

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 10, 2005. This meeting was held in the Dare County Administrative Annex building, 204 Ananias Dare Street, Manteo, NC.

CALL TO ORDER 7 PM

<u>MEMBERS PRESENT</u>	Elmer R. Midgett, Jr. – Chairman	Cathy Morris
	John Myers	Richard “Ricky” Scarborough, Jr.
	Mary Beth Midgett	John Finelli
	Joe Thompson	

APPROVAL OF MINUTES

NONE

INTRODUCTION OF NEW PLANNING BOARD MEMBER

Senior Planner Donna Creef introduced Mrs. Catherine Morris as the replacement member for the unexpired term of Robert Lewis. She told the Board that new planning board members have to be sworn in by a notary and was sworn in at the Kill Devil Hills Office by a notary. Usually we do it at the meetings, but since Jackie is not here we have had to go to an alternate plan.

Wanchese Zoning

Chairman Midgett told the Board that he feels like the Board got a whole lot done at the last meeting. At this point he doesn't see any need of calling another workshop if the Board will give him permission to work with staff, Ricky Scarborough, and Lorraine and finish things up for presentation to the Planning Board at the next meeting.

Board members agreed to this request.

OLD BUSINESS

PUBLIC HEARING

Ed Nunnally – Hatteras – Request to Amend Hatteras Village Zoning Map

Senior Planner Donna Creef presented staff comments. She told the Board that as instructed last month the Planning Board has scheduled a public hearing on the rezoning request submitted by Mr. Ed Nunnally.

Mr. Joe Analauft from Quible and Associates on behalf of Mr. Nunnally was present.

Mrs. Creef told the Board that Mr. Nunnally owns property in Hatteras Village located in the R2-AH zoning district. She pointed out the property on a large map. She told the Board that Mr. Nunnally is requesting his property be rezoned C-2H.

Mrs. Creef stated this public hearing was advertised in the Coastland Times, the adjoining property owners were notified, and the property was posted. She stated she has not received any written comments about the public hearing.

Mrs. Creef stated the rezoning application is not inconsistent with the land classification. The majority of the road is zoned C-2H. A letter was submitted by Mr. Quidley, the previous owner of the property, indicating that there has been a historical use of commercial on the property there.

Public comments were rendered by:

1. Mr. Linwood Quidley, native of Hatteras - Mr. Quidley told the Board that he and his wife were the prior owners of the property in question. Mr. Quidley told the Board that they contracted with Jim Walter Homes, Inc. in 1979 to build a modified floor plan Hollywood style home that would accommodate a business for his wife. He stated that business would have been tailoring, alterations and gifts. The building was completed by Jim Walter Homes, Inc. after a lot of hassle with building permits and efforts to meet the commercial building code at that time. The builder, unfortunately, applied for and received a residential building permit. But when the construction got under way it was determined by the Dare County Inspector at that time, he found it being built for the business as we had asked and we had prepared a modified floor. He at that point sort of stopped the progress and told the builder that he had to have a commercial building permit. After several weeks they finally did get a permit to continue with it, they got a commercial to build and finish the structure which was completed in 1980. We accepted the building when it was finished, but the business so far as actually putting it in operation never did get done for various reasons, funds mainly. The building stayed there until it was sold to Ed Nunnally. We were under the impression and we told Ed Nunnally this in discussions about the purchase of the property from us, exactly what had happened over the years. We were under the impression that it was a commercial building. It was constructed commercial and so forth. I assumed that this is where he felt that he is buying a commercial building on a commercial parcel of land. This is an assumption on my part. He has stated he is here to vote on a yes on the rezoning request.
2. Joe Analauf of Quible and Associates addressed the Board. He told the Board that he is here to answer any questions the Board may have pertaining to the zoning request.

A motion to recommend approval to the County Commissioners to change the zoning from R2-AH to C-2H was made by Joe Thompson, seconded by Mary Beth Midgett.

Vote: Ayes – Unanimous

Christopher D. Coleman – Colington – Conditional Use Permit

Mr. Christopher Coleman was present to represent this application. Also present was Mr. William Combs.

Senior Planner Donna Creef presented staff comments. She told the Board that last month Mr. Coleman was here for a conditional use permit for a home occupation and there was some discussion about the definition of a home occupation and it was referred to the County Attorney.

