



## **Dare County Planning Board Meeting**

**Dare County Board of Commissioners Meeting Room  
954 Marshall C. Collins Drive  
Manteo, NC 27954**

**April 11, 2022**

### **Amended Agenda**

- I. Call to order **6:00 PM**
- II. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
John DeBoy
- III. Approval of minutes for the March 14, 2022 meeting
- IV. Public Comment
- V. Old Business
  - a. None
- VI. New Business
  - a. Preliminary Plat Review, 2 Lot Subdivision, HB MOS, LLC, Parcel No. 014690000, NC 12 Hwy, Avon, NC
- VII. Other Business
  - a. Review of Special Use Permit for Travel Trailer Park, Beachland Farms Campground, 256 S California Ln, Manteo, NC
  - b. Review of Special Use Permit to Add Additional Travel Trailer Sites, Avon By the Sea RV Resort, 41001 NC 12 Hwy, Avon, NC
- VIII. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, March 14, 2022. 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**                    6:02 pm

**MEMBERS PRESENT**            John Finelli, Chairman  
                                 Terry Gore II                    David Hines  
                                 Buddy Shelton                    John DeBoy

**MEMBERS ABSENT**            Beth Midgett                    David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the February 14, 2022 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

Comments from Megan Elder regarding Housing were emailed to the Planning Board. A copy is on file with the Planning Board Clerk.

Michelle Pharr, of Kill Devil Hills, a grade three Biological Operator licensed in North Carolina and backup O.R.C. in charge of the Kinnakeet Shores Wastewater Treatment Facility. Ms. Pharr said the amendment to Special Use Permit 1-2014 cannot be approved as areas of section 16 are already permitted for the Kinnakeet Wastewater Spray Irrigation System and therefore prohibits the installation of any alternative system. State Permit No. WQ0002284 was provided as part of a handout Ms. Pharr provided the Board at their seats.

David Pharr, of Kill Devil Hills, O.R.C. Operator in Charge of the Kinnakeet Shores Wastewater Facility. Mr. Pharr voiced concern about the preliminary plan design, setbacks, and environmental health for the proposed system. He also asked who would own, maintain, and pay for the new system.

Pat Weston, resident and HOA President, Kinnakeet Shores, is concerned about the impact of the proposed system on the common area known as Pony Pasture. Ms. Weston said covenants do not allow septic systems on the sound side phases 6-22.

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She additionally voiced concern about unsightly equipment, setbacks, value of the lots, who will maintain and pay for the new system, and how drain fields will impact the lake. She is also concerned the requestor of this amendment is not the signer of the original permit.

Rick Bartow, resident, Kinnakeet Shores, expressed concern about the impact of downgrading from six bedroom to four bedroom homes. Mr. Bartow is also concerned about drain culverts and flooding issues from Pony Pasture. Mr. Bartow thinks more time should be given to see if a sale can be orchestrated of the plant, and the moratorium lifted.

Todd Brownell, resident, Kinnakeet Shores, is concerned about the aesthetic issues of the proposed system as these are small lots. He doesn't want extra infrastructure on his lot and would prefer grass and trees. He is also concerned about drain fields and who will maintain the proposed system. Mr. Brownell said the proposed system does not suit property owners and suits builders. He is also concerned about the lake.

David Johnston, resident, Kinnakeet Shores, addressed the Board. He wants the plant brought up to code and doesn't want the new system proposed by OBX Islands Development, LLC. He voiced concern over proposed drain fields on both sides of his driveway and doesn't want to see a pump station. He wants to know who will operate and pay for the new proposed system. He stated he already pays for the existing gravity system.

Katherine Fagan, of Manteo, addressed the Board regarding the Old North End, 56-lot subdivision, near Airport Road. She voiced concern over the lack of notice of the project, traffic additions to Airport Road, environmental impact, too many people in too small of a space, and flooding issues. Ms. Fagan requested a special forum be setup to address the concerns of this project.

