

ANTHONY MINA : DARE COUNTY SUPERIOR COURT

Plaintiff :

: No.

vs. :

:

WES HASKETT, CLIFF OGBURN, :

ELIZABETH MOREY :

Defendants : CIVIL ACTION

**PLAINTIFF'S COMPLAINT IN FRAUD WITH PROOF THE DEFENDANTS
ARE HUMAN TRAFFICKING PLAINTIFF AND VIOLATING FEDERAL VICTIM**

TAMPERING LAW 18 U.S. CODE § 1512(c)(1)(2)

(COUNT I)

I, Plaintiff Anthony S Mina hereby file this action in fraud seeking monetary damages of \$75,000 plus punitive damages of \$15,000 per defendant and in support thereof aver the following:

1. Plaintiff is Anthony Stocker Mina, pro se litigant residing at 75 East Dogwood Trail, Southern Shores, NC 27949.
2. Defendants are Cliff Ogburn, Wes Haskett, Elizabeth Morey, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949.
3. Wes Haskett filed a lot width amendment on March 31, 2023 to prevent lot subdivisions.

4. Wes Haskett was asked on May 1, 2023 the following question by email: "Could you please tell me **anything** that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property". A true and correct copy of the email is attached hereto and marked Exhibit "A".
5. Wes Haskett responded to (4) emails from Plaintiff asking about the 75 E Dogwood Trail lot subdivision and lot width requirements during the month of May, 2023 without disclosing the material fact that a lot width amendment was filed on March 31, 2023 to prevent lot subdivisions.
6. "Where there is a duty to speak, fraud can be practiced by silence as well as by a positive misrepresentation". *Isler v. Brown*, 196 N.C. 685, 146 S.E. 803; *Brooks Equipment and Manufacturing Co. v. Taylor*, 230 N.C. 680, 55 S.E.2d 311; *Brooks v. Ervin Construction Co.*, 253 N.C. 214, 116 S.E.2d 454.
7. Plaintiff offered \$550,000 to the previous owner of his property on April 28, 2023 and stated "I would need to make any offer over \$550,000 contingent on inspections and subdivision approval" and the offer was rejected on May 1, 2023. A true and correct copy of the emailed offer is attached hereto and marked "Exhibit B".
8. On or about May 7, 2023 Plaintiff entered into an agreement with the previous owner of 75 E Dogwood Trail to purchase the property for \$625,000.
9. On May 7, 2023 75 E Dogwood Trail was a sub-dividable lot. A true and correct copy of a subdivision denial dated July 16, 2024 indicating that the March 31, 2023 lot width amendment was the only reason for the denial is attached hereto as "Exhibit C".

10. The previous owner obtained an additional \$75,000 from Plaintiff she would have never received if Wes Haskett was not hiding the March 31, 2023 lot width amendment when Plaintiff specifically asked on May 1, 2023 about “**ANYTHING** that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property”.
11. Town Code 36-365(a) requires the Board of Adjustments to “**hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use.**”
12. Southern Shores Town Code does not have any information indicating the word “all” in Town Code 36-365(a) has any meanings not found in the English dictionary that would allow anyone other than the Board of Adjustments to hear a lot width amendment regulating land use.
13. Town Code 36-362(b) states: Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) **to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;**
14. The March 31, 2023 lot width amendment regulates land use by preventing lot subdivisions for separate single family homes to be built.
15. Wes Haskett did not notify the 75 E Dogwood Trail property owner of the May 15, 2023 hearing regulating land use with a lot width amendment filed to prevent lot subdivisions and lied about the May 15, 2023 hearing. A true and correct copy of a public records request response stating mailed and posted notice was not completed prior to the May 15, 2023 hearing with Wes Haskett claiming there was not a hearing

on May 15, 2023 is attached along with an email from Wes Haskett dated June 1, 2023 specifically saying his lot width amendment was heard on May 15, 2023 is attached hereto as "Exhibit D".

16. Southern Shores Town Code 36-414 provides: - **Motion to amend**

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

(b) In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

17. Southern Shores public records do not have any information indicating that Town Code 36-414(b) uses definitions for words not found in English dictionaries so that 36-414(b) only applies to map amendments (as if the words “and where” mean “if”).
18. Wes Haskett did not post notice of his March 31, 2023 lot width amendment at 75 E Dogwood Trail prior to the June 6, 2023 town council hearing on the amendment pursuant to Town Code 36-414(b). A true and correct copy of a public records request for notification of the June 6, 2023 town council hearings is attached hereto and marked “Exhibit E”.
19. Wes Haskett filed a staff report for the October 21, 2024 variance hearing heard by the Planning Board/Board of Adjustments claiming “All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town’s Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment”. A true and correct copy of Wes Haskett’s Staff Report is attached hereto and marked “Exhibit F”.
20. Wes Haskett argued at the October 21, 2024 Variance hearing that all notification requirements were complied with prior to the adoption of his March 31, 2023 lot width amendment and the Board of Adjustments ruled in Wes Haskett’s favor by denying Plaintiff’s Variance to obtain a lot subdivision.
21. Plaintiff appealed the denied Variance (with a Petition for Writ of Certiorari) and the Dare County Superior Court ordered Wes Haskett to prepare and certify to the court a complete record from the proceedings Variance no. VA-24-01 within 30 days of 12-

18-2024. A true and correct copy of the order is attached hereto and marked "Exhibit G".

22. Wes Haskett has refused to comply with the court's 12-18-2024 Order (Exhibit G) after being served pursuant to Rule 4(j) along with Town Council (where Elizabeth Morey sits as Mayor) in deliveries Plaintiff has electronic receipt of and/or signed receipt and electronic receipt of.
23. Federal Crime Laws Prohibit Tampering With A Witness, Victim Or An Informant at 18 U.S. Code § 1512 (c)(1),(2) and state "Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both".
24. On June 8, 2023 Wes Haskett and Elizabeth Morey refused to answer questions about how property owners were notified of the March 31, 2023 lot width amendment and on June 12, 2023 Wes Haskett emailed a response that stated "At this point you should direct your questions to our Town Attorney, Philip Hornthal" and included Mayor Morey in his response. A true and correct copy of Mayor Morey, Cliff Ogburn and Wes Haskett communicating on June 8, 2023 about Plaintiff's questions is attached hereto and marked "Exhibit H".
25. On June 2, 2023 Cliff Ogburn emailed Southern Shores Town Council and claimed Plaintiff, Anthony S. Mina has an "interaction". A true and correct copy of Cliff Ogburn's email is attached hereto and marked Exhibit "I".

26. Cliff Ogburn used the word “interaction” in the June 2, 2023 email with a meaning not found in dictionaries, but used by people obtaining intelligence including law enforcement, attorneys, politicians and spies.
27. Plaintiff does not have an “interaction” as Cliff Ogburn claimed to Town Council that he has (Cliff Ogburn is manipulating Town Council into illegally trafficking Plaintiff in a legal entanglement real estate scam scheme).
28. Cliff Ogburn also did not state to Town Council in his June 2, 2023 email the fact that Plaintiff’s May 1, 2023 email to Wes Haskett asked “Could you please tell me **anything** that would prevent me from subdividing the 75 E Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property”. A true and correct copy of the May 1, 2023 email and Wes Haskett’s response omitting the March 31, 2023 proposed lot width amendment to prevent lot subdivisions is attached hereto and marked Exhibit “A”.
- 29. Human trafficking is the act of recruiting, transporting, transferring, harboring, or receiving individuals through force, fraud, or coercion for the purpose of exploitation.**
- 30. Cliff Ogburn, Wes Haskett and Elizabeth Morey are human trafficking Plaintiff in an “interaction” Plaintiff is not legally a part of and defrauding Plaintiff in a false pre-tense real estate scam Wes Haskett hid a proposed zoning amendment to prevent lot subdivisions from Plaintiff as the previous owner of his property negotiated an additional \$75,000 for a lot that was subdividable.**
31. Wes Haskett’s only reason for opposing Plaintiff’s Variance to obtain the lot subdivision of a 46,500 sq ft lot in a zone where 20,000 sq ft per lot is required was a claim that the density of the population needs to be managed.
32. Wes Haskett did not accept Plaintiff’s conditional sub-division agreement offer dated

October 16, 2024 which split the 14 person occupancy limit of 1 lot between both lots. A true and correct copy of Plaintiff's offer is attached hereto and marked "Exhibit J".

33. On July 8, 2025 Cliff Ogburn was emailed a "TIMELINE OF SOUTHERN SHORES \$75,000 MISCONDUCT REQUIRING CORRECTION WITH TOWN CODE 36-362(b) AMENDMENT" heard by Elizabeth Morey and Town Council on July 8, 2025 which stated (and made references to exhibits in the zoning text amendment Plaintiff filed):

1. Wes Haskett filed a lot width amendment on March 31, 2023

2. Wes Haskett was asked on May 1, 2023 the following question by email: "Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property". (Exhibit B of ZTA)

3. Wes Haskett responded to (4) emails during the month of May, 2023 without disclosing the material fact that a lot width amendment was filed on March 31, 2023. (Exhibit B of ZTA)

4. "Where there is a duty to speak, fraud can be practiced by silence as well as by a positive misrepresentation". *Isler v. Brown*, 196 N.C. 685, 146 S.E. 803; *Brooks Equipment and Manufacturing Co. v. Taylor*, 230 N.C. 680, 55 S.E.2d 311; *Brooks v. Ervin Construction Co.*, 253 N.C. 214, 116 S.E.2d 454.

5. Town Code 36-362(b) requires posted and mailed notice to property owners effected by the Planning Board/Board of Adjustment hearing regulating land use.

6. Wes Haskett did not notify property owners of the May 15, 2023 hearing regulating land use with a lot width amendment filed to prevent lot sub divisions and lied about the May 15, 2023 hearing. (Exhibit A & F of ZTA)

7. The previous owner of 75 E Dogwood Trail, who Wes Haskett previously communicated with about the 75 E Dogwood Trail lot sub division negotiated an additional \$75,000 from the new owners for a lot that was sub-dividable, as proven with Wes Haskett's July 16, 2024 sub division denial which stated the new lot width requirement was the only reason for the denial.

8. Wes Haskett refused to answer questions about how property owners were notified of the March 31, 2023 lot width amendment on June 12, 2023 and emailed a response that stated "At this point you should direct your questions to our Town Attorney, Philip Hornthal" and included Mayor Morey in his response.

9. Wes Haskett claimed all notification requirements were satisfied prior to the June 6, 2023 lot width amendment at the 10/21/24 Variance (Exhibit E of ZTA).

10. Wes Haskett and Town Council were served with a Dare County Superior Court Order requiring the complete record of the Variance record within 30 days of 12/18/2023 but refuse to comply.

11. Federal Crime Laws Prohibit Tampering With A Witness, Victim Or An Informant at 18 U.S. Code § 1512 (c)(1),(2) and state "Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both".

