



## **Dare County Planning Board Meeting**

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

**December 5, 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 7, 2023 meeting
- IV. Public Comment
- V. Old Business
- VI. New Business
  - **Text Amendment to the MH-A for Portable Storage Units as an accessory use to Mini Storage Facility. Submitted by William and Shelly Daugherty**
  - **Special use Permit Application 8-2023; 24 Camping spaces in conjunction with commercial use at 53013 NC 12 HWY Frisco. Submitted by Todd Gaskill**
  - **Special Use Permit Application 7-2023; Yak Kuchta 2 Unit Cluster Home Development at 53770 NC 12 HWY Frisco. Submitted by James Yax & John Kuchta**
  - **Approval of the 2024 Planning Board Meeting and Submission Date Calendar**
- VII. Other Business
- VIII. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, November 7, 2023. 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** 5:58p.m.

**MEMBERS PRESENT** John Finelli, Chairman  
Buddy Shelton  
Beth Midgett  
Terry Gore II  
John DeBoy

**MEMBERS ABSENT** David Overton  
David Hines

### APPROVAL OF MINUTES

There being no deletions, corrections or additions to the minutes of the October 3, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to accept the minutes as drafted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

*Fred Brumbach* of Manteo aimed to speak on two issues. The first being the zoning in the Mother Vineyard area is R-1. He stated that it was his understanding that the lot requirement is 20,000 square feet and he hoped that standard would remain. The second issue was Dough's Creek, which he stated is a drainage creek recognized by the Department of Interior that flows into Shallowbag Bay. He detailed his concerns over the potential development of a neighboring property and the effect it could have with runoff, drainage and pollution. He suggested Dough's Creek be preserved and effort should be taken to ensure it is maintained in order to flow properly.

*Juanita Wescott* of Manteo stated that she lived next door to the 4.3 acre property that is currently under an Offer to Purchase and Contract. She spoke of her concerns in this expected sale, as well as the development in the surrounding area, namely the clear cutting of trees, level of density building, pollution and the negative impacts this could have on Dough's Creek. She explained the measures she has personally taken to keep her portion of the ditch clean of debris for many years and has requested that consideration for funds be allocated this year to clean up and maintain the ditches to ensure adequate flow of stormwater runoff and drainage.

*Nancy Silver* of Wanchese addressed the board and expressed her delight of the newly updated Land Use Plan, stating that Dare County could be paradise on earth. She commented on the many protected areas that exist in Dare County and attributed them as a direct result of grass root swells. She further suggested the protection of trees, touched on her belief in the change

of the area marshes, specifically relating to smell, as well as her concern with over development.

Before concluding the Public Comment portion of the meeting, the Planning Director, Noah Gillam requested to address a statement brought up in Public Comment regarding the minimum lot size in the area of R1 zoning district. Mr. Gillam advised there was a reduction in the minimum lot size in the R-1 district many years ago (2006-2007) from 20,000 sq. ft. down to 15,000 sq. ft. This change occurred when the county water was supplied across Roanoke Island.

*Public comment closed at 6:14p.m.*

## **NEW BUSINESS**

- ***Two-(2) Lot Subdivision William Barley Trust - 48126 Daniel Lane Buxton***

Mr. William Barley, the applicant was present. Mr. Gillam, Planning Director, began by stating Mr. Barley has submitted a two-lot subdivision for his property located in Buxton, off of Buxton Back Road. Lots 2A and 2B will be accessed from Daniel Lane, an existing 40' private road. Mr. Gillam detailed that the applicant is proposing to cut out a 28,915 square foot piece as a simple division to division being reviewed about a planet Board of night because it's over the threshold of acreage for administrative approval. This property is serviced by the Dare County central water system and individual on-site septic tank/drainfield system. Not anticipating any future subdivision, staff recommends approval. Buddy Shelton made a motion for the preliminary plat for William Barley Subdivision be granted approval. Seconded by Terry Gore

Votes: Ayes - Unanimous

- ***Zoning Map Amendment - submitted by Cape Hatteras Electric Membership Corporation - Six parcels to be rezoned to C-3 from R2-A***

Ms. Susan Flythe, the Executive Vice President and General Manager of the Cooperative was present representing the applicant. The Planning Director, Mr. Gillam began by informing the Board that Cape Hatteras Electric Membership Corporation and Pbp&s, have both submitted a Zoning Map Amendment request to have their parcels located along Light Plant Road in Buxton rezoned to C-3 Commercial from the current R2-A Zoning, which would then permit them to increase lot coverage to 60%. This would allow for future expansion for CHEC to meet the increased power demands and needs on Hatteras Island and also would be more reflective of a commercial use and the Pbp&s property would then align with the surrounding zoning map if the map amendment is approved. After review of the surrounding properties historic uses and zoning, a reclassification to C-3 Commercial for the applicant's parcels would not disrupt the flow of the surrounding area uses and zoning districts, which would result in a contiguous strip of properties zoned commercial. Terry Gore made a motion to advance and recommend approval of this Map Amendment to the Board of Commissioners being reasonable and

appropriate. The motion includes a finding of consistency with the 2009 Dare County Land Use Plan. Seconded by Beth Midgett.

Votes: Ayes - Unanimous

***Text Amendment - to R2-A to allow for church accessory uses submitted by St. John's United Methodist Church, Avon***

Dottie Reed from Avon was in attendance as a representative of the applicant, Saint John's United Methodist Church. Mr. Gillam, Planning Director detailed that the church has submitted a Text Amendment application for the addition of accessory uses to churches, which would include a youth retreat center or recreation center that provides short term, weekly overnight accommodations. He further stated that It is the church's goal to have a facility to host and house groups from other churches for Mission work and Camp retreats. Mr. Gillam communicated that the amendment does seem consistent with policies under the Land Use Compatibility section, specifically Policy #5 and #6, but also made clear this text amendment is not site-specific, reiterating that it would apply for all land zoned R2-A. Buddy Shelton made a motion to recommend approval with the finding of consistency of the Dare County Land Use Plan, based upon a review of these policies, the Dare County Planning Board finds the Zoning Map Amendment to be consistent with the 2009 Dare County Land Use Plan, since the amendment will allow for use that is already similar to what is in the district's ordinance and surrounding neighborhood. The Planning board further acknowledges the intent of the R2-A alternative medium density residential district is to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between the low density areas and more intensely developed areas and providing a setting for a limited number of business uses associated with Coastal Village location. The range of uses permitted in this District includes bed and breakfast homes, campgrounds and fish houses. The Dare County Planning Board hereby recommends The Saint John's United Methodist Church text Amendment be adopted. Seconded by Terry Gore.

Votes: Ayes – Unanimous

**OLD BUSINESS**

• ***Land Use Plan Update - Final Review***

Mr. Gillam, Planning Director, explained that the Land Use Plan is a group of policies used by the Planning Board Staff and Board of Commissioners to review development regulations or zoning map changes. He went on to explain that the State also uses the Land Use Plan in reviewing CAMA Major permits to make sure that any major permit that's submitted to the state is consistent with the County's Land Use Plan. He detailed these policies are not development regulations and they are not a code of ordinance. He stated they are policies that shape future

development. Mr. Gillam further explained that this update was started in 2018, of which included public participation and updated flood maps from the Federal Government. This draft was submitted to the State for the first completeness review in 2021 and then underwent a second review where it met the State's requirements. To move forward with this the Planning Board conducts a review and then presents it to the Dare County Board of Commissioners with a recommendation, whereby it will undergo a public hearing and review prior to adoption. Once adopted, it is then sent back to the State for certification through the State. Chairman Finelli went through the sections of the plan briefly, pausing throughout asking if there were any questions or concerns and due to the extensive, detailed review in the years prior, there were none. Terry Gore made a motion to forward this to the Board of Commissioners and to recommend favorable action on the draft 2022 Dare County Land Use Plan. Seconded by Buddy Shelton.

Votes: Ayes - Unanimous

#### **OTHER BUSINESS**

Chairman Finelli commented that the Commissioners adopted the zoning ordinance for Martin's Point, preceded by a public hearing, and that he received some positive public comments and believed it was favorable.

#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:50p.m.

Respectfully Submitted,

Planning Board Clerk

APPROVED: December 5, 2023

John Finelli  
Chairman, Dare County Planning Board



## County of Dare

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

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November 29, 2023

### MEMORANDUM

**TO:** DARE COUNTY PLANNING BOARD

**FROM:** Noah H Gillam, Planning Director

**RE:** Text Amendment to the MH-A District to include portable storage unit services to Mini-storage facilities

A text amendment application has been submitted by William and Shelly Daugherty to amend the MH-A zoning ordinance. The applicants are seeking the addition of portable storage unit services to the currently permitted use of mini-storage facilities. In addition the applicants have include amendments to the definition section that include a definition of portable storage container and portable storage unit service, and draft language for a proposed new section of the Dare County Zoning Ordinance that regulates the usage of portable storage containers both on and off site of the mini storage facility.

The MH-A intent statement reads as follows "to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas and provide a setting for a limited number of business uses associated with a coastal village location. The MH-A district currently permits a mix of residential and commercial/light industrial uses such single family homes, mobile homes, boat building shops, catering businesses, house and boat moving businesses, and mini storage facilities. I have attached copy of the MH-A regulations for the Board's review. Since the proposed use would be an expansion of a uses already permitted in the district staff feels that the portable storage unit services would not disrupt the follow of the neighborhood and zoning district.

Since the proposed amendment to the MH-A would allow for the placement of additional structures on a parcel, staff recommends that they be treated as group development subject to the requirements of Section 22-31 Group Developments. This provision will

require Special Use Permit review, so individual properties will be addressed accordingly and conditions can be implemented based on site plan specifics.

The definitions drafted by the applicants for portable storage container and portable storage unit service seem reasonable for the intended use of the amendment. Staff recommends the Board review the proposed definitions during the discussion to see if any language needs to be added or omitted.

In discussion with the applicants, planning staff advised that if the amendment was approved language would need to be included that regulated the portable storage containers service both on the mini storage facility site and customers properties. This draft language is proposed as new section to the ordinance which is appropriate since the containers will not always be located in the MH-A zoning district. The draft language drafted by the applicants establishes a time limit for placement of portable storage containers on properties, the need for anchoring requirements, and the number of units allowed on customer properties. Planning staff has drafted additional language to expand on these conditions to include the requirements of the Dare County Flood Development Ordinance, signage, number of units allowed on service site, and expansion to other districts that allow mini storage facilities and storage warehouses. The applicants draft language and staff draft language is attached for the Board's review and discussion.

As with any text amendment a finding of consistency with the Dare County Land Use Plan must be included with any recommendation made by the Planning Board. In review of the proposed amendment and the 2009 Dare County Land Use Plan staff found that two policies under the Commercial Development heading in the Land Use Compatibility section are applicable to the proposed amendment. LUC #5 encourages the continued existence of locally-owned businesses in unincorporated Dare County. LUC #6 addresses the scope of commercial development and the use of gross floor area limitations to manage the size of commercial development. Copies of these policies are attached for the Boards review.

If at the close of the discussion the Board finds that the proposed amendments are reasonable and consistent with the Dare County Land Use Plan, a draft statement of consistency is attached with this memo.

COUNTY OF DARE  
ZONING AMENDMENT APPLICATION  
OR AMENDMENT TO DEVELOPMENT REGULATION

Any zoning map, zoning text amendment, or amendment to other development regulation is subject to legislative review and approval by the Dare County Board of Commissioners according to the procedures of Section 22-81 of the Dare County Zoning Ordinance. Applications for amendments shall be made in writing to the Dare County Planning Director and shall be signed by all property owners or their duly authorized agents.