Public comment closed at 6:30 pm

## **OLD BUSINESS**

-None-

## **NEW BUSINESS**

***Special Use Permit Application No. 1-2022 for Cluster Home Development, Sea Glass Cottages, 27242 Sand Street, Salvo, NC***

Gary Lake, Applicant, was present at the meeting.

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Noah Gillam, Planning Director, addressed the Board. He said Sea Glass Cottages, LLC, submitted a Special Use Permit (SUP) application for a cluster home development located in Salvo, NC. The property is zoned S-1 and cluster homes are permitted as a special use. Mr. Gillam explained the applicant is proposing to construct seven (7), 900 square foot or less, two bedroom dwellings, and relocate an existing dwelling on the property that will be incorporated in the cluster home development. The proposed site plan shows the dwellings being separated by the 15 foot minimum requirement and each dwelling having one paved and one gravel parking space. Mr. Gillam told the Board that the proposed cluster home development will be accessed directly from Sand St. (S.R. 1532). Driveway permits or approvals will need to be obtained from NCDOT and provided to Staff before construction activities can occur.

Additionally, the site plan has been reviewed by the Fire Marshal and the applicant has agreed to install residential sprinkler systems in each of the dwellings to meet requirements of the Fire Code.

Section 22-31.1 states any structure in a cluster home development shall be occupied on a long-term basis as defined in the Zoning Ordinance. Long-term is defined as a period longer than 31 days. Mr. Gillam stated this information should be noted on the site plan and in any homeowners' documents.

A copy of the site plan and draft SUP were provided to the Board for their review.

Chairman Finelli noted that condition one should state less than 31 days; not 30 days as listed in the draft SUP.

The Planning Board reviewed the draft SUP and deemed the conditions and site plan to be reasonable and appropriate.

This item will be forwarded to the Dare County Board of Commissioners for their consideration.

***Amendment to Special Use Permit No. 1-2014 for Kinnakeet Shores Phase 16 to allow for the Installation of Community Sewage System, Parcel No. 014822269, OBX Islands Development, LLC, Avon, NC***

Rick House, House Engineering, P.C., was present at the meeting.

Mr. Gillam said an application to amend Special Use Permit (SUP) No. 1-2014 has been submitted by OBX Islands Development, LLC. Mr. Gillam explained SUP 1-2014 was

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issued to Kinnakeet Shores Phase 16, LLC, on May 5, 2014 and authorized the development of a group housing project consisting of fifty-one (51) residential structures/building envelopes with the remainder of the property being dedicated as limited common area. A condition of the SUP requires the 51 buildings to be connected to the existing privately-owned wastewater treatment plant that serves the other existing phases of the Kinnakeet Shores Soundside Development. Mr. Gillam said the applicant seeks to amend this condition to allow the remaining undeveloped building envelopes to connect to a new proposed wastewater treatment system that will service the Phase 16 community.

Mr. Gillam further explained that OBX Islands Development, LLC, is seeking the proposed amendment to the SUP in response to a moratorium that has been placed on the existing privately-owned and operated Kinnakeet Shores wastewater treatment plant. The moratorium was issued to the owners of the wastewater plant, Outer Banks Kinnakeet Associates (OBKA) by the State of North Carolina on October 13, 2021. The State indicated that OBKA wastewater treatment plant is unable to adequately collect and treat waste and that major treatment units are no longer functional.

The wastewater moratorium states that no new sewer taps, sewer extensions or additional flow to the plant will be allowed till the plant can demonstrate the proper repairs have been made and can meet all conditions of State Wastewater Permit WQ0023934. Mr. Gillam noted that since the moratorium, little to no effort has been made by OBKA to repair the wastewater treatment plant. With the moratorium in place, no new development can occur in phase 16 of the Kinnakeet Shores subdivision.

Mr. House addressed the Board. He spoke about the history and current state of the wastewater plant and current moratorium. Mr. House also briefly explained the proposed new system.