Mrs. Creef stated subsequent to last months meeting, and the receipt of comments from the County Attorney, Mr. Coleman, the Planning Director, County Attorney sat down and discussed all of this and what the best approach was and we have revised some of the language in the CUP and it was decided at that time being Mr. Combs is an employee of Mr. Coleman's business, but he is also Mr. Coleman's father-in-law and how are we going to know what Mr. Combs is doing at the house and how far we are going to go in our enforcement of the home occupation and how obtrusive are we going to be. Recognizing that Mr. Combs does perform work for a business that is done in a home or that he could do in his home we are also going to do a Conditional use Permit for his house which is two streets over from where Mr. Coleman lives.

Comments from the County Attorney, a draft CUP for Mr. Coleman's residence and a draft CUP for Mr. Comb's residence were included in the Board's packet for review and consideration.

Mrs. Creef stated both draft Cup's are pretty much the same except for the insertion of the names Combs and Coleman in the appropriate locations. Mr. Coleman and Mr. Combs have received a copy of this and I have not objected to this. She stated that staff and County Attorney are satisfied with the CUP's as drafted.

Chairman Midgett asked Mr. Coleman and Mr. Combs if they are satisfied with this.

Mr. Coleman and Mr. Combs both indicated that they are satisfied with the CUP's as written.

A motion to recommend approval of the Conditional Use Permit for the Christopher D. Coleman home occupation was made by Joe Thompson, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

A motion to recommend approval of the Conditional Use Permit for the William Combs home occupation was made by Cathy Morris, seconded by John Finelli.

Vote: Ayes – Unanimous

Maritime Ridge – Frisco – Preliminary Plat Review

A motion to excuse Beth Midgett from the review and discussion of this division due to a potential conflict was made by Joe Thompson, seconded by Ricky Scarborough.

Vote: Ayes - Unanimous

Planner, Ryan Simons presented staff comments. He told the Board this is a preliminary plat for a four lot residential subdivision in Frisco with the intent of having a 40' wide shared access easement rather than a traditional road design. He stated the Board received an interpreted driveway sketch, and staff is recommending that this sketch be incorporated into the preliminary plat.

Mr. Simons told the Board that the developers have voluntarily encumbered the wetlands at the rear of the property with some conservation restrictions precluding further subdivision, and it also includes a 10' wide pedestrian access easement.

Joe Analuaf of Quible and Associates was present to represent this division. He told the Board that the 404 wetland line has been confirmed and there is a signed confirmed wetland plat. Also, not depicted, but would be included on the final preliminary plat would be a dumpster pad easement and a sign easement which are absent from the plat, but the dumpster pad being a requirement and the sign easement being something that we believe would be necessary be included. Mr. Analuaf told the Board that the developer would like to use roll out cans as opposed to a dumpster. He stated that the intent is to record a dumpster easement as it is required in the ordinance.

The Board discussed pedestrian easement and access to the lots. They suggested covenants be reviewed by staff to address the easement and maintenance.

A motion to recommend preliminary plat approval was made by Joe Thompson, seconded by John Finelli, subject to the following:

1. Dumpster site and sign easement being indicated on the plat.
2. A note being included on the revised plat prohibiting the construction/location of pools and other structures in the front yard setbacks of lots 1 and 4.
3. Shared driveway improvement design should be incorporated into the plat along with the widths of lots 1 and 4.
4. Draft restrictive covenants should be submitted to staff.
5. Submission of a confirmed 404 wetland delineation map.

Vote: Ayes – Unanimous

A motion to bring Beth Midgett back on the Board for the remainder of the meeting was made by Joe Thompson, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

Steven G. Basnight, Jr. Subdivision – Roanoke Island – Final Plat Review

Planner, Ryan Simons presented staff comments. This final plat submittal is for a four lot subdivision located outside of Manteo. Previous discussions indicated the primary concern was access along the flag portion of lot 4. The developers have included a note on the plat to ensure compliance with Section 22-56 of the Dare County Zoning Ordinance to provide a 12' wide access. On September 19, 2005, the Dare County Board of Commissioners voted unanimously to approve the plat and staff is also recommending approval.

Mr. Ray Meekins from Seaboard Surveying and Planning was present to represent the developer.

A motion to grant final plat approval was made by Joe Thompson, seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

NEW BUSINESS

None.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Cathy Morris, seconded by Beth Midgett.

Vote: Ayes – Unanimous

Respectfully Submitted,

Jacqueline J. Tillett
Senior Administrative Support Specialist

APPROVED: December 12, 2005

Elmer R. Midgett, Jr. – Chairman
Dare County Planning Board