Property Owner (s) William & Shelly Daugherty  
Address: Attn: Benjamin M. Gallop, Attorney; P.O. Box 2029, Manteo, NC 27954  
Telephone: (252)256-3811 Email: bmgallop@galloplawfirm.com

Property Description:  
E pt 9, 8; 7r Harbor Estates  
Lot Phase/Section Block Subdivision  
Parcel: 023856000 & 023856008 PIN: 975916746839 & 975916745975

Text Amendment  Map Amendment

Present Zoning Classification: Section 22-23.2 MH-A

Requested Zoning Classification : Section 22-23.2 MH-A

Explanation of Request: The applicants request that Portable Storage Unit Service be added as an included use in the MH-A zoning district with a mini-storage facility use and that the site plan for such a combined use be processed under the same rules as a group development in the MH-A zoning district. Please see attached proposed amendments for further information

Amendment applications shall not be processed by the Planning Director 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 Director shall schedule review of the application as established in the Zoning Ordinance Sections 22-82 to 22-86. Amendments are legislative decisions and involve review by the Planning Board and Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Director. Citizen comments shall be processed according to Section 22-82 and Section 22-85 of the Zoning Ordinance.

Applicant:  Date: 11/9/2023  
Benjamin M. Gallop, Authorized Agent  
and attorney for applicants



## SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

(a) Intent. The MH-A district is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location.

All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

(b) Permitted uses. The following uses and NO OTHER shall be permitted by right:

(1) Detached single-family dwellings.

(2) Duplexes.

(3) Customary accessory uses.

(4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) Traditional commercial fishing businesses, including crab shedding operations.

(6) County owned or leased facilities.

(7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.

draft language for Section 22-23.2

2. Agriculture/aquaculture.
3. Bake shops (cakes, pastries, edibles and bakery goods).
4. Barber and beauty shops including tanning and exercise facilities.
5. Bicycle rentals with buffered storage areas.
6. Boarding horses, equestrian activities according to state regulations.
7. Boat building shop and related industry.
8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities including portable storage unit services. Mini-storage facilities with multiple buildings or with portable storage unit services shall be submitted for site plan review under Section 22-31, "Group Development."
28. Music shops and music lessons.

11. Aerial adventure centers including climbing walls, zip lines and rope courses, bungee or trampoline facilities.

12. Fishing pier.

13. Tennis, racquet ball and other racket courts.

14. Swimming pools and aquatic centers. (Adopted 3-2-2015)

Parking space - A vehicular storage space of not less than 10 x 20 feet, plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Planned Unit Development - Deleted from the Zoning Ordinance on September 19, 1994.

Planning and development regulation jurisdiction - The unincorporated portions of Dare County in which Dare County may adopt and apply development regulations.

Planning Board - Dare County Planning Board.

Portable Storage Container - a portable, weather-resistant, commercially available for lease or rent receptacle designed and used for the storage or shipment of residential or commercial personal property. The term shall not include yard waste containers, construction debris containers.

Portable Storage Unit Service - A commercial service leasing, providing, maintaining, constructing, assembling, delivering, retrieving and storing or leasing space to store portable storage containers.

Pre-existing towers and antennas - Any tower or antenna for which a permit was issued prior to June 21, 1999 of these regulations.

Principal business use - The business activity which comprises the primary or majority of the commercial activity that occurs on a site as permitted by Dare County. (Adopted 8-20-2012)

Principal dwelling unit - The primary dwelling unit located on a lot or parcel providing independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation. (Adopted 10-15-2018)

Public building - A building that is designed for use by a government-affiliated, non-profit organization for community and public sector services and activities. This shall include such buildings as federally-owned buildings, state-owned buildings, volunteer rescue buildings, community centers, libraries, recreation centers, and civic centers. Buildings or facilities owned or leased by the County of Dare shall be considered as county-owned or leased facilities and permitted as detailed in each zoning district. (As adopted 5-16-11)

Quasi-judicial decision - A decision involving gathering facts regarding a specific application of a development regulation that requires discretion when applying the standards of the regulation. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

SECTION 22-58.10 – PORTABLE STORAGE CONTAINERS

Portable Storage Containers shall not be used for residential occupancy.

Portable Storage Containers may only be located upon a residential or commercial property for fourteen (14) consecutive days unless securely anchored and associated with construction at the property pursuant to duly obtained permits. Portable storage containers associated with construction must be removed from the site within thirty (30) days from the expiration of permits or the issuance of a certificate of compliance or certificate of occupancy. No more than two (2) Portable Storage Containers may be located upon a property at the same time. The property owner upon which the Portable Storage Container is located is responsible for complying with this provision.

Portable Storage Containers located on the site of a Portable Storage Container Service shall be securely anchored if on site for more than fourteen (14) consecutive days. Customer access to Portable Storage Containers located on the site of a Portable Storage Container Service shall be restricted to normal business hours and shall only occur in the presence of an employee of the Portable Storage Container Service.

Section 22-58.10—PORTABLE STORAGE CONTAINERS and PORTABLE STORAGE UNIT SERVICES

1. Portable Storage Containers shall not be used for residential or commercial occupancy
2. Portable Storage Containers may only be located upon a residential or commercial property for fourteen (14) consecutive days unless associated with construction at the property pursuant to duly obtained development permits. Portable storage containers associated with development permits must be secured and installed in compliance with the Dare County Flood Damage Prevention Ordinance and must be removed from the site within thirty (30) days from the expiration of permits or the issuance of a certificate of compliance or certificate of occupancy. No more than two (2) Portable Storage Containers may be located upon a property at the same time. The property owner upon which the Portable Storage Container is located is responsible for complying with this provision.
3. Portable Storage Containers located on the site of Portable Storage Container Service shall be securely anchored and in compliance with the Dare County Flood Damage Prevention Ordinance if on site for more than fourteen (14) consecutive days. Customer access to Portable Storage Containers located on the site of a Portable Storage Container Service shall be restricted to normal business hours and shall only occur in the presence of an employee of the Portable Storage Container Service.
4. Portable Storage Containers located on the site of Portable Storage Container service shall be kept in a designated area on the property and in compliance with applicable setbacks; this designated area shall count as lot coverage. Portable storage containers stored on site shall not be stacked or stored vertically atop another.
5. Signage on Portable Storage Containers shall be limited to 12 square feet in total sign area.
6. Any other condition that board may choose during discussion

Additional Language if Board chooses to add Portable Storage Unit Services to other districts that allows mini storage facilities and storage warehouses

Portable Storage Unit Services may be offered as accessory uses to mini-storage facilities, storage warehouses, and storage/warehousing and storage centers in the following zoning districts: CS, I-1, HML, MC-2, MC-1, C-2, C-3, MH-A and S-1. Subject to the provisions of Section 22-31 Group Developments, and the above conditions

## ZONING AMENDMENT CONSISTENCY DETERMINATION

On December 5, 2023 the Dare County Planning Board considered a zoning text amendment application submitted by William and Shelly Daugherty. The zoning text amendment application seeks to amend the Dare County Zoning Ordinance specifically Section 22-23.2 MH-A District, and Section 22-2 Definitions. The text amendment would allow for the addition of portable storage unit services as an accessory use to mini-storage facilities. The amendment would also create a new Section to the Dare County Zoning Ordinance that governs portable storage unit services and portable storage containers throughout Unincorporated Dare County.

The 2009 Dare County Land Use Plan is the comprehensive plan for Unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendments.

### Land Use Compatibility Management Topic

#### Policy LUC #5

*Dare County Encourages the continued existence and development of locally-owned businesses in Unincorporated Dare County.*

#### Policy LUC #6

*Commercial development should be designed to meet the needs of Dare County's unincorporated villages and not to serve as regional commercial centers. The gross floor area limitations of the Dare County Zoning Ordinance and other applicable land use codes shall be used as a tool to manage the footprint of commercial structures. The goal is to manage the size of the commercial structures, which serves as a disincentive for regional commercial centers for location in villages.*

Based upon a review of these policies, the Dare County Planning Board finds the zoning text amendments to be consistent with the 2009 Dare County Land Use Plan since the amendments will allow for the growth and expansion of an existing use that is already similar to what is allowed in the districts ordinance and surrounding neighborhoods.

The Planning Board further acknowledges the intent of the MH-A is intended to encourage the development of moderate density residential neighborhoods, to serve as a transition zone between low-density areas and more intensely developed areas, and provide a setting for a limited number of business uses associated with a coastal village location. The Planning Board also acknowledges that the commercial districts are established to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community.

The Dare County Planning Board hereby recommends that the proposed text amendments be adopted.

## SECTION 22-23.2 - MH-A MANNS HARBOR/ MASHOES ZONING DISTRICT

The following regulations shall apply to the MH-A zoning district:

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All existing uses are 100% "grandfathered" in perpetuity, as they exist as of the date the Manns Harbor/Mashoes zoning ordinance is adopted. Any structure destroyed or deteriorated by natural means, either partially or in full, may be rebuilt to 100% of its previous extent. This shall not apply to those nonconforming structures which are voluntarily removed or demolished. State and federal rebuilding regulations may apply.

**(b) Permitted uses.** The following uses and NO OTHER shall be permitted by right:

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(3) Customary accessory uses.

(4) Mobile homes; provided that:

a. They are placed on foundations and anchored according to the North Carolina State Building Code for mobile homes in a hurricane state.

b. The requirements of the building inspector regarding skirting material and skirting area are complied with.

(5) Traditional commercial fishing businesses, including crab shedding operations.

(6) County owned or leased facilities.

(7) Commercial/light industry, with the following conditions:

a. Where a commercial/light industry use is adjacent to a residential use, the commercial/light industry use must provide a visual buffer along that boundary.

b. Light industry is defined as those uses involving assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing activities. Only those light industrial uses not defined as "high-hazard group H" by the North Carolina State Building Code may be permitted.

c. The following commercial/light industry uses are permitted in District A and shall be of a non-itinerant nature:

1. Automobile detailing, auto shops, paint and body shops.

2. Agriculture/aquaculture.

3. Bake shops (cakes, pastries, edibles and bakery goods).

4. Barber and beauty shops including tanning and exercise facilities.

5. Bicycle rentals with buffered storage areas.

6. Boarding horses, equestrian activities according to state regulations.

7. Boat building shop and related industry.

8. Boat launching ramps.
9. Carpenter/cabinet/wood-working/furniture making.
10. Catering businesses.
11. Computer/internet services.
12. Concrete finishing business and equipment.
13. Crab pot storage and other crabbing and commercial fishing gear.
14. Craft production and retail sales.
15. Consulting businesses.
16. Electronics.
17. Excavating and equipment.
18. Facilities owned by the State of North Carolina.
19. Garden and vegetable stands.
20. General contracting and related services.
21. Gunsmith shop and gun sales.
22. Heavy equipment shop with storage.
23. Historic home place tours and interpretation of village lifestyles.
24. House and boat moving businesses.
25. Hunting and sporting goods stores.
26. Landscape and lawn care businesses.
27. Mini-storage facilities.
28. Music shops and music lessons.
29. Elder in-home care facility (not to exceed 4 non-related patients).
30. Offices (financial, professional, medical and real estate).
31. Outboard engine repairs/sales.
32. Photography.
33. Plant nursery.
34. Pottery, clay works, ceramics.
35. Pressure washing business.
36. Radio, TV broadcasting and film production studio.
37. Restaurants – provided alcoholic beverage sales do not exceed 40% of total sales. Restaurants shall not feature a "drive-thru" window service, whereby patrons are served while seated in a motor vehicle. Restaurant seating capacity shall not exceed 100.
38. Seafood sales as per State of North Carolina regulations.



