locked parcel. Donna Creef said, according to the county attorney, the Planning Board is not required by law to provide access to the property. Jonathan Johnson said Ms. Whidbee also owns the property adjacent to lot #1 but is choosing to purchase lot #1 rather than use her adjacent property for access.

Terry Gore made a motion to approve the subdivision plat with the condition that the proper permits shall be obtained from the Army Corps of Engineers.

David Overton seconded the motion.

Vote: Ayes – Unanimous

The final plat will be submitted to Donna Creef for review and recordation.

***Conditional Use Permit Amendment, Group Development, 40494 Highway 12, Avon Super Wings, I.G. Holdings, LLC***

Michael Morway of Albemarle and Associates was present on behalf of the applicant.

Noah Gillam said IG Holdings, LLC is asking for an amendment to conditional use permit 7-2008 for their property located at 40494 NC Highway 12 in Avon. The property is zoned C-2 commercial and the current CUP allows for a group development consisting of an existing Wings retail store and an existing residential dwelling used to house employees. IG Holdings would like to amend the CUP to add a second residential dwelling for employee housing. Parking spaces and parking calculations for all three structures are included on the site plan. A draft conditional use permit has been provided to the Planning Board. Staff received a couple inquiries as to the scope of work but no complaints to date.

Michael Morway said some of the property is not buildable because of a canal but there is plenty of room to stay outside the CAMA setback requirements. A revised plan for the proposed building is being considered that will increase the amount of square footage from 2,000 sf to 2,400 sf but decrease the footprint of the building.

Chairman Finelli asked if this will impact the stormwater basin. Mr. Morway said it will not.

Michael Barr asked what timeframe the developer will need to obtain building permits. Mr. Morway said they have requested an amendment to the state stormwater permit and expect to receive that in about a month. Donna Creef recommended allowing 12 months to secure building permits. Ms. Creef said if the site plan revisions are provided to staff this week, this can be reviewed by the Board of Commissioners at their meeting on November 6, 2017.

Michael Barr made a motion to recommend approval of the conditional use permit request subject to submitting a revised site plan showing the correct footprint and allowing 12 months to secure building permits.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This request will be considered by the Board of Commissioners on November 6, 2017.

**OTHER BUSINESS**

None

**ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Terry Gore and seconded by Chairman John Finelli.

Vote: Ayes – Unanimous

The meeting adjourned at 6:40 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: December 11, 2017



John Finelli  
Chairman, Dare County Planning Board