Mr. Gillam reminded the Board that the proposed new system is not what is being reviewed by the Board at this meeting, the review is for an amendment to Special Use Permit No. 1-2014 to allow for a connection to an alternative system.

The Planning Board reviewed the draft SUP and deemed the conditions to be reasonable and appropriate.

This item will be forwarded to the Dare County Board of Commissioners for their consideration.

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## **OTHER BUSINESS**

### ***Continued Discussion of Zoning Amendments for Accessory Dwelling Units – Referral from Board of Commissioners***

Mr. Gillam read his staff comments. He said at the February 14, 2022 Planning Board meeting, the Board discussed a number of conditions that were reviewed by Staff for the R-1 District, including increased lot size requirements, a decrease in the allowable lot coverage, roadway access requirements, and procedures for administration of regulations to document the absence of restrictive covenants that may conflict with zoning regulations. The Board agreed to keep lot coverage and lot size requirements in the R-1 consistent with the existing Accessory Dwelling Units (ADUs) language that was adopted in 2018. In the discussion, the Board agreed to add standards for ADU in R-1 requiring them to be accessed from State maintained roads, private roads, publicly dedicated roads, and/or a 20' easement.

Mr. Gillam further explained that a draft condition was proposed for ADUs in the R-1 that would require a property owner with a parcel in a subdivision planning to construct an ADU to provide documentation from an attorney outlining title research and stating a conclusion whether or not a covenant applied to the property that would prohibit construction of an ADU. The Planning Board tabled the discussion and directed staff to get the County Attorney interpretation of the proposed language and whether or not it should be included in the proposed amendment.

Mr. Gillam stated that Staff met with County Attorney, Bobby Outten. He indicated it is not the responsibility of the County to interpret or enforce homeowners' association (HOA) restrictive covenants, and that the language should be omitted and the burden of enforcement is the responsibility of the HOA.

The Board also discussed draft amendment 9-C and if it is legal to require the owner of the property and/or family member to occupy either the primary residence or accessory dwelling unit.

Terry Gore made a motion to recommend striking draft amendment 9-C from the East Lake Natural Historic (ELNH) Zoning District and a finding of consistency with the policies of the 2009 Dare County Land Use Plan. David Hines seconded the motion.

Vote: Ayes – Unanimous

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**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Andrea DiLenge  
Planning Board Clerk

APPROVED: April 11, 2022

John Finelli  
Chairman, Dare County Planning Board

## SUBDIVISION FACTSHEET

Planning Board – April 11, 2022 Preliminary Plat Review

**NAME:** HB MOS LLC Subdivision  
**LOCATION:** Avon, NC  
**SITE SPECIFICS:** Total site area: 2.58 acres  
Number of proposed lots: 2  
Smallest lot area: 43,369 square feet  
Site Zoning: R2-A Residential and C-2 Commercial

### **STREETS:**

No new road improvements are needed to access the proposed lots. Lot One will be accessed off Old Main Rd (SR 1466) and Lot Two will be accessed off NC 12 Highway.

### **UTILITIES:**

1. Water: Dare County central water system
2. Sewer: Individual on-site septic tank/drainfield systems.
3. Stormwater: No state permit required for stormwater.

### **STAFF COMMENTS**

The property is split by a canal with the portion on the west of the canal zoned R-2A and the east side of the canal zoned C-2. Lot 1 and Lot 2 are separated by the canal, Lot 2 could be developed commercially under the C-2 zoning, and the narrowness of the lot will be a challenge in its development. Any commercial development will need to provide a buffer adjacent to the residential uses that abut lot 2. Both Lot 1 and Lot 2 are in CAMA jurisdiction and the 30ft buffer and 75ft AEC are shown on the plat.

The requested action is a motion to approve: "I move that the preliminary plat for the HB MOS LLC subdivision be granted approval."