39. Sign making shops.
40. Small engine repair and sales.
41. Tree farms.
42. Taxidermist.
43. Tree removal, stump grinding, log splitting and wood sales.
44. Upholstery shops.
45. Welding shops.

(8) All church functions and cemeteries; churches are allowed to add additional structures to their properties.

(9) Fire stations, schools and other public buildings.

(10) Home occupations.

(11) Traditional village businesses including, but not limited to:

- a. Offices (financial, professional, medical and real estate).
- b. Retail/wholesale shops:
  1. Antiques, furniture and home decor.
  2. Apparel.
  3. Artist and art supplies.
  4. Avian breeding, sales and supplies.
  5. Bait and tackle supplies, fishing rod and lure assembly shops.
  6. Beehives.
  7. Books.
  8. Camera and photo supplies.
  9. Catering home business, in accordance with Health Code Standards.
  10. Coffee/tea cakes, pies, bakery goods and edibles.
  11. Florist.
  12. Fruit and vegetable stand.
  13. Gifts and imports.
  14. Hobby goods.
  15. Home schooling.
  16. Hunting and fishing supplies.
  17. Jewelry.
  18. Leather goods.
  19. Livestock for personal use only.

20. Millinery shops.
21. Music shops and music lessons.
22. Photography equipment sales and service.
23. Sewing shop/needle works, dry goods and supplies.
24. Tack and equestrian associated sales.
25. Toys.
26. Upholstery.
27. Woodcarving.

(12) Public parks and playgrounds.

(13) Small bed and breakfast homes as defined in Section 22-2.

(14) Fish houses; dockage, and piers (maximum pier length limited to 100 feet, measured from the shoreline extending to open water).

(15) Resident businesses provided that:

- a. Family member(s) resides on premises;
- b. Merchandise produced on or off the premises may be sold at the business;

c. The total square footage designated as the resident business may not exceed 40% of the total floor area of the home. The business may be located within the confines of the home and/or in an accessory building located on the same property so long as total structures do not exceed 50% of the lot coverage;

- d. Parking requirements – Section 22-56 for the proposed use shall be applied.

(16) Family child care homes as defined in Section 22-2 and subject to the provisions of Section 22-29.1. (Amended 5-16-11)

(17) Child care facilities which are an accessory use of an existing or proposed church, public school, or other public building.

(18) Pet grooming; no overnight commercial kennel facilities.

(19) Accessory dwelling unit according to the provisions of Section 22-58.6 of this code. (Adopted 10-15-2018)

(20) Workforce housing - administrative review for one WHU subject to provisions of Section 22-58.7.

**(c) Special uses.** The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article IX of this chapter:

(1) Private clubs, golf courses, tennis courts, picnic areas, beach clubs and concessions integral thereto; provided that no open commercial activity and that no sign other than a directional sign is allowed.

(2) Public and private utility facilities, substations.

(3) Boat sales.

(4) Boat rentals; not to include personal watercraft and those vessels propelled by non-conventional inboard/outboard motors (i.e., "airboats").

(5) Telecommunication towers only associated with a principal use that is authorized as either a permitted use or special use in this district and subject to all standards established in Section 22-29.2.

(6) Mobile home parks, according to the standards of the Dare County Mobile Home Park Ordinance; not to include travel trailer parks.

(7) Fishing and hunting camp. A facility that provides organized fishing and hunting activities for customers for a fee. The facilities may include overnight guest quarters, clubhouse facilities, a swimming pool, storage buildings, piers, docks and private boat launching areas.

a. Overnight guest quarters shall be individual cabins constructed of components on permanent foundations consistent with the North Carolina State Building Code. The total square footage of each cabin shall not exceed 800 square feet of heated space. Cabins may be rented on a daily or weekly basis not to exceed 30 consecutive days. This 30-day limit shall not be interpreted to prohibit use of a fishing-hunting camp by community, civic or church groups for more than 30 consecutive days whereby the group reserves the camp for use by its membership which may change on a weekly or daily basis. For example, a youth group from eastern North Carolina reserves use of the camp for the months of June and July and during these months sub-chapters of the group from individual counties make use of the camp on a weekly basis. Portable toilets shall not be used as bathroom facilities.

b. Density: 1 cabin per 20,000 square feet of non-wetland area. Any wetland areas shall not be used in the calculation of density.

c. Setbacks: All cabins shall be located on the parcel according to the minimum setbacks for the MH-A district and shall be located a minimum of 20 feet from another cabin.

d. Any lot proposed for use as a fishing-hunting camp shall have frontage on the Albermarle Sound from Haulover Point to the western terminus of the William B. Umstead Bridge. This frontage shall be no less than 100 feet in width.

e. Travel trailers, motor homes, pickup coaches, recreational vehicles, tents or other temporary dwellings shall not be occupied on the camp property.

f. Boating launching facilities and clubhouse facilities shall be for the use of the guests of the camp. The clubhouse structure shall not be calculated in the cabin density calculation. No overnight guest quarters shall be provided in the clubhouse facility.

g. Signage for the camp shall be limited to 1 free-standing sign located at the entrance of the camp and shall not exceed 32 square feet in size.

h. Other reasonable conditions that may be imposed by the Board of Commissioners.

(Adopted 10-18-10)

(8) Workforce housing units - special use review if two or more WHU units subject to provisions of Section 22-58.7.

(9) Educational housing projects subject to the provisions of Section 22-58.8.

(10) Special use subdivisions subject to the provisions of Section 22-58.9.

(d) Dimensional requirements.

(1) Minimum lot size:

a. Single-family lots served by a private well and on-site septic tank/drain field system: 20,000 square feet of soil not classified as coastal wetland.

**b.** Single-family lots served by a county/state operated central water supply and on-site septic tank/drain field system: the lot size may be reduced to 15,000 contiguous square feet.

**c.** Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

**(2)** Maximum gross building size (applicable to all structures except publicly owned buildings, schools, and those structures directly associated with a church): 10,000 square feet excluding decks, porches, and similar non-heated space.

**(3)** Newly platted lots shall comply with the following dimensional standards:

**a.** Minimum lot width: 75 ft. measured at the building setback line.

**b.** Minimum front yard: 25 ft.

**c.** Minimum side yard: 10 ft. An additional 10 ft. side yard adjacent to the street is required for corner lots.

**d.** Minimum rear yard: 20 ft. No rear yard setback is required for waterfront lots.

**(4)** Maximum allowable lot coverage: 30%. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

**(5)** Height limitation for commercial/light industry buildings: 40 feet. All other uses: 35 feet.

(Adopted 5-21-07)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 5-17-2023)



## County of Dare

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

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November 28, 2023

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam, Planning Director

RE: Tod Gaskill Travel Trailer Sites on Existing Commercial Property SUP Application

Tod and Angela Gaskill have submitted a Special Use Permit application to allow for travel trailer sites on their existing commercial property in Frisco, NC. The property is identified as parcel 015069000 in the Dare County tax records and is located at 53013 NC 12 Hwy. The parcel is zoned S-1, and travel trailers sites developed on commercial property in conjunction with another commercial use are permitted subject to special use permit review.

The total parcel area is 4.32 acres and the proposed area for travel trailer sites is 3.55 acres. Section 160.37 Camping Spaces at Commercial Sites establishes that a minimum of 20 spaces shall be provided and that spaces shall be developed according to the provisions of Section 160.28 Configuration of Camping Spaces. The applicant is proposing to install twenty-four spaces, in the free form configuration allowed by section 160.28. The site plan shows all sites being separated by the required 15-foot and accessed by the required 20-foot internal access roads. A detailed site plan is attached with this memo showing the existing and proposed improvements on the property.

The applicant is proposing to install two wastewater systems to service the travel trailer sites and proposed bathhouse. Each travel trailer site will have individual sewer hook-ups. One system will be designed to service travel trailers that are left in the park on a year-round basis, while the other will be designed for sites that are for transient visitors. Improvement permits for the designed septic systems have already been issued by the Dare County Health Department. The proposed bathhouse shall consist of a minimum of two toilets, two showers, and two sinks for each sex. This shall be noted on the site plan. Conditions have been added to the draft SUP to address the bathhouse facilities.

A vegetative buffer of indigenous trees and bushes is being proposed on the north, west and east park boundaries. The southern boundary of the parcel is a vegetated wetland and will not require any additional buffer requirements. A landscaping plan is included with the site plan, and conditions have been added to the draft SUP addressing the buffer and its maintenance.

The area of land disturbance for the installation of improvements is greater than one acre and will require a North Carolina Soil Erosion and Sedimentation Plan, and State Stormwater management permit from the North Carolina Department of Environmental Quality. No land disturbing activity shall occur on the property until copies of the permits are provided to the Dare County Planning Department. The site plan identifies a pocket of wetlands on the western property line, if it is the applicant's intentions to fill these wetlands copies of the appropriate Army Corps of Engineers permits shall also be supplied to the Planning Department before ground disturbing activities.

The Dare County Fire Marshal reviewed the site plan, and has indicated that a fire hydrant will need to be installed within 400-feet of the furthest campsite along the travel path of the fire apparatus, and that all roads shall be installed and maintained with at least 20-feet of width, and have all weather surface capable of carrying the imposed weight of at least 75,000 pounds. Conditions have been added to the draft SUP to reflect the fire marshal comments.

A copy of the site plan has been provided to the Dare County Public Works department as required by the Travel Trailer Park Ordinance to ensure the proper placement of the solid waste receptacles.

This item will be forwarded to the Dare County Board of Commissioners, and quasi-judicial hearing will be held on the matter.



**Special Use Permit No.8 --2023**

Dare County Sections 22-27.1, 22-70, 22-72 & Chapter 160.

**Application of:** Tod and Angela Gaskill

On January xx, 2024 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 S-1. This property is identified on the Dare County tax records as parcel 015069000 and located in the Frisco 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 Tod and Angela Gaskill for Travel Trailer Sites on a Commercial Site subject to such conditions as are hereinafter set out:

**SPECIAL USE:** 24 travel trailer sites on an existing commercial site. A site plan depicting the proposed improvements 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 24 travel trailer sites; a 800 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. Ownership of camping spaces shall be retained by the property owner. Camping spaces shall not be individually conveyed or sold in fee simple title, as condominiums, fractional ownership or interval ownership.
5. The length of occupancy of any travel trailer shall be less than 90 consecutive days.
6. 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.
7. 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 and have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds. All roads shall maintain a clear height of 13-feet 6-inches.
8. The campground shall be served by central water from the Dare County water system and will utilize two on-site wastewater systems subject to approval by the Dare County Health Department.
9. 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, 24 sites shall require Two showers, Two Toilets, and Two sinks for each sex.