34. On July 8, 2025 Plaintiff's Zoning Text Amendment to correct the \$75,000 fraud caused by Wes Haskett hiding the March 31, 2023 lot width amendment was heard by Elizabeth Morey and the town council members and is posted online at:
www.youtube.com/watch?v=SdzIf2JvNUg&t=2477s

35. On July 8, 2025 Plaintiff explained to Elizabeth Morey at the Town Council meeting that there is not any holes in his fraud case against Wes Haskett and stated if there was any question about where a hole might be to ask Plaintiff.

36. Elizabeth Morey did not ask Plaintiff any questions and voted to oppose the zoning amendment that would correct Wes Haskett's \$75,000 fraud.

37. Despite being reminded that Elizabeth Morey and Wes Haskett were in Contempt of Dare County Superior Court's Order dated December 18, 2024 requiring a complete copy of the records from the October 21, 2024 Variance hearing, Elizabeth Morey refused to correct the \$75,000 of fraud caused by Wes Haskett and Cliff Ogburn by adopting Plaintiff's Zoning Amendment on July 8, 2025 and the defendants remain in violation of 18 U.S. Code § 1512 (c)(1),(2).

38. Lauren Womble was the attorney representing Wes Haskett to oppose the Zoning Text Amendment written to correct the \$75,000 fraud on July 8, 2025.

39. A person is guilty of aiding and abetting a crime if: A crime is committed by another person, That he or she knowingly advises, instigates, encourages, or helps the

other person commit the crime, and his or her actions or statements caused or contributed to the commission of the crime by the other person.

40. Southern Shores attorneys are guilty of aiding and abetting Southern Shores fraud, false pretense, tampering with a victim and human trafficking crimes.

41. Wes Haskett, Cliff Ogburn and Southern Shores are guilty of tampering with a victim, false pretense, conspiracy, making false statements and embezzling Town money to pay attorneys to commit crimes with them when Town money is supposed to only be spent in the interests of "ALL" property owners.

42. Plaintiff was trying to find a property in the Outer Banks with a lot that he could build a house on with Outer Banks Realty Group (the company that sold Plaintiff 75 E Dogwood Trail) in 2021. A true and correct copy of an email to Outer Banks Realty Group on April 30, 2021 is attached hereto and marked "Exhibit K".

43. On April 30, 2021 after Plaintiff emailed Outer Banks Realty Group Wes Haskett was communicating with the old owner of Plaintiff's property about the 75 E Dogwood Trail lot subdivision and communication between Outer Banks Realty Group and Wes Haskett. A true and correct copy of the email is attached hereto and marked "Exhibit L".

44. Wes Haskett claims all other communication with the previous owner of Plaintiff's property and Outer Banks Realty Group about 75 E Dogwood Trail not found in Exhibit L is not subject to a public records request.

45. Wes Haskett has a special undisclosed interest in 75 E Dogwood Trail that involves the modifications made to the property because Wes Haskett spent months claiming the house at 75 E Dogwood Trail had a 1' setback encroachment at the Southeast corner of the 2nd floor overhang. Wes Haskett hired Town Attorney Philip Hornthal

to also state there was a setback encroachment. Then, 1 day after Plaintiff filed a building permit application to remove the 1' of claimed setback encroachment Wes Haskett revised his subdivision denial so that there no longer was a setback encroachment preventing the lot subdivision. A true and correct copy of the documents proving Wes Haskett's special interest in 75 E Dogwood Trail is attached hereto and marked "Exhibit M"

46. Wes Haskett has signed a plat allowing another property to have a lot width that does not meet the Town's lot width requirements. A true and correct copy of the plat Wes Haskett signed without the zoning requirements being met is attached hereto and marked "Exhibit N".

47. Wes Haskett and Cliff Ogburn made Plaintiff remove his real estate signs from the "right of way" in front of his house advertising a co-ownership because they violated a Southern Shores Town Code.

48. Real estate signs are placed in Southern Shores "right of way" 365 days a year without being removed. A true and correct copy of the "Oh So Sandy" sign that Cliff Ogburn is aware of but still allows in the "right of way" is attached hereto and marked "Exhibit O".

49. Cliff Ogburn refused to approve Plaintiff's "right of way" encroachment application to allow a real estate sign at Plaintiff's property. A true and correct copy of the "right of way encroachment application" is attached hereto and marked "Exhibit P".

50. Wes Haskett emailed Plaintiff, Police Chief Kole and Mayor Morey on May 21, 2024 that Southern Shores established authority to adopt and amend development regulations by following Southern Shores Town Code and North Carolina Article 6 §

160D-601. Procedure for adopting, amending, or repealing development regulations but Wes Haskett removed Southern Shores Town Code 36-414(b) requiring posted notice at effected properties. A true and correct copy of said

communication is attached hereto, made a part hereof and marked Exhibit “Q”.

51. North Carolina Chapter 14 § 14-225. False reports to law enforcement agencies or officers provides:

(a) Except as provided in subsection (b) of this section, any person who shall willfully make or cause to be made to a law enforcement agency or officer any false, deliberately misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

(b) A violation of subsection (a) of this section is punishable as a Class H felony if the false, deliberately misleading, or unfounded report relates to a law enforcement investigation involving the disappearance of a child as that term is defined in G.S. 14-318.5 or child victim of a Class A, B1, B2, or C felony offense. For purposes of this subsection, a child is any person who is less than 16 years of age. (1941, c. 363; 1969, c. 1224, s. 3; 1993, c. 539, s. 137; 1994, Ex. Sess., c. 23, ss. 1-3; c. 24, s. 14(c); 2013-52, s. 6.)

52. Wes Haskett is guilty of violating false reports to law enforcement laws.

53. Wes Haskett worked with Cliff Ogburn on May 20, 2024 drafting the email provided on May 21, 2024 to Plaintiff, Police Chief Kole and Elizabeth Morey that did not state notification requirements specified in **Town Sec. 36-362.(b) and Town Code 36-414(b)**. A true and correct copy of an email between Wes Haskett and Cliff

Ogburn working together to claim they had a legal basis to Amend zoning code on June 6, 2023 is attached hereto, made a part hereof and marked Exhibit "R".

54. North Carolina Conspiracy law is governed by: § 14-2.4. Punishment for conspiracy to commit a felony. (a) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty of a felony that is one class lower than the felony he or she conspired to commit, except that a conspiracy to commit a Class A or Class B1 felony is a Class B2 felony, a conspiracy to commit a Class B2 felony is a Class C felony, and a conspiracy to commit a Class I felony is a Class 1 misdemeanor.

(b) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a misdemeanor is guilty of a misdemeanor that is one class lower than the misdemeanor he or she conspired to commit, except that a conspiracy to commit a Class 3 misdemeanor is a Class 3 misdemeanor. (1983, c. 451, s. 1; 1993, c. 538, s. 5; 1994, Ex. Sess., c. 22, s. 12, c. 24, s. 14(b)).

55. Wes Haskett and Cliff Ogburn are guilty of Conspiracy to Commit Unsworn

Falsification To Authorities because they had an agreement not to tell Police Chief Kole about North Carolina town code notification requirement 36-414(b) with the intent to deceive Police Chief Kole into believing they had a legal basis to make the June 6, 2023 Zoning Amendment.

56. North Carolina statute § 14-277.3A. Stalking provides: (a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life

and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means. (b) Definitions. – The following definitions apply in this section: (1) Course of conduct. – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (2) Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose. (3) Reasonable person. – A reasonable

person in the victim's circumstances. (4) Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (c) Offense. – A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates. (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

57. Wes Haskett and Cliff Ogburn are stalking and harassing Plaintiff with unenforceable, illegally adopted zoning codes and zoning codes not enforced on other property owners with knowledge that they removed Town Code 36-414(b) from the town code and omitted Town Code 36-362(b) in an email to Plaintiff, Chief Kole and Elizabeth Morey on May 21, 2024 claiming they had a legal basis to adopt the new lot width amendment on June 6, 2023 being used to prevent Plaintiff's lot subdivision.

58. Plaintiff and his fiancé, Jennifer Lynn Franz do not have any documents under seal of any court in Pennsylvania or North Carolina, including all County, State and Federal Courts.

59. Plaintiff and his fiancé, Jennifer Lynn Franz have not given anyone, at anytime in their life Power of Attorney to make legal decisions on their behalf (Plaintiff's fiancé once decided to sell 100 Bridge Street, Malvern, PA 19355 with Plaintiff but was out

of state working during settlement and Plaintiff was responsible for signing her name, but not making any legal decisions on her behalf).’

60. Plaintiff and his fiancé do not and did not ever have any jobs, relationships or agreements with any of the defendants that allowed the defendants to commit any of the wrong doing against Plaintiff specified in this Complaint.
61. The essential elements of common law fraud are well established in North Carolina: A plaintiff must prove (1) a false representation or concealment of a material fact; (2) reasonably calculated to deceive; (3) made with intent to deceive; (4) which does in fact deceive; (5) resulting in damage to the injured party.
62. Wes Haskett’s hiding of the March 31, 2023 lot width amendment from Plaintiff resulted with Plaintiff paying an additional \$75,000 for his property and all of the defendants continued deception, harassment, refusal to correct their wrong-doing and refusal to comply with Dare County’s Superior Court Order (Exhibit G) prove the defendants are liable for fraud and punitive damages.
63. Wes Haskett and Cliff Ogburn are using Southern Shores money to pay Philip Hornthal to deceive Plaintiff and other property owners with misrepresented town codes and laws.
64. Paragraph 4 of the Southern Shores Code of Ethics provides: “I will manage and spend the town’s funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.” A true and correct copy of the towns Code of Ethics policy is attached hereto and marked “Exhibit S”.

65. WES HASKETT, CLIFF OGBURN AND ELIZABETH MOREY’S USE OF

**TOWN MONEY TO PAY ATTORNEYS FOR AIDING AND ABETTING
THEIR FRAUD VIOLATES EMBEZZLEMENT AND CRIMINAL
ENTERPRISE LAWS.**

WHEREFORE, Plaintiff respectfully requests this Honorable Court to AWARD Plaintiff damages of \$75,000 for Fraud and punitive damages of \$15,000 from each defendant.

