

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, May 7, 2024. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 6:01 pm

**MEMBERS PRESENT** John DeBoy, Chairman  
Beth Midgett Buddy Shelton  
David Hines Terry Gore II  
David Overton Eddie Twyne

**MEMBERS ABSENT** None~

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the April 2, 2024 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as they stand. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

At 6:02 p.m. Chairman DeBoy outlined the procedure for making Public Comments. There were no public comments made at this meeting.

*Public Comment Closed at 6:02.*

### OLD BUSINESS

None~

### NEW BUSINESS

**Amendment to Special Use Permit 2-2020 - Request to expand Group Development with portable storage unit services. 6786 Hwy 64/264, Manns Harbor - Submitted by William and Shelly Daugherty**

Shelly Daugherty of Manteo was present. She stated that her intent is to service the community with another option for storage by providing portable storage units that could be moved to residences for a short term.

Mr. Gillam, the Dare County Planning Director, explained that the original SUP issued in June of 2020 authorized the construction of a group development consisting of three-(3) mini storage warehouse facilities on parcel 023856000 in Manns Harbor. Then, in August of 2021 the original SUP was amended to allow for the construction of a fourth building on the parcel. He detailed that the applicants are now seeking to expand the existing group development with the addition of a portable storage unit service on the parcel and their adjacent parcel. Mr. Gillam went on to explain that in January of 2024 the Dare County Board of Commissioners approved a text amendment request submitted by the Daugherty that allows for the use of portable storage unit services in the MH-A district, subject to the requirements of Section 22-58.10 and Section 22-31 of the Dare County Zoning Ordinance, of which he provided copies for the board's review. He stated the applicants currently operate the mini-storage facility on two adjoining parcels and as a condition of the SUP amendment and the applicants will need to recombine the



properties so that they function as one and are subject to the conditions of the SUP. A site plan was provided that shows the proposed improvements and recombination of the parcels. Mr. Gillam further mentioned the Dare County Fire Marshal has reviewed and approved the proposed site plan with conditions that are reflected in the draft SUP amendment. Upon review, the Planning staff has found that the proposal meets the requirements of the Zoning Ordinance, however, Mr. Gillam noted that all conditions of the original SUP and prior amendment shall remain in effect.

Buddy Shelton made a motion to forward this to the Board of Commissioners with a finding that the conditions of the proposed site plan and Draft Amendment to SUP 2-2020 are reasonable and appropriate. Seconded by Terry Gore.

Vote: Ayes – Unanimous

**Text Amendment to the MH-A district** to allow for Group Development in the commercial/light industry permitted uses. 6300 Hwy 64/264, Manns Harbor - Parcel 017533005. Submitted by Ken and Angie Daniels

Linda McCown, attorney with Malarney & McCown, PLLC was present and stated that she submitted the application on behalf of Ken and Angie Daniels, who are seeking to amend the current zoning ordinance in an effort to rebuild their buildings that were recently destroyed by fire.

Mr. Gillam stated the amendment is to the MHA district and the applicants, Ken and Angie Daniels are requesting the addition of multiple building projects to be added to the list of uses under the Commercial and Light Industry heading, as well as having appliance and furniture warehouses added to the uses under the same heading. Mr. Gillam confirmed the 30,000+ sq. ft. building on the parcel was destroyed entirely by fire and since the structure was built before Manns Harbor was zoned, it was considered non-conforming by the current standards of the MH-A ordinance and prohibits it from being reconstructed to its prior dimensions, since the ordinance places a 10,000 square foot maximum on newly constructed buildings. Mr. Gillam explained that the text amendment would allow for the applicants to rebuild with multiple structures, which would afford them the ability to resume their business operations on the property, as they were before the fire, but through a series of smaller structures. Mr. Gillam detailed that Manns Harbor currently has two zoning districts, MH-A and MH-B; and explained the MH-B district currently allows for multiple building projects for its approved uses subject to the conditions of Section 22-31 "Group Developments". He acknowledged the applicants would like to apply this same language to the MH-A, but only affording group developments to those uses listed under commercial and light industry and specified that by limiting group developments to the commercial and light industry uses, the option of group housing projects would not be afforded to the MH-A. Staff feels that the proposed language is appropriate since any commercial/light industry group development would be subject to Special Use Permit Review and conditions can be placed on the property based on site specifics; and in adding the option of group developments to the commercial/light industry uses, it would also allow other existing businesses with nonconforming structures in the zoning district to be reconstructed in the event they were to be destroyed.

Mr. Gillam advised the Board that before the fire, the applicants were using the structure to store furniture and appliances for Manteo Furniture, a locally-owned business. He noted there are several uses in the MH-A district under the commercial/light industry heading that pertain to the manufacturing of furniture, and upholstery shops, but do not specifically address the storage of such. He stated Staff recommends that the applicant include in their text amendment request the addition of a use that specifically addresses the storage of appliances and furniture and since the proposed use directly relates to current uses already permitted in the MH-A district, staff feels that appliance and furniture warehouses would not disrupt the flow of the neighborhood and the zoning district. In a review of the proposed amendment to the MH-A language and the 2022 Dare County Land Use Plan, staff found that two policies in the Land Use



Compatibility section apply to the proposed amendment. The first policy is LUC #8 under the Commercial Development heading, which states that Dare County supports the continued existence of locally owned businesses in unincorporated Dare County and that zoning regulations that allow the reconstruction and rebuilding of existing non-conforming businesses are the appropriate tool to support this goal. The second policy is LUC #12 under the Redevelopment heading that reads, Redevelopment of older structures shall be accomplished in a manner that is compatible with current NC building codes, federal flood insurance regulations and Dare County zoning regulations. A copy of the proposed language was provided for the board's review.