  
Noah H Gillam

APRIL 8, 2022



# COUNTY OF DARE

## Planning Department

P.O. Box 1000, Manteo, North Carolina 27954

Manteo: (252) 475-5870  
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April 8, 2022

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam *NHG*

RE: Beachland Farms Campground-Special Use Permit

In July of 2020 the Dare County Board of Commissioner reviewed a special use permit and associated site plan for Malcolm Fearing for the construction of a campground on parcel 025697000 in the Dare County Tax records. During the Boards review the special use permit and associated site plan was granted approval. A condition of the special use permit and the Dare County Travel Trailer Park Ordinance required that all improvements be installed and a final plat be submitted to the planning board for approval within a 12 month period. The applicant began installing improvements but encountered problems due to COVID-19, material shortages, and labor shortages the improvements were unable to be finished before the 12 month time period expired.

The Dare County Travel Trailer Park Ordinance requires the applicant to resubmit the proposal before the Planning Board and Board of Commissioners for approval of the special use permit and associated site plan if time expires before the project is completed. The applicant has submitted the prior approved site plan for the boards review since there have been no major change to the proposed project since it was granted approval in 2020. A new draft SUP is attached to this memo for the board's review that reflects the original conditions of the July 2020 approved SUP. In October of 2020 the Travel Trailer Park Ordinance was updated and one of the amendments grants the Planning Director the authority to approve the final plat. Condition 12 of the SUP has been modified to reflect this update to the Dare County Travel Trailer Park Ordinance.

The original approved SUP #1-2020, draft SUP #2-2022 and associated site plan, and the Dare County Travel Trailer Park Ordinance are attached to this memo for the boards

review. This item will be subject to quasi-judicial review at the Board of Commissioners level which requires sworn testimony and other rules of procedures specific to quasi-judicial items. A draft motion is attached for the boards review.

Draft motion— “The Dare County Planning Board finds the conditions of draft SUP 2-2022 for and associated site plan for Beachland Farms reasonable and appropriate.”





**Conditional Use Permit No.1 --2020**

Dare County Sections 22-27, 22-68 & Chapter 152.10.

**Application of:** Malcolm Fearing d/b/a Beachland Farms

On July 20, 2020 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including residential structures in a group housing development;
3. The subject property is zoned I-1. This property is identified on the Dare County tax records as parcel 025697000 and located in the Manteo Out tax district.
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on June 8, 2020.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.
7. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Conditional Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Malcolm Fearing for a Travel Trailer Park subject to such conditions as are hereinafter set out:

**CONDITIONAL USE:** a Travel Trailer Park consisting of fifty (50) travel trailer sites, one 720 square foot bathhouse, recreational amenities and associated parking for the site. A site plan depicting the proposed improvements identified as Appendix B is included as part of this Permit.

## CONDITIONS:

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 155, Article V of the Dare County Zoning Ordinance.
2. Each site shall consist of a minimum area of 1500 square feet, with a minimum width of not less than 30 feet. Each site shall consist of a 10' x 35' gravel parking area for the individual travel trailer and additional gravel parking improvements for motor vehicles within the campsite.
3. Travel Trailers may remain in the park on a year-round basis however such units shall not be used as permanent dwellings or for long-term occupancy. Use of travel trailers for permanent dwellings shall be considered a violation of the Permit and a violation of the Dare County Travel Trailer Park Ordinance. The park owner shall be notified in writing of any violations and advised of the corrective measures needed to correct the violations.
4. Any travel trailer that remains in the park on a year-round basis shall be fully licensed and ready for highway use according to the standards of the Travel Trailer Park Ordinance. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions. The park owner shall be notified in writing of any violations and advised of corrective measures.
5. No additions, decks, porches, or other appurtenances other than a 100 square foot entrance landing shall be allowed for each travel trailer. It shall be the responsibility of the park owner to ensure that all travel trailer owners are aware of this restriction. The park owner shall be notified in writing of any violations and advised of corrective measures.
6. A 20' wide gravel road shall be constructed to access the travel trailer sites as depicted on the site plan (Appendix B). The gravel road shall be constructed of a minimum 8" depth of gravel consistent with NCDOT sub-base standards for subdivision roads.
7. The campground shall be served by central water from the Dare County water system and will utilize on-site wastewater systems approved by the Dare County Health Department.
8. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance.
9. The travel trailer park shall have a vegetative buffer strip constructed around the perimeter of the park as set forth in the Travel Trailer Park Ordinance. A solid fence consisting of wood or composite materials shall be installed along the southeast boundary of the park adjacent to campsites 9-12 as depicted on Appendix B. The fence shall be six feet in height and shall be maintained by the Park owner.
10. All supplemental state and federal permits shall be secured prior to the installation of any of the improvements for the travel trailer park. Copies of these permits shall be provided to the Dare County Planning Department.
11. A copy of the tenants lease shall be provided to the Dare County Planning Department.



