

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 12, 2020. 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.

The meeting was streamed live at: www.youtube.com/darecounty

CALL TO ORDER 6:00 pm

MEMBERS PRESENT John Finelli, Chairman
Michael Barr Beth Midgett (remotely)
Terry Gore II Buddy Shelton
David Hines

MEMBERS ABSENT David Overton

APPROVAL OF MINUTES

There was a correction to the minutes of the September 14, 2020 meeting of the Dare County Planning Board. The correction was made to the first sentence of the first paragraph on page four. The word "not" was removed, such that it reads: Mr. Finelli added that Ms. Creef has stated that Travel Trailer Parks in existence before the ordinance will be grandfathered and may not be subject to this. Terry Gore made a motion to approve the minutes as corrected. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

John K. Fort, of 27668 Highway 12, Salvo, provided email comments to the Board in opposition to amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Brian C. Smith, Member of the Black Dog HOA, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Shannon Sady, Member of the Black Dog HOA, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Ben Sady, Member of the Black Dog HOA, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Cody Bailey, Member of the Black Dog HOA, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Rusty Waldrop, of 27194 Black Dog Lane, Salvo, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Susan and Butch Barber, of Chocolate Lab Charters, Hatteras, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Aaron & Suzy Wendt, of 27190 Black Dog Lane, Salvo, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

Stephen A. Welch, of 27552 NC Hwy 12, Salvo, provided email comments to the Board in support for amending Black Dog Harbor Conditional Use Permit No. 8-2004.

A copy of emailed public comments is available upon request.

OLD BUSINESS

Request for Extension of Preliminary Plat Approval for Chris and Cammie Daniels Subdivision, Wanchese

Donna Creef addressed the Board. Ms. Creef said this being a simple and straight forward request Staff excused the surveyor from attending the meeting in light of social distancing guidelines due to Covid-19 restrictions.

Ms. Creef said Seaboard Surveying on behalf of Chris and Cammie Daniels has submitted a letter requesting a twelve month extension of the preliminary plat approval granted to their division in November 2019. The Subdivision Ordinance allows for an extension if requested before expiration of the preliminary approval and if work has begun on the improvements. The letter from Ray Meekins indicates engineering work on the water line improvements is underway.

Staff recommends an extension be granted.

Terry Gore made a motion to approve the 12-month extension for preliminary plat approval for the Chris and Cammie Daniels subdivision requested by Seaboard Surveying & Planning, Inc. Michael Barr seconded the motion.

Vote: Ayes – Unanimous

NEW BUSINESS

Proposed Amendment to Conditional Use Permit No. 8-2004, Black Dog Harbor, Salvo

Mike Flipczak, President, Black Dog Harbor Owners Association, was present at the meeting.

Donna Creef read her staff comments. She said Black Dog Harbor is a group development in Salvo that was originally approved in 2004. Mike Flipczak, the current owner of the development, purchased the property in 2014.

Ms. Creef noted when this comes before the Board of Commissioners it will be held as a Quasi-Judicial Matter because it is a Conditional Use Permit (CUP).

Ms. Creef said Staff received email comments from the adjoining property owner to the south of the site, Mr. John Fort; his comments were opposed to the amended CUP. Ms. Creef noted eight additional comments were received in support of the amended CUP.

Mr. Flipczak is requesting Condition Use Permit No. 8-2004 be amended as follows:

Revised Condition #6 – Commercial activities shall be limited to two charter boats used for fishing or cruising whose customers and crew shall park in the designated overflow parking spaces in Black Dog Harbor. These charter trips shall be limited to the hours of 6:00 AM to 10:00 PM and shall require annual approval by the Black Dog Harbor Owners Association.

Revised Condition #7 – The boat basin, boat ramp and boat slips shall be for the exclusive use of the property owner, residents of the development and their guests.

Ms. Creef noted the property is zoned S-1 and all uses are permitted in this district. She added if the property was vacant and a request to use the small harbor as a commercial marina was submitted, the County would authorize the request because of the S-1 zoning.

The request from Mr. Flipczak is for the commercial use of two of the boat slips to be used for fishing and touring charters with specific hours of operation. Existing overflow parking spaces will be used by the charter boat crew and clients.

Mr. Flipczak addressed the Board. He said the HOA is concerned with Condition #7 of the CUP. The HOA wants to make sure rental guests would be able to use the harbor, walkways and gazebo.

The Board discussed the language in Condition #7 of the CUP. It was decided Staff will change the language to: The boat basin, boat ramp, and boat slips shall be for the exclusive use of the property owners, lessees, residents of the development and their guests.

The Board also discussed buffer requirements, parking, commercial fuel storage at the site and hours of operation for charter boats.

Terry Gore made a motion to recommend approval of the conditional use permit with language added to Condition #7 to allow tenants, guests and lessees of the boat slips and to prohibit commercial fuel storage at the site. David Hines seconded the motion.

Vote: Ayes – Unanimous

This will move forward to the Board of Commissioners for their consideration.

Sketch Plan Review, Jason & Tanya Hill, 4-Lot Subdivision, Colington

Jason Hill, Applicant and Property Owner, was present at the meeting.

Buddy Shelton made a motion to recuse Michael Barr from this portion of the meeting because Mr. Barr is employed by Bissell Professional Group and they represent the applicant. David Hines seconded the motion.

Vote: Ayes – Unanimous

Donna Creef presented her staff comments. Ms. Creef explained the property includes a large area of wetlands that will not be developed. As noted on the plat, only 1.85 acres will be developed into four lots with the smallest lot area being 15,007 square feet. There is an existing private road along the west side of the parcel that accesses several other properties. The Hills have not been able to come to terms with the other property owners to use the road as part of the division. The Subdivision Ordinance provides for exceptions to minor subdivision road requirements for properties that “involve” three acres or less. Since the majority of the property is wetlands, Staff recommends review of the subdivision as an exception with gravel improvements and a turnaround provided as depicted on the sketch plan. Ms. Creef added the construction

of a 30-foot wide road with 20 feet of paved improvements seems excessive for the associated level of development.

In exchange for the application of the minor subdivision exception language, staff recommends a restriction on a maximum number of four bedrooms as set forth in the Subdivision Ordinance and the wetland areas of the tract be dedicated as a conservation easement by the Hills.

Chairman Finelli asked what the intent for lot four is and how does that fit in to a conservation easement. Donna Creef said the conservation easement will apply solely to the coastal wetlands.

The Board indicated agreement to apply the exception language presented by Staff.

No official action was taken by the Planning Board because this was a sketch plan review.

Buddy Shelton made a motion to have Michael Barr rejoin the meeting. Terry Gore seconded the motion.

Vote: Ayes – Unanimous

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 Buddy Shelton.

Vote: Ayes – Unanimous

The meeting adjourned at 6:48 p.m.

Respectfully Submitted,



Andrea DiLenge
Planning Board Clerk

APPROVED: November 9, 2020



John Finelli
Chairman, Dare County Planning Board

