



## Dare County Planning Board Meeting

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

January 3, 2023

### 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 November 14, 2022 meeting
- IV. Public Comment
- V. Old Business
  - a. None
- VI. New Business
  - a. Special Use Permit Application No. 1-2023 for a Storage Warehouse, High and Dry Storage, at 0 NC 12 Hwy . (Parcel No. 031013001), Buxton, NC, Applicant John Canning
  - b. Special Use Permit Application No. 2-2023, for a Pet Crematory at 208 Williams Dr. (Parcel No. 018789000), Kill Devil Hills, NC, Applicant Pam Anderson
  - c. Preliminary Plat Review, 5 Lot Subdivision, Mark Reconnu, 109 Old NC 345 (Parcel No. 025009000), Manteo, NC
- VII. Other Business
- VIII. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, November 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** 5:59 pm

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

**MEMBERS ABSENT** Beth Midgett

### APPROVAL OF MINUTES

Chairman Finelli motioned to amend the minutes from the September 12, 2022 meeting of the Dare County Planning Board and Terry Gore seconded. Chairman Finelli explained that the motion on page two in the drafted minutes did not state the recommended approval of Pet Crematoriums to be used as a Special Use in the R-2B District or the required changes.

Drafted and Proposed language stated below:

### DRAFTED LANGUAGE

Terry Gore made a motion to recommend approval of the Text Amendment and a Finding of Consistency with the 2009 Land Use Plan subject to the following conditions:

1. Strike ( c ) (15) a. from the Draft Language for Proposed Text Amendments to the R-2B Zoning District.
2. Change ( c ) (15) b. to reflect the crematory is 200 feet minimum from a residential dwelling.

### PROPOSED LANGUAGE

Terry Gore made a motion to recommend approval of the Proposed Text Amendment to allow Pet Crematoriums as a Special Use in the R-2B District as an Accessory Use to pet grooming and kennel facilities, subject to the following conditions:

- A. The crematorium is a minimum of 200 feet from a residential dwelling.
- B. The incinerator shall be contained inside a building.

**DRAFT**

- C. A licensed/certified crematory operator shall be on staff.
- D. Crematory services shall be limited to domesticated animals. Livestock shall not be permitted.
- E. All applicable Local, State and Federal laws and rules are in compliance and that all applicable licenses and permits are obtained and a copy is provided to the Planning Department.

The motion includes a Finding of Consistency with the 2009 Land Use Plan.

Terry Gore motioned to accept the amended minutes, Buddy Shelton Seconded.

Vote: Ayes – Unanimous

#### **PUBLIC COMMENT**

-None-

#### **OLD BUSINESS**

-None-

#### **NEW BUSINESS**

##### **Withdrawn until future date:**

*-Special Use Permit Application No. 6-2022, Preliminary Sketch Review for a Cluster Home Group Development of 59 Units at 0 Old Wharf Rd (Parcel No. 025921000), Wanchese, NC*

#### **OTHER BUSINESS**

##### ***Approval of the 2023 Planning Board Meeting and Submission Dates Calendar***

Noah Gillam, Planning Director, addressed the Board and explained that due to scheduling conflicts with another Board, the Planning Board's Monthly Meetings have been moved from the second Monday of each month to the first Tuesday of each month. He stated that this change goes into effect starting December 2022 which moved the December 12th, 2022 meeting to December 6th, 2022. Mr. Gillam then noted that the only other change on the 2023 calendar is the July meeting which will be held on Thursday, July 6th, 2023 due to the first Tuesday being Independence Day.

Chairman Finelli further explained that if something else comes up within the year that the calendar can be amended again.

# **DRAFT**

David Hines stated that he will have a couple of conflicts with the 2023 Planning Board Schedule due to his Town Council meetings. He stated that he is fine with the scheduled dates that were presented and he will address his scheduling conflicts at a later date.

Buddy Shelton made a motion to accept the 2023 Planning Board Meeting and Submission Dates Calendar as presented by Staff. John DeBoy seconded the motion.

Vote: Ayes – Unanimous

***Approved Text Amendment Pertaining Pet Crematoriums***

Chairman Finelli announced that at the last Dare County Board of Commissioners meeting the Board voted unanimously to approve the text amendment that the Planning Board forwarded to them pertaining pet crematoriums. Finelli voiced that he was originally concerned due to it being a quasi-residential district.

Chairman Finelli then expressed his gratitude to Chairman Woodard for taking the time to visit the site prior to the meeting.