PLAINTIFF'S COMPLAINT IN TORTIOUS INTERFERENCE WITH
CONTRACTUAL RELATIONS

(COUNT II)

I, Plaintiff Anthony S Mina hereby file this action in tortious interference with contractual relations seeking monetary damages of \$75,000 plus punitive damages of \$15,000 from Wes Haskett and in support thereof aver the following:

1. Plaintiff hereby incorporates paragraphs 1-65 of his fraud complaint as if each paragraph was individually pled.
2. The elements of tortious interference with contract claim are: (1) the existence of a valid and enforceable contract between plaintiff and another; (2) defendant's awareness of the contractual relationship; (3) defendant's intentional and unjustified inducement of a breach of the contract; (4) a subsequent breach by the other caused by defendant's wrongful conduct; and (5) damages.
3. Wes Haskett is liable for the tortious interference of Plaintiff's contract to purchase a sub-dividable lot at 75 E. Dogwood Trail because he was involved with communication with the previous owner, the selling agent and is now refusing to approve the lot subdivision that was possible when Plaintiff paid an additional \$75,000 for the property.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to AWARD Plaintiff damages of \$75,000 for tortious interference of contractual relations and punitive damages of \$15,000 from Wes Haskett.

PLAINTIFF'S DAMAGE TO REPUTATION COMPLAINT

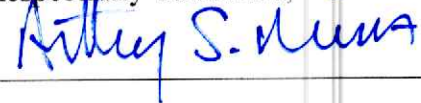
(COUNT III)

1. Plaintiff hereby incorporates paragraphs 1-65 of his fraud complaint as if each paragraph was individually pled.
2. Wes Haskett explained to Plaintiff twice that an exception to zoning code could be asked for with a Variance Application.
3. At the Variance hearing on October 21, 2024 Wes Haskett (through his attorney) repeatedly argued that a Variance hearing was inappropriate for Plaintiff's request.
4. The Southern Shores Beacon published a news article stating Plaintiff did not have a meritorious case, just a personal grievance as they published Wes Haskett's false claims that the March 31, 2023 lot width amendment was legally adopted after proper notice was given. A true and correct copy of the Southern Shores Beacon publication is attached hereto and marked "Exhibit T"

WHEREFORE, Plaintiff respectfully requests this Honorable Court to AWARD Plaintiff punitive damages of \$19,000 from Wes Haskett.

August 4, 2025

Respectfully Submitted,



Anthony S Mina

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

RE: 75 E. Dogwood Trail Zoning Question

From: Wes Haskett (whaskett@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Monday, May 1, 2023 at 01:54 PM EDT

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Monday, May 1, 2023 12:50 PM

To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>

Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

EXHIBIT A

Re: 75 east dogwood

From: alan outerbanksrealtygroup.com (alan@outerbanksrealtygroup.com)

To: chestercountylawn@yahoo.com

Date: Monday, May 1, 2023 at 10:03 AM EDT

Good morning,

I had a conversation with the listing agent for 75 Dogwood Trl and it will take more than \$550k to get this home. The seller is open to owner financing propositions, as they have an offer now that is owner financing. An owner finance offer would include a nice downpayment and a balloon payment, maybe in 3 years.

Are you working with someone on the other properties that you mentioned?

Talk with you soon,

Alan Creech

Team Creech OBX

TeamCreechOBX.com Use our website to get your Home Value & Market Reports!

Outer Banks Realty Group

Your Beach Connection

3712 N Croatan Hwy Unit B

Kitty Hawk, NC 27949

252.455.1420 (Cell)

252-491-3333 (Office)



From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Sunday, April 30, 2023 6:59 AM

To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>

Subject: Re: 75 east dogwood

Hi Alan,

I just wanted to let you know that I am interested in submitting a few offers on 75 E Dogwood.

My first offer is still the \$550,000 "as is" with no inspections (I'd be happy if the owners left all of the furniture and other things stored in the house).



I am still working on figuring out how to offer more than \$550,000 but as of right now the only way I am 100% sure is to make my offer contingent on the sale of my current primary residence. I have a few ideas, but I am going to need to get my banks approval because I believe I signed a loan document stating I did not have any business relationship with the seller. I imagine if my offer guaranteed the seller a certain amount of additional money when my current primary residence was sold, my bank would be fine with the offer, but I want to ask first.

I will talk to you soon. I won't be available this morning because I am looking at 2 other waterfront properties, but I will be available this evening and tomorrow.

Thank you,
Tony Mina

On Friday, April 28, 2023 at 01:49:30 PM EDT, alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com> wrote:

Great! See you then!

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, April 28, 2023 1:39:01 PM
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
Subject: Re: 75 east dogwood

I will see you at 2:15, thank you

On Friday, April 28, 2023 at 01:36:25 PM EDT, alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com> wrote:

I have requested 2:15, if that works for you

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, April 28, 2023 12:33:22 PM
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
Subject: Re: 75 east dogwood

I will be dropping my daughter off with her mother around 1:30 then I will be available to look at the house again with my son, who would love to go under the house with me. What time do you want to meet at 75 e dogwood? I am dropping my daughter off at first flight middle school.
Thank you, Tony Mina

On Friday, April 28, 2023 at 11:14:57 AM EDT, alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com> wrote:

Ok, sounds good.

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)



From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, April 28, 2023 11:09:52 AM
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
Subject: Re: 75 east dogwood

I am available today. I want to try and arrange a time that Jen would be able to meet there so I can go under the house and look at the structure of the house. I'll email you when Jen responds to my text message. Thank you, Tony Mina

On Friday, April 28, 2023 at 10:50:58 AM EDT, alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com> wrote:

Hey Tony,

I have reached out to the listing agent for any information he has. He told me the previous buyer did not share the home inspection report, but conversation is what prompted him to get the engineer. He is supposed to send the engineer's letter to me and I will send to you when I receive it.

I have a 12:00 appointment today but should be available 1:30 or after. It may be a good time to relook, as we had some heavy rain. I will not be available this weekend but if you do not have time today, I will make arrangements for you to see it.

Agent said there is an offer that has some owner financing involved and they have not responded.

Let me know if today will work for you.

See you soon,

Alan Creech
Team Creech OBX
TeamCreechOBX.com Use our website to get your Home Value & Market Reports!
Outer Banks Realty Group
Your Beach Connection
3712 N Croatan Hwy Unit B
Kitty Hawk, NC 27949
252.455.1420 (Cell)
252-491-3333 (Office)



From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, April 28, 2023 10:13 AM



To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>; Alan & Lauren Creech
<teamcreechobx@gmail.com>
Subject: Fw: 75 east dogwood

Hi Alan,

I hope you are doing good.

I didn't mean to send the last email to you without typing a message to you. I was approved for \$550,000 so I can say that I'd like to look at 75 E. Dogwood Trail again and most likely offer \$550,000, as is (meaning my offer would not be contingent on inspections and a subdivision plan. I would need to make any offer over \$550,000 contingent on inspections and subdivision approval (I could ask a real estate attorney to talk to Southern Shores and/or Dare County about the subdivision if Outer Banks Realty Group can not obtain verification that 75 E. Dogwood Trail can be subdivided as a right to the property owner because the lot size as long as all improvements meet the current building and zoning codes).

Has there been a septic inspection or a pest inspection? Can you tell me about the problems an engineer found to the structure of 75 E. Dogwood Trail?

Thank you,
Tony Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>
To: "alan@outerbanksrealtygroup.com" <alan@outerbanksrealtygroup.com>; Alan & Lauren Creech
<teamcreechobx@gmail.com>
Sent: Friday, April 28, 2023, 10:03:35 AM EDT
Subject: Fw: 75 east dogwood

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
Sent: Wednesday, April 19, 2023, 08:37:10 PM EDT
Subject: Re: 75 east dogwood

Hi Alan,

I have not tried securing financing since I told you I was trying to get a pre-approval from 3rd Federal Bank and got denied.

I am going to ask one of the lenders I have got mortgages from before for a pre-approval tomorrow.

Can you provide me as much information as possible about the inspections done on the property.

Thank you for your help,
Tony Mina

On Wednesday, April 19, 2023 at 08:07:47 PM EDT, alan outerbanksrealtygroup.com
<alan@outerbanksrealtygroup.com> wrote:

Hey Tony,





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

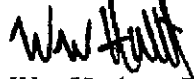
1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT



Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nc.gov/bc-pb>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,



Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT



FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

From: Phillip Hornthal (phornthal@hrem.com)
To: chestercountylawn@yahoo.com
Cc: skane@southernshores-nc.gov
Date: Wednesday, October 30, 2024 at 02:57 PM EDT

Mr. Mina:

Please find attached and below the Town's response to your earlier, above referenced, Public Records Request.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.898.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com
301 East Main Street
Elizabeth City, NC 27909
www.hrem.com



[Click here to read our Disclaimer,
Legal Notices & Privacy Policy](#)



From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 2:09 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

>>Warning! The source of this email is from outside of the firm.<<
Phillip:

On October 24, 2024, Mr. Mina filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- All notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment.






Please find all records that pertain to this request attached. Also, a response from Wes Haskett can be seen in the email below, explaining the notice requirements.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 10:37 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

See attached documents to be included with the response to Mr. Mina's request below. The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also were no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-  7-19-21 PB Mtg Public Notice.pdf
77.7kB
-  7-14-21 PB Mtg Notice.pdf
345.6kB
-  7-19-21 PB Mtg Sunshine List Notice.pdf
415.7kB



Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

To: Sheila Kane <skane@southernshores-nc.gov>.

Southernshores Nc Info <info@southernshores-nc.gov>.

Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Jun 21 at 11:02 AM

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Sheila Kane <skane@southernshores-nc.gov>

Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT

Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
 1. **Coastland Times Advertisement Invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED**
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
 1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
 1. **NOT REQUIRED**
 2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov



1 File 4.3MB



IMG_1328.jpeg
4MB

" EXHIBIT



STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:

North-Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards.
Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section



30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
 - There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

F

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.



- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
 - Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.
- (4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
 - The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
 - The Town Code Text Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
 - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
 - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.



ANTHONY S. MINA

: DARE COUNTY SUPERIOR COURT

Petitioner

:

FILED

V.

: No.

DATE: December 18, 2024

TIME: 2:48:51 PM

SOUTHERN SHORES/WES HASKETT :

DARE COUNTY

CLERK OF SUPERIOR COURT

Respondent

: Southern Shores No. VA-24-01.

BY: L. Watts

PROPOSED WRIT OF CERTIORARI

12/18/2024

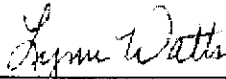
Now, that on this _____ day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule 4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024

Signature: _____



Asst. Clerk



Cliff Ogburn

From: Cliff Ogburn
Sent: Thursday, June 8, 2023 12:11 PM
To: Elizabeth Morey
Cc: Wes Haskett
Subject: Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

We did. Awaiting his response.

On Jun 8, 2023, at 12:08 PM, Elizabeth Morey <emorey@southernshores-nc.gov> wrote:

Is it appropriate to involve our attorney at this point?

On Jun 8, 2023, at 9:17 AM, Anthony Mina <chestercountylawn@yahoo.com> wrote:

Hello,

When you respond to my email, could you please tell me I am understanding you correctly when you say the zoning code is to prevent future sub-divisions and higher densities. My understanding is you are saying the zoning code has been adopted to prevent the population from increasing per square mile by additional homes being built.

