

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

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 3 /29	2025	Filing Fee: \$2	200	Receipt No.	Application No.	
	anning Board will fond Enforcement, Se	and the second s	ovisions of the Zo	oning Ordinance Cha	apter 36. Article X	
Please check the	applicable Chapter/	Article:				
Chapter 36. Chapter 36. Permits and Chapter 36. Chapter 36. Chapter 36. Chapter 36.	Article IX. Planne Article X. Admini Site Plan Review Article X. Section Article X. Section Article X. Section	lule of District Reg ed Unit Development stration and Enfor other than one and 36-300-Application	nt (PUD) reement, Section I two family dwel n for Permit for	36-299 (b) Applicat	Commercial District	
		olicant of standing for mplete and accurate.		viewed I certify that	the	
Applicant Name Addre	Anthoni 50 utus 610-842-3	Dogwood To Shore 3905 Email Ch	a trail s, NC 2 lestercou	7949 ntylawney	ahoo,com	
Name		Other (Circle one)				
Phone		Email				
Property Involv Addre	ed:Southern S	noresMartin's P	Point (Commercial Zoning di	only) All strict by a	property effected thendments made thost posted noti is required by a Town Code	Ce
-		1	wConditional U	UsePermitted UseVested Right	e Town Code Variance 36-414 (5)
Change To:	Zoning Map _ZZor	ing Ordinance	3 Date	120/202	5	

^{*} Attach supporting documentation.

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

Zoning Text Amendment (ZTA)
March 20, 2025
Ordinance 2025-XX-XX

PETITION FOR AMENDMENT OF CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

AUTHORITY

 Pursuant to N.C.G.S. ss 160D-701 and Southern Shores Town Code Section 36-414 the Town of Southern Shores ("the Town") may enact and amend the Town's Code of Ordinances (the "Town Code").

PURPOSE & AMENDMENT OF ZONING ORDINANCE

2. Applicant and/or Southern Shores property owners ("property owners") find that in the accordance with law and the Town Code governing zoning amendments that it is in the interests of the public's health, safety, and general welfare to amend the zoning code Section 36-414 (stated below) to add paragraph "C" to Town Code Section 36-414 as indicated below (paragraphs A and B are identical to the existing Town Code, but paragraph "C" is an addition to 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.
- (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.
- (c) Property owner(s) that have been defrauded by zoning text amendments made pursuant to Section 36-414 without being notified with posted notice as a property subject to the zoning amendment, pursuant to Town Code Section 36-414(b), shall have 90 days from the adoption of this ordinance to submit any applications to the Town seeking governance under the Town Code prior to the Amended Ordinance made without posted notice at the effected property(s). This section applies only to property owners who owned the property, were under contract to purchase the property, rented the property or occupied the property at the time the zoning amendment was adopted. This section also only applies to amendments made within 3 years of the adoption of this amendment.

FACTS SUPPORTING IMPERATIVENESS OF AMENDMENT TO PROPERTY OWNERS

- 3. This amendment is in the best interest of all property owners because at the current time Town manager Cliff Ogburn is refusing to use the Southern Shores's newsletter email address to notify property owners that a lot width amendment was made on June 6, 2023 to take the right to subdivide from property owners without notifying the effected property owners with posted notice as required by Town Code 36-414(b).
- 4. This amendment is in the best interest of all property owners because during the time the Town was supposed to have posted notice at effected properties of the lot width amendment heard by the Planning Board on May 15, 2023 and Town Council on June 6, 2023 Deputy Town Manager Wes Haskett was hiding the proposed zoning amendment from Applicant in (4) emails during the month of May, 2023 when Applicant was specifically asking about the 75 E Dogwood Trail subdivision and lot width requirements. During the month of May, 2023 the previous owner of 75 E Dogwood Trail was able to negotiate an additional \$75,000 from applicant for a property that was subdividable because Haskett was illegally hiding the proposed lot width amendment. Deputy Haskett and Southern Shores clearly are aware of the damages their fraud has caused and have yet to correct the fraud caused by rezoning subdividable property to unsubdividable with a lot width amendment that was made without complying with Town Code 36-414(b).
- 5. This amendment is in the best interest of all property owners because the nature of the Town's Code Of Ethics prohibits the Town from defrauding property owners intentionally and in the event of a mistake requires the fraud to be corrected. A true and correct copy of the Town's Code of Ethics is attached hereto as Exhibit A.

