

EVIDENCE IN SUPPORT OF PROPOSED TOWN CODE AMENDMENT

36-414(C):

- 1) Town Code 36-414(a) which provides in part "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 to be taken to be reasonable and in the public interest". Town Code 36-414(b) which states posted notice is required "in addition" to Town Code 36-414(a) notification requirements for amendments.**
- 2) Town Code 36-362(b) which states mailed notice should be mailed to the owner of a property subject to the subject of the hearing & Town Code 36-365(a) which states the Adjustment Board "shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development that provides for the board to hear such matters".**
- 3) An email from Wes Haskett refusing to respond to notification of property owners of the March 31, 2023 lot width amendment on June 12, 2023.**
- 4) Public Records Request proving property owners weren't notified of the March 31, 2023 lot width amendment with the Town Newsletter until June 2, 2023 after not being told about the lot width amendment in the April 6, 2023, April 21, 2023, May 5, 2023, May 19, 2023 and May 25, 2023 Town Newsletter.**
- 5) Public Records Request proving mailed Notice of the May 15, 2023 Planning Board Hearing on the lot width amendment was not provided and proof that Wes Haskett lied and said the Planning Board did not hear the lot width amendment on May 15, 2023 (Wes Haskett's June 1, 2023 email proves Wes Haskett has knowledge the Planning Board heard and voted to recommend approval of the lot width amendment).**
- 6) Public Records Request proving Southern Shores does not even have a record of the property owners required to receive notification of the March 31, 2023 lot width amendment pursuant to 36-414(b) and 36-362(b).**
- 7) Public Records Request proving Southern Shores did not comply with Town Code 36-414(b) and Town Code 36-362(b) prior to adopting the TCA-21-06 amendment preventing lot access through easements.**
- 8) Proof Wes Haskett permitted irregular shaped lots without compliance to the 100' lot width requirement prior to the June 6, 2023 lot width amendment. This property proves that Wes Haskett's June 7, 2023 email (in exhibit 3) stating Town Staff will be submitting a text amendment to allow pie shaped and irregular shaped lots completely contradicts the June 6, 2023 amendment.**
- 9) 4 emails from Wes Haskett proving Wes Haskett hid the March 31, 2023 lot width amendment in May of 2023 after being specifically asked on May 1, 2023 "Can you please tell me anything that would prevent me from subdividing the 75 E Dogwood Trail lot so I could build another house".**
- 10) North Carolina law also provides that a court must construe ambiguous contract terms against the drafter. Cosey v. Prudential Ins. Co. of Am., 735 F.3d 161, 170 (4th Cir. 2013). Paying filing fees to Southern Shores establishes a contract under law and the Town Code.**

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. *These 2 words do not say "IF"*
- (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.

(Code 1988, § 11-14.01; Ord. No. 06-08-02, art. III, § 1, 10-3-2006)

- (a) *Generally.* All meetings of the board shall be held at a regular place and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, an indication of that fact. Any party may appear in person or be represented by an attorney.
- (b) *Notices.* 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; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- (c) *Burdens.* The burdens of production, persuasion and proof for all quasi-judicial decisions of the board lie with the applicant or appellant seeking such a decision.
- (d) *Fees.* A fee in accordance with the regularly adopted fee schedule of the town shall be paid to the town for each notice of appeal or variance application to cover the administrative expenses involved. A notice of appeal or variance application shall not be deemed complete and filed until such time as the associated fees have been paid. The time to file a completed notice of appeal or variance application and associated fee will be extended for 15 days to receive payment of the fee upon an applicant's timely submission of a notice of appeal or application for variance that is otherwise complete. No hearing will be scheduled before the board until a completed application and fee have both been received.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

Sec. 36-363. - Quorum.

A quorum of three members shall be seated and present in order to open a meeting of the board and to take action on non-quasi-judicial matters. In order to take action on a quasi-judicial matter the board must have a quorum of five members seated and present unless the appellant or applicant consents to moving forward with less than five members. For calculating a quorum to take action on a quasi-judicial matter, the number of members seated and present includes members who were seated at the opening of the meeting that have been disqualified from voting on the particular matter if there are no qualified alternates available to take the place of such members. In the event that a quorum cannot be met due to vacant positions or a

lack of qualified members, the board may continue its meeting in order for absent members to become available and, if necessary, for the town council to make appointments filling vacant seats and/or to make appointments of temporary alternate members who can fulfill the board's duties.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

Sec. 36-364. - Voting.