**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 6:08 p.m.

Respectfully Submitted,

Skyler Foley  
Planning Board Clerk

APPROVED: January 3, 2023

**DRAFT**

Minutes of the Dare County Planning Board  
November 14, 2022 meeting  
Page 4 of 4

John Finelli  
Chairman, Dare County Planning Board

**DRAFT**



## County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

---

December 14, 2022

### MEMORANDUM

**TO:** DARE COUNTY PLANNING BOARD

**FROM:** Noah Gillam, Planning Director

**RE:** Special Use Permit for High and Dry LLC for a Group Development for storage warehouses

A request for a Special Use Permit (SUP) for a group development for storage warehouses has been submitted by John Canning of High and Dry LLC. The proposed development is located in Buxton, and is identified as parcel 031013001 with Dare County Tax Mapping. The parcel is zoned C-3 Commercial, the C-3 commercial district allows for all uses permitted in the C-2 Commercial district. The C-2 district allows storage warehouses subject to Special Use Permit review. The proposal will also be subject to the regulations of Section 22-31 Group Developments of the Dare County Zoning Ordinance. The property currently has a 30 x 50 metal building and the remaining vacant area of the property is used as a commercial storage yard, for the storage of boats, trailers, and recreation vehicles.

The applicant is proposing to add a 4,263sqft addition to the existing 1,500sqft building, and construct a second 939sqft structure. The structures will be divided into self-storage units ranging in size from 10'ft x 10'ft to 10'ft x 25'ft. The larger structure will offer non-climate and climate controlled units, and the smaller structure will consist of non-climate controlled units. An appendix b is attached to this memo depicting the proposed improvements. The site is accessed off an existing 20'ft easement. The easement will need to be improved to a 20'ft with a dust free surface capable of carrying the weight of emergency vehicle apparatus.

A copy of the site plan has been provided to Steve Kovac, the Dare County Fire Marshal for his review. The fire marshals comments are attached with this memo. Conditions have been added to the draft SUP addressing his comments. It is staff's recommendation that before being forwarded to the Board of Commissioners that the site plan be updated to show the location of the gated access to the property.

The proposed self-storage units shall not be occupied for dwelling, office space, or otherwise occupied. Staff suggests the applicants provide a copy of rental agreement that includes this prohibition. Security fencing around the commercial storage area of the property shall remain in place. Any lighting installed on the property shall be adjusted or shield to prevent glare on adjacent right-of-ways, and adjoining properties. Conditions have been added to the SUP to reflect these topics.

A draft SUP is attached for the board's review, conditions discussed in the board's review can be added.



SPECIAL USE PERMIT APPLICATION

Date: 12/2/22 Application No. 1-2023  
Property Owner/Petitioner: High and Dry LLC (John & Leann Canning)  
Address: Po box 345 Hatteras, NC 27943  
Telephone: 252-996-0002 Email: Fishreliance2018@gmail.com  
Review Fee Paid: \$200  
Project Description: Would like to add self storage facility on property. Approximately 30 units in 2 buildings.

Property Description:

Lot Phase/Section Block Subdivision  
Parcel: 031013001 Lot 2 BLK William S Quidley III Div  
PIN: 052607681481

APPLICATION IS HEREBY made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-26 Special Use: Group Development  
22-31 Storage warehouses  
22-25

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: John P. Canning Jr. Date: 12-2-22



**COUNTY OF DARE**  
Department of Emergency Management  
**Office of the Fire Marshal**  
P.O. Box 1000, Manteo, North Carolina, 27954

**Steven R. Kovacs, NC-CFI**  
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

**To:** Noah Gillam, Planning Director  
**From:** Steven R. Kovacs, Fire Marshal  
**Date:** December 15, 2022  
**Re:** Canning Storage project

---

I have reviewed the site plan for the Canning Storage facility project located at 49251 NC 12 Highway in Buxton and have the following comments:

- The road leading into the site must be 20-feet wide with 13-foot 6-inch high clearance with an all-weather driving surface capable of supporting the weight of fire apparatus at 75,000 pounds. This road must be maintained at all times in this condition.
- The closest fire hydrant is approximately 150-feet west of the access drive and is more than 400-feet from the structures along the apparatus travel path. A fire hydrant will need to be added to the entrance of the access road. The hydrant will be required to have impact protection installed meeting the requirements of NCFC 312.
- With the information provided, the needed fire flow requirement for this site based on type V wood frame construction is 2,250 gallons per minute. This can be reduced to 1,000 gallons per minute if using type IIB non-combustible construction. This must be addressed prior to the issuance of a building permit for the project.
- The applicant must provide details regarding gate access and location which is not depicted on the current site plan.
- The structure must be built and maintain in accordance with the NC Building and Fire Codes.

