

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, June 13, 2011. This meeting was held in the Dare County Board of Commissioners meeting room located at 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 7 pm

**MEMBERS PRESENT** Elmer R. Midgett, Jr., Chairman John Finelli  
Richard "Ricky" Scarborough, Jr. Henry Haywood  
David Overton Beth Midgett

**MEMBERS ABSENT** Dan Oden

### APPROVAL OF MINUTES

There being no additions or deletions to be made to the minutes of the May 9, 2011 meeting of the Dare County Planning Board, a motion to dispense with reading those minutes and to approve them as submitted was made by Henry Haywood, seconded by David Overton

### PUBLIC COMMENT

The following citizens rendered public comment in opposition to the application for a Conditional Use Permit for a home occupation submitted by Sondra Dodson to operate a limousine in her home. The speakers concurred that they support home businesses that are not visible on the outside. These citizens also expressed a concern about the number of vehicles coming and going from the Dodson home and commented that it is disruptive to the neighborhood. The speakers further expressed a concern regarding a depreciation of their property values to the proposed limousine business.

1. Jim Beck
2. Barbara Conway
3. Marc Jorrens

The following spoke in favor of Mrs. Dodson's application.

4. Doug Birdsong, boyfriend of Ms. Dodson, and also a resident at 108 Prince Charles Court spoke in favor of the Conditional Use Permit requested. Mr. Birdsong told the Board that he and Ms. Dodson have a business that they are trying to provide for their children through their home based business. He stated that employees do not come to the home; they actually take the vehicles

outside of the Harbour to be picked up. Mr. Birdsong stated that vehicles do not come and go from the home 24 hours a day, seven days a week. He further stated that the property is clean and well maintained, and that all the vehicles are kept in the rear of the property. He noted that this is the first time that he has heard that the neighborhood had a problem with what they were doing.

In other public comment, Mr. Roger Cramer, 23 year resident of Colington and Ms. Sally Tomlin also a resident of Colington Harbour both spoke in favor of the Conditional Use Permit application submitted by Mr. Eric Morrison.

There being no other speakers for public comment, Chairman Midgett closed the public comments portion of the meeting at approximately 7:14 pm.

### ***OLD BUSINESS***

### ***NEW BUSINESS***

#### ***Sondra Dodson – Colington – Conditional Use Permit Application***

Ms. Sandra Dodson was present.

Planning Director Donna Creef presented staff comments. She told the Board that today she received seven letters from property owners opposing the application for a Conditional Use Permit submitted by Ms. Sondra Dodson. Mrs. Creef provided a copy of the letters to Ms. Dodson.

Mrs. Creef stated that Ms. Dodson owns and operates a limousine service (Beach Limousine) from her home at 108 Prince Charles Court in the Colington Harbour subdivision. She told the Board that this application is a result of complaints received by the Colington Harbour Association regarding the limousine business run by Ms. Dodson. Ms. Dodson was notified by the Colington Harbour Association manager that she was in violation of the restrictive covenants of the Colington Harbour Subdivision and possibly the R-4 zoning restrictions.

Mrs. Creef told the Board that in reviewing the complaints with her and looking back through past files, Ms. Dodson was advised to apply for a home occupation. Mrs. Creef noted that the public comments rendered and letters submitted made a reference to a variance. Mrs. Creef stated that the application being reviewed tonight is not in fact a variance, and explained that a variance is a quasi-judicial matter heard by the Zoning Board of Adjustment

Mrs. Creef made reference to a previous memo written by the County Manager/Attorney, Mr. Outten in 2005 concerning a similar situation where there were complaints about a business being conducted at the



Coleman property located on Soundview Drive. Mrs. Creef stated that when she was contacted by Ms. Dodson, she went back through the Coleman file and pulled the memo out and discussed it with Mr. Outten and asked if the same would apply to the Dodson case. Mrs. Creef stated that Mr. Outten informed her that the same information discussed regarding the Coleman issue of parking equipment and vehicles on his property would also apply in Ms. Dodson's situation.

Mrs. Creef told the Board that Ms. Dodson doesn't have any logos on the limousines or on any of the other vehicles used in her business. She also provided photos in the board packet of the property.

Mrs. Dodson addressed the Board and stated that her limousine business is seasonal, and that she only uses her vehicles four months out of the year. She told that the vehicles are kept covered and tucked away the other six months of the year. She stated that on Friday and Saturday she does have the vehicles out to be cleaned for use on the weekend. She noted that she did not know that she was not permitted to have someone come to the house to pick up a car, but she will do whatever is necessary to take the vehicles to the drivers. She noted that she is trying to run a business so that she can be at home with her children.

After a lengthy discussion, a motion to recommend approval of the draft Conditional Use Permit for Ms. Sandra Dodson d/b/a Beach Limousine as written by staff. This motion was seconded by Beth Midgett.

Discussion: Board member John Finelli indicated that it is opinion that the vehicles represent a commercial use and is inconsistent with the R-4 zoning district.

Vote: Ayes – (E. Midgett, B. Midgett, R. Scarborough, Jr. & D. Overton)  
No – (J. Finelli)

This motion carried: 5-1

### ***Gina Booth – Roanoke Island – Conditional Use Permit***

Mr. and Mrs. Booth were present represent this application for a Conditional Use Permit to operate a home occupation in their residents located at 129 Dolphin Drive on Roanoke Island.

Mrs. Creef presented staff comments. She told the Board that Mrs. Booth is seeking a CUP for a home occupation to operate a massage therapy business out of a portion of her house. She stated that 50% of Mrs. Booth's business is mobile, as stated in her letter submitted with her application. Mrs. Creef further stated that Mrs. Booth is hoping to renovate her house as indicated on the floor plan included in the packet to be able to accommodate having some clients on premise as well as off premise.