12. All proposed infrastructure improvements shall be installed within twelve months of the date of the Permit. A final site plan depicting the location of all site improvements shall be submitted to the Planning Board to ensure compliance with the approved site plan before park operations can commence.
13. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
14. The Park owner shall be responsible for the removal of any damaged travel trailers or recreational vehicles that may result from storm conditions or other natural disasters. Damaged units shall not be placed or abandoned on the right-of-way of any public or private road. Park owners shall be responsible for any debris removal or clean-up costs that may result for storm conditions or other natural disasters that occur. Violations of this section of this ordinance shall be considered to be a violation of Chapter 96 Littering of the Dare County Code of Ordinances and subject to the terms of the chapter.
15. Open campfires shall be prohibited in the Park.
16. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This 20<sup>th</sup> day of July 2020

SEAL:



COUNTY OF DARE

By: 

Robert L Woodard  
Dare County Board of Commissioners

ATTEST:

By: 

Cheryl Anby  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By: 

Malcolm Fearing for Beachland Farms

APPROVED AS TO LEGAL FORM

By: 

Robert L. Outten  
County Attorney



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**Special Use Permit No.2 --2022**

Dare County Sections 22-27, 22-65, 22-70 & Chapter 160.

**Application of:** Malcolm Fearing d/b/a Beachland Farms

On May xx, 2022 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Travel Trailer Parks
3. The subject property is zoned I-1. This property is identified on the Dare County tax records as parcel 025697000 and located in the Manteo Out tax district.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

NOW, THEREFORE, under the provisions of the Code, the following special use is granted to Malcolm Fearing for a Travel Trailer Park subject to such conditions as are hereinafter set out:

**SPECIAL USE:** a Travel Trailer Park consisting of fifty (50) travel trailer sites, one 720 square foot bathhouse, recreational amenities and associated parking for the site. A site plan depicting the proposed improvements identified as Appendix B is included as part of this Permit.

**CONDITIONS:**

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 160, of the Dare County Zoning Ordinance.



