



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: 1/16/2026 Filing Fee: \$200 Receipt No. _____ Application No. _____

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36, Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☐ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Anthony S. Mina
Address: 75 E. Dogwood Trail
Southern Shores, NC 27949
Phone 610-842-3905 Email chestercountyawn@yahoo.com

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: ☒ Southern Shores ☐ Martin's Point (Commercial only)

Address: 75 E. Dogwood Trail Zoning district RS-1
Section _____ Block 105 Lot 1 Lot size (sq.ft.) 47,213 sq. ft.

Request: ☐ Site Plan Review ☐ Final Site Plan Review ☐ Conditional Use ☐ Permitted Use ☒ Zoning text amendment
☐ PUD (Planned Unit Development) ☐ Subdivision Ordinance ☐ Vested Right ☐ Variance

Change To: ☐ Zoning Map ☒ Zoning Ordinance

Signature Anthony S. Mina

Date 1/16/2026

* Attach supporting documentation.



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ZTA-26-XX

January 19, 2026

Ordinance 2026-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures, and land. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, in accordance with the finding above, the amendment of the Town's Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, this amendment is in the best interests of the town because Wes Haskett did not notify property owners of his March 31, 2023 lot width amendment with posted notice at their property or mailed notice pursuant to Town Code 36-362(b) prior to the May 15, 2023 Planning Board/Board of Adjustments hearing regulating land use.

WHEREAS, this amendment is in the best interests of the town because Wes Haskett did not notify property owners of his March 31, 2023 lot width amendment with posted notice at their property pursuant to Town Code 36-414(b) prior to the June 6, 2023 Town Council hearing regulating land use.

WHEREAS, this amendment is in the best interests of the town because Wes Haskett did not notify property owners of his March 31, 2023 lot width amendment with the emailed Town Newsletter until June 2, 2023 (4 days prior to the Town Council Hearing) despite a Town Newsletter being emailed on April 6, 2023, April 21, 2023, May 5, 2023, May 19, 2023 and May 25, 2023. A true and correct copy of a Southern Shore Public Records response documenting these facts is attached hereto as Exhibit "A".

WHEREAS, this amendment is in the best interests of the town because Wes Haskett did not notify Anthony Mina of the proposed lot width amendment in 4 emails during the month of May, 2023 after being specifically asked "Could you please tell me

1 ANYTHING that would prevent me from subdividing the 75 E Dogwood Trail lot so I
2 could build another house. I do not own the property but have made an offer on the
3 property". The dates of the emails discussing lot width requirements and subdivision
4 zoning codes are May 1, 2023, May 17, 2023, May 18, 2023 and May 23, 2023. A true
5 and correct copy of these emails is attached hereto as Exhibit "B"

6
7 **WHEREAS,** this amendment is in the best interests of the town because Wes
8 Haskett notified Anthony Mina for the first time of his March 31, 2023 lot width
9 amendment on June 1, 2023 after Anthony Mina agreed to pay an additional \$75,000 to
10 Outer Banks Realty Group for 75 E Dogwood Trail because Wes Haskett's emails and
11 posted Town Code indicated 75 E Dogwood Trail was subdividable (Anthony Mina's
12 original offer to purchase 75 E Dogwood Trail was \$550,000 and specifically stated "I
13 would need to make any offer over \$550,000 contingent on inspections and subdivision
14 approval"). 75 E Dogwood Trail is subdividable according to all Town Code except the
15 June 6, 2023 lot width amendment that was hidden from Anthony Mina, as proven with
16 Wes Haskett's July 16, 2024 subdivision denial which the only reason for the denial is the
17 June 6, 2023 lot width amendment. A true and correct copy of Wes Haskett's June 1, 2023
18 email, Anthony Mina's \$550,000 offer and Wes Haskett's July 16, 2024 subdivision denial
19 is attached hereto as Exhibit "C".

20
21 **WHEREAS,** this amendment is in the best interests of the town because Wes
22 Haskett has an undisclosed special interest in 75 E Dogwood Trail that appears to have
23 started on April 30, 2021 when Anthony Mina lived in Pennsylvania and spoke to Outer
24 Banks Realty Group about wanting a property to live in and a property that he could build
25 an additional house on. Public records indicate that Wes Haskett was contacted by Outer
26 Banks Realty Group and/or Linda Lauby on April 30, 2021 after Anthony Mina's
27 communication with Outer Banks Realty Group on April 30, 2021. After Anthony Mina
28 purchased 75 E Dogwood Trail Wes Haskett spent months claiming a 1' overhang on the
29 southeast corner of the house (which was built in 1970) encroached in the side setback and
30 prevented the lot subdivision. Wes Haskett also paid HREM law firm to also state an
31 encroachment prevented the lot subdivision. But, 1 day after Anthony Mina filed a
32 building permit to remove the 1' of claimed encroachment from the house Wes Haskett
33 revised his subdivision denial stating there was now not an encroachment preventing the
34 lot sub division. Wes Haskett claims his communication with Outer Banks Realty Group
35 about 75 E Dogwood Trail is not subject to public records disclosure. A true and correct
36 copy of communication between Anthony Mina and Outer Banks Realty Group on April
37 30, 2021 and Wes Haskett and Linda Lauby on April 30, 2021 (about Outer Banks Realty
38 Group contacting Wes Haskett) is attached hereto as Exhibit "D". Wes Haskett's special
39 interest in 75 E Dogwood Trail is also attached hereto as Exhibit "D".