Mrs. Creef included a draft conditional use permit with conditions as stated in Mrs. Booth's letter included with her application.

Mrs. Creef included photos of the property in the board packet and pointed out that Mrs. Booth has plenty of area for parking.

A motion to recommend approval of the Conditional Use Permit as submitted by Mrs. Creef was made by John Finelli. This motion was seconded by Henry Haywood.

Vote: Ayes – Unanimous

***Eric Morrison – Colington – Conditional Use Permit***

Mr. Eric Morrison was present for the review of the application for a conditional use permit to operate a landscaping business in Colington on property he leases from Mr. Leonard Smith.

Mrs. Creef told the Board that Mr. Morrison is seeking a conditional use permit to operate his landscaping business (Earthworks) on property he currently leases from Mr. Leonard Smith. The property is located at 1504 Colington Road and it is zoned VC-2 (Village Commercial). The property has been zoned VC-2 since 1997. There currently is a mobile home, a storage shed and numerous vehicles owned by Mr. Morrison on the site.

Mrs. Creef told the Board that earlier this year the developers of Colington Pointe called her and complained that Mr. Morrison was operating a junk yard on the site. Mrs. Creef stated that she met with Mr. Morrison and Mr. Leonard Smith to inventory the site on March 23, 2011. She told the Board that the site was less than ideal, and advised Mr. Morrison that he needed to clean up the site. Mrs. Creef stated she further advised Mr. Morrison that landscaping business are permitted as a conditional use and that he should submit an application for a conditional use permit.

Mrs. Creef stated that Mr. Morrison has in fact cleaned up the site and it does look 200% better than it did on March 23, 2011.

Mrs. Creef told the board that there were two military surplus vehicles on the site, one 12 passenger trolley-style bus and a backhoe. She stated that Mr. Morrison has removed one of the military vehicles. Based on the fact that Mr. Morrison has voluntarily complied, she suggested he be given a little bit more time to deal with the other army vehicle and other associated equipment on the site. Mrs. Creef provided before and after pictures of the site.

Mr. Morrison addressed the Board and told them that he had planned to use the buses and the army trucks in his business. He stated that if he can't park them there then he doesn't know what is going to



happen now. He told the Board that backhoes and similar equipment have been on the property since before 1996, prior to zoning. Mr. Morrison asked if he could be granted some kind of grandfathering for the vehicles.

Chairman Midgett informed Mr. Morrison that the language in the ordinance is very specific and there is no such thing as grandfathering.

Mrs. Creef told the Board that the language of the VC-2 district specifically states that the storage of mulch and equipment be buffered with fencing. She noted that currently there is vegetation along the adjoining property line with the Colington Point development that effectively buffers the residential uses.

Mr. Morrison informed the Board that the fence is a big financial issue for him. He stated that a fence is not going to block anybody's view because the houses are elevated.

Board concurred that Mrs. Creef can work with Mr. Morrison on the length and location of the fencing.

A motion was made by Beth Midgett to recommend approval of the draft Conditional Use Permit with condition #2 being revised to reflect the installation of stockade style fencing 6 feet in height along the northern property line adjacent to the R-3 zoning district. The exact dimensions and length of the fencing shall be as determined by planning department upon a site visit. This fencing shall be installed within 90 days of Conditional Use Permit, condition #3 being deleted from the draft conditional Use Permit. The trolley and passenger van will continue to be on site. This motion was seconded by Ricky Scarborough, Jr.

Vote: Ayes – Unanimous

The board granted Mr. Morrison 90 days for the removal of the tri-axle military surplus vehicle.

***Dare County Schools – Wind Energy Demonstration Project – Text Amendment***

Mr. Jim Winebarger, on behalf of the Dare County Schools was present to represent this proposed text amendment.

Planning Director Donna Creef presented staff comments. She stated that Mr. Winebarger on behalf of the Dare County Schools has submitted a request to amend the Ordinance to authorize the installation of a 35' tall vertical axis wind turbine and an 80' tall horizontal axis wind turbine for a demonstration project at the Cape Hatteras Secondary School of Coastal Studies in Buxton, NC.

Mrs. Creef told the Board that the request was submitted to the Board Commissioners on June 6, 2011 and staff was instructed to proceed with the requested amendment for Dare County Schools to be applicable to all school property located in unincorporated Dare County.

Mrs. Creef provided the Board with the proposed draft language for their review and discussion.

Board member John Finelli suggested that the maximum height of a turbine shall not exceed 100 feet.

A motion was made by John Finelli to recommend approval of the draft language with the revision that the maximum height of a turbine shall not exceed 100 feet, and that the proposed text amendment is consistent with the Dare County Land Use Plan and all other policies. This motion was seconded by Beth Midgett and Henry Haywood.

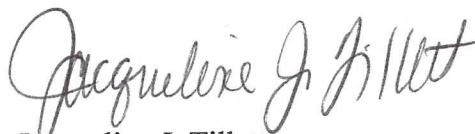
Vote: Ayes – Unanimous

## ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Ricky Scarborough, Jr.; seconded by David Overton.

Vote: Ayes – Unanimous

Respectfully Submitted,

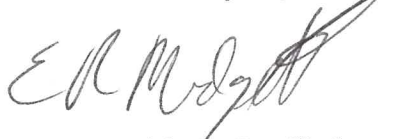


Jacqueline J. Tillett

Senior Administrative Support Specialist

Dare County Planning Department/Clerk to the Board

APPROVED: July 11, 2011



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