2. Each site shall consist of a minimum area of 1500 square feet, with a minimum width of not less than 30 feet. Each site shall consist of a 10' x 35' gravel parking area for the individual travel trailer and additional gravel parking improvements for motor vehicles within the campsite.
3. Travel Trailers may remain in the park on a year-round basis however such units shall not be used as permanent dwellings or for long-term occupancy. Use of travel trailers for permanent dwellings shall be considered a violation of the Permit and a violation of the Dare County Travel Trailer Park Ordinance. The park owner shall be notified in writing of any violations and advised of the corrective measures needed to correct the violations.
4. Any travel trailer that remains in the park on a year-round basis shall be fully licensed and ready for highway use according to the standards of the Travel Trailer Park Ordinance. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions. The park owner shall be notified in writing of any violations and advised of corrective measures.
5. No additions, decks, porches, or other appurtenances other than a 100 square foot entrance landing shall be allowed for each travel trailer. It shall be the responsibility of the park owner to ensure that all travel trailer owners are aware of this restriction. The park owner shall be notified in writing of any violations and advised of corrective measures.
6. A 20' wide gravel road shall be constructed to access the travel trailer sites as depicted on the site plan (Appendix B). The gravel road shall be constructed of a minimum 8" depth of gravel consistent with NCDOT sub-base standards for subdivision roads.
7. The campground shall be served by central water from the Dare County water system and will utilize on-site wastewater systems approved by the Dare County Health Department.
8. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance.
9. The travel trailer park shall have a vegetative buffer strip constructed around the perimeter of the park as set forth in the Travel Trailer Park Ordinance. A solid fence consisting of wood or composite materials shall be installed along the southeast boundary of the park adjacent to campsites 9-12 as depicted on Appendix B. The fence shall be six feet in height and shall be maintained by the Park owner.
10. All supplemental state and federal permits shall be secured prior to the installation of any of the improvements for the travel trailer park. Copies of these permits shall be provided to the Dare County Planning Department.
11. A copy of the tenants lease shall be provided to the Dare County Planning Department.
12. All proposed infrastructure improvements shall be installed within twelve months of the date of the Permit. A final site plan depicting the location of all site improvements shall be submitted to the Planning Director to ensure compliance with the approved site plan before park operations can commence.

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13. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
14. The Park owner shall be responsible for the removal of any damaged travel trailers or recreational vehicles that may result from storm conditions or other natural disasters. Damaged units shall not be placed or abandoned on the right-of-way of any public or private road. Park owners shall be responsible for any debris removal or clean-up costs that may result for storm conditions or other natural disasters that occur. Violations of this section of this ordinance shall be considered to be a violation of Chapter 96 Littering of the Dare County Code of Ordinances and subject to the terms of the chapter.
15. Open campfires shall be prohibited in the Park.
16. A violation of this Permit Shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements of misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
17. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This \_\_\_\_\_ day of \_\_\_\_\_ 2022

SEAL:

COUNTY OF DARE

By: \_\_\_\_\_  
Robert L Woodard Sr.  
Dare County Board of Commissioners

ATTEST:

By: \_\_\_\_\_  
Cheryl Anby  
Clerk to the Board

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**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By: \_\_\_\_\_  
Malcolm Fearing for Beachland Farms

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_  
Robert L. Outten  
County Attorney





# COUNTY OF DARE

## Planning Department

P.O. Box 1000, Manteo, North Carolina 27954

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April 8, 2022

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah H Gillam

RE: Joe Thompson (Avon Pier LLC) Travel Trailer Sites on Existing Commercial Property-Special Use Permit

In December of 2020 the Dare County Board of Commissioner reviewed a special use permit and associated site plan for Joe Thompson to allow for travel trailer sites on his existing commercial property in Avon. The property is identified as parcel 014800000 on the Dare County Tax Records. During the Boards review the special use permit and associated site plan was granted approval. A condition of the special use permit and the Dare County Travel Trailer Park Ordinance required that all improvements be installed and a final plat be submitted to the planning board for approval within a 12 month period. The applicant began installing improvements but encountered problems due to COVID-19, material shortages, and labor shortages the improvements were unable to be finished before the 12 month time period expired.

The Dare County Travel Trailer Park Ordinance requires the applicant to resubmit the proposal before the Planning Board and Board of Commissioners for approval of the special use permit and associated site plan if time expires before the project is completed. The applicant has submitted the prior approved site plan for the boards review since there have been no major change to the proposed project since it was granted approval in 2020. A new draft SUP is attached to this memo for the board's review that reflects the original conditions of the December 2020 approved SUP.

The original approved SUP #5-2020, draft SUP #3-2022 and associated site plan, and the Dare County Travel Trailer Park Ordinance are attached to this memo for the boards review. This item will be subject to quasi-judicial review at the Board of Commissioners

level which requires sworn testimony and other rules of procedures specific to quasi-judicial items. A draft motion is attached for the boards review.