40
41 **WHEREAS,** this amendment is in the best interests of the town because Anthony
42 Mina stated on June 1, 2023 to Outer Banks Realty Group that he would be withdrawing
43 his \$625,000 offer and asking for the return of his due diligence money if the lot width
44 amendment was passed. On June 7, 2023 when Wes Haskett emailed Anthony Mina to
45 explain the 100' lot width amendment was adopted Wes Haskett stated "Town Staff will
46 be submitting another text amendment in the near future that may allow pie-shaped or other

1 irregularly shaped lots.” 75 E Dogwood Trail is subdividable with either a pie-slice shaped
2 lot or an irregularly shaped lot but Wes Haskett never submitted the text amendment which
3 completely contradicts the lot width amendment made the day before. Public Records
4 Request results indicate Southern Shores does not have any records stating Town staff
5 planned the June 6, 2023 lot width amendment to prevent pie slice shaped lots and irregular
6 shaped lots with 100’ at the building front line with a new requirement that the entire length
7 of the lot must be 100’ wide so that in the near future a lot width amendment would be
8 proposed contradicting the June 6, 2023 lot width amendment and again allowing pie slice
9 shaped lots and irregularly shaped lots. There are no Southern Shores records indicating
10 Wes Haskett’s claim on June 7, 2023 about another text amendment was communicated to
11 anyone prior to June 7, 2023. A true and correct copy of Anthony Mina’s June 1, 2023
12 email to Outer Banks Realty Group indicating he expects to be withdrawing his \$625,000
13 offer if the lot width amendment was passed on June 6, 2023 is attached as Exhibit E. Wes
14 Haskett’s June 7, 2023 emailed claim about another zoning text amendment is also attached
15 as Exhibit “E” as well as a public records response indicating there was not a future ZTA.
16

17 **WHEREAS**, this amendment is in the best interests of the town because Wes
18 Haskett was asked on June 7, 2023 how Southern Shores residents and homeowners were
19 notified of the proposed amendment to the zoning code dated March 31, 2023 and Wes
20 Haskett refused to answer the question and sent Anthony Mina an email on June 12, 2023
21 that said “Good afternoon, Mr. Mina. At this point, you should direct your questions to
22 our Town Attorney, Philip Hornthal. He can be reached at 252-335-0878”. A true and
23 correct copy of this email is attached hereto and marked Exhibit “F”.
24
25

26 **WHEREAS**, this amendment is in the best interests of the town because Wes
27 Haskett twice told Anthony Mina that a Variance is how property owners ask for
28 leniency/an exception to zoning code. When Anthony Mina filed his Variance Wes
29 Haskett then argued a Variance was not the appropriate remedy. Wes Haskett filed a staff
30 report prior to the Variance stating all notification requirements in the Town Code were
31 satisfied prior to the June 6, 2023 lot width amendment. Wes Haskett also refused to
32 correct his false statements in his staff report after receiving an email from Anthony Mina
33 on October 15, 2023 asking for a staff report that does not falsely claim all notification
34 records were met prior to the June 6, 2023 zoning amendment. A public records request
35 indicates that Southern Shores has no records indicating that notification requirements at
36 Town Code 36-362(b) and Town Code 36-414(b) have meanings different than the English
37 language interpretation found in dictionaries and taught in North Carolina Public Schools
38 (like Wes Haskett claimed until December, 2025). Wes Haskett’s testimony at the
39 Variance violates False Sworn Testimony Laws. A true and correct copy of Wes Haskett’s
40 staff report, Anthony Mina’s email asking for a staff report without false statements and
41 proof Southern Shores does not have zoning code notification requirements with meanings
42 not found using the English language taught in North Carolina schools is attached hereto
43 as Exhibit “G”.
44

45 **WHEREAS**, this amendment is in the best interests of the town because Wes
46 Haskett, the town employee who claimed for 2 years that he has

1 not lied about anything or hidden anything from Anthony Mina now claims through
2 attorney Norwood Blanchard that misrepresentations of law do not substantiate a fraud
3 case against him in Dare County Superior Court using the case of Dalton V Dalton. A true
4 and correct copy of Wes Haskett's claim that misrepresentations of law don't make him
5 liable for fraud is attached hereto as Exhibit "H".
6