10. The perimeter of the travel trailer sites shall be buffered according to Section 160.37 of the Travel Trailer Park Ordinance and the approved site plan. The north, west, and east boundaries shall be planted with one row of indigenous trees spaced 10 feet on centers, and one row of indigenous shrubs spaced 5 feet on centers. Buffers shall be perpetually maintained by the property owner.
11. A fire hydrant shall be installed within 400-feet of the furthest campsite along the travel path of the fire apparatus. The proposed fire hydrant to be installed 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.
12. All supplemental state and federal permits shall be secured prior to ground disturbing activities and 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.
13. A copy of the tenants lease shall be provided to the Dare County Planning Department.
14. 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.
15. Any signage for the campground shall be subject to a separate review and approval process according to the Dare County Sign Ordinance.
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 xxst day of January 2024

SEAL:

COUNTY OF DARE

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

ATTEST:

By: \_\_\_\_\_  
Skyler Foley  
Clerk to the Board

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

By: \_\_\_\_\_  
Tod & Angela Gaskill  
Owners

APPROVED AS TO LEGAL FORM

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



**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 Gilliam, Planning Director  
From: Steven R. Kovacs, Fire Marshal  
Date: November 30, 2023  
Re: Gaskill RV Park

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I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There needs to be a fire hydrant within 400-feet of the furthest campsite along the travel path of the fire apparatus. Currently the plan shows no fire hydrant. The closest appears to be approximately 280 feet north of the driveway of the property on NC 12 which far exceeds the needed travel distance.

*\* 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.*

ANLAUF ENGINEERING, PLLC

Joseph J. Anlauf, P.E.  
Firm License P-0929

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October 27, 2023

Noah Gillam, Planning Director  
County of Dare  
954 Marshall C Collins  
Manteo, NC 27954

Re: Site Plan Submission - RV Park  
53013 NC 12 Hwy  
Frisco, Dare County, NC

Dear Noah,

Please find attached plans for a proposed RV park at 53013 NC 12 Highway in Frisco.

This site is the current location of the Pamlico Deli. The RV park, consisting of twenty-four (24) RV sites and one (1) bath house, is proposed to be located on the land area behind the deli. The total parcel area is 4.32 acres and the proposed RV park area is 3.55 acres.

All of the sites are for Recreational Vehicles (RV's), no cabins are proposed.

All traffic aisles are 20 feet in width and the sites have been configured in such a way as to allow easy pull through access to each site. These same traffic aisles geared to help facilitate the movement of RV's will work to allow for easy access for emergency vehicles.

One (1) new dumpster pad is proposed for the project. The existing dumpster pad for the deli will be repurposed to serve the RV park and a new pad will be added at the edge of the deli parking area to serve the deli.

The Laws and Rules for Sewage Treatment and Disposal Systems 15A NCAC 18A .1900 differentiate between "traditional" RV sites and "park model" RV sites. Traditional RV sites have a design flow of 120 gpd/site while the Park Model RV sites have a design flow of 175 gpd/site. The development will be served by two (2) separate onsite Low Pressure Pipe (LPP) wastewater systems. Each site will offer an individual sewer hook-up. No dump station is proposed. Park Model RV's are still mobile, they are not cabins. A traditional RV is one that you bring with you on vacation. A park model RV is one you stay in during your visit but that you do not bring with you. The wastewater system for the north side of the RV park is sized for Park Model RV's and will allow both traditional and park models. The south side of the site is sized for traditional RV's only. This nuance to the site plan is really a function of the sizing and siting of the wastewater systems and not related to the zoning. Plans have been submitted to the DCHD for review and approval and an Improvement Permit will be required for each system.

Potable water supply is planned through a 2" water service. The proposed configuration has a 2" meter at the entrance of the RV park making all of the internal water lines private service lines. Each site will be served by an individual water service which will be metered through the master water meter for the site.

ANLAUF ENGINEERING, PLLC

Joseph J. Anlauf, P.E.  
Firm License P-0929

The total project disturbs more than 1 acre and therefore will require a Soil Erosion and Sedimentation Control Plan (SESCP) permit from the NCDEQ. Plan sheets SE1-SE3 have been created to address erosion and sedimentation control and will be part of a future submission to the NCDEQ, DEMLR,

The project will also require a Stormwater Management Plan permit from the NCDEQ. Plan Sheet G1 has been created describing the proposed grading and drainage of the site

The project will be accessed through an existing driveway so no permit from the NCDOT will be sought.

A vegetated landscape buffer has been proposed for the parts of the north, west and east RV park boundaries. Naturally occurring wetland vegetation is proposed to act as the vegetative buffer on the south side of the proposed RV Park. The planted vegetative buffer will consist of one (1) row of indigenous trees spaced 10 feet on centers and one (1) row of indigenous shrubs spaced 5 feet on centers.

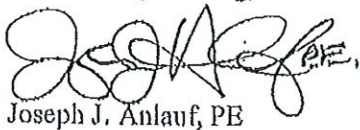
Please find attached the following items:

1. A site plan review fee check in the amount of \$1,200.00 made payable to the County of Dare;
2. Ten (10) copies of the plan set including the following sheets:
  - a. EX1 Existing Conditions
  - b. SE1 Erosion Control Plan
  - c. C1 Site Plan
  - d. G1 Grading Plan
  - e. LS1 Landscaping Plan
  - f. U1 Utility Plan

The entire plan set is comprised of 15 sheets. Sheets SE2, SE3 & U2-U8 are all detail sheets.

Please review and approve the attached and call with any questions at (252)489-7143.

Sincerely,  
Anlauf Engineering, PLLC

 P.E., 10/27/23  
Joseph J. Anlauf, PE

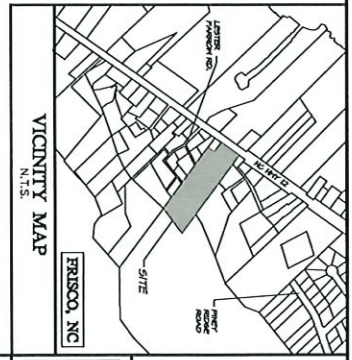
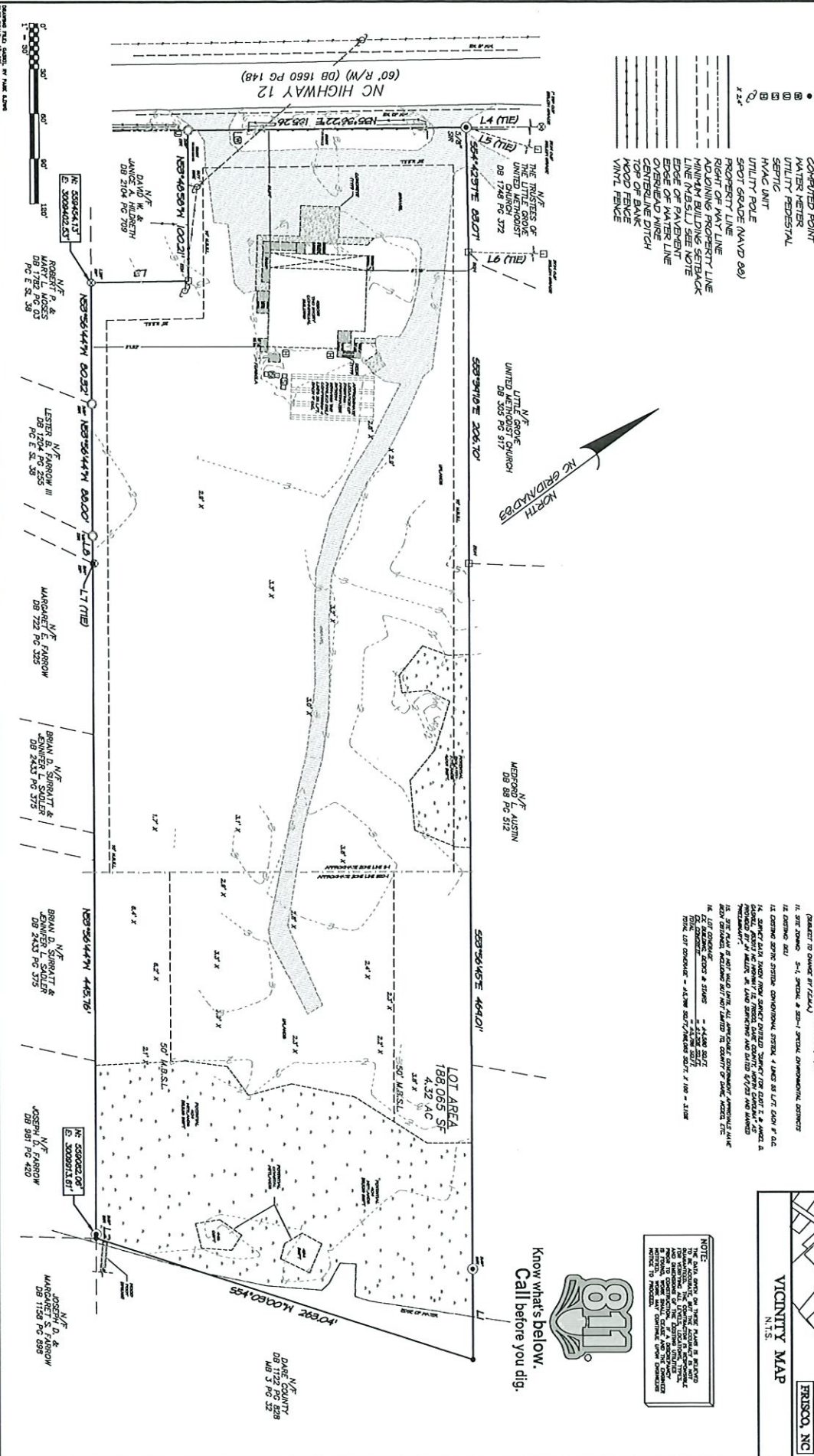
Cc: Tod & Angie Gaskill

LINE	BEARING	DISTANCE
L1	S89°56'44"W	60.00'
L2	N89°56'44"E	22.00'
L3	N89°56'44"W	22.00'
L4	N89°56'44"E	64.00'
L5	N89°56'44"W	64.00'
L6	N89°56'44"E	60.00'
L7	N89°56'44"W	60.00'
L8	N89°56'44"E	60.00'
L9	N89°56'44"W	60.00'

**LEGEND:**

- FOUND IRON REBAR(S)
- FOUND IRON PIPE(S)
- SET PROPERTY CORNER(S)
- EXISTING CONCRETE FOUNDATION(S)
- CURBED POINT
- WATER METER
- UTILITY FEDESTAL
- SEPTIC
- UTILITY POLE
- SPOT GRADE (NAVD 88)
- PROPERTY LINE
- RIGHT OF WAY LINE
- ADJACENT PROPERTY LINE
- ADMINISTERED STREET/BACK
- LINE (M.S.L.) SEE NOTE
- EDGE OF PAVEMENT
- OVERLAND WIRE
- CONCRETE DRIVE
- WOOD FENCE
- VINYL FENCE

SHEET INDEX	SHEET NO.
EXISTING CONDITIONS	EX1
EROSION CONTROL PLAN	SE1
EROSION CONTROL PLAN DETAILS	SE2-SE3
SITE PLAN	C1
GRADING PLAN	G1
LANDSCAPING PLAN	G1
UTILITY PLAN	U1
WASTEWATER SYSTEM DETAILS	U2 - U8



**NOTE:**  
 THIS PLAN IS BASED ON THE DATA AS SHOWN ON THE SURVEY AND FIELD NOTES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF ANY OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF ANY OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.