The concurring vote of four-fifths majority of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

Sec. 36-365. - Powers and duties of the board of adjustment.

- (a) *Hearings authorized.* The board shall hear and decide requests for variances of the provisions of this chapter and appeals of decisions of administrative officials charged with enforcement of this chapter. The board shall follow quasi-judicial procedures when deciding appeals and requests for variances. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development that provides for the board to hear such matters. (Such as 36-414(a))
- (b) *Oaths.* The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board, willfully swears falsely is guilty of a Class 1 misdemeanor.
- (c) *Subpoenas.* The board through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393, (d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(d) *Continuances.* The board may grant a continuance to any party for good cause shown or upon the board's own motion. Requests for continuances should be made in writing, but may be made orally at a meeting of the board. The board chair may grant a continuance request prior to a meeting if the applicant or appellant makes a written request showing good cause. The chair may always defer ruling on such a request to allow for the decision to be made by the board.

(1) *Good cause.* Good cause for a continuance includes, but is not limited to:

- (i) The official issuing the decision subject to an appeal is unavailable;
- (ii) There is insufficient membership of the board seated and present to hear a matter; or
- (iii) If any party or the town would be unduly prejudiced by the presentation of matters not presented in a notice of appeal.

(2) *Renotification fees.* If notices of hearing have already been issued, the party granted a continuance is responsible for the administrative costs of noticing an additional hearing if such costs are incurred.

(e) *Rules of procedure.* The board may adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this article. Where this article and the rules adopted by the board are in conflict, the provisions of this article prevail.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

RE: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

From: Wes Haskett (whaskett@southernshores-nc.gov)
To: chestercountylawn@yahoo.com
Cc: philadelphia.complaints@ic.fbi.gov; emorey@southernshores-nc.gov
Date: Monday, June 12, 2023 at 12:17 PM EDT

Good afternoon, Mr. Mina. At this point, you should direct your questions to our Town Attorney, Phillip Hornthal. He can be reached at 252-335-0878.

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

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, June 8, 2023 9:17 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>
Subject: Fw: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

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

③

----- 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 <chestercountylawn@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,

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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

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

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FW: Public Records Request_55

From: Cliff Ogburn (cogburn@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Friday, April 11, 2025 at 05:04 PM EDT

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

Sent: Friday, April 11, 2025 4:37 PM

To: Cliff Ogburn <cogburn@southernshores-nc.gov>

Subject: Public Records Request_55

Dear Mr. Mina:

On April 7, 2025 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- 1) An email of each Town Newsletter referencing Anthony Mina and/or 75 E Dogwood Trail.
 - October 18, 2024
 - March 7, 2025
- 2) An email of each Town Newsletter referencing the March 31, 2023 lot width amendment.
 - June 2, 2023
- 3) All Town Newsletters between March 30, 2023 and June 6, 2023.
 - April 6, 2023
 - April 21, 2023
 - May 5, 2023
 - May 19, 2023
 - May 25, 2023
 - June 2, 2023
- 4)The total amount of recipients of each town newsletter referencing Anthony Mina and/or 75 E Dogwood Trail.
 - There are no records pertaining to the criteria that you provided.

Please find all records that pertain to your request attached.

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

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JUNE 2, 2023 NEWSLETTER.pdf
1.4MB



MAY 25, 2023 NEWSLETTER.pdf
254.3kB



MAY 19, 2023 NEWSLETTER.pdf
3.3MB



MAY 5, 2023 NEWSLETTER.pdf
5.1MB



APRIL 21, 2023 NEWSLETTER.pdf
4.4MB



APRIL 6, 2023 NEWSLETTER.pdf
3.4MB



Southern Shores News-March 7, 2025.pdf
174.6kB



Southern Shores News-October 18, 2024.pdf
169.3kB

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

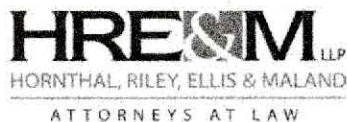
Mr. Mina:

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: 252.698.0214
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



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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.

