

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning held their regularly scheduled meeting on Monday, September 10, 2001. This meeting was held in the administrative annex building located at 204 Ananias Dare Street in Manteo, NC.

CALL TO ORDER 7:00 PM

MEMBERS PRESENT Elmer R. Midgett, Jr. Chairman
John Myers
Mary Aldridge
Marcia Parrott
Joe Thompson
Joe Kierzkowski

MEMBERS ABSENT Jon Britt

APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the August 12, 2001 Planning Board meeting, a motion to dispense with reading them and to approve them as submitted was made by Joe Kierzkowski, seconded by Joe Thompson.

Vote: Ayes – Unanimous

OLD BUSINESS

Orville Daniels Subdivision – Wanchese – Final Plat

Chief Planner Donna Creef presented staff comments. She told the Board the final plat for this division was scheduled for review last month but due to the lack of representation was not reviewed.

Mrs. Creef stated that no road improvements were necessary for the division since all of the lots have frontage on an existing state maintained road. A letter from DOT verifying that the plans are in compliance with current DOT standards is on file. All of the lots will be served by private wells and onsite septic systems. Staff recommended final plat approval.

Jason Lazelle, with Albemarle Engineering was present to represent the final plat of this proposed subdivision.

A motion to grant final plat approval was made by John Myers, seconded by Joe Thompson.

Vote: Ayes – Unanimous

Parking Standards

Chief Planner Donna Creef presented staff comments. She told the Board that last month the Board discussed the need to amend the Zoning Ordinance to update the residential parking regulations to address the provision of adequate parking at residential sites with multi-bedrooms. She noted that the current rule is two spaces for every single-family unit regardless of the number of bedrooms. Mrs. Creef submitted draft language for the Board's discussion and explained that the idea is that residences with four or more bedrooms will be required to provide a 10' x 20' (200 square foot) parking area to accommodate vehicle parking within the confines of the property and keeping them off the road side. She further explained that this parking area would not need to be individually painted or marked like you would on a commercial site plan, and may be located within the front yard setback area. The parking area shall conform to all applicable Health Department regulations regarding drain fields and other areas regulated by them.

Mrs. Creef stated that the installation of the parking improvements shall be verified by the County before the release of the electrical service for new construction and before the release of the certificate of occupancy for addition or remodeling projects. She explained that the regulations would be retroactive.

The Board discussed the proposed parking regulations and concurred that residential parking is definitely an issue that needs addressing.

A motion to recommend parking regulations as prepared and submitted by staff was made by John Myers, seconded by Mary Aldridge and Joe Kierzkowski.

Vote: Ayes – Unanimous

Croatan Estates – Roanoke Island – Final Plat

The developer, Eddie Goodrich was present for the review of the final plat for this division.

Chief Planner Donna Creef presented staff comments. She told the Board the site is located on Roanoke Island in an area known as Sunnyside.

The Dare County Board of Commissioners granted preliminary plat approval on April 16, 2001.

Staff visited the site on the August 31, 2001 and found the road improvements installed as depicted on the preliminary plat. Test results have not been submitted. Mrs. Creef stated that roadside swales need some additional shaping and general clean up, and the street signs need to be installed.

Mrs. Creef noted that the stormwater improvements designed by McKim & Creed have been installed and a letter from Brant Wise was included with the memo concerning these improvements.

Mrs. Creef also told the Board that this subdivision has been the subject of intense neighborhood scrutiny. Staff notified members of the neighborhood of the final plat review and have not heard from any of them.

Staff recommended final plat approval subject to the submission of satisfactory test results on the road improvements and the installation of street/stop signs.

Mr. Goodrich told the Board that he spoke to Mr. Warren Meekins about the paving improvements on the easement. He stated Sunnyside Road has never been in the middle of the 60-foot right of way. Mr. Goodrich stated that he told Mr. Meekins that he would do whatever needs to be done to satisfy the his concerns. He further stated that he is willing to cut the paving out, give him an agreement that says it is on his property and he is fine with it.

Mr. Goodrich noted that Mr. Meekins agrees that it was just a mistake and he doesn't want it to get any worse then it is right now.

A motion to grant final plat approval subject to the following items being addressed prior to recordation of the final plat was made by Marcia Parrott, seconded by John Myers:

1. The paving improvements on the easement be corrected to the satisfaction of the adjoining property owner, Warren Meekins shall be made.
2. Submission of satisfactory test results on the road improvements.
3. Additional grading and shaping of the roadside swales to be completed and verified by planning staff.
4. A STOP sign and street name sign shall be installed.
5. Submission of the covenants for review by the Planning staff.

Vote: Ayes – Unanimous

BUILDING HEIGHT STANDARDS

Planning Director Ray Sturza presented staff comments. He told the Board last month the Board initiated discussions concerning a proposed amendment to the County's current definition of building height. He told the Board that staff visited several sites where fill has been placed on the lots to accommodate development of single-family homes. He presented photos of these sites for the Board's review.

Mr. Sturza stated that any regulatory response to the trend in lot alteration would need to address the issue of equitable treatment of adjoining properties. He further stated that the alteration of ground elevations is a factor in building height measurements and must be addressed in order to accurately define building height.

Mr. Sturza presented three alternatives for the Boards review.

1. Do nothing and allow civil litigation to resolve the situation. Basically what we are doing right now in the absence of any regulatory standards, we tell people if it is that bad and your

neighbor is flooding your property, you have the option of taking them to court. The case law is pretty well defined in terms of someone building something on one property to affect the adjoining property there is some liability there.

2. To allow fill as needed to accommodate onsite septic systems or create a not to exceed standard. Mr. Sturza explained that fill activities or modification of natural ground elevation couldn't exceed a certain number of feet above the existing natural ground elevation. Normally that is 36" to accommodate a standard wastewater treatment system. He recommended setting some sort of regulatory cap and it will address the issue.
3. Not have a minimum for the amount of fill you can place on a lot but include a standard that requires mitigation measures for adjoining properties to the same modified elevation or other acceptable engineered solutions.

The Board discussed this issue at length and concurred regulatory standards need to be developed.

John Myers expressed his opinion that a property owner should have the right to protect their property and should be able to fill to the base flood, and then at that point they should have some responsibility for the run-off on to adjoining property and damaging it.

OTHER BUSINESS

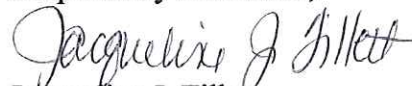
Donna Creef suggested that the Board plan to have another workshop on the update of the Land Use Plan.

Board concurred to allow staff to set a date for the last week in September for a workshop to be held from 5 PM – 7 PM. Staff stated they would notify the Board of a couple of dates and the majority will rule.

There being no further business before the Board a motion to adjourn was made by John Myers, seconded by Chairman Midgett.

Vote: Ayes - Unanimous

Respectfully Submitted,



Jacqueline J. Tillett

Senior Administrative Support Specialist

APPROVED: 10/8/01



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board