<b>EXISTING CONDITIONS</b> 53013 NC 12 HWY BLIOT T. & ANGELA D. GASKILL FR500 DARE COUNTY NORTH CAROLINA	SHEET NO. EX1 DATE 10/17/23	REVISIONS NO. DATE	NORTH CAROLINA PROFESSIONAL ENGINEERING BOARD LICENSE NO. 2850 ANLAUF ENGINEERING, P.L.L.C. CIVIL ENGINEERING SERVICES
	DESIGNER: JJA CHECKER: JJA DATE: 10/17/23	PROJECT NO. 23114 DRAWN BY: JJA CHECKED BY: JJA	SCALE: AS SHOWN SHEET: 15 OF 15



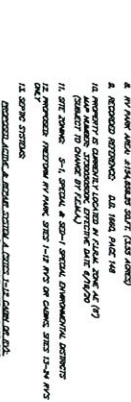
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L3	N 53°50'44" W 2.00'
L4	N 53°50'44" W 2.00'
L5	N 53°50'44" W 2.00'
L6	N 53°50'44" W 2.00'
L7	N 53°50'44" W 2.00'
L8	N 53°50'44" W 2.00'
L9	N 53°50'44" W 2.00'
L10	N 53°50'44" W 2.00'

SYMBOL	DESCRIPTION
○	4" CLASS
○	6" CLASS
○	8" CLASS
○	12" CLASS
○	18" CLASS
○	24" CLASS
○	30" CLASS
○	36" CLASS
○	42" CLASS
○	48" CLASS
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○	300" CLASS

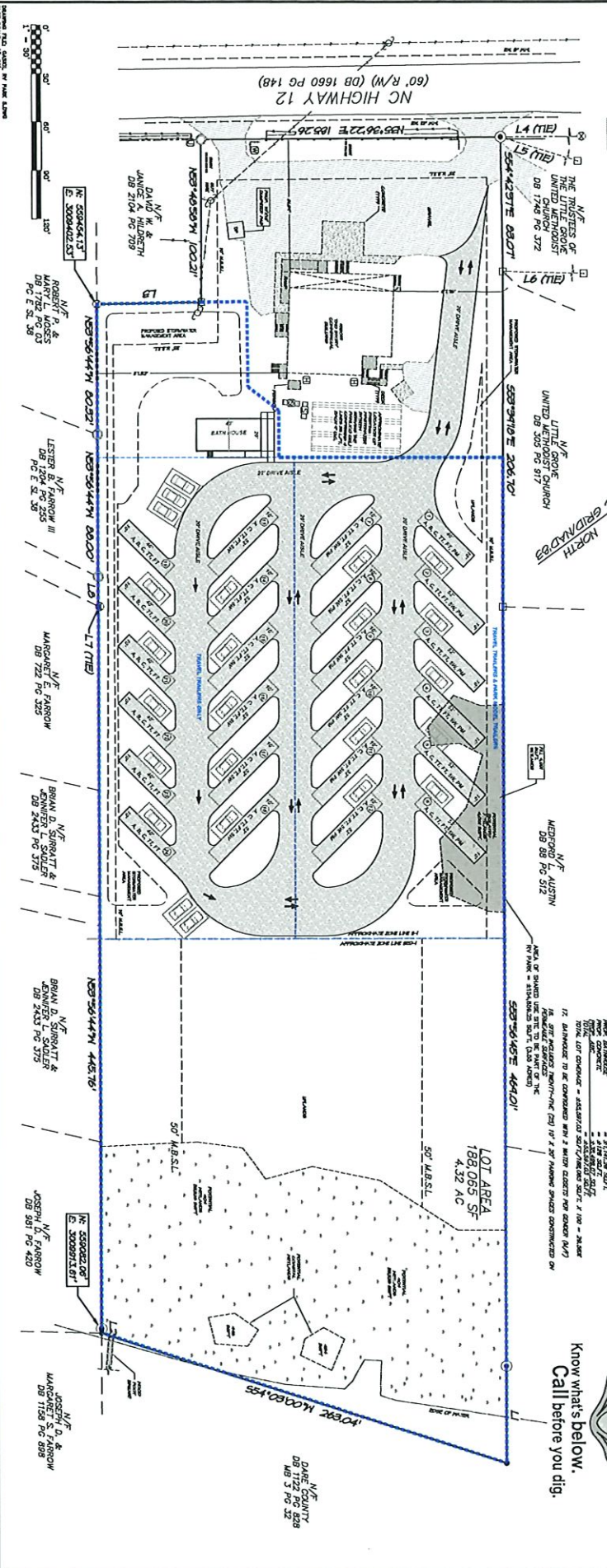
ALL SHOWN AND SHOWN AREAS SHALL BE SETBACK AND BUILT-OUT ACCORDING TO THE FOLLOWING SPECIFICATIONS:

**DEMANDANT VEGETATION**  
 20' MIN. SETBACK FROM PROPERTY LINE  
 10' MIN. SETBACK FROM DRIVEWAY

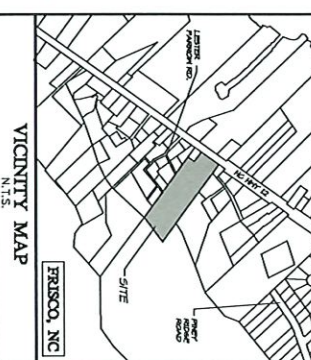
**TEMPORARY VEGETATION**  
 20' MIN. SETBACK FROM PROPERTY LINE  
 10' MIN. SETBACK FROM DRIVEWAY



- LEGEND:**
- FOUND IRON REBAR(S)
  - FOUND IRON PIPE(S)
  - SET PROPERTY CONVEY(S)
  - EXISTING CONCRETE MONUMENT(S)
  - COMPACT POINT
  - WATER METER
  - UTILITY FURNISH
  - SEPTIC
  - HYDRA UNIT
  - UTILITY POLE (NVD 88)
  - SPOT GRADE (NVD 88)
  - PROPERTY LINE
  - ADJOINING PROPERTY LINE
  - ADJOINING PROPERTY MARK
  - LINE (MESH) SEE NOTE
  - EDGE OF PAVEMENT
  - OVERHEAD WIRE
  - CENTERLINE DITCH
  - HOOD PILE
  - VINYL FENCE
  - PROPOSED GRAVEL
  - PERMISSIBLE 10' X 20' PARKING SPACE



**NOTE:**  
 THE INFORMATION ON THIS PLAN IS BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE FIELD SURVEY DATA WAS OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE FIELD SURVEY DATA WAS OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE FIELD SURVEY DATA WAS OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY DATA.



DATE	10/17/23
DRAWN BY	JJA
CHECKED BY	JJA
PROJECT NO.	SI0001
CLIENT	CI
DATE	10/17/23
DRAWN BY	JJA
CHECKED BY	JJA
PROJECT NO.	SI0001
CLIENT	CI

**SITE PLAN**  
**53013 NC 12 HWY**  
**ELIOT T. & ANGELA D. GASKILL**  
 FRISCO DARE COUNTY NORTH CAROLINA

**Anlauf Engineering, P.L.C.**  
 CIVIL ENGINEERING SERVICES

North Carolina Professional Engineer  
 License No. 28353

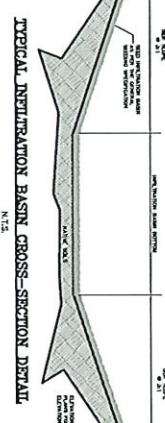
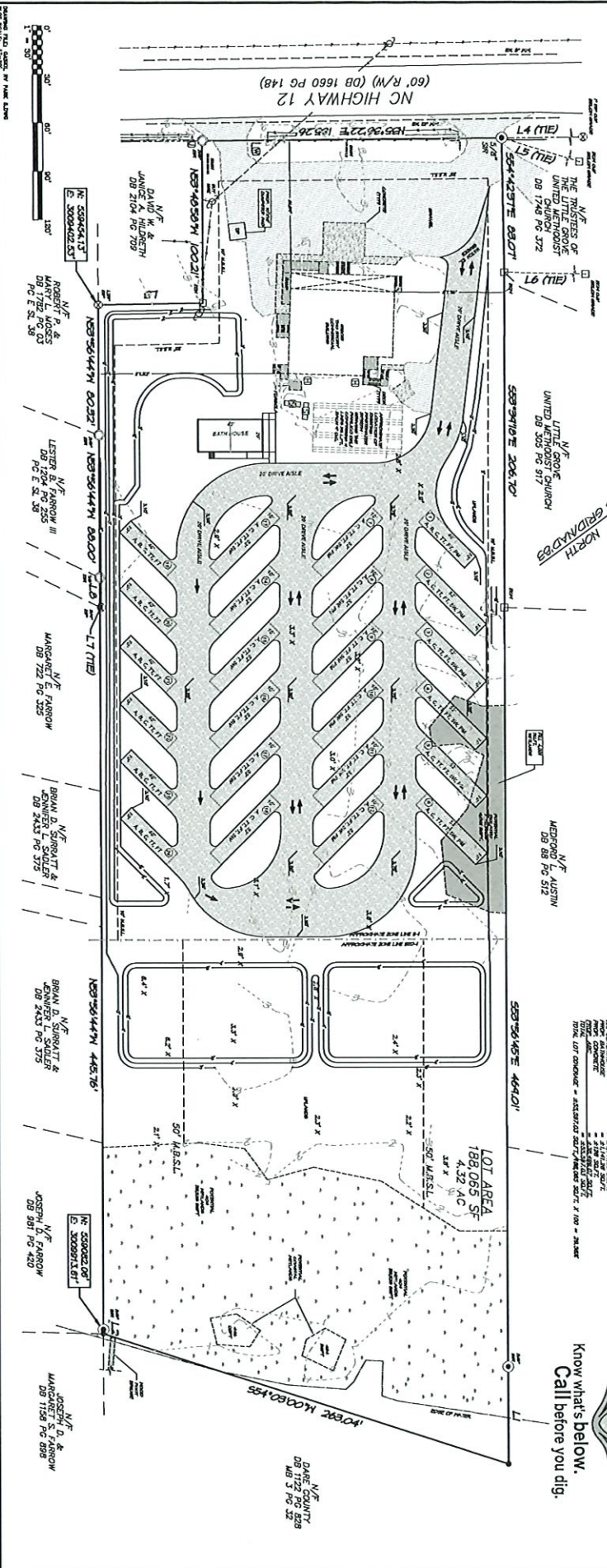


LINE	BEARING	DISTANCE
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2	N 89° 50' 44" W	22.00'
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4	N 89° 50' 44" W	22.00'
5	N 89° 50' 44" W	22.00'
6	N 89° 50' 44" W	22.00'
7	N 89° 50' 44" W	22.00'
8	N 89° 50' 44" W	22.00'
9	N 89° 50' 44" W	22.00'
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17	N 89° 50' 44" W	22.00'
18	N 89° 50' 44" W	22.00'
19	N 89° 50' 44" W	22.00'
20	N 89° 50' 44" W	22.00'

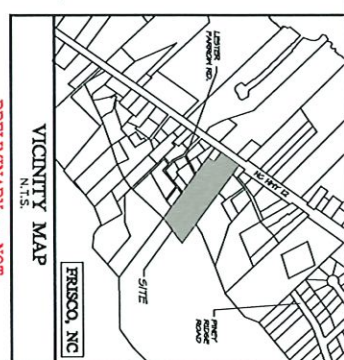
SYMBOL	DESCRIPTION
○	FOUND IRON REBAR(S)
○	SET PROPERTY CORNERS(R)
○	EXISTING CONCRETE FOUNDATION(S)
○	COMPUTED POINT
○	WATER METER
○	UTILITY FOOTPRINT
○	SEPTIC
○	HVAC UNIT
○	UTILITY POLE (NAVD 88)
○	SPOT GRADE (NAVD 88)
○	PROPERTY LINE
○	RIGHT OF WAY LINE
○	ADJACENT BUILDING FOOTPRINT
○	LINE (N.A.S.L.) SEE NOTE
○	EDGE OF PAVEMENT
○	EDGE OF WALKWAY
○	OVERLAP FIRE LINE
○	TOP OF BANK
○	WOOD FENCE
○	VINYL FENCE
○	PROPOSED GRAVEL