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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

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Wes Haskett

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Unread
Starred
Drafts 674
Sent
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Spam
Trash
^ Less
Views Show
Folders Show

Thank you for your help,
Anthony S Mina

On Thursday, June 1, 2023 at 09:44:07 AM EDT, Wes Haskett
<whaskett@southernshores-nc.gov> wrote:

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. 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)

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5

Public Records Request 06.04.2024

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Friday, June 7, 2024 at 11:43 AM EDT

Dear Mr. Mina:

On June 4, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- The addresses of all RS-1 lots of greater than 40,000 sq. feet that became ineligible for lot subdivision plans to create (2) lots of at least 20,000 sq. ft each when the zoning code changed lot width requirements on June 6, 2023.

Following review of your request, no records exist pertaining to your request.

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



PRR Mina Anthony 06.04.2024.pdf
500.3kB

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Public Records Request 06.10.2024

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Friday, June 14, 2024 at 09:04 AM EDT

Dear Mr. Mina:

On June 10, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- A list of all RS-1 properties with more than 40,000 sq. foot lot size and less than 200 lot width where lot width is measured.

Southern Shores does not have a record that lists the RS-1 properties you are referencing; therefore, no public record exists.

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



Public Records Request 06.10.2024.pdf
640.6kB

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FW: Public Records Request-Mina 11/3/2024

From: Phillip Hornthal (phornthal@hrem.com)
To: chestercountylawn@yahoo.com
Date: Monday, November 18, 2024 at 03:44 PM EST

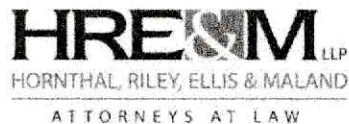
Mr. Mina:

Please see response to your Public Records Request below.

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



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From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Monday, November 18, 2024 3:04 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: Public Records Request-Mina 11/3/2024

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

Phillip:

Please see the public records request below.

Mr. Mina:

Below are your public records. I have added some explanations in hopes of clarifying the confusion.

On November 3, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

⑦

- 1) Proof of letters mailed to 75 E. Dogwood Trail and/or Linda Lauby prior to the July 6, 2021 town council meeting and July 19, 2021 Planning Board Meeting.
- 2) Proof of posted notice at 75 E. Dogwood Trail prior to the July 6, 2021 town council meeting and July 19, 2021 Planning Board Meeting.
- 3) All records, including digital records of the May 15, 2023 Planning Board Meeting being deleted from the Southern Shores website. Staff login name and identity of staff is needed.

"The attached response to my October 24, 2024 Public Records Request violates North Carolina law. Wes Haskett claims a hearing was not held for the **TCA-21-06 amendment** to Town Code Section 30-96 on July 19, 2021 but the meeting minutes indicate the amendment was heard and the motion to remove easement access passed unanimously." ***PLEASE SEE MEMO BELOW**

Number #1 and Number #2: have been answered in previous requests, no mailing or posted notices required. TEXT AMENDMENTS do not require posted notices. MAP AMENDMENTS do, but none of these ZTA (Zoning Text Amendment) or TCA (Town Code Amendment) you have requested information about are map amendments. They are text amendments. Map amendments and text amendments are entirely two different things, and each amendment has a different notice requirement.

Text amendments: N.C.G.S. 160D-601

Map Amendments: N.C.G.S. 160D-602

– When a **zoning map amendment** is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing.

Item #3- I do not know what you are trying to reference. I have found everything pertaining to "May 15, 2023 Planning Board Meeting" on the website, as well as the video on the town's YouTube page. If you go to the calendar on the website and go back to May 15, 2023 and click the planning board meeting, all previous supporting documents are listed. <https://www.southernshores-nc.gov/bc-pb/meeting/planning-board-will-meet-may-15-2023> video: <https://www.youtube.com/watch?v=8qtIeHJNv9Y>

* "a hearing was not held for the TCA-21-06 amendment to Town Code Section 30-96 on July 19, 2021 but the meeting minutes indicate the amendment was heard and the motion to remove easement access passed unanimously."

The public hearing for TCA-21-06 was held at the town council level, not the planning board. So, the July 19, 2021, was a Planning Board Meeting and they reviewed TCA 21-06 and made changes by a motion. TCA-21-06 was then passed on to town council level, which a public hearing was held August 3, 2021. TCA -21-06 (Town code amendment) was noticed as required.