If I am correct, I believe that the legal way to achieve this goal is through eminent domain.
§ 40A-2.

(3) "Eminent domain" means the power to divest right, title or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title or interest divested.

How does Southern Shores possibly believe that taking a property right with the new zoning amendment from a tax payer is legal? I am having a hard time understanding how Linda Lauby and/or me have not been stolen from by Southern Shores.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>



Sent: Wednesday, June 7, 2023 at 03:22:04 PM EDT
Subject: Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a \$5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett
<whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: <https://www.southernshores-nc.gov/meetings>. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountyjawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.



Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeUsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Cliff Ogburn

From: Cliff Ogburn
Sent: Friday, June 2, 2023 12:03 PM
To: council@southernshores-nc.gov
Subject: FW: Unduly Prejudicial Zoning Amendment Scheduled For Council Review On June 6, 2023
Attachments: 5-16-23 ZTA-23-03 Lot Width.pdf

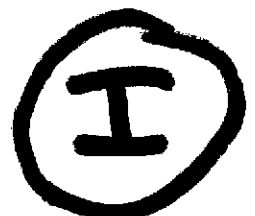
We don't want to get in a back and forth with Mr. Mina, but I do want to share a couple of points. I see these as two separate issues. If he removes his interaction with Wes, he still has an issue with the ZTA. As far as his interaction with Wes, as Mr. Mina says, May 1 was his first communication with Wes. His email included a drawing of what he was proposing at that time. Mr. Mina brought up the fact that the existing house encroached into the setback, and he acknowledged that as a problem. Wes replied the same day that what was proposed would not be approved as both lots didn't front a street. Mr. Mina replied and only thanked Wes for his reply. Mr. Mina started his due diligence process May 8. Their next interaction was May 16 and they went back and forth until May 31. Mr. Mina produced a new drawing in an email on May 31. With Wes then having the answers to his questions and being able to determine that what was proposed would be impacted by the proposed ZTA he shared that with Mr. Mina.

This is an example of a time where we should have just said "submit an application".

Thank you.

Cliff

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 2, 2023 9:41 AM
To: Elizabeth Morey <emorey@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Leo Holland <lholland@southernshores-nc.gov>; Leo Holland <lholland@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; Info@southernshores-nc.gov; info@southernshores-nc.gov; Cliff Ogburn <cogburn@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Bonnie Swain <bswain@southernshores-nc.gov>; Cynthia Mills <cmills@southernshores-nc.gov>; Cynthia Mills <cmills@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; lburek@southernshores-nc.gov; jcollins@southernshores-nc.gov; tbernardo@southernshores-nc.gov; jfinelli@southernshores-nc.gov; dfink@southernshores-nc.gov; elawier@southernshores-nc.gov; lmccleendon@southernshores-nc.gov; award@southernshores-nc.gov
Cc: Alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>; Alan & Lauren Creech



<teamcreechobx@gmail.com>; Jim outerbanksrealtygroup.com <jim@outerbanksrealtygroup.com>; Anthony Mina <minahomeimprovements@outlook.com>

Subject: Unduly Prejudicial Zoning Amendment Scheduled For Council Review On June 6, 2023

Dear Southern Shores,

My name is Anthony S. Mina and I am writing you because it is my understanding that licensed attorneys and the court will find that the attached proposed amendments to the definition of the front set back line to be *unduly prejudicial* to current Southern Shores residents and future Southern Shores residents under contract to purchase a home in Southern Shores, like me and my fiancé. The proposed amendment inflicts unjust financial injury upon Southern Shores residents who currently own a lot or are under contract to own a lot that is currently subdividable but could potentially be unsubdividable if the attached zoning amendment is adopted. The general welfare of these Southern Shore lot owners is going to be irreparably damaged by the proposed zoning amendment because a lot in Southern Shores that could be subdivided is currently worth significantly more than a lot that can not be subdivided. Some Southern Shores residents may have worked decades preparing for retirement knowing that an asset they own is a lot that could be subdivided and sold for hundreds of thousands of dollars they need to retire or the extra lot could be used to house family, friends or medical workers the elderly prefer to have living close by. When it becomes time to retire there is a relatively new financial product aimed to reward homeowners with regular payments based on the value of their home, which will always be significantly more when you own a lot that can be subdivided. This product is called a "reverse mortgage" and the home that cost \$500,000 and might have taken years to pay for then can become collateral for banks to make regular payments to you, kind of like mortgage payments are being paid back to you, for as long as you live. Age requirements differ, with age 62 being the minimum age of some products and other products advertised to people as young as age 55. But the bottom line is the key to this equation is the value of your home, which will always be more if your lot can be subdivided.

A solution to the unjust financial injury and negative impacts on the general welfare of current Southern Shores residents, and people under contract to purchase a home in Southern Shores would be to add language to the proposed amendment indicating the zoning amendment only effects Southern Shores property that is purchased AFTER the proposed amendment is adopted AND also does not affect property currently under contract to be purchased in Southern Shores.

I have been communicating with Southern Shores Deputy Town Manager, Wes Haskett since May 1, 2023 about Southern Shores' zoning code and it's application to 75 E. Dogwood Trail, a property I entered into an agreement to purchase on May 8, 2023 by providing the owner \$5000 in due diligence money. Since May 1, 2023 I have received emailed communication from Wes Haskett on May 17, May 18, May 23, May 30 and June 1, 2023 and it was not until June 1, 2023 that Mr. Haskett informed me that he was proposing an amendment to the zoning code which effects which lots in Southern Shores can be subdivided. Prior to June 1, 2023 it was my understanding that I had a few scenarios of which 75 E. Dogwood Trail could be subdivided and I provided the owner of 75 E. Dogwood Trail \$5000 in due diligence money. 75 E. Dogwood Trail is worth significantly less if the lot is not subdividable and despite asking about the zoning code I was not informed about the proposed amendment until after I agreed on a purchase price with the homeowner and provided a \$5000 due diligence fee.

I respectfully ask that Southern Shores reject the adoption of the attached proposed amendment until it is written so it does not impose unjust financial injury to current Southern Shores residents and people currently under contract to purchase property in Southern Shores.

Sincerely,
Anthony S Mina

CC: Linda Lauby
Outer Banks Press

----- Forwarded Message -----



H

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 16, 2024

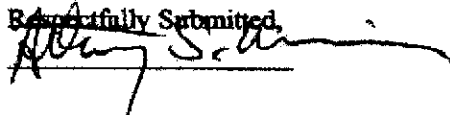
**APPLICANT'S PRE-VARIANCE HEARING OFFER TO ACCEPT APPROVED LOT SUBDIVISION PLAN
WITH AN OCCUPANCY LIMIT GOVERNED BY TOWN CODE SPLIT AMONG THE TWO LOTS**

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing offer to accept an approved sub-division plan with an occupancy limit governed by Town Code split among the two lots. In support thereof, I hereby aver the following facts:

1. Wes Haskett has admitted in his October 14, 2024 staff report that Applicant's 46,500 sq ft lot can be used for the addition of an accessory dwelling unit with living space and additions onto the primary residence.
2. RS-1 zoning only requires 20,000 sq ft per lot.
3. Since Wes Haskett's only reason for opposing the Variance is a claim that the density of the population is intended to be managed, Applicant, hereby offers to accept occupancy limits governed by the town code for both lots to be split so there will not be an increase in density of the population.
4. It is Applicant's position that Wes Haskett is part of a false pre-tense real estate scam with Linda Lauby and his opposition to Applicant's Variance is based on Linda Lauby's financial interests which include interfering with the lot sub-division she sold 75 E. Dogwood Trail to Applicant with, as evidenced in Applicant's Federal Law Suit documenting the false pre-tense real estate scam Wes Haskett is participating in.
5. With a condition to split Town Code occupancy limits between the 2 lots, Wes Haskett's claimed reason for opposition is nullified.
6. Without an approved sub-division plan and such a condition on Applicant's 46,500 sq ft lot divided into two lots, Applicant could potentially add an Accessory Dwelling Unit and increase the density of the population more than the sub-divided lots with Town Code occupancy limits split.
7. Applicant's offer is what Southern Shores would be characterizing as a "win, win" if Wes Haskett was not directly involved with the false pre-tense real estate scam against Applicant.

Wherefore, Applicant Anthony S. Mina hereby respectfully offers to accept from Southern Shores an approved sub-division plan with an occupancy limit governed by Town Code split among the two lots.

Respectfully Submitted,



①

outer banks house search

From: Anthony Mina (chestercountylawn@yahoo.com)

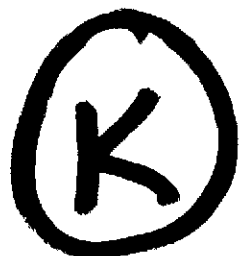
To: alan@outerbanksrealtygroup.com

Date: Friday, April 30, 2021 at 10:22 AM EDT

Hello,

One scenario I am considering is purchasing a temporary home near the outer Banks and a lot at the outer banks to build a house. For example, 524 Aydlett road, Aydlett NC is the kind of house I would use as a temporary house. I think I am going to try to get my kids in dare county schools so a temporary home within the school district would be better (but probably not within our budget). If you could adjust your search to include homes that are significantly cheaper than outer banks homes but within 30 miles of the outer banks, I'd appreciate it.

Thank you,
Tony Mina



Wes Haskett

From: Linda Lauby <lindalauby@outlook.com> on behalf of linda@outerbankspress.com
Sent: Friday, April 30, 2021 4:44 PM
To: Wes Haskett
Subject: Re: Question regarding property in Southern Shores

Thanks, Wes!

Stay tuned----

All the best,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Friday, April 30, 2021 4:29 PM
To: linda@outerbankspress.com <linda@outerbankspress.com>
Subject: RE: Question regarding property in Southern Shores

Good afternoon, Linda. We discussed it and he said that he would draw up a conceptual plan for me to review and discuss further. Based on his description, it sounded possible to subdivide the property but further review would help.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



From: Linda Lauby <lindalauby@outlook.com> On Behalf Of linda@outerbankspress.com
Sent: Friday, April 30, 2021 2:54 PM

EXHIBIT "L"

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Question regarding property in Southern Shores

Dear Wes,

My friend Jim Monroe told me that he has spoken with you regarding property I own at 75 East Dogwood Trail, and he suggested that I look into subdividing it into two lots. Could you please let me know how we might proceed?

Thank you so much,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

This email has been scanned for spam and viruses by Proofpoint Essentials. [Click here to report this email as spam.](#)

This email has been scanned for spam and viruses by Proofpoint Essentials. [Click here to report this email as spam.](#)

EXHIBIT "L"



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

June 5, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

PROOF OF WES
HASKETT'S SPECIAL INTEREST
IN 75 E. DOGWOOD TRAIL

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.





2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.
3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each person of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.



Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nj.gov/development>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nj.gov if you have any questions or concerns.