LEGEND:

- FOUND IRON REBAR(S)
- SET PROPERTY CORNERS(R)
- EXISTING CONCRETE FOUNDATION(S)
- COMPUTED POINT
- WATER METER
- UTILITY FOOTPRINT
- SEPTIC
- HVAC UNIT
- UTILITY POLE (NAVD 88)
- SPOT GRADE (NAVD 88)
- PROPERTY LINE
- RIGHT OF WAY LINE
- ADJACENT BUILDING FOOTPRINT
- LINE (N.A.S.L.) SEE NOTE
- EDGE OF PAVEMENT
- EDGE OF WALKWAY
- OVERLAP FIRE LINE
- TOP OF BANK
- WOOD FENCE
- VINYL FENCE
- PROPOSED GRAVEL



1. OWNER: LOT 102 & ANGBLA D. GASKILL
2. DESIGNER: ANLAUF ENGINEERING, P.L.L.C. 4777 N. HARRISON ST. #100 FAYETTEVILLE, NC 28404
3. PROJECT: LOT 102 & ANGBLA D. GASKILL
4. PROJECT NUMBER: 0303000000
5. ADDRESS: 5303 NC 12 HWY, RENOVA, NC 27109
6. CLIENT: ANGBLA D. GASKILL
7. DATE: 08/11/2010
8. PROJECT DESCRIPTION: SEE TITLE SHEET
9. PROJECT LOCATION: SEE TITLE SHEET
10. PROJECT STATUS: PRELIMINARY - NOT FOR CONSTRUCTION
11. SCALE: 1" = 20' (PLAN) 1" = 4' (SECTION)
12. DATE: 08/11/2010
13. SHEET: 15 OF 15



Know what's below.  
Call before you dig.



NOTE: THIS PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE USER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL GOVERNMENT PRIOR TO ANY EXCAVATION.

<p>DATE: 08/11/2010</p> <p>BY: JIA</p> <p>CHECKED BY: JIA</p> <p>SCALE: 1" = 20'</p> <p>SHEET NO. 15</p>	<p>PROJECT: 5303 NC 12 HWY</p> <p>CLIENT: LOT 102 &amp; ANGBLA D. GASKILL</p> <p>LOCATION: FRISCO, NC</p>	<p>ANLAUF ENGINEERING, P.L.L.C.</p> <p>4777 N. HARRISON ST. #100</p> <p>FAYETTEVILLE, NC 28404</p> <p>TEL: 704.333.8888</p> <p>WWW.ANLAUFENGINEERING.COM</p>	<p>PROFESSIONAL SEAL</p> <p>ANLAUF ENGINEERING, P.L.L.C.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>STATE OF NORTH CAROLINA</p> <p>NO. 10000</p> <p>EXPIRES: 12/31/2011</p>
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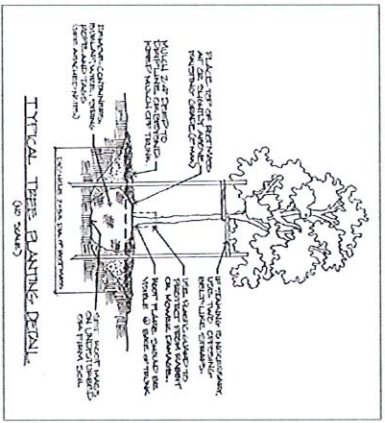
LINE NUMBER	DESCRIPTION
L1	FOUND IRON REBAR/GRID
L2	FOUND IRON REBAR/GRID
L3	FOUND IRON REBAR/GRID
L4	FOUND IRON REBAR/GRID
L5	FOUND IRON REBAR/GRID
L6	FOUND IRON REBAR/GRID
L7	FOUND IRON REBAR/GRID
L8	FOUND IRON REBAR/GRID
L9	FOUND IRON REBAR/GRID

**LEGEND:**

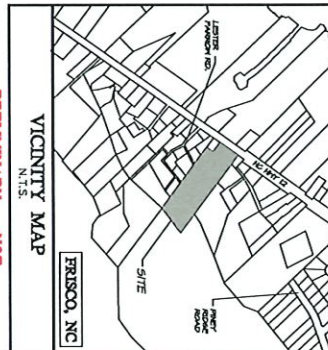
- FOUND IRON REBAR/GRID
- FOUND IRON REBAR/GRID
- 5FT PROPERTY CONVERSARY
- EXISTING CONCRETE MONUMENT(S)
- COMPUTED POINT
- WATER METER
- UTILITY FEDERAL
- SEPTIC
- HVAC UNIT
- UTILITY POLE
- SPOT GRADE (NAVD 88)
- PROPERTY LINE
- RIGHT OF WAY LINE
- ADJOINING PROPERTY LINE
- ADJOINING PROPERTY LINE
- EDGE OF PAVEMENT
- LINE (M/S) SEE NOTE
- OVERHEAD WIRE
- CENTRAL DITCH
- WOOD FENCE
- VINYL FENCE
- PROPOSED GRAVEL

PLANT NUMBER	PLANT NAME	PLANT CODE
P1	PLANT 1	1
P2	PLANT 2	2
P3	PLANT 3	3
P4	PLANT 4	4
P5	PLANT 5	5
P6	PLANT 6	6
P7	PLANT 7	7
P8	PLANT 8	8
P9	PLANT 9	9
P10	PLANT 10	10
P11	PLANT 11	11
P12	PLANT 12	12
P13	PLANT 13	13
P14	PLANT 14	14
P15	PLANT 15	15
P16	PLANT 16	16
P17	PLANT 17	17
P18	PLANT 18	18
P19	PLANT 19	19
P20	PLANT 20	20
P21	PLANT 21	21
P22	PLANT 22	22
P23	PLANT 23	23
P24	PLANT 24	24
P25	PLANT 25	25
P26	PLANT 26	26
P27	PLANT 27	27
P28	PLANT 28	28
P29	PLANT 29	29
P30	PLANT 30	30

**GENERAL SPECIFICATIONS**

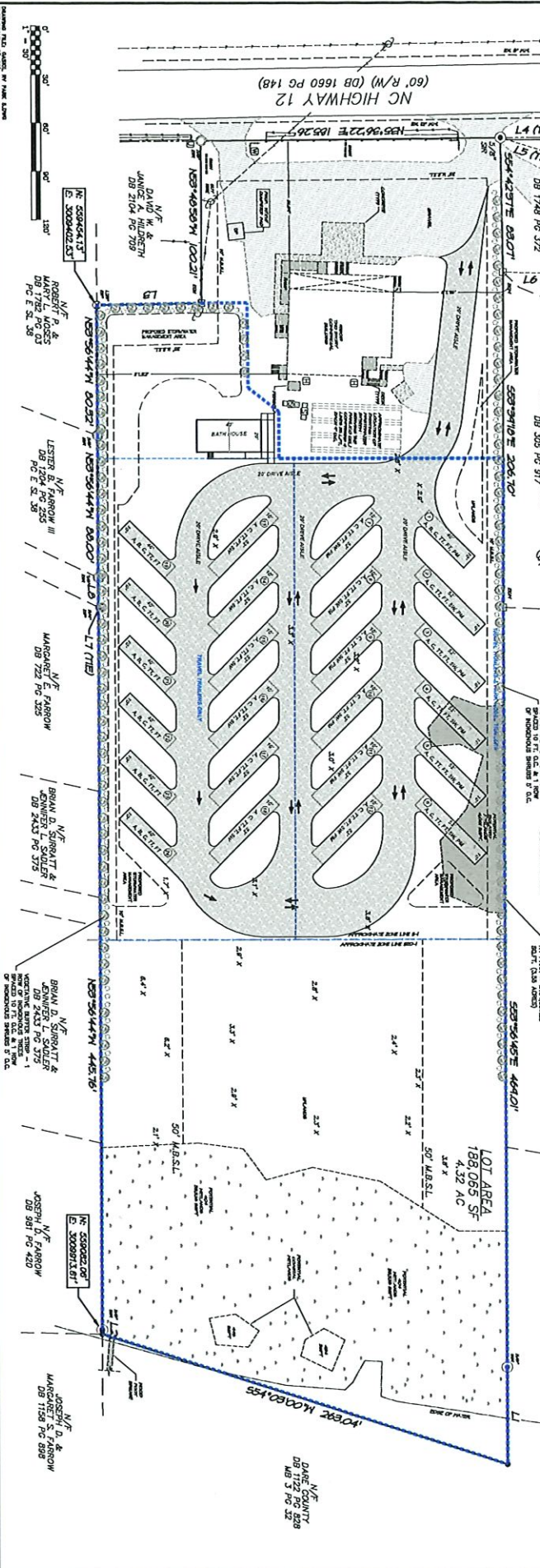


1. SPECIES: [SPECIES]
2. SIZE: [SIZE]
3. PLANTING: [PLANTING]
4. MULCH: [MULCH]
5. IRRIGATION: [IRRIGATION]
6. MAINTENANCE: [MAINTENANCE]
7. WATERING: [WATERING]
8. FERTILIZATION: [FERTILIZATION]
9. PRUNING: [PRUNING]
10. PROTECTION: [PROTECTION]
11. STAKING: [STAKING]
12. TIEING: [TIEING]
13. BRACING: [BRACING]
14. ANCHORING: [ANCHORING]
15. STAKING: [STAKING]
16. TIEING: [TIEING]
17. BRACING: [BRACING]
18. ANCHORING: [ANCHORING]
19. STAKING: [STAKING]
20. TIEING: [TIEING]
21. BRACING: [BRACING]
22. ANCHORING: [ANCHORING]
23. STAKING: [STAKING]
24. TIEING: [TIEING]
25. BRACING: [BRACING]
26. ANCHORING: [ANCHORING]
27. STAKING: [STAKING]
28. TIEING: [TIEING]
29. BRACING: [BRACING]
30. ANCHORING: [ANCHORING]



**NOTE:** PRELIMINARY - NOT FOR CONSTRUCTION

Know what's below.  
Call before you dig.