7 **WHEREAS,** this amendment is in the best interests of the town because Wes
8 Haskett emailed Police Chief Kole on May 21, 2024 and claimed he had a legal basis to
9 amend zoning code on June 6, 2023 by deleting Town Code notification requirement 36-
10 414(b). This email violates false reports to law enforcement laws. A true and correct copy
11 of the email is attached hereto and marked Exhibit "I".
12
13

14 **WHEREAS,** this amendment is in the best interests of the town because Wes
15 Haskett's misconduct regarding his March 31, 2023 lot width amendment has cost the town
16 \$13,135 in legal fees as of October 29, 2025. At this point Wes Haskett is still using town
17 money to have HREM law firm attorney Lauren Womble to attempt to have Anthony
18 Mina's Petition for Writ of Certiorari (to reverse the Board of Adjustments findings which
19 were based on Wes Haskett's false statements) denied. Paying an attorney to aid and abet
20 a fraudulent transaction is illegal and Wes Haskett refuses to correct his wrong doing by
21 approving Anthony Mina's lot subdivision or paying Anthony Mina \$75,000. A true and
22 correct copy of documentation indicating Southern Shores has paid \$13,135 in legal fees
23 all stemming from Wes Haskett's March 31, 2023 lot width amendment is attached hereto
24 as Exhibit "J".
25

26 **WHEREAS,** this amendment is in the best interests of the town because Wes
27 Haskett has a history of not complying with Town Code involving other property owners.
28 On July 21, 2016 Wes Haskett approved the Jessica Penson-Heyder plat without lot width
29 requirements being complied with and when Anthony Mina submitted a public records
30 request for records of the property Wes Haskett attempted to claim there was not records
31 of the creation of the lot. A true and correct copy of the Jessica Penson Heyder plat and
32 Wes Haskett's claim the lot was created prior to 1979 is attached hereto as Exhibit "K"
33

34 **WHEREAS,** this amendment is in the best interests of the town because Wes
35 Haskett has constantly violated the Southern Shores Code of Ethics which require Town
36 employees to obey the law and not try to in any way to influence application of the law by
37 any of the town's authorities. Town employees must always uphold the integrity and
38 independence of their office. Town employees must always avoid impropriety and the
39 appearance of impropriety. **TOWN EMPLOYEES MUST MANAGE AND SPEND**
40 **TOWN FUNDS AS IF THEY WERE THEIR OWN FUNDS AND THE FUNDS**
41 **MUST BE SPENT IN THE BEST INTERESTS OF ALL SOUTHERN SHORES**
42 **PROPERTY OWNERS.** A true and correct copy of the Southern Shores Code of Ethics
43 is attached hereto and marked Exhibit "L"
44

45 **WHEREAS,** this amendment is in the best interests of the town because Anthony
46 Mina has made complaints to the Town of Southern Shores about Wes Haskett's

1 misconduct and Wes Haskett is still spending Southern Shores tax payers money on
2 attorneys to prevent the 75 E Dogwood Trail lot subdivision when the facts prove that law
3 prohibits the prevention of the lot subdivision with the June 6, 2023 lot width amendment.
4

5 **WHEREAS**, the amendment of the Town's Zoning Ordinance and Town Code
6 Ordinances as stated below is based on reasonable consideration, among other things, as to
7 the character of the district, suitability for uses in the area, conserving value of buildings
8 and encouraging the most appropriate use of land throughout the Town.
9

10 **WHEREAS**, the Town's currently adopted Land Use Plan contains Policies and
11 Action Items that are applicable to the amendments, including but not limited to the
12 following:
13

14 **Policy:** Southern Shores Town Code of Ethics
15

16 **Policy:** Town Code 36-414(b), Town Code 36-262(b) and Town Code 22-
17 1(6),(8),(9)
18

19 **Policy:** North Carolina General Statutes 14-225 (false report to police), 20-112
20 (false sworn testimony)
21

22 **ARTICLE II. Construction.**

23
24 For purposes of this ordinance amendment, underlined words (underline) shall be
25 considered as additions to existing Town Code language and strikethrough words
26 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
27 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
28 ("...") shall remain as they currently exist within the Town Code.
29

30 **ARTICLE III. Amendment of Zoning Ordinance.**

31
32 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
33 Southern Shores, North Carolina, that the Town Code shall be amended as follows:
34

35 **PART I. That Article X Sec. 36-302 Violation & Disciplinary Action Against** 36 **Town Employees & Board Members** 37

38 Be amended as follows:
39

40 **Sec. 36-302(a)**

41 **If the building inspector or zoning administrator shall find that any of the**
42 **provisions of this article are being violated, he shall notify in writing the person**
43 **responsible for such violations, indicating the nature of the violation, and**
44 **ordering the action necessary to correct it. He shall order discontinuance of**

1 illegal use of land, buildings, or structures; removal of illegal buildings or
2 structures or of additions, alterations, or structural changes thereto;
3 discontinuance of any illegal work being done; or take any other action
4 authorized by this article to ensure compliance with or to prevent violations of
5 its provisions.