Sincerely

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney



75 E Dogwood Trail

chestercountyla.../Sent



Anthony Mina <chestercountyfawn@yahoo.com>

To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Jun 4 at 2:18 PM

Hello,

Please find the attached building permit application to:

- repair first floor sagging problems, as needed.
- enlarge the foyer/first floor family room opening.
- replace a defective beam supporting the second floor family room floor.
- remove walls on each side of the 2nd floor fireplace.
- remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB



75DogwoodPermitApp.pdf

1 MB



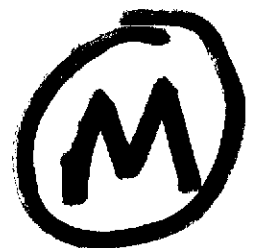
NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf

14MB



NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf

1MB



PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE



Submital Date: 6/4/24

Page 1 of 2

Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT
PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.

Lot Number: 1 Block: 105 Section:

Property ID Number (PIN #): 986817213502

Lot Area: 46,500 sq ft

Flood Zone (circle): AE 4 ft - AE 5 ft - AO 1 ft depth - AO 2 ft depth - VE 11 ft - VE 12 ft - VE 13 ft - ~~Shaded X~~ - ~~Unshaded X~~

Base Flood Elevation: _____ ft / Plus 2ft of Freeboard or LES 5 ft = _____ ft = Regulatory Flood Protection Elevation

Zoning District: RS1 Septic Permit # _____ Permit Date: _____ # Person Septic Capacity _____

CAMA Permit required? Yes or ☒ No CAMA Permit # _____ CAMA AEO (circle): _____ Estuarine Shoreline or Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: _____

Contractor Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Business # _____ Cell # _____

Fax # _____ Email _____

NC G. C. Licensed Contractor ☒ OR ☐ Non-Licensed Contractor

NC G. C. License Number: _____

Limitation: _____

Classification: _____

Qualifier: _____

DESCRIPTION OF WORK: Make structural improvement to first floor widen family room/fire doorway, remove walls on each side of second floor fireplace and remove section of house. ~~Wes Hasket claims prevents the lot subdivision~~

PERMIT TYPE (X): ☐ COMMERCIAL ☒ RESIDENTIAL

☐ RESIDENCE ☒ 2nd HOME ☐ RENTAL (> 30 days) ☐ VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ☐ NEW CONSTRUCTION ☐ ADDITION/EXPANSION ☒ REMODEL/RENOVATION/REPAIR ☐ ACCESSORY ☐ OTHER

PROPERTY USE (X): ☒ SINGLE FAMILY ☐ DUPLEX ☐ MULTI-FAMILY ☐ GOVERNMENT - INSTITUTIONAL ☐ COMMERCIAL

COMMERCIAL USE ONLY: _____ CURRENT USE: _____ PROPOSED USE: _____

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE _____ SHED _____ SWIMMING POOL _____

GAZEBO _____ DUNE DECK _____ RETAINING WALL _____ BULKHEAD _____ PIER/DOCK _____

DECK(S) _____ PORCH(ES) _____ STORAGE ENCLOSURE _____ OTHER _____

PROPOSED BUILDING AREA: 179 SQ FT - HEATED / LIVING AREAS (NEW SPACE)

SQ FT - NON HEATED AREAS (NEW SPACE)

\$1600. - 1800. COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)

\$1600. - 1800. ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

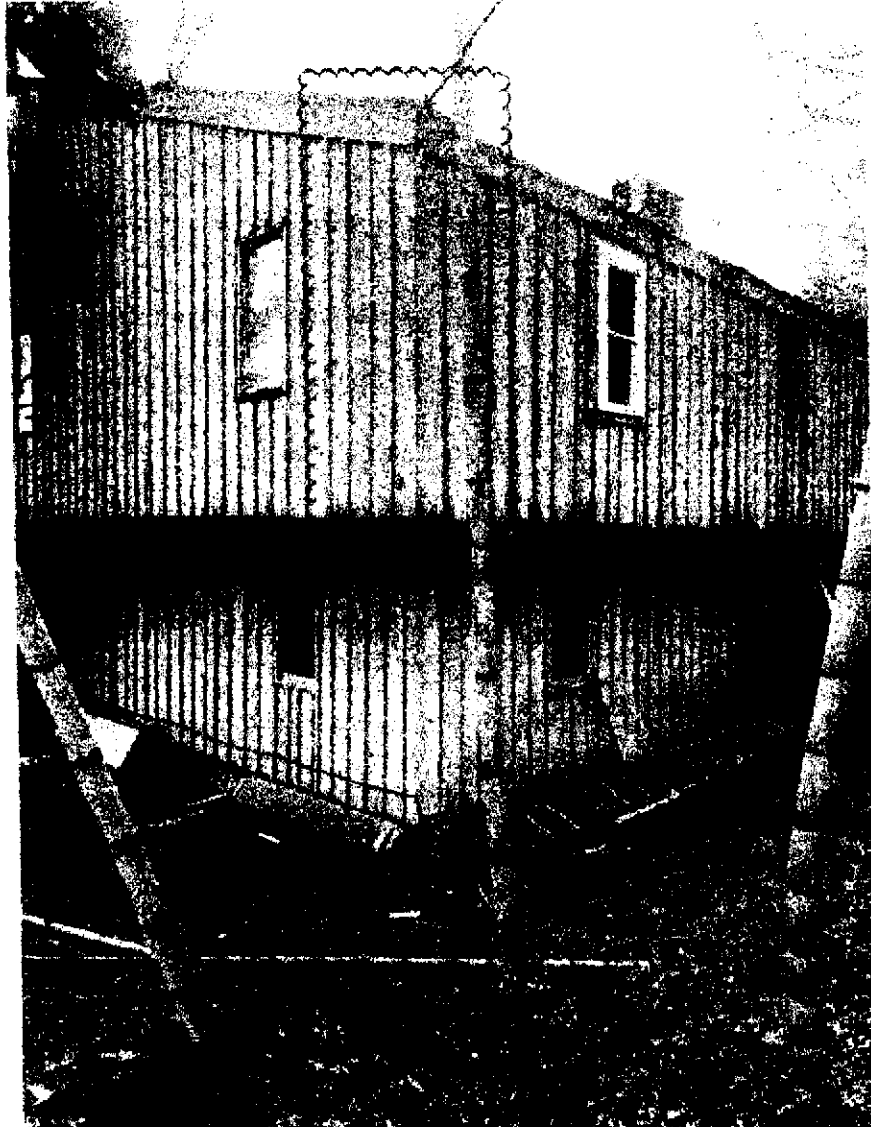
* Please note Wes Hasket now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing hedges



~~SECRET~~

UZMAN ENGINEERING, LLC

116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED
NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE



Anthony Stocker Mina

5/24/2024

Forwarded Message

From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogbum <cogbum@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

[Click here to read our Disclaimer,
Legal Notices & Privacy Policy](#)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello,

REFUSAL TO ACCEPT
SIDE SETBACK AS
CONFORMING FROM TOWN
ATTORNEY PHIL HORNTHAL
ON BEHALF OF WES HASKETT
AND SOUTHERN SHORES





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

May 13, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.



~~XXXX~~

2. The existing single-family dwelling located on proposed Parcel B encroaches the minimum side yard (setback) requirement. Town Code Section 36-202(d)(4)a. establishes a minimum side yard (setback) at 15 feet. Town Code Section 36-57 defines "yard" as a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, from 30 inches above the ground level of the graded lot upward, provided, however, that caves, fences, walls, poles, posts, ocean dune platforms, walks, accessible ramps, steps and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirements of the zoning chapter. "Yard, side" is defined as a yard extending from the rear line of the required front yard to the rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
3. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.
4. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nj.gov/bc-ph>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nj.gov, if you have any questions or concerns.

Sincerely,

Wes Haskett

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney



3-00000-3
to 02000 of

RE: Public Records Request (2) 06.10.2024

chestercountyla.../inbox



Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountylawn@yahoo.com>

Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Philip Hornthal <phornthal@hrem.com>

Jun 17 at 10:45 AM

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov



WES HASKETT LYING
TO HIDE PLAT HE
APPROVED WITHOUT ALL
ZONING REQUIREMENTS
BEING MET.

From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Friday, June 14, 2024 2:15 PM

To: Sheila Kane <skane@southernshores-nc.gov>

Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>

Subject: Re: Public Records Request (2) 06.10.2024

Are you saying the (2) addresses 0 N. Dogwood Trail were created without any documentation?

Thank you,
Anthony Stocker Mina

On Friday, June 14, 2024 at 01:37:01 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Mr. Mina:

The clerk's office can provide you with copies of public records, existing documents that the town has in its custody and control. There is no subdivision document related to 233 N. Dogwood/O Dogwood; therefore, no public record.

If it is information you are seeking, I would encourage you to simply call the proper department at town hall and ask your questions.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC

Town Clerk

Town of Southern Shores

5375 N Virginia Dare Trail

Southern Shores, NC 27949

(252) 261-2394 phone

(252) 255-0876 fax

skane@southernshores-nc.gov



From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Friday, June 14, 2024 12:07 PM

To: Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>

Subject: Re: Public Records Request (2) 06.10.2024

I'm sorry, maybe my request was worded wrong. Can you please provide me the information relating to the lots addressed as 0 dogwood trail being created. Thank you, Anthony S Mina

On Friday, June 14, 2024 at 09:06:09 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