David Hines made a motion to forward this to the Board of Commissioners and recommend approval of the proposed amendment with the language as drafted. The motion includes a finding of consistency with the 2022 Dare County Land Use Plan, specifically LUC #8 and LUC #12. Seconded by Terry Gore.

Vote: Ayes – Unanimous

**Text Amendment to MP-C district** to allow for single room occupancy dwellings as a Special Use. 6325 N Croatan Hwy, Kitty Hawk, NC - Parcel 021865004. Submitted by Patricia Pledger.

Both Casey Varnell, Attorney with Sharp, Graham, Baker & Varnell, together with Patricia Pledger, owner/operator of Pledger Palace Child Development & Education Center were present.

Attorney Varnell stated they are submitting a revised application intended to address the concerns from their last submission.

Mr. Gillam, Planning Director, began by reiterating that this is a resubmittal from a recently denied application for a Zoning Text Amendment for the Martin's Point Commercial District. He stated the new language submitted by the applicant is for the addition of a Single Room Occupancy Dwelling (SRO) to the list of uses in this district. He noted the application defined the SRO as a *Residential structure in which single rooms are offered for long term rental to not less than three (3) persons per single room. Each single room offered for rent within the structure shall exist within the confines of four walls and shall not contain kitchen amenities. A single room occupancy dwelling (SRO) shall have shared bathroom facilities and kitchen facilities, where both types of facilities are freely accessed by all occupants within the SRO.*

Mr. Gillam stated that the structure defined would also be classified as a Residential Group R-2 or Group R-3 structure in the 2018 North Carolina Building Code depending on the services provided, length of stay and number of occupants, the same as the prior definition of the Shared Space-Occupancy Dwelling and the use would still be classified by the NCBC as either Congregate Living Facilities or Dormitory. Mr. Gillam further detailed that it is Staff's opinion that the term Single Room Occupancy Dwelling is not an appropriate title for the proposed use, as Single Room implies the room is for a single occupant being that the United States Department of Housing and Urban Development (HUD) defines Single Room Occupancy Dwelling as a *residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both;* therefore being misleading. Based on this, it is not recommended that the Single Room Occupancy Dwelling be used for this text amendment and the prior term and definition of Share Space-Occupancy is more appropriate. Mr. Gillam then addressed each of the 11 points of the amended application, as outlined in his Staff comments, but still feels the density is not to scale with the current requirements for multi-family in the MP-C or any other zoning district in Unincorporated Dare County that allows for multi-family or similar uses.

Mr. Varnell countered by stating that Single Room Occupancy Dwelling is just a title or term he came across in his research within the State of North Carolina and was selected in an attempt to mirror other

local governments; he acknowledged that they are open to reverting back to Shared Space-Occupancy Dwelling. He further stated that there is no structure like this in the area, therefore, nothing to compare it to. Mr. Varnell communicated that Ms. Pledger has made a reduction in occupancy to limit the number of occupants to 56, therefore, in his opinion, setting the standard for the surrounding properties, regardless of development or lot size. Although this is a reduction of occupants, this application continues to exceed the allowable occupancy within the current requirements for multi-family in the MP-C, as emphasized by Mr. Gillam. In addition, Mr. Varnell continued to address the Staff comments and a full discussion took place in connection to the standards of allowable space (sleeping/common), number of bathrooms, laundry facilities, site management and parking.

Ms. Pledger addressed the Board and offered to answer any questions and concerns. She stated that she wanted to create something that the County would be proud of and feels like she is going above and beyond what is required.

The Planning Board further acknowledges the intent of Ms. Pledger, however, it was again determined that upon a review of the adopted 2022 Dare County Lane Use Plan and Policies #6 and #7, which are provided in the meeting packet, the revised zoning text amendment continues to be inconsistent with the LUP, since the amendment would allow for development with a density/occupancy that is inconsistent with the existing patterns of development and scale of surrounding zoning districts and neighborhoods in Dare County. A motion was made by Terry Gore to deny the text amendment as drafted by the applicant. Seconded by Eddie Twyne.

Vote: Ayes – Unanimous

Mr. Varnell expressed they would execute their right to take this proposal directly to the Dare County Board of Commissioners next meeting, Monday, June 3, 2024.

#### **OTHER BUSINESS**

#### **ADJOURNMENT**

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

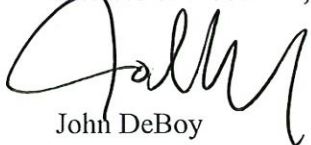
Vote: Ayes – Unanimous

The meeting adjourned at 7:42p.m.

Respectfully Submitted,

  
Gerri Ellington  
Planning Board Clerk

APPROVED: June 4, 2024



John DeBoy  
Chairman, Dare County Planning Board