If you have any questions please don't hesitate to contact me to discuss.

*\* Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*





**COUNTY OF DARE**  
Department of Emergency Management  
**Office of the Fire Marshal**  
P.O. Box 1000, Manteo, North Carolina, 27954

**Steven R. Kovacs, NC-CFI**  
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

**To:** Noah Gillam, Planning Director  
**From:** Steven R. Kovacs, Fire Marshal  
**Date:** December 15, 2022  
**Re:** Canning Storage project

---

I have reviewed the site plan for the Canning Storage facility project located at 49251 NC 12 Highway in Buxton and have the following comments:

- The road leading into the site must be 20-feet wide with 13-foot 6-inch high clearance with an all-weather driving surface capable of supporting the weight of fire apparatus at 75,000 pounds. This road must be maintained at all times in this condition.
- The closest fire hydrant is approximately 150-feet west of the access drive and is more than 400-feet from the structures along the apparatus travel path. A fire hydrant will need to be added to the entrance of the access road. The hydrant will be required to have impact protection installed meeting the requirements of NCFC 312.
- With the information provided, the needed fire flow requirement for this site based on type V wood frame construction is 2,250 gallons per minute. This can be reduced to 1,000 gallons per minute if using type IIB non-combustible construction. This must be addressed prior to the issuance of a building permit for the project.
- The applicant must provide details regarding gate access and location which is not depicted on the current site plan.
- The structure must be built and maintain in accordance with the NC Building and Fire Codes.

If you have any questions please don't hesitate to contact me to discuss.

*\* Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*

**DRAFT**



**Special Use Permit No. #1-2023**

Dare County Sections 22-25, 22-26, 22-31, 22-65, & 22-70

**Application of:** High and Dry LLC Group Development for Storage Warehouses

On Feb xx, 2023 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 Department 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; Storage Warehouses and Group Developments
3. The subject property is zoned C-3. This property is identified on the Dare County tax records as PARCEL 031013001 and located in the Buxton 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 the 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:

**DRAFT**

# DRAFT

**SPECIAL USE:** A Group Development consisting of 2 Storage warehouses divided into self-storage units and a commercial storage yard. A site plan depicting the proposed improvements identified as Appendix B is included as part of this permit.

## CONDITIONS:

1. The group development shall operate as prescribed in the definition set forth in Section 22-31 of the Dare County Zoning Ordinance. All buildings shall be separated by 20'ft. The structures shall be constructed as depicted on the Appendix B.
2. The Existing 1500 sqft building on site will have a 4,263 sqft addition installed that will be divided into climate controlled and non-climate controlled self-storage units. A second 939 sqft building will be constructed consisting of non-climate controlled storage units.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-26 and Section 22-31 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. The recorded 20'ft easement shall be improved and maintained to a 20ft width with 13.6ft high clearance for its entire length. The easement shall be improved with a dust free surface capable of supporting the weight of emergency vehicle apparatus.
5. Building permits for the structures shall be secured within 36 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
6. All structures and improvements shall be constructed in compliance with the requirements of the Dare County Fire Marshal and North Carolina Fire Code.
7. All lighting improvements installed on the property shall be adjusted and/or shielded to prevent glare on adjacent right-of-ways, and adjoining properties.
8. There shall be no staging of equipment or materials in or along the right-of-way of NC 12 HWY
9. Parking for the individual storage units shall be allowed immediately adjacent to the storage buildings to facilitate the loading and unloading of individual units.