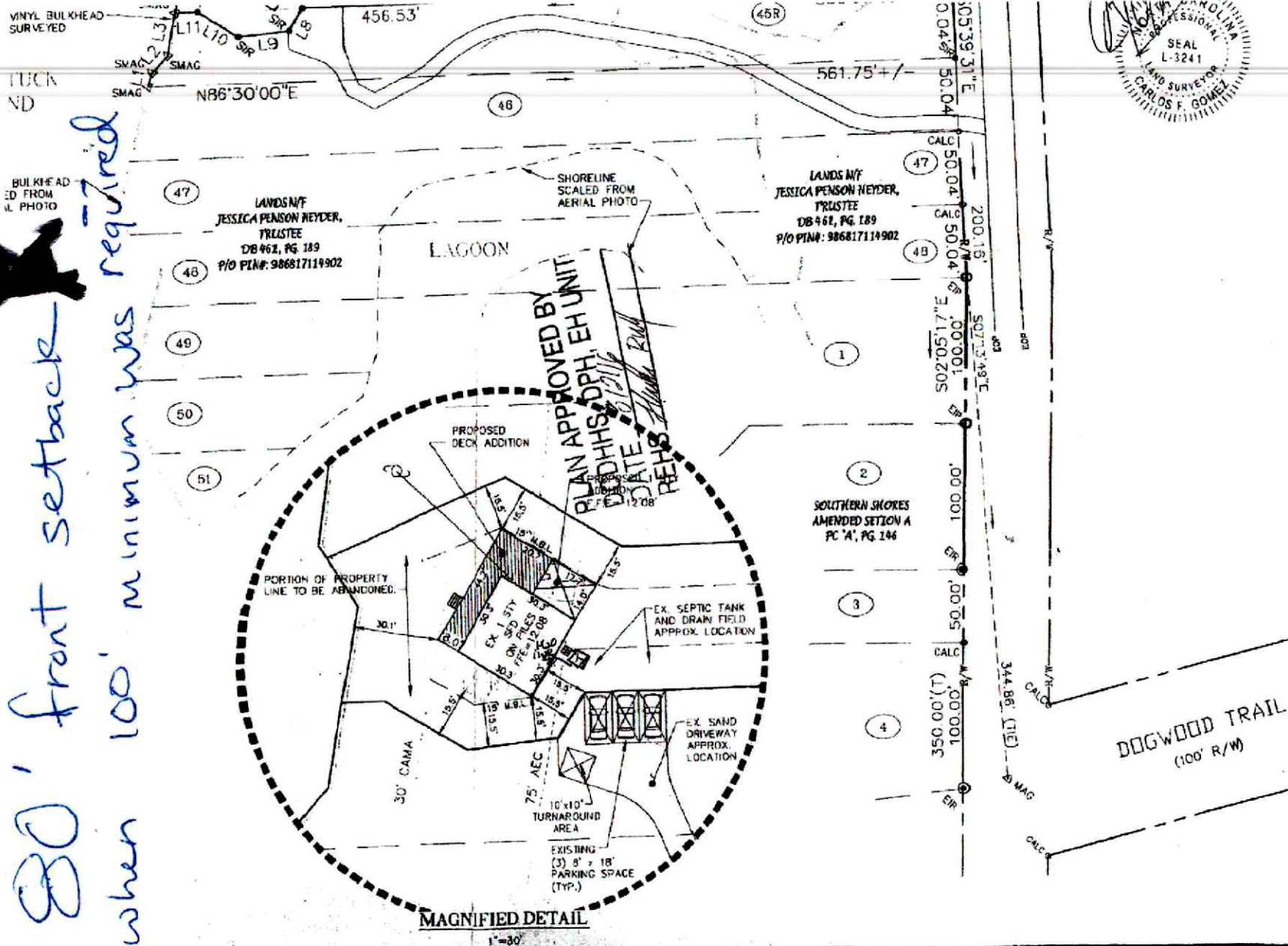


TUCK
ND

BULKHEAD
ED FROM
AL PHOTO

80' front setback
when 100' minimum was

80' front setback
when 100' minimum was required



A circular professional seal for Carlos F. Gomez, a Land Surveyor in the State of North Carolina. The seal features the text "SEAL", "L-3241", "LAND SURVEYOR", and "CARLOS F. GOMEZ" around the perimeter. The words "STATE OF NORTH CAROLINA" are also visible at the top. A handwritten signature is scrawled over the seal.

[illegible]

JESSICA PEARSON-HUYDER, TRUSTEE

SITE PLAN FOR:

ATLANTIC TWP DARE COUNTY NORTH CAROLINA

LOT 44R, BLK H, SOUTHERN SHORES AMENDED SECTION "A"

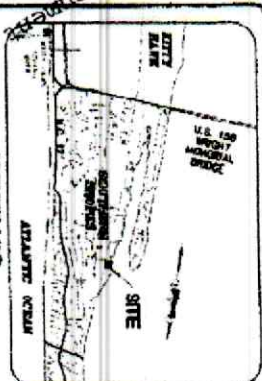
DATE: 6/28/16	SCALE: 1"=60'
CHECKED: CFG	DRAWN: MMH/BW
PROJECT NO: S2766.16	
CAD FILE: S2716SP2	
SHEET: 1 of 1	

Official Document

Recorded: 07/21/2010 10:38:40 AM
BY: Bruce Hinkle
Venable, Mahan, Register & Davis
Dart County, NC
Fee Amt \$21.00 Net Cost Per Sq. Ft.

BOOK PCI PAGE 279 (1)

7/21/10



VENERY MAP
N.T.S.

REFERENCES:
1. NC 28A SUBDIVISION
2. NC 28A SUBDIVISION
3. NC 28A SUBDIVISION
4. NC 28A SUBDIVISION
5. NC 28A SUBDIVISION
6. NC 28A SUBDIVISION
7. NC 28A SUBDIVISION
8. NC 28A SUBDIVISION
9. NC 28A SUBDIVISION
10. NC 28A SUBDIVISION

LOCAL GOVERNMENT CERTIFICATE
THIS IS A CERTIFICATE OF SUBDIVISION FOR THE
SUBDIVISION OF A LOT IN THE
LOCAL GOVERNMENT CERTIFICATE
LOCAL GOVERNMENT CERTIFICATE
LOCAL GOVERNMENT CERTIFICATE
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LOCAL GOVERNMENT CERTIFICATE
LOCAL GOVERNMENT CERTIFICATE

7-2416
New Haskett
Document

NOTES:

1. THE SUBDIVISION IS SUBJECT TO THE
EXISTING EASEMENTS AND RIGHTS
OF THE ADJACENT LANDS.
2. THE SUBDIVISION IS SUBJECT TO THE
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9. THE SUBDIVISION IS SUBJECT TO THE
EXISTING EASEMENTS AND RIGHTS
OF THE ADJACENT LANDS.
10. THE SUBDIVISION IS SUBJECT TO THE
EXISTING EASEMENTS AND RIGHTS
OF THE ADJACENT LANDS.

CERTIFICATE OF CORNER AND EASEMENTS

1. THE CORNER OF THE LOT IS
LOCATED AT THE INTERSECTION OF
THE LOT LINE AND THE LOT LINE.
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LOCATED AT THE INTERSECTION OF
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LOCATED AT THE INTERSECTION OF
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10. THE CORNER OF THE LOT IS
LOCATED AT THE INTERSECTION OF
THE LOT LINE AND THE LOT LINE.

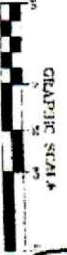
John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010



GRAPHIC SCALE
1" = 100' 0"



NOTARY PUBLIC
DART COUNTY, NC

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

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Date: July 21, 2010

John M. Davis
Date: July 21, 2010

John M. Davis
Date: July 21, 2010

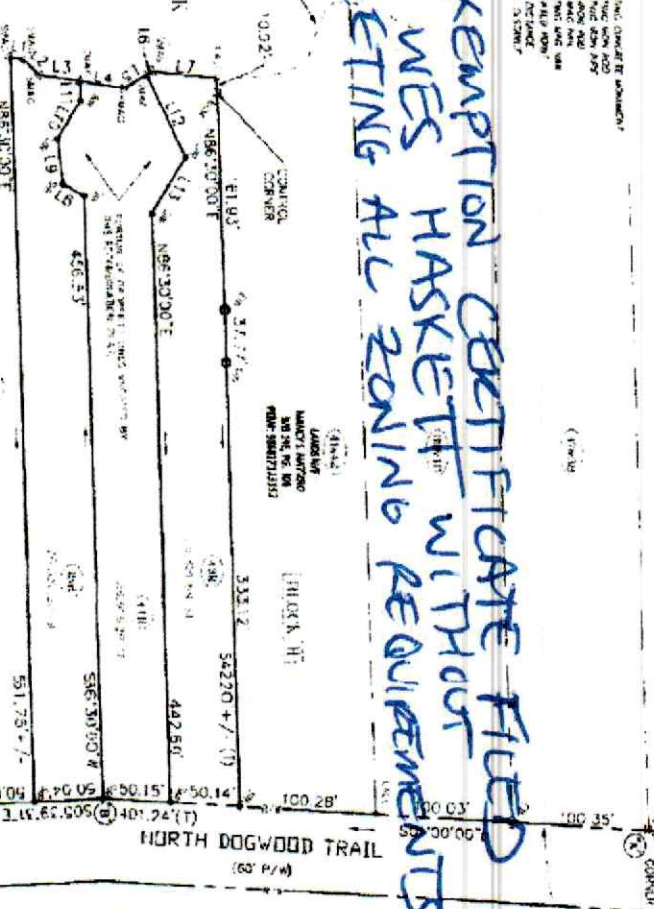
John M. Davis
Date: July 21, 2010

EXEMPTION CERTIFICATE FILED
BY WES HASKETT WITHOUT
MEETING ALL ZONING REQUIREMENTS

LEGEND:

1. LOT LINE
2. LOT LINE
3. LOT LINE
4. LOT LINE
5. LOT LINE
6. LOT LINE
7. LOT LINE
8. LOT LINE
9. LOT LINE
10. LOT LINE

CURB CUT
SOUND



LINE	INCHES	FEET	BEARING
1	1.00	12.00	N 0° 0' 0" E
2	1.00	12.00	N 0° 0' 0" E
3	1.00	12.00	N 0° 0' 0" E
4	1.00	12.00	N 0° 0' 0" E
5	1.00	12.00	N 0° 0' 0" E
6	1.00	12.00	N 0° 0' 0" E
7	1.00	12.00	N 0° 0' 0" E
8	1.00	12.00	N 0° 0' 0" E
9	1.00	12.00	N 0° 0' 0" E
10	1.00	12.00	N 0° 0' 0" E



RECOMBINATION PLAT FOR:
JENNICA PERSON-HENDER, TRUSTEE

ATLANTIC DISP DART COUNTY NORTH CAROLINA
LOTS 43-45, BLK. H. SOUTHERN SHORES AMENDED SECTION "A"

REVISIONS

NO.	DATE	DESCRIPTION
1	7/21/10	INITIAL PLAT

Coastal
ENGINEERING & SURVEYING, INC.





**OCTOBER 21, 2024 PICTURE OF "OH-SO SANDY" SIGN PROVING
CLIFF OGBURN AND WES HASKETT HAVE A SPECIAL INTEREST
IN INTERFERING WITH APPLICANT'S WORK/REAL ESTATE NEEDS
AT 75 E. DOGWOOD TRAIL BY ENFORCING SIGN CODES NOT
ENFORCED ON OTHER SOUTHERN SHORES PROPERTY OWNERS**



RE: Public Records Request 06.21.2024_#15 Anthony Mina

chestercountyla.../Inbox

Jul 17 at 11:44 AM



Cliff Ogburn <cogburn@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>, Wes Haskett <whaskett@southernshores-nc.gov>, info@southernshores-nc.gov <info@southernshores-nc.gov>, Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, David Kole <dkole@southernshores-nc.gov>, Mark Batalic <mbatalic@southernshores-nc.gov>, Robert Neilson <rnelson@southernshores-nc.gov>
From: ...



Mr. Mina – Please open the attachment. Your request was answered in this document which has now been provided to you for the third time. The date and time the signs were addressed was between 7:48 am and 10:56 am on 6/20/24.