Draft motion— “The Dare County Planning Board finds the conditions of draft SUP 3-2022 for and associated site plan for Joe Thompson, Avon Pier LLC reasonable and appropriate.”



**Conditional Use Permit No.5 --2020**

Dare County Sections 22-26, 22-68 & Chapter 160.

**Application of:** Joe Thompson, Avon Pier LLC

On December 21, 2020 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including residential structures in a group housing development;
3. The subject property is zoned C-3. This property is identified on the Dare County tax records as parcel 014800000 and located in the Avon tax district.
4. That the Dare County Planning Board recommended for approval the granting of this Conditional Use Permit as requested. The Planning Board made this recommendation on November 09, 2020.
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.
7. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Conditional Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Joe Thompson on behalf of Avon Pier LLC for Travel Trailer Sites on a Commercial Site subject to such conditions as are hereinafter set out:

**CONDITIONAL USE:** 26 travel trailer sites on an existing commercial site. A site plan depicting the proposed improvements identified as Appendix B is included as part of this Permit.

**CONDITIONS:**

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 160 Travel Trailer Parks and Campgrounds of the Dare County Zoning Ordinance.
2. A total of 26 travel trailer sites; a 960 square foot bath house. 15' feet of separation must be maintained between sites and structures. Each travel trailer site shall be improved with a surface material such as gravel or concrete. One 10' x 20' parking space for motor vehicles shall be provided for each camping space.
3. Travel Trailers may be allowed to remain in the park on a year-round basis however such units shall not be used as permanent dwellings. Any travel trailer that remains in the park on a year round basis shall be fully licensed and ready for highway use. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
4. No additions, decks, porches, or other appurtenances other than 100 square foot entrance landing shall be allowed for each travel trailer. It shall be the responsibility of the park owner to ensure that all travel trailer owners are aware of this requirement. Any travel trailer site found to be in violation shall be required to remove all improvements found to be inconsistent with the travel trailer park ordinance.
5. In areas of two-way travel, a 20' wide gravel road shall be constructed and in areas of one way travel, a 12' wide gravel road shall be constructed. The gravel road shall be constructed to a minimum 8" depth of gravel consistent with NCDOT sub-base standards for subdivision roads.
6. The campground shall be served by central water from the Dare County water system and will utilize on-site wastewater systems subject to approval by the Dare County Health Department.
7. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance.



8. The perimeter of the travel trailer sites shall be buffered according to Section 160.22 of the Travel Trailer Park Ordinance.
9. The proposed fire hydrant to be relocated shall be coordinated with the Dare County Fire Marshal, and shall be tested for flow and the results shall meet the requirements of the Dare County Fire Marshal prior to any improvements being installed on site.
10. All supplemental state and federal permits shall be secured prior to the installation of any of the improvements for the travel trailer park. Copies of these permits shall be provided to the Dare County Planning Department.
11. A copy of the tenants lease shall be provided to the Dare County Planning Department.
12. All proposed improvements shall be installed within 12 months of the Dare County Board of Commissioner Approval. A final plat depicting the location of all site improvements shall be submitted to the Planning Director for final review to ensure compliance with the approved site plan.
13. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
14. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This 21st day of December 2020

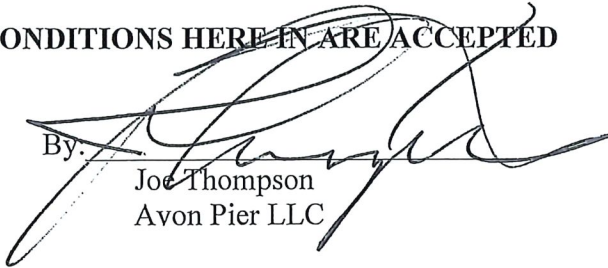


ATTEST:


COUNTY OF DARE  
By: Robert L. Woodard  
Robert L. Woodard  
Dare County Board of Commissioners

By: Cheryl Arby  
Cheryl Arby  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By:   
Joe Thompson  
Avon Pier LLC

APPROVED AS TO LEGAL FORM

By:   
Robert L. Outten  
County Attorney



**DRAFT**

**Special Use Permit No.3 --2022**

Dare County Sections 22-26, 22-68, 22-70 & Chapter 160.