- 6. This amendment is in the best interest of all property owners because when property owners question the validity of zoning amendments made to their property Deputy Town Manager Haskett lies and claims Southern Shores had a legal basis to amend zoning code. A true and correct copy of a false police report made to Chief Kole by Wes Haskett in violation of North Carolina General Statute 14-225 claiming he had a legal basis to amend zoning code on June 6, 2023 by deleting the strictures of Town Code 36-414(b) is attached hereto and marked Exhibit B.
- 7. This amendment is in the best interest of all property owners because when they ask the Planning Board for a decision to be made about a zoning code amended without the property owner being notified pursuant to Town Code 36-414(b) Deputy Town Manager Haskett lies and states notification requirements were satisfied. A true and correct copy of Haskett's staff report lying about notification requirements being complied with prior to the lot width adoption on June 6, 2023 is attached hereto as Exhibit C. A true and correct copy of a public records response from the Town proving posted notice was not placed at effected property(s) pursuant to Town Code 36-414(b) is attached hereto as Exhibit D.
- 8. This amendment is in the best interest of all property owners because when criminal complaints are made against Town employee Wes Haskett to Police Chief Kole for violating N.C.G.S. ss 14-225-false reports to law enforcement and N.C.G.S. § 20-112- false sworn testimony Chief Kole refuses to arrest Wes Haskett with claims that the crimes are "civil matters".
- 9. This amendment is in the best interest of all property owners because when they pay \$350 for the Planning Board to make a decision about a zoning amendment made without compliance with posted notification requirement Town Code 36-414(b) the following people fraudulently misrepresent the language of Town Code 36-414(b) and are on video fraudulently misrepresenting Town Code 36-414(b) at the October 21, 2024 Variance hearing online at www.youtube.com/watch?v=SAHrZazLlz8&t=18617s
 - A) Town Attorney Lauren Womble on behalf of Deputy Town Manager Haskett at 1:41-1:44, 3:24-3:29, 3:48-3:51, 5:09-5:11
 - B) Planning Board Attorney Jay Wheless on behalf of the Planning Board and Haskett at 3:09-3:12, 3:48-3:51of the video
 - C) Planning Board Chair Andy Ward at 4:27 of the video
- 10. This amendment is in the best interest of all property owners because when they pay \$350 for the Planning Board to make a decision on whether an amended zoning code can be enforced when there is fraud indicating Town Code 36-414(b) was not complied with, the Planning Board votes unanimously to enforce illegally adopted zoning code. Please see youtube video of the March 19, 2025 Special Hearing from 1:02-1:13 at www.youtube.com/watch?v=gVwcO1hKU08

FACTS SUPPORTING IMPERATIVENESS OF AMENDMENT TO THE TOWN

11. This amendment is in the best interests of the Town because North Carolina Statutes of limitations for fraud, injury to personal property and contract law is 3 years. The Town is

currently liable for a class action lawsuit from property owners suing the town for defrauding property owners with zoning amendments adopted to take the right to subdivide property with a lot width amendment on June 6, 2023. Taking the right to subdivide substantially decreases property value, according to licensed realtors, and the Town has refused to Order Dare County to reduce property taxes on property they have devalued.

STATEMENT OF IMPERATIVENESS UNDER LAW

12. This amendment is consistent with the Town's Code of Ethics and is imperative under North Carolina State and Federal Laws protecting property owner's due process rights and their right not to be subjected to public corruption crimes committed by local governments.

EFFECTIVE DATE OF ZONING AMENDMENT

13. All amended ordinances made within the last 3 years of the date of this amendment without posted notice at the effected property(s) shall be nullified for a period of 90 days from the adoption of this Ordinance. These ordinances include, but are not limited to ZTA-23-03 and TCA-21-06.

14. This Ordinance amendment shall be in full force and effect for 90 days from the

day of	_, 2025.			
		Eli	zabeth Morey	, Mayor
ATTEST:				
Town Clerk				
Date adopted:				
Motion to adopt by Councilmember:				
Motion to second by Councilmember:	:			
		Vote:	AYES	NAYS

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.



May 21, 2024 at 2:27 PM

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Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountylawn@yahoo.com>

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

Phillip Homthal <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 amendments may be in the following language: "That section _____ of the Code of 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 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.

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

"EXHIBIT B"

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



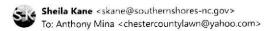
adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- 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 singlefamily 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.
 - o The Town Code Tex 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.
 - o 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.



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

Jun 20, 2024 at 5:07 PM



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

- 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
- 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 ½ of a page size is NOT REQUIRED
- 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.
 - 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.
- 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.
 - NOT REQUIRED
 - 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



11 Files 13.9MB

" EXHIBIT D"