**LSI**  
19/17/23

**LANDSCAPING PLAN**  
53013 NC 12 HWY  
BLIOT T. & ANGBLA D. GASKILL  
FR500

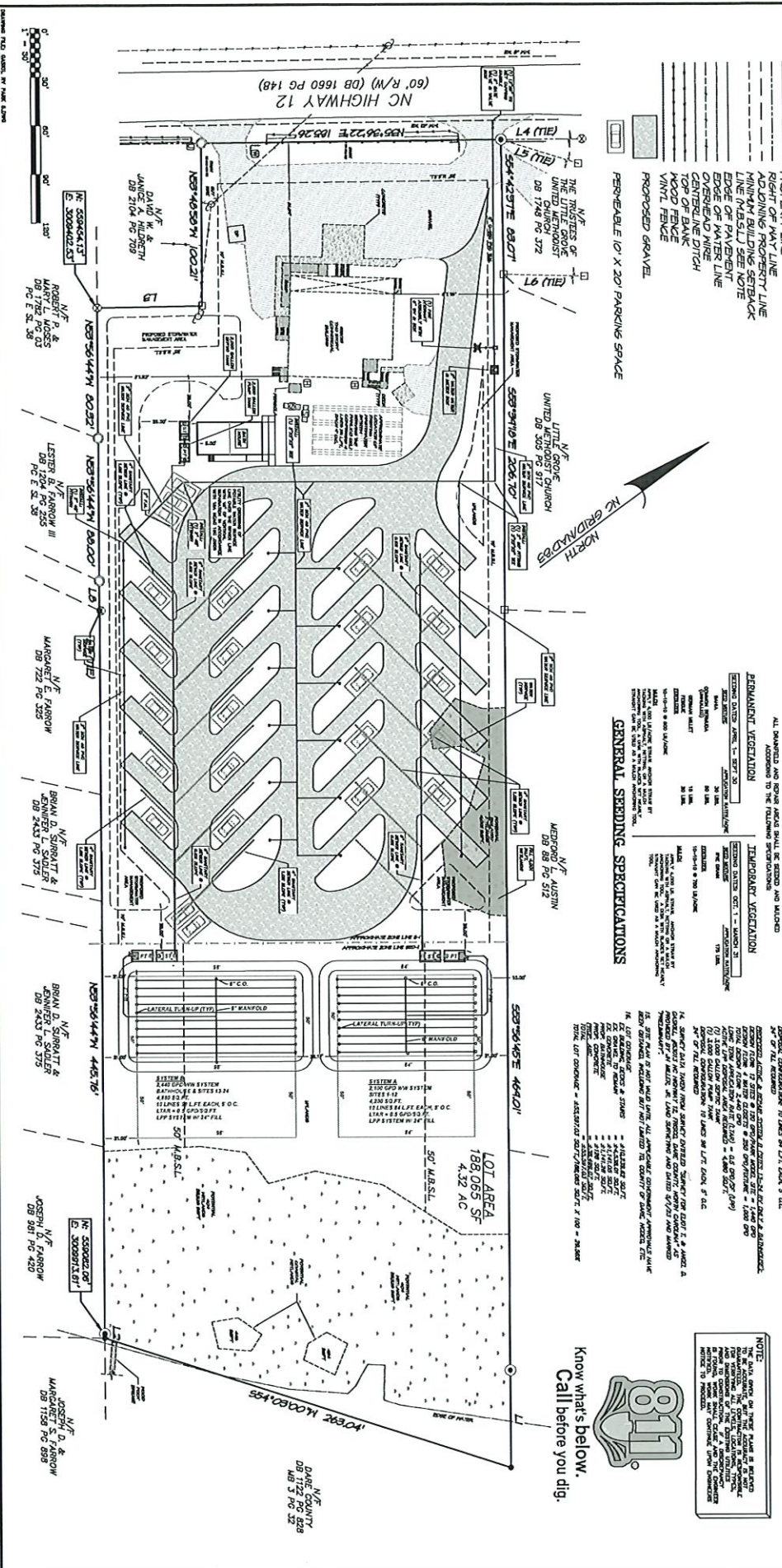
**811**

**Anlauf Engineering, P.L.C.**  
CIVIL ENGINEERING SERVICES

LINE DESIGNATION	DESCRIPTION
L1	53030455E 60.00'
L2	53030455E 20.00'
L3	53030455E 60.00'
L4	53030455E 60.00'
L5	53030455E 60.00'
L6	53030455E 60.00'
L7	53030455E 60.00'
L8	53030455E 60.00'
L9	53030455E 60.00'

**LEGEND:**

- FOUND IRON REBAR(S)
- FOUND IRON PIPE(S)
- SET PROPERTY CORNER(S)
- EXISTING CONCRETE FOUNDATION(S)
- COMPUTED POINT
- UTILITY CENTER
- UTILITY REBAR
- HYAC LIMIT
- UTILITY POLE
- SPOT GRADE (NAVD 88)
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- LINE MAST/UTILITY POLE
- EDGE OF PAVEMENT
- OVERHEAD WIRE
- CENTERLINE DITCH
- MOOD FENCE
- VINYL FENCE
- PROPOSED GRAVEL
- PERMISSIBLE 10' X 20' PARKING SPACE

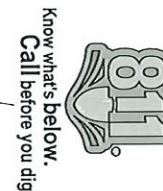
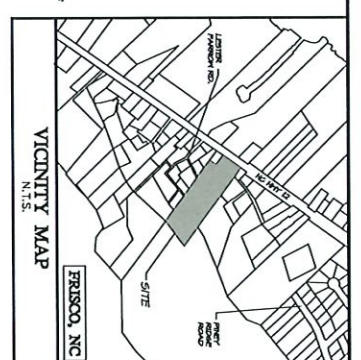


UNIMPROVED UTILITY NOTES:  
 1. CONSTRUCTION OF UNDERGROUND UTILITIES IN AREAS OF SOFT GROUND, PROPOSED ACCOUNTS LOCUS OF SUPPORT, AND/OR EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY FIELD SURVEY.  
 2. EXISTING UTILITY LOCATIONS, DEPTHS AND OTHER INFORMATION, DIMENSIONS OF DIMENSIONS HEREON WITH INSTALLATION OF NEW CONSTRUCTION UTILITIES.  
 3. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

1. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
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19. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
20. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

**PERMANENT VEGETATION**  
 SPECIES DATE: 10/17/23  
 1. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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 19. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 20. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

**GENERAL SEEDING SPECIFICATIONS**  
 ALL SEEDING AND GRASSING SHALL BE SEEDS AND MIXTURES AS SPECIFIED IN THE FOLLOWING SPECIFICATIONS:  
 1. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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 20. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



**NOTE:**  
 1. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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 11. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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 18. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 19. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 20. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

**UTILITY PLAN**  
 53013 NC 12 HWY  
 BLIOT T. & ANGELA D. GASKILL  
 FR500      DADE COUNTY      NORTH CAROLINA

DATE: 10/17/23  
 SHEET NO. 15 OF 15 SHEETS

DATE: 10/17/23  
 SHEET NO. 15 OF 15 SHEETS



## County of Dare

PO. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

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November 29, 2023

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Morgan Potts, Planner 

RE: Proposed Group Development for James Yax & John Kuchta/House Engineering, P.C.

A Special Use Permit application has been submitted by James Yax & John Kuchta/House Engineering, P.C., for a proposed group housing project. The property is identified as parcel 015154000 on the Dare County Tax Records. The property is zoned S-1 and group developments are allowed in this district subject to review as a special use, as referenced in 22-31 of the Dare County Zoning Ordinance. The parcel is 25,000 +/- square feet and meets the minimum lot size required for a group development.

There are currently two existing structures on the parcel; one principle dwelling, and an accessory structure. The accessory structure will be demolished. The applicant is proposing to construct two units. The proposed structures will be 3 story, 2-bedroom units, wood framed on pilings. The proposed site plan shows the dwellings being separated by 20 feet meeting the requirements of the group development ordinance.

Each structure in the group development will be accessed directly off of NC Highway 12 via an existing driveway. The site plan has been reviewed by the fire marshal, and his comments are attached to this memo. The project engineer has labeled both new units as "Unit 2"; this will be corrected prior to the hearing with the Board of Commissioners. Conditions have been added to the draft SUP to address these topics.

A final site plan of the group development depicting footprint areas shall be recorded in the Register of Deeds. Units in the group development may be transferred to individual owners with the remainder of the site dedicated as common area owned by a homeowner's association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.

A draft SUP and site plan are attached to this memo for the Board to review.

**DRAFT**



**Special Use Permit No. #7-2023**

Dare County Sections 22-27.1, 22-31, 22-65, 22-70, 22-72

**Application of:** James Yax & John Kuchta/House Engineering, P.C.

On January XX, 2024, the Dare County Board of Commissioners considered the application of the Petitioners 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 Petitioners 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; Group Developments;
3. The subject property is zoned S-1. This property is identified on the Dare County tax records as Parcel 015154000 and located in the Frisco 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 3 residential structures; 1 existing primary structure, and two new units. The existing accessory structure will be demolished. A site plan depicting the proposed improvements identified as Appendix A 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. The structures shall be constructed as depicted on the Appendix A.
2. All structural improvements shall be located in the dwelling footprints as recorded on the final plat.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-27.1 and Section 22-31 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. A final site plan of the group development depicting the footprint areas shall be recorded in the Register of Deeds. The dwelling units may be transferred to individual owners with the remaining area of the site dedicated as common area owned by a homeowner's association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan.
5. Building permits for the structures shall be secured within 24 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 shall be constructed in compliance with the requirements of the Dare County Fire Marshal, North Carolina Building Code, and the North Carolina Fire Code.
7. There shall be no staging of equipment or materials in or along the right-of-way of NC Highway 12.
8. 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.
9. 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

**DRAFT**

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.

10. 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 January, 2024

SEAL:

COUNTY OF DARE

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

ATTEST:

By: \_\_\_\_\_  
Skyler Foley  
Clerk to the Board

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

By: \_\_\_\_\_  
James Yax, Primary Owner

By: \_\_\_\_\_  
John Kuchta, Secondary Owner

APPROVED AS TO LEGAL FORM

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

**DRAFT**

**SPECIAL USE PERMIT APPLICATION**

Date: 11/14/23 Application No. \_\_\_\_\_

Property Owner/Petitioner: JAMES YAX & JOHN KUCHTA

Address: 53770 NC 12 HWY, FRISCO, NC 27936

Telephone: 1(757)513-5982 Email: jimmyyax@gmail.com

Review Fee Paid: \$200<sup>00</sup> jpkuhta@outlook.com

Project Description: SITE PLAN SUBMITTED FOR THE PURPOSE OF CONSTRUCTION OF TWO ADD'L TWO BEDROOM HOMES (11500 sf heated/conditioned space) AT ABOVE REFERENCED PROPERTY IN ADDITION TO THE EXISTING 3-BEDROOM DWELLING ON SITE.

**Property Description:**

PARCEL IN FRISCO

Lot	Phase/Section	Block	Subdivision
Parcel: <u>015154000</u>			PIN: <u>050511067801</u>

**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

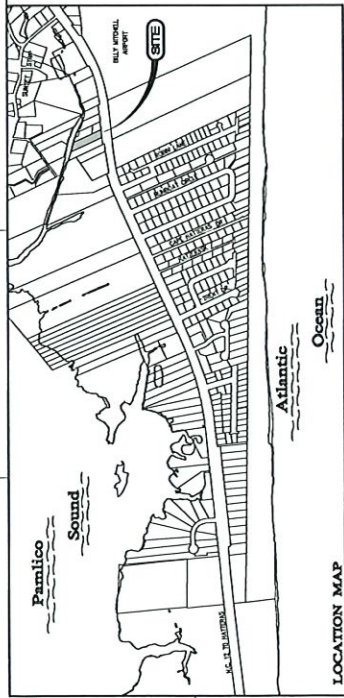
Section: 22-31(c) Special Use: GROUP DEVELOPMENT (GROUP HOUSING)

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.