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



5-15-23 REVISED PB Mtg Public Notice.pdf
133.5kB



5-10-23 PB Meeting Notice.JPG
59.2kB



8-3-21 TC Mtg Public Notice.pdf
78.8kB



Published Notices.pdf
4.9MB



Additional Planning Board mtg Notices.pdf
1.4MB



August 3 2021 Council Mtg. Notices.pdf
1.9MB

Unofficial Document



REFERENCES

EXCITED ABOUT THE NEW

[illegible]

NOTES:

Whe Staff
DATE 7-21-66

[illegible]

7/2/16
J. Williams-Hughes
John M. Davis

[illegible]

CLIPPING SCALE

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NOTARY
PUBLIC
DALE COUNTY, N.C.

207

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 1000 1/2 South Columbia
 Street St Louis
 Mrs. Foster

350.00 (T)
100.00
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(105' x 105')

DATE	5/27/16	TIME	5:00 PM
BY	5276615	UNIT	5500
REMARKS	5276615		

RECOMBINATION PLAT FOR:
JESSICA BENSON-MEYDER, TRUSTEE

ATLANTIC TROP DANE COUNTY NORTH CAROLINA

LOTS 43-45, BLK. H. SOUTHERN SHORES AMENDED SECTION "A"

REVISIONS

[illegible]

Coastal
ENGINEERING &
SURVEYING, INC.

1. $20 \times 10 = 200$
 $400 \times 10 = 4000$
 $800 \times 10 = 8000$
 $1600 \times 10 = 16000$
 $3200 \times 10 = 32000$
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 77371252455336267

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox



Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. 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



Wes Haskett's July 16th, 2024 subdivision denial (Variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

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 ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6/2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT)

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

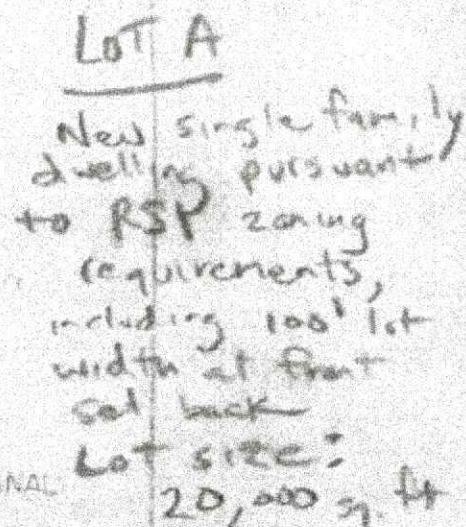
Thank you for your help.

Anthony S Mina

1 File 2.2MB



5-16-23 ZTA-23-03 Lot Width.pdf
2MB



LOT 6
EXISTING HOME
WITH STREET
FRONTAGE

DATE: MARCH 8, 1987	SCALE: 1" = 40'
FILE: 8827-72-71	DR BY: BJA
SHEET NO. 2 OF 102	
PLAN NO. 872430 DOON C (4/2/88)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
PO BOX 106
KILL DEVIL HILLS, NC 27948
(919) 281-1331

SUBDIVISION LINES NOT TO SCALE



Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

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
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

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

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):

- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75 E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibKTs-23fXS&address=whaskett%40southernshores-nc.gov&report=1

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my proposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

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 HIDING
JUNE 6, 2023 PROPOSED
LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2):
https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

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 HIDING JUNE
6, 2023 PROPOSED LOT
WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

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To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

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) 265-0876 (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.

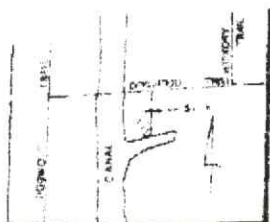
Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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9



I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A RECONNAISSANCE SURVEY MADE UNDER MY SUPERVISION, RECORDED IN M.B. 2, PG. 182 OF THE DARE COUNTY RECORDS THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 0.00' THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROWN LINES PLOTTED FROM INFORMATION FOUND IN M.B. 2, PG. 182 AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-10 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 6TH DAY OF MARCH A.D. 1997.

