

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, March 12, 2018. 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** Michael Barr Beth Midgett  
Terry Gore II Charles Read, Jr.

**MEMBERS ABSENT** John Finelli, Chairman David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the February 12, 2018 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Charles Read seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

-None-

### OLD BUSINESS

-None-

### NEW BUSINESS

***Conditional Use Permit Application for a Home Occupation / Nail Salon at 936 Washington Street, Roanoke Island, Thelma Calvio***

Thelma Calvio was present at the meeting.

Noah Gillam said Ms. Calvio is asking to operate a nail salon at 936 Washington Street. It is zoned R-1 and home occupations are permitted as a conditional use. The Calvio home is 1,224 square feet and 25%, or 306 square feet, can be used for the home occupation. Mrs. Calvio indicated she and her husband will be the only employees, there will be only two chairs, and they will operate on an appointment only basis. Staff recommends additional parking. The property has been posted and no complaints have been received.

Terry Gore asked Ms. Calvio what hours of operation she would like. Ms. Calvio replied 10-6 on Tuesday through Friday and 9-3 on Saturday. Mr. Gore asked what

arrangements have been made for parking. Ms. Calvio provided a copy of the Commercial / Residential Driveway Permit she received from NC Department of Transportation and will provide 4 parking spaces at the residence. Mr. Gore asked if she planned to have any signs. Noah Gillam responded that as a condition of the permit, only a small sign indicating the entrance to the salon will be allowed.

Terry Gore made a motion to recommend approval of the conditional use permit with the hours of operation to be 10 a.m - 6 p.m. on Tuesday through Friday and 9 a.m. - 3 p.m. on Saturday with the provision that a total of four parking spaces be provided.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

This will move forward for consideration by the Board of Commissioners.

***Zoning Amendment Request, Lots 2, 3, and 4, George Mann Tract 2, Highway 345, Wanchese, J.D. Johnson Realty and Construction***

Jonathan Johnson was present at the meeting.

Donna Creef said Jonathan Johnson is asking to amend the zoning map so lots 2, 3, and 4 of the George Mann Tract on Roanoke Island would be changed from Baumtown Traditional Zoning (BT) to Highway 345 Zoning (Hwy 345). The property he is seeking to rezone is contiguous with the Hwy 345 district however lot 1 of the subdivision and the property behind these lots is zoned BT. A letter has been received by the adjoining property owner, Kathleen McMahan, which states she is opposed to the rezoning.

The intent statement of the BT district references the desire to preserve the traditional family-fishing village lifestyle through commercial accessory uses located in conjunction with a principal residential use. The intent statement of the Hwy 345 district says the district provides for a mix of residential and commercial neighborhoods to offer a broad range of services and commodities to serve the seasonal and local residents. The Hwy 345 district has a much larger scope of potential commercial uses.

Any finding will need to include a finding of consistency or inconsistency with the 2009 Dare County Land Use Plan. This property and all of Wanchese is classified as Community Village on the future land use map. The purpose of the Community Village land classification is “to identify areas with a mixture of low-density residential dwelling, various commercial services, and small retail businesses in a village environment.” All of the Wanchese zoning districts allow *traditional village businesses* but are specific that

it has to be associated with the primary residence on the same property and that limits the commercial area to 1,200 square feet.

Jonathan Johnson said there are local boat builders who would like to produce some of their products at this site. A commercial tackle supply company is interested in having a wholesale store there. This is an opportunity for some of the people who are residents of Wanchese to have a building to sell their products. Commercial buildings are allowed on the properties now but the size limits are more feasible in Hwy 345 zoning.

Charles Read asked how much larger a commercial business can be in the Hwy 345 zoning district. Donna Creef said Hwy 345 zoning allows a wide range of potential uses that aren't required to be a traditional village business. It also removes the requirement of having a primary residence on the same property. Hwy 345 zoning would no longer limit the commercial space to 1,200 square feet.

Emilene Whidbee, part owner of the adjacent properties and daughter of Kathleen McMahan, spoke to the Planning Board. Ms. Whidbee is also opposed to this rezoning request. Small local commercial businesses wouldn't be a problem but allowing the uses in Hwy 345 zoning opens it up to a lot of unknown. We wouldn't know what type of businesses it would be used for. We wouldn't know how large the buildings would be or what traffic or noise would be associated with the businesses. There would be an effect on the surrounding environment. She would like the property to remain zoned as Baumtown Traditional.

Terry Gore made a motion to conduct a Public Hearing on this request at the April 9, 2018 Planning Board meeting.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

***Conditional Use Permit Application, Home Occupation / Small Scale Food Production, 138 First Colony Court, Roanoke Island, Owen P. Sullivan***

Owen Sullivan was present at the meeting.

Noah Gillam said Mr. Sullivan is requesting a conditional use permit to produce and package kimchi and kombucha for retail sale at his home. The site is zoned R-1 and home occupations are permitted as a conditional use. Mr. Sullivan plans to use a 267 square foot accessory building and that is less than the 25% of area allowed to be used

for the home occupation. The applicant will be required to enroll in an inspections program with the Department of Agriculture. Mr. Sullivan and his wife will be the only employees. The property was posted. No complaints have been received however staff received a few calls asking what type of food would be produced.

Mr. Sullivan said he is proposing to use the small building in his backyard to produce food products to be sold off-site which he will personally distribute. It will be a very small operation. The size of the site limits the amount of production and prevents expansion of the business. There will be no noise other than a food processor and window air conditioning units. The product has an odor but that should occur within the building only. Production will be limited to approximately 5 gallons at a time and occurs in a closed, air conditioned space.

Donna Creef said neighbors indicated there may be questions concerning the subdivision covenants but covenants have no impact on meeting the zoning standards.

Charles Read made a motion to recommend approval of the conditional use permit.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

This will move forward for consideration by the Board of Commissioners.

## **OTHER BUSINESS**

### ***Discussion Regarding the Land Use Plan Update***

Donna Creef recommended postponing the discussion regarding the public survey until next month. She asked the Planning Board for a recommendation on the Public Participation Plan.

Terry Gore made a motion to recommend approval of the Public Participation Plan portion of the Land Use Plan Update.

Charles Read seconded the motion.

Vote: Ayes – Unanimous

This will move forward for consideration by the Board of Commissioners.

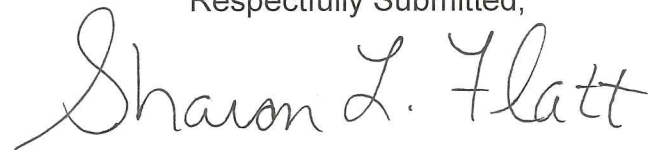
**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:30 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: April 9, 2018



John Finelli  
Chairman, Dare County Planning Board