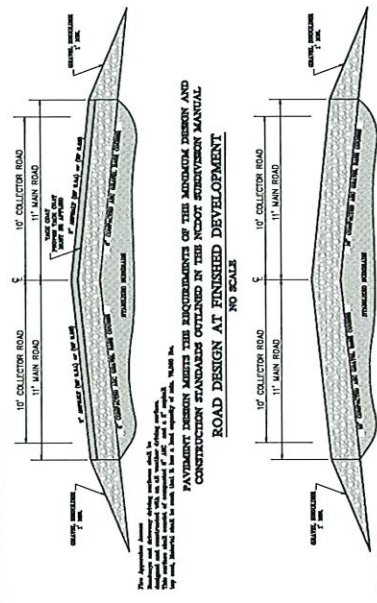
Applicant: [Signature] for JIMMY YAX Date: 11/14/23



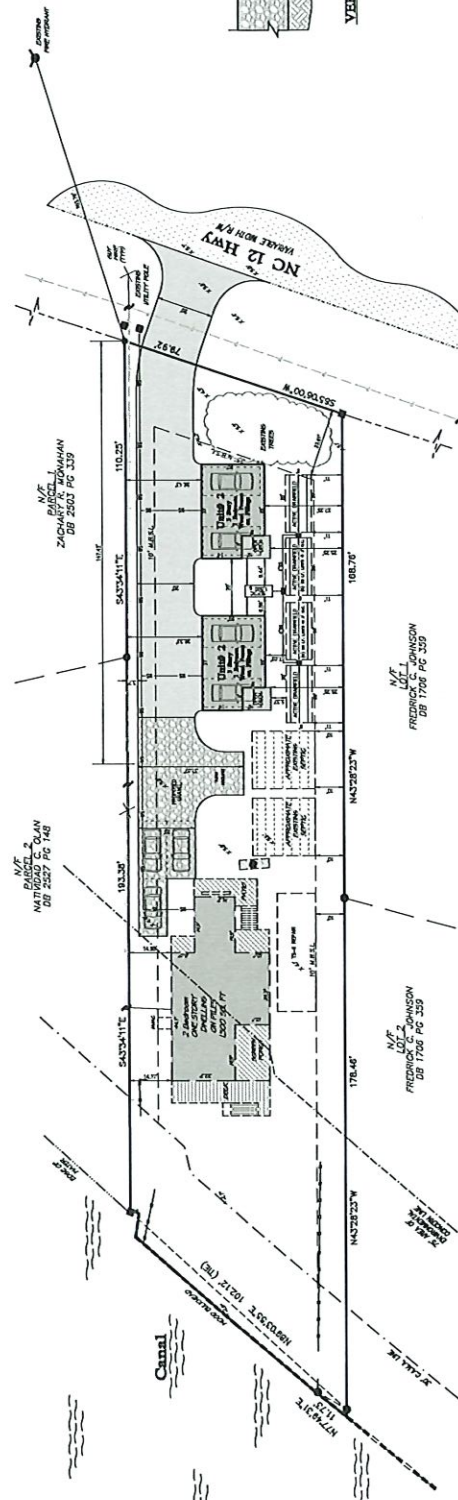


**GENERAL NOTES:**

- SUBJECT PROPERTY: PARCEL IN PLYWOOD, DARE COUNTY, NORTH CAROLINA
- STREET ADDRESS: 53770 NC 12 HWY, PLYWOOD, NC 27757
- PARCEL ID NUMBER: 01194400
- GLOBAL PIN: 000187820
- RECEIVED REFERENCE: D.E. 2009 PA 6306, DATED 08/27/2003
- PARCEL AREA: 24,837 5/8 FT. <sup>2</sup>
- FINAL DATA COMMENT: DARE COUNTY AC 01
- SUBJECT PROPERTY DIMENSIONS: 2-11
- SUBJECT PROPERTY AREA: 24,837 5/8 FT. <sup>2</sup>
- PROPOSED DEVELOPMENT: 1) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
- PROPOSED LOT COVERAGE: 100%
- ACRES COVERAGE: 0.565 ACRES
- SURVEY DATA TAKEN FROM: J. MILLER JR. SURVEYING



**ROAD DESIGN AT FINISHED DEVELOPMENT**  
NO SCALE



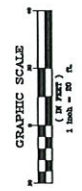
**HOUSE ENGINEERING, P.C.**  
Dare County Site Plan  
Yax and Kuchta  
53770 NC 12 Hwy  
Plymouth, NC 27757  
Phone: (919) 399-1111  
Fax: (919) 399-1112  
www.houseengineering.com

APPROVALS	DATE
PLANNING COMMISSION	11/27/23
ZONING BOARD	11/27/23
PLANNING BOARD	11/27/23
PLANNING BOARD	11/27/23

No.	Date	Description

SIZE	PRODUCT	MANUFACTURER	REVISION NO.
D	237006		

DATE: 11-27-23  
SCALE: 1" = 40'-0"



**NOTE:**  
THE DATA ON THESE PLANS IS BELIEVED TO BE CORRECT. HOWEVER, THE ENGINEER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE EXISTING DATA. THE ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE EXISTING DATA. THE ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE EXISTING DATA. THE ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE EXISTING DATA.

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North Carolina  
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**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:** Morgan Potts, Planner  
**From:** Steven R. Kovacs, Fire Marshal  
**Date:** November 30, 2023  
**Re:** Yax/Kuchta Group Development

---

I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There shall be no parking allowed with the drive aisle at any time.
- There needs to be a fire hydrant within 400-feet of the structures along the travel path of the fire apparatus. Currently the plan shows that there is a fire hydrant located within approximately 300 feet of the structures. Flow data from Dare County Water Department shows the available flow exceeds the require 1,250 gallons per minute calculated for this project.

*\* 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.*

## SECTION 22-31 - GROUP DEVELOPMENT PROJECTS

(a) **Generally.** Group development projects, consisting of two or more buildings devoted to a common or similar use and constructed on a single lot, may be permitted in specified districts as special use permits according to the provisions of Sections 22-65 and 22-70. Such review and approval shall be required for all group development projects. Adequate scaled site plans shall be submitted to allow for review of the size and location of all buildings, structures, streets, drives and parking spaces and their relationship to any open spaces and adjacent properties. Such group housing development plans shall also be accompanied by a computation or schedule, expressed in acres or portions thereof, which indicates the area and percentage of the site devoted to:

- (1) Gross area.
- (2) Parking area.
- (3) Net area.
- (4) Building area.
- (5) Open space.

(b) **Design standards.** - Generally. All group development projects shall comply with the following design standards:

(1) **Street access.** Any building established as a part of a group development project, which cannot properly be served by emergency or service vehicles from an existing abutting street, shall be made accessible to such vehicles by a publicly-dedicated street. All street improvements shall consist of a minimum 45-foot-wide right-of-way, with 20-foot-wide paved improvements located internal to this 45-foot right-of-way. All pavement and sub-base materials used in the construction of the street improvements shall be consistent with applicable NCDOT standards for acceptance into the state highway maintenance system. All proposed street improvements shall be built to be consistent with all other applicable NCDOT standards, including but not limited to, roadway design, utility placement, drainage improvements.

(2) The developer shall submit, as a part of the group development site plan, a signed statement of a North Carolina-licensed professional engineer, stating that the proposed streets as designed will meet all of the requirements of this section. The developer shall provide for inspections to ensure that the streets are being constructed in accordance with the approved site plan by an independent, licensed professional engineer during the construction process, whose reports are to be submitted to the Planning Board in accordance with a schedule submitted, and approved as part of the group development. Once the street improvements are complete, the developer shall submit a certificate of an independent, licensed professional engineer that the streets have been constructed in accordance with the approved site plan.

(3) The ownership of the streets shall be conveyed to a home owners' association or similar organization. The developer shall submit evidence that the ultimate owner of the streets will be institutionally and fiscally capable of maintaining the streets and rights-of-way to the specified standards in perpetuity. The developer must agree to maintain the streets until the owners' organization is fully functional, and must agree to contribute to that organization its share of the maintenance for all lots retained by the developer or successor.

(4) The approved site plan, the uniform covenants and deeds shall plainly indicate that the streets are dedicated to public use, and their maintenance is the responsibility of the owners' organization in perpetuity, or until the streets are accepted into the state highway system.

(5) **Off-street parking and loading facilities.** Off-street parking and loading facilities established in connection with a group development project shall be of such design, location and arrangement as will

not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency or service vehicles.

(6) Separation of buildings. All buildings established as a part of a group development project shall be separated by not less than 20 feet.

(7) Setback requirements. Unless otherwise provided by this chapter for a specific type of group development, each group development project shall comply with the front yard setback and the side and rear yard requirements established for the district in which it is located.

(8) Prohibited uses. In no case shall a use be permitted as a part of a group development project that is prohibited by this chapter in the district in which such project is to be located. (Amended on 6-2-2008)

(c) **Same - Group housing projects.** In addition to the other standards set forth in this section, a group housing project shall comply with the following requirements:

(1) Setbacks. All buildings established as a part of a group housing project shall be set back not less than 25 feet from any side or rear property line.

(2) Location. No dwelling structure established as a part of a housing project shall be situated on a lot so as to face the rear of another dwelling structure within the development or on adjoining property.

(3) Lot size. A group housing project shall be permitted only on a lot or plot of ground having an area of not less than 20,000 square feet. (11-20-75, art. 3, 3.13)

(d) **Group developments may be allowed in the following zoning district:** R-2, R2-A, R2-B, R-2H, R2-AH, R-3, RS-6, RS-8, RS-10, SP-C, VC, VC-2, C-2, C-2H, C-3, I-1, S-1, BT, RB, MLM, WVC, MC-1, MC-2, SNC, and Highway 345. Only those uses listed as permitted and/or special uses in the applicable zoning district shall be considered for group developments. This language is not intended to allow any use as a group development that is not permitted by right in the applicable district. (Adopted by the Dare County Board of Commissioners on February 4, 2002)

(e) **Disclosure of flood and other hazards.**

(1) Any land proposed development as a group development as defined in this subsection which is located, wholly or partially, in a special flood hazard area as designated on the Flood Insurance Rate Map for Dare County shall include the following certificate on the site plan that is submitted for special use permit approval by Dare County:

“This property, or portions of this property, is located within a special flood hazard area as designated on Flood Insurance Rate Maps for Dare County. Location in a special flood hazard area represents a one percent (1%) or greater chance of being flooded in any given year. Flood insurance may be required by lending institutions for structures constructed on property located in special flood hazard areas.”

(2) Any land proposed for development as a group development which is located, wholly or partially, in a Coastal Outer Barrier Resources Areas as determined by the U.S. Fish and Wildlife Service, the following certificate shall be included on the final plat submitted for approval by Dare County Planning Director:

“**This property, or portions of this property, is located within a Coastal Outer Barrier Resources Act (CBRA) zone as determined by the U.S. Fish and Wildlife Service. Location in a CBRA zone precludes the availability of federally-insured loans and the purchase of federal flood insurance through the National Flood Insurance Program.**”

(3) The certificate shall also be included in any restrictive covenants that may be recorded for the group development or be included in any rental agreement that may be used in conjunction with the

leasing of rental units approved as part of a group development. A copy of these documents including this certificate shall be provided to Dare County in conjunction with the approval of the final as-built site plan.

(Adopted 1-20-2015; amended 11-20-2017)

(Am. Ord. passed 6-21-2021)

## 2024 Planning Board Meeting Dates & Submission Dates

Below are the 2023 meeting and corresponding submission dates for the Dare County Planning Board. All items should be submitted by the appropriate submission date. Items submitted after the deadline will be considered an early submission for the next month.

All meetings are scheduled for the first Tuesday of each month and start at 6:00 p.m. unless otherwise notified.

2024 MEETING DATES	2024 SUBMISSION DATES
January 2, 2024	December 12, 2023
February 6, 2024	January 16, 2024
March 5, 2024	February 13, 2024
April 2, 2024	March 12, 2024
May 7, 2024	April 16, 2024
June 4, 2024	May 14, 2024
July 2, 2024**	June 11, 2024
August 6, 2024	July 16, 2024
September 3, 2024	August 13, 2024
October 1, 2024	September 10, 2024
November 5, 2024	October 15, 2024
December 3, 2024	November 12, 2024