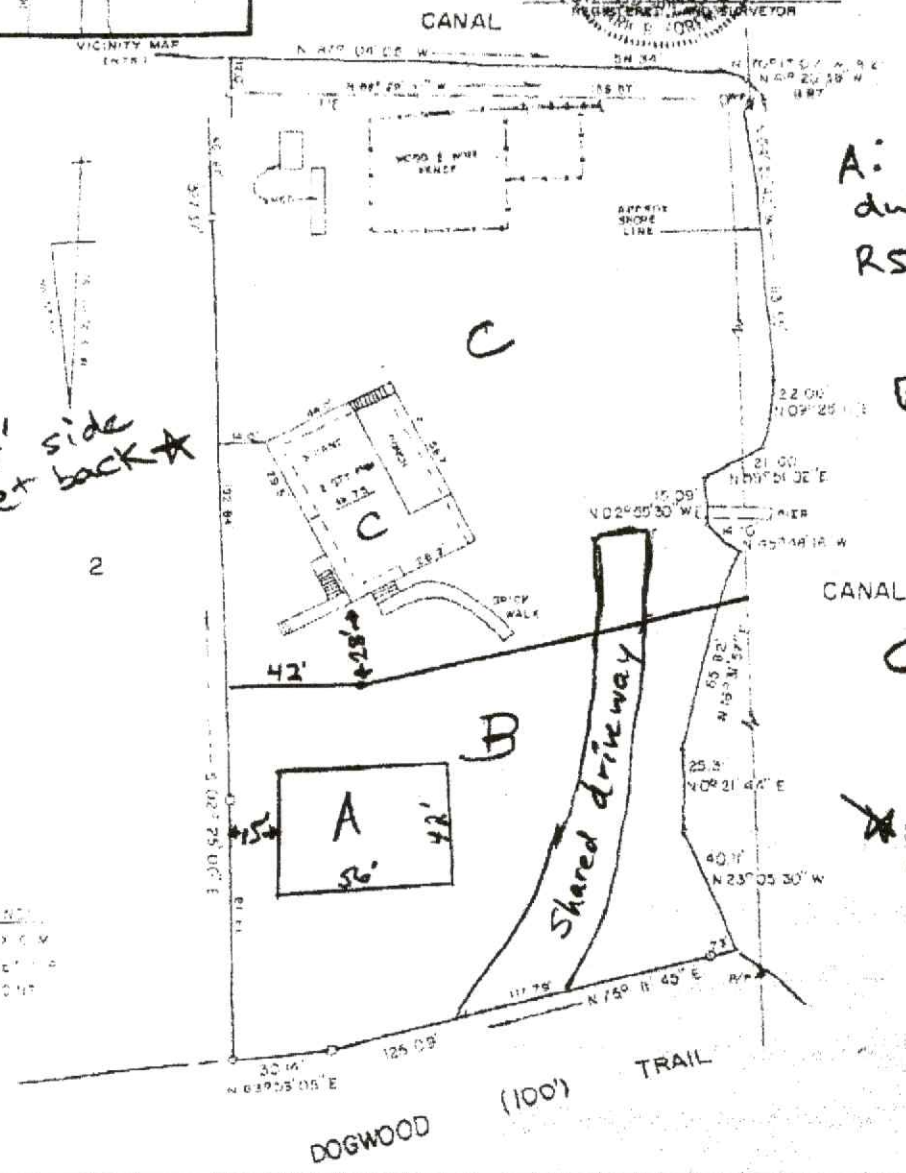
L. R. FOREMAN
REGISTRATION NUMBER



14' side set back

2

LEGEND
 - 3" = 1' M
 - 1" = 1' L
 - 1" = 1' S



A: New single family dwelling pursuant to RSI zoning requirements

B: New lot with shared driveway pursuant to RSI zoning requirements

C: EXISTING HOME 3 Lot Pursuant to RSI zoning requirements
 * Except for 14' side setback *

SURVEYED FOR
 LINDA L. LAUBY
 LOT 1, BLOCK 105
 SOUTHERN SHORES
 ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE MARCH 6, 1997	SCALE: 1" = 40'
TILE 4927-72-7	DR. BY: SDB
REF. M.B. 2, PG. 182	
I.R.M. # 3704300001 P (4/2/93)	

KIRK R. FOREMAN
 LAND SURVEYING COMPANY
 P.O. BOX 1961
 KILL DEVIL HILLS, NC 27948
 (919) 261-1221

9