As I have stated before – the signs that were placed in the r/w in front of your property are not permitted, therefore no permit will be issued. Likewise, an encroachment agreement will not permit these signs to be placed in the r/w either.

It may be helpful for us to discuss the confusion and work through it in a phone call. Please feel free to contact me at 261-2394.

Thank you.

Cliff

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, July 17, 2024 10:33 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov; Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Mark Batalic <mbatalic@southernshores-nc.gov>; Robert Neilson <rnelson@southernshores-nc.gov>; Robert Neilson <rnelson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024_#15 Anthony Mina

Southern Shores,

You are not answering my request which asks for the "date and time the signs were addressed". Please stop trying to deceive me with falsified records and violations of North Carolina law governing Public Records Requests. I would like the "date and time the signs were addressed". Anthony Stocker Mina

PS You have a Right of Way Encroachment Application of mine that has not been decided asking for permission for me to advertise my 75 E Dogwood Trail real estate opportunity. I'd appreciate the right of way encroachment application being approved...especially since I have just proved that Southern Shores is selectively prosecuting me for real estate signs (harassment) when other real estate signs in the right of way have been allowed by Southern Shores on a regular basis for years.

On Wednesday, July 17, 2024 at 10:03:06 AM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Good morning Mr. Mina –

I have attached two of your Public Records Requests dated June 20, 2024.

You provided the list of signs referenced as 1-6 in your request for information. We addressed the signs in violation of the Town Code on the list after you brought them to our attention. I responded in an email to you on June 20, 2024, that there are no permits issued for the signs referenced in 1-6 because the signs are either not permitted or a permit wasn't required. We have no record of names of people making complaints about these signs. The attached PDF was sent to you yesterday as part of the response to your request for information.

The other request asks for the names of the individuals that complained about the signs in the r/w in front of your property. We answered this request in the email provided by the Town Clerk dated July 17, 2024.

Based on my understanding of these requests we have provided you the information you requested.

Thank you.



Cliff


From: Anthony Mina <chestercountyflawn@yahoo.com>
Sent: Tuesday, July 16, 2024 10:51 PM
To: Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov; Cliff Ogburn <ogburn@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024 #15 Anthony Mina

Hello,

Thank you for the public records request response but my response asked for:

The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

The response provided did not provide the information requested in the 6/20/2024 public records request.

Please provide me the information I requested pursuant to North Carolina law.

Thank you,
Anthony S Mina

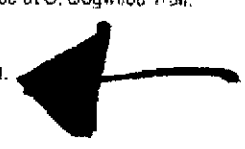
On Tuesday, July 16, 2024 at 03:44:31 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 21, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting



1. The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

Anthony Mina Requested: Please provide me:

- 1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
 - 2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
 - 3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
 - 4) All permits issued to allow "Join our team" sign at Duck Woods Country Club.
 - 5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 18 E. Dogwood Trail.
 - 6) All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.
- 

Cliff Ogburn Responded:

Response to the 6 locations you referenced in your email below:

- 1 Not allowed in this location. This sign has been addressed.
 - 2 Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.
 - 3 Not allowed in this location. This sign has been addressed.
 - 4 temporary sign legally placed - no permit required.
 - 5 Not allowed in this location. These signs have been addressed.
 - 6 This sign does not exist at this location.
- 
- 

Please find all records that pertain to your request attached.

Please feel free to contact me if you have further questions.

Sheila Kane, OMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2334 phone
(252) 255-0876 fax
skane@southernshores-nc.gov





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Application and Agreement for Right-of-Way Encroachment

Owner: <u>Anthony S. Mina</u>	Contractor:
Address: <u>75 E. Dogwood Trail</u>	Address:
City, St & Zip: <u>Southern Shores, NC 27949</u>	City, St & Zip:
Phone: <u>610-812-3905</u>	Phone:
Fax:	Fax:
Mobile:	Mobile:

Chester County Law, LLC - yahoo.com
PROPERTY LOCATION: 75 E. Dogwood Trail

Subdivision: RS-1 Lot: 1 Block: 105 Section:

Parcel #: 98681721350 Permit #: Receipt #:

SECTION 28-3, (3) RIGHT-OF-WAY ENCROACHMENT AGREEMENT: A property owner, or his agent, may apply to the Town for a right-of-way encroachment agreement. If approved by the Town Manager, the applicant may place an obstruction within the right-of-way. Except where the Town Manager, or his designee, makes written findings showing no practicable alternative, the obstruction shall not be closer than four feet from the paved road surface or four feet from any roadway. No obstructions may be placed within the street, except as otherwise provided by law. A right-of-way encroachment agreement shall be executed in such a format that it shall be recorded in the County registry and shall be made available by the applicant and any subsequent property owner to any future property owner. Any obstruction authorized by a right-of-way encroachment agreement shall be installed no sooner than the date the agreement has been recorded in the County registry and the agreement shall automatically expire 30 days after the obstruction has been removed.

SITE SPECIFIC TERMS AND CONDITIONS (referenced to attached site plan):

Installation of temporary signs on the right and left side
of the driveway until a buyer
is contracted.

Signature of Town Manager or Designee

Date

Anthony S. Mina
Signature of Owner or Contractor

4/27/2021
Date



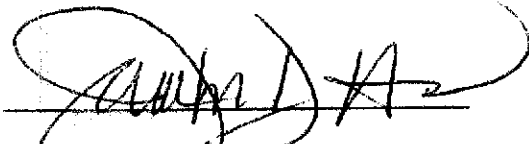
STATE OF NORTH CAROLINA

COUNTY OF DARE

I, a Notary Public, do hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: TOWN OF GREENSBORO APPLICATION & AGREEMENT

This the 28 day of JUNE 2024

(Official seal.)

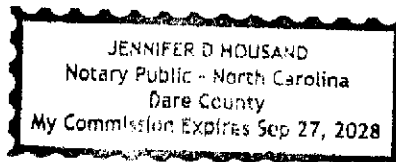


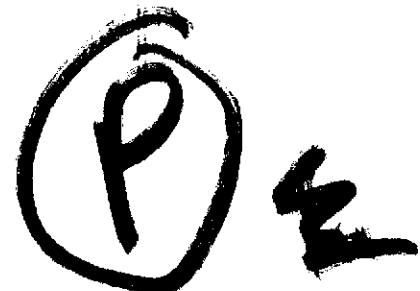
Notary Public

Printed Name: Jennifer D Housand

My Commission Expires:

9/27/2028





RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

chestercountyla.../inbox

n



Wes Haskett <whaskett@southernshores-nc.gov>

May 21 at 2:27 PM

To: Anthony Mina <chestercountyawn@yahoo.com>

Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>,

Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ...". The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), \$200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountyawn@yahoo.com>

Sent: Monday, May 20, 2024 12:12 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>

Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Siegel <jsiegel@southernshores-nc.gov>; Matt Cooke <mccooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <trmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <jthompson@southernshores-nc.gov>; Andrew Spottswood <aspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <fbi@fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgariss@kittyhawktown.net; cgariss@kittyhawktown.net; Casey Varnell <varnell@usablaw.com>; Mike Talley <miketalley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mymoskowitz@chesco.org>;

EXHIBIT



Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whakesett@southernhospice.org if you have any questions or concerns".

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white CrossTour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot subdivision) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than \$100,000. In the real world \$100,000 is easily the difference between life and death. \$100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding \$100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than \$100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawed because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerrilla. Since there is a white crossroad at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than \$100,000 of land value from my family).

----- Forwarded Message -----

From: Anthony Mina <chestercountylaw@yahoo.com>

To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornth1@brenn.com>; Cliff Ogburn <ogburnc@southernshores-nc.gov>

Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "ebrickley@southernshores-nc.gov" <ebrickley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>;

tmann@southernshores-nc.gov <tmann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>;

"rdeaner@southernshores-nc.gov" <rdeaner@southernshores-nc.gov>; "tlang@southernshores-nc.gov" <tlang@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspotswood@southernshores-nc.gov" <jspotswood@southernshores-nc.gov>; "kculture@southernshores-nc.gov"

<jcortone@ny.fishshares.net.gov>; FBI <<https://ipdelarge.protonmail.com/v?uri=http-3A-philadelphia.com:mailing>

45-r:ipj.gov&d=QwfaQ&c=euG7strfDf&nfN3b7jxwvDf-v5A_CdpqnVf-MMM&r=MC7sc-4nUy2wD7fuuC_XwvDfEXfIP6m_nFAA7

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*olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>

Elizabeth Morey <emorey@comcast.net>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net <cgarriss@kittyhawktown.net>;

"cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <varnell@prodxsw.com>; Mike Talley <mike.talley@kittyhawktown.net>

"mike.palkovics@kittyhawktown.net" <mike.palkovics@kittyhawktown.net> <<https://iddefense.proofpoint.com/v2/url?u=http-3A%2Fmike.palkovics@kittyhawktown.net>>

40&ty=hawktown.net&d=DwfaO&c=evGZtcaIDlvmf5db7XkwpG4-ySA_CdngrVlufMA8v=14C7sq-hqly2sQVmpCXyNLEXrEJPhm_oE4AQ

UID: 84.Sm - KOWed puningel W2500e-VP56MBB-1TzMPto1a1bkam1nCv14ZVP0dX8h Aynt@s - gzeald@o

"mike.palkovics@kittyhawktown.net" <mike.palkovics@kittyhawktown.net> <<https://a1deleap-prod-poc.com/v2/m/1n-http-3A-mike.palkovics>

404atvuaaktrvqumr3d=DwlfA09c-+uGZ3traIDl6anEN8b7ixwvOcf+3A CjdenyHMM45c-N7C7o4nUyCwVAmuCKyvdPDXfP6Gn-gFAAO-

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"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>:

*chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>

<chambers_of_lodge_papert@paed.uscourts.gov>; "chambers of lodge mitchell s goldbern@paed.uscourts.gov"

<chambers of judge mitchell s goldberg@paed.uscourts.gov>: "chambers of judge timothy i savane@paed.uscourts.gov"

<chamber, of judge timothy j savage@pau.uscourts.gov>: Bryan <bryan@chesco.org>: "cccommissioners@chesco.org" <cccommissioners@chesco.org>:

ccommissioners@chesco.org <ccommissioners@chesco.org>; "Dylan" <dylan@chesco.org>; cccommissioners@chesco.org <ccommissioners@chesco.org>;
 "ccommissioners@chesco.org" <ccommissioners@chesco.org>; "imaxwell@chesco.org" <imaxwell@chesco.org>; "imaxwell@chesco.org" <imaxwell@chesco.org>

Marian Moskowitz <mmoskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; Wes Harkness

<C:\haskell\Southern\haskell-10.100>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT

Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT 5"



Wes Haskett

From: Wes Haskett
Sent: Monday, May 20, 2024 10:51 AM
To: Cliff Ogburn
Subject: RE: Outer Banks Real Estate Scams Involving Government Employees

Looks good. I'd suggest adding N.C.G.S. 160D-702, N.C.G.S 160D Article 6, and Images of the published notices (PB and TC) to the list of attachments.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



From: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Monday, May 20, 2024 10:36 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: FW: Outer Banks Real Estate Scams Involving Government Employees

In his email below he says, "At this point, if, and when Southern Shores explains how they legally changed land use without an eminent domain transaction, Southern Shores will stop receiving communication from me and I will not be pursuing the lot subdivision I bought 75 E. Dogwood Trail for".