DRAFT



**DRAFT**

10. The storage units shall not be used or occupied for residential or commercial purposes. No recreational vehicles, travel trailers, or campers stored on site shall be occupied or used for habitation while being stored. A copy of the rental agreement with this prohibition shall be submitted to the Dare County Planning Department prior to issuance of Certificate of Occupancy.
11. Tenants of the storage building shall be allowed access to the site between the hours of 6:00a.m. and 10:00p.m. daily.
12. Security fencing at least 6ft in height not exceeding 10ft shall be installed around the perimeter of the storage area.
13. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
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 specifications; 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 or 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 xxth day of February 2023

SEAL:

COUNTY OF DARE

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

ATTEST:

**DRAFT**

**DRAFT**

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

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

By: \_\_\_\_\_  
John Canning  
High and Dry LLC

APPROVED AS TO LEGAL FORM

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

**DRAFT**



## County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

---

January 3, 2023

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Savannah Newbern, Planner

RE: Proposed Pet Crematory

A Special Use Permit application has been submitted by Pamela Anderson for a proposed pet crematory as an accessory use to the existing pet grooming and kennel facility, Ocean Sands K9 Resort. The property is located at 208 Williams Drive on Colington Island and is identified in the Dare County Tax Record as Parcel 018789000. The property is zoned R-2B, Alternative Medium Density Residential District. A text amendment, adopted by the Board of Commissioners on November 7, 2022, set conditions by which this use shall comply. These conditions have been incorporated in the draft Special Use Permit and include:

1. a 200-foot setback from residential dwellings,
2. the incinerator shall be contained inside a building,
3. a licensed/certified crematory operator shall be on staff,
4. cremation services shall be limited to domesticated animals, livestock shall not be permitted,
5. the use shall comply with all applicable Local, State and Federal laws and rules and all applicable licenses and permits shall be obtained and a copy provided to the Planning Department.

The applicant's proposed plan has been reviewed and approved by the Dare County Fire Marshall. The proposed plan complies with the applicable standards from the Dare County Code of Ordinances. The State of North Carolina does not regulate pet crematoriums, and the incinerator proposed does not require a permit from the North Carolina Department of Environmental Quality, per planning staff research.

The proposed hours of operation for the facility are 8AM to 5PM as needed. The pet crematory will be located inside a 10-foot by 10-foot metal structure. The structure as proposed complies with the 200-foot setback from neighboring dwellings, as well as the applicable dimensional standards for the zoning district R-2B.

A draft SUP is attached to the memo for the board's review.



**SPECIAL USE PERMIT APPLICATION**

Date: 12/12/2022 Application No. 2-2023  
Property Owner/Petitioner: Pamela Anderson  
Address: 208 Williams Dr Kill Devil Hills, NC  
Telephone: 252-489-6224 Email: oceansandsk9@gmail.com  
Review Fee Paid: \_\_\_\_\_  
Project Description: Pet Crematory

**Property Description:**

LOT: A BLK: SEC: WILLIAMS COLINGTON ESTATE  
Lot Phase/Section Block Subdivision  
Parcel: 018789000 PIN: 987310461996

**APPLICATION IS HEREBY** made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-22.2 R-2B Special Use: Pet Crematory

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: Pamela Anderson Date: 12/13/22



**DRAFT**



**Special Use Permit No. #2-2023**

Dare County Sections 22-22.2, 22-65, & 22-70

**Application of:** Pamela Anderson

On February xx, 2023 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 Department 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,
3. The subject property is zoned R-2B. This property is identified on the Dare County tax records as PARCEL 018789000 and located in the Colington 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 the 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:

**DRAFT**

**SPECIAL USE:** Pet Crematory as an accessory to an existing pet grooming and animal kennel, Ocean Sands K9 Resort, located at 208 Williams Drive in Colington, NC. A site plan depicting the proposed improvements identified Appendix B is included as part of this permit.

**CONDITIONS:**

1. The structure shall be located on the parcel in conformance with the setbacks of Section 22-22.2 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
2. Building permit for the structure shall be secured within 36 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of the structure to confirm compliance with the terms of the Dare County Zoning Ordinance.
3. The structure shall be constructed in compliance with the requirements of the Dare County Fire Marshal and North Carolina Fire Code.
4. The crematory shall meet the 200-foot setback from residential dwellings.
5. The incinerator shall be contained inside of a building.
6. A licensed and/or certified crematory operator shall be employed by the business.
7. Cremation services shall be limited to domesticated animals. Livestock shall not be permitted.
8. The use shall comply with all applicable Local, State and Federal laws and rules and all applicable licenses and permits shall be obtained and a copy provided to the Planning Department.
9. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.
10. 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 specifications; 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 or 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.

**DRAFT**

11. 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 xxth day of February 2023

SEAL:

COUNTY OF DARE

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

ATTEST:

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

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

By: \_\_\_\_\_  
Pamela Anderson  
Ocean Sands K9 Resort

APPROVED AS TO LEGAL FORM

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

**DRAFT**