**Application of:** Joe Thompson, Avon Pier LLC

On May xx, 2022 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Travel Trailer Parks
3. The subject property is zoned C-3. This property is identified on the Dare County tax records as parcel 014800000 and located in the Avon tax district.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the terms and conditions below:

NOW, THEREFORE, under the provisions of the Code, the following special use is granted to Joe Thompson on behalf of Avon Pier LLC for Travel Trailer Sites on a Commercial Site subject to such conditions as are hereinafter set out:

**SPECIAL USE:** 26 travel trailer sites on an existing commercial site. A site plan depicting the proposed improvements identified as Appendix B is included as part of this Permit.

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## CONDITIONS:

1. The travel trailer park shall operate as prescribed in the definition set forth in Chapter 160 Travel Trailer Parks and Campgrounds of the Dare County Zoning Ordinance.
2. A total of 26 travel trailer sites; a 960 square feet bath house. 15' feet of separation must be maintained between sites and structures. Each travel trailer site shall be improved with a surface material such as gravel or concrete. One 10' x 20' parking space for motor vehicles shall be provided for each camping space.
3. Travel Trailers may be allowed to remain in the park on a year-round basis however such units shall not be used as permanent dwellings. Any travel trailer that remains in the park on a year round basis shall be fully licensed and ready for highway use. Highway use is defined as remaining on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
4. No additions, decks, porches, or other appurtenances other than 100 square foot entrance landing shall be allowed for each travel trailer. It shall be the responsibility of the park owner to ensure that all travel trailer owner's are aware of this requirement. Any travel trailer site found to be in violation shall be required to remove all improvements found to be inconsistent with the travel trailer park ordinance.
5. In areas of two way travel a 20' wide gravel road shall be constructed and in areas of one way travel a 12' wide gravel road shall be constructed. The gravel road shall be constructed of a minimum 8" depth of gravel consistent with NCDOT sub-base standards for subdivision roads.
6. The campground shall be served by central water from the Dare County water system and will utilize on-site wastewater systems subject to approval by the Dare County Health Department.
7. A bathhouse facility will be constructed on the site as required by the Dare County Travel Park Ordinance. The number of fixtures provided shall be as established in the Travel Trailer Park Ordinance.
8. The perimeter of the travel trailer sites shall be buffered according to Section 160.27 of the Travel Trailer Park Ordinance.
9. The proposed fire hydrant to be relocated shall be coordinated with the Dare County Fire Marshal, and shall be tested for flow and the results shall meet the requirements of the Dare County Fire Marshal prior to any improvements being installed on site.

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10. All supplemental state and federal permits shall be secured prior to the installation of any of the improvements for the travel trailer park. Copies of these permits shall be provided to the Dare County Planning Department.
11. A copy of the tenants lease shall be provided to the Dare County Planning Department.
12. All proposed improvements shall be installed within 12 months of the Dare County Board of Commissioner Approval. A final plat depicting the location of all site improvements shall be submitted to the Planning Director for final review to ensure compliance with the approved site plan.
13. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
14. A violation of this Permit Shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specification; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements of misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.
15. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This xxst day of May 2022

SEAL:

COUNTY OF DARE

By: \_\_\_\_\_  
Robert L Woodard Sr.  
Dare County Board of Commissioners

ATTEST:

By: \_\_\_\_\_  
Cheryl Anby  
Clerk to the Board

**DRAFT**

**DRAFT**

**THIS PERMIT AND THE CONDITIONS HERE IN ARE ACCEPTED**

By: \_\_\_\_\_

Joe Thompson  
Avon Pier LLC

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_

Robert L. Outten  
County Attorney

**DRAFT**