I don't have confidence that this will all go away if we provide the information he is requesting, but what's the harm? I'd rather answer him than than him say "I gave them a chance to make this go away".

Here is what I propose.

Mr. Mina

You have asked that we explain how the town legally changed land use without an eminent domain transaction.

The Town of Southern Shores Town Code reads –

1- Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments



may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows:" The new provisions may then be set out in full as desired.

2- Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

3- Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation that the Town of Southern Shores legally amended its Town Code. The attachments included are,

1. Zoning Text Amendment 23-03,
2. the advertised Planning Board agenda for May 15, 2023 where the text amendment was heard by the Planning Board,
3. the minutes of the May 15, 2023 Planning Board meeting,
4. the advertisement for the Public Hearing regarding ZTA 23-03,
5. the Town Council agenda for June 6, 2023, where the public hearing was heard,
6. the minutes of the June 6, 2023 Town Council meeting, and
7. Ordinance 2023-06-03 enacted with the Mayor's signature.

From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Sunday, May 19, 2024 10:26 AM

To: FBI <philadelphia.complaints@ic.fbi.gov>

Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner



Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

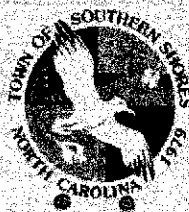
Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.



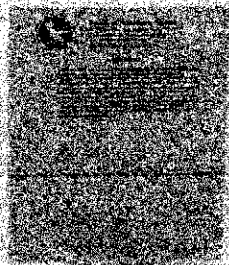
10/22/24: AFTER 5½-HOUR HEARING, THE TOWN BOARD OF ADJUSTMENT DENIES VARIANCE TO PROPERTY OWNER SEEKING SUBDIVISION.

📁 Uncategorized ⌚ October 22, 2024October 23, 2024 ≡ 7 Minutes





EVIDENTIARY HEARING



After a 5 ½-hour hearing, with two recesses, the Town Board of Adjustment voted unanimously last night to deny a variance to Anthony Mina that would have allowed him to subdivide the 46,500-square-foot property at 75 E. Dogwood Trail that he owns with his fiancée.

(See The Beacon, 10/19/24, for factual background.)

The hearing may have been excessively long, but the Board's decision was made quickly and without discussion. It was a foregone conclusion. Mr. Mina did not have a meritorious case, just a personal grievance against the Town, in particular, against Town Deputy Manager/Planning Director Wes Haskett.

We are not acquainted with how this grievance escalated to the point of wasting 5 ½ hours of attendees' time and public money spent on two attorneys (one representing the Town; the other representing the Board of Adjustment), one court reporter, three police officers (we believe one left early), and overtime for Mr. Haskett and Town Manager Cliff Ogburn, but we trust the Town will conduct a post-mortem and figure out how it could have handled interactions with Mr. Mina better.

We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed.

Ms. Arigaza-Womble quoted Professor Adam Lovelady, an expert in land-use law at the University of North Carolina School of Government, for the principle that: "A variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole," such as would be the case where a zoning ordinance, of which an individual complains, affects everyone in the community.

At the beginning of the hearing, it appeared that Mr. Mina had not even wanted to file a request for a variance, for which he paid a \$350 fee. He sought to "preclude" the hearing and told the Board of Adjustment that the Town had "no legal basis to force me to be here."

This posture was one of many confusing revelations by Mr. Mina, whose recourse with the Town is to attempt to change the ordinance that prevents him from subdividing his property in his favor.

TEDIOUS, EXHAUSTIVE HEARING

We did not stay for the conclusion of the hearing, dear readers, taking our leave at 9 p.m., when the second recess was called.

By then, we had heard a tedious and exhaustive recitation of Mr. Mina's Variance Application 24-01, which BOA Chairperson Andy Ward took him through, section by section, even though the application was available for all Board members and the public to read, and Mr. Mina, who represented himself, could have summarized it in his direct testimony.

We also had heard an excessive amount of irrelevant material introduced by Mr. Mina into the record, through his oral testimony and his documentation, even though Ms. Arigaza-Womble, properly and continuously objected to it.



Mr. Ward allowed Mr. Mina to have his say, while also trying to keep him focused on facts and not on “innuendo” and “accusations.”

But Mr. Mina’s argument was based on fraud, not on any of the criteria relevant to the granting of a variance.

“Fraud,” he said early on, after moving to “preclude” last night’s hearing—a motion that became moot as the hearing continued—“is a big factor in me obtaining the variance.”

Mr. Mina claimed that Mr. Haskett and the Town of Southern Shores had led him to believe falsely that the lot at 75 E. Dogwood Trail, which he purchased July 5, 2023, could be subdivided, when, in fact, regulations in the Town Code of Ordinances prevent such a subdivision. He repeatedly said that Mr. Haskett had “hidden” the zoning code(s) from him.

He alleged a “real estate scam” or conspiracy to defraud him, and he has sued those people he believes are co-conspirators in federal court. Mr. Mina filed his lengthy complaint in the Eastern District of the U.S. District Court of North Carolina. (The case number is 2:24-CV-00042.)

Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the “Zoning Code” or the “Zoning Ordinance”—we would like to clarify that Southern Shores’ zoning ordinances are part of the Town Code, which is readily available on the Town website.

An ordinance is a municipal law: It is a law enacted by local government.

Mr. Haskett could not “hide” the Town’s ordinances if he wanted to.

When the Southern Shores Town Council passes a Zoning Text Amendment (ZTA) or a Town Code Amendment (TCA), it is passing new law. The ZTA or TCA amends (changes) the text that already exists in the Town Code.

The Town Code is made up of chapters, the 36th of which is about zoning, and, therefore, is often referred to as the “Zoning Code.” The 30th chapter is about subdivisions and is often referred to as the “Subdivision Ordinance.” The so-called Zoning Code and Subdivision Ordinance are not separate from the Town Code; they are part of it.

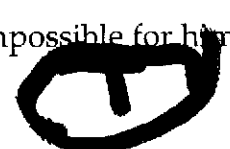
ACCESS TO SUBDIVISION LOTS

Access to newly created lots is a significant issue with a subdivision.

Before Aug. 3, 2021, the Town Code allowed subdividers to create access by one of two ways: 1) by having all lots front on a public road; or 2) by creating a public-access easement that connected new lots to a public road and met certain standards of width, length, and the like.

On Aug. 3, 2021, however, the Town Council passed TCA 21-06, which eliminated the access-easement option then codified in the subdivision chapter at section 30-96(f).

So, two years before Mr. Mina bought his property, the Town Council rendered it impossible for him to subdivide his lot without ensuring that each lot fronted on a public road.



Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation.

As Mr. Haskett testified, he did not know Mr. Mina in 2021, and he was not the proponent of TCA 21-06. It was the Town Council that asked for a change in the law. (See our report of 10/19/24.)

Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot. The Town received both on July 3, 2024, and Mr. Haskett denied both. Mr. Mina did not appeal either denial during the 30 days allotted to him by ordinance for an appeal.

One of the denials also cited Mr. Mina's failure to conform to a newly enacted zoning ordinance defining mandatory minimum lot size in the RS-1 single-family-dwelling residential district.

Contrary to Mr. Mina's reading of the new lot-width ordinance, which is Town Code section 36-202(d), it only applies to lots created after June 6, 2023 through subdivision or recombination. It does not render all lots that are not 100 feet wide at every width measurement non-conforming.

The facts established that Mr. Mina exchanged many emails with Mr. Haskett in the month before the lot-width ordinance changed on June 6, 2023, which was about a month before he bought 75 E. Dogwood Trail. There were so many emails, according to Mr. Haskett, that it would take him hours to count them.

Mr. Mina states in his application that the Town Planning Director deliberately withheld from him "pertinent information" about the soon-to-be-changed lot-width ordinance.

Mr. Haskett testified that he had no reason to believe that minimum lot width would be relevant to any applications that Mr. Mina might submit.

Mr. Ward sustained objections from Ms. Arigaza-Womble about Mr. Mina's allegations that the Town did not give proper notice for the public hearings that were held on the ZTA and TCA that changed the ordinances Mr. Mina cited. Mr. Ward stated for the record that the ordinances were legally adopted.

COMMUNICATING WITH AGGRIEVED PROPERTY OWNERS

We are not able to comment with knowledge about what happened between Mr. Haskett and Mr. Mina to sour their communications—and between Mr. Mina and Mr. Ogburn—and we will not make any assumptions.

It is clear from Mr. Mina's variance application and from everything he said last night that he is confused and operating under misconceptions. It is also clear that he believes people have mistreated him. We are not going to speculate as to why.

Mr. Mina came across at the hearing as frenetic—what people would describe as hyper—and intense, but also polite and respectful.

We all know people who cannot be reasoned with, who cannot accept the truth or their own responsibility, and who look to blame others or even believe others are out to get them.



The question we are left with is the one we started with: How could the Town have prevented the exercise in futility that we witnessed last night?

No one benefited from what occurred, and if Mr. Mina appeals the Board's decision to the Superior Court of Dare County—he has 30 days to decide, and he indicated last night he probably would—the Town will expend more hours and money on this case, as will Mr. Mina, who professed to be more interested in working on his home-improvement business than on litigation.

All we would suggest is that the next time a “problem” arises with an aggrieved property owner that the Town staff cannot handle that they have a means for resolving it that does not include referring that property owner to the Town Attorney. No one wants to talk to a lawyer. Unless they're acting as independent dispute mediators, lawyers are adversaries and can be quite intimidating to people who are not accustomed to engaging with them.

A neutral third party might have been helpful in communicating with Mr. Mina.

By Ann G. Sjoerdsma, The Southern Shores Beacon

2 thoughts on “10/22/24: AFTER 5½-HOUR HEARING, THE TOWN BOARD OF ADJUSTMENT DENIES VARIANCE TO PROPERTY OWNER SEEKING SUBDIVISION.”

L says:

October 23, 2024 at 5:09 pm

can the town counter sue Mr. Mina for legal expenses?

↪ Reply

Ann G. Sjoerdsma says:

October 23, 2024 at 10:58 pm

No. A variance hearing is not a lawsuit. Sorry for the delay in responding.

↪ Reply

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