6 **Sec. 36-302(b) Disciplinary Hearings Against Town Employees And Board**
7 **Members**

8 **If any town employee or board member violates any of the provisions of this**
9 **chapter or the Southern Shores Ethics Policy (Employee, Council Member or**
10 **Members of Town Appointed Board Ethics Policy) a special meeting will be held**
11 **upon request from a property owner to determine the disciplinary action to be**
12 **taken against the violator. Punishment against Town Employees and Board**
13 **Members include, but may not be limited to: arrest by law enforcement with**
14 **jurisdiction, termination of employment or term (if sitting on a board),**
15 **disorderly conduct fines and restitution for all legal costs associated with the**
16 **employee or board member's misconduct. The employee will also be liable for**
17 **any damages they caused the property owner with their misconduct. The Town**
18 **must also Order all false facts published about Town meetings to be corrected**
19 **and republished, regardless of whether the news source published false facts or**
20 **the false facts came from someone speaking at a Town Meeting.**

21 **Sec. 36-302(c) Notification Requirements of Disciplinary Hearings, Fees & Time**
22 **Limitation On Hearing**

23 **The Town shall notify all Southern Shores property owners using their electronic**
24 **email notification address list of the hearings not less than 21 days prior to the**
25 **hearing. Notice shall be also published in the Coastland Times pursuant to the**
26 **strictures of North Carolina law governing Zoning Text Amendments and**
27 **property owners shall be Notified pursuant to the requirements of Sec. 36-414**
28 **and Sec. 36-362. The filing fee of a disciplinary hearing shall be equivalent to the**
29 **cost of a Zoning Text Amendment Application and the length of the hearing shall**
30 **not exceed two hours.**

31 (Code 1988, § 11-10.07; Ord. No. 2011-01-01, art. VIII, pt. XI, 1-4-2011)

32
33 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
34 **Reasonableness.**

35
36 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
37 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
38 is applicable. For all of the above-stated reasons and any additional reasons supporting the

1 Town's adoption of this ordinance amendment, the Town considers the adoption of this
2 ordinance amendment to be reasonable and in the public interest.

3
4 **ARTICLE V. Severability.**

5
6 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
7 hereby repealed. Should a court of competent jurisdiction declare this ordinance
8 amendment or any part thereof to be invalid, such decision shall not affect the remaining
9 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
10 Town of Southern Shores, North Carolina which shall remain in full force and effect.

11
12 **ARTICLE VI. Effective Date.**

13
14 This ordinance amendment shall be in full force and effect from and after the ____ day of
15 _____, 2026.

16
17 Additionally, upon consideration of the evidence of misconduct against Wes Haskett, the
18 Planning Board/Board of Adjustments and Town Council hereby Order a public hearing
19 pursuant to Section 36-302(b); Or, upon consideration of the evidence of misconduct
20 against Wes Haskett, the Planning Board/Board of Adjustments and Town Council
21 hereby Order the termination of Wes Haskett's employment effective immediately, the
22 repayment of legal costs paid to HREM Law Firm of at least \$13,135 and restitution paid
23 to the 75 E Dogwood Trail home owners of \$75,000 plus all filing fees stemming from
24 Wes Haskett's refusal to approve the 75 E Dogwood Trail lot subdivision.

25
26
27 Elizabeth Morcy, Mayor

28 ATTEST:

29
30 _____
31 Town Clerk

32
33
34 APPROVED AS TO FORM:

35
36 _____
37 Town Attorney

38
39 Date adopted:

40
41 _____
42 Motion to adopt by Councilmember:

43
44 _____
45 Motion seconded by Councilmember:

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

A

RE: 75 E. Dogwood Trail Subdivision

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

To: chestercountylawn@yahoo.com

Date: Tuesday, May 23, 2023 at 02:13 PM EDT

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

-----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

"B"

Re: 75 E. Dogwood Trail Zoning Question

From: Anthony Mina (chestercountylawn@yahoo.com)

To: whaskett@southernshores-nc.gov

Date: Thursday, May 18, 2023 at 02:54 PM EDT

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

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

"B"

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

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

"B"

(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

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"B"

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Wes Haskett

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Inbox 114K
Unread
Starred
Drafts 674
Sent
Archive
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)

www.southernshores-nc.gov



Spectrum

Don't miss out on the best of the best. **UNTIL YOU'RE CONNECTED.** Fasten into your new home with the best of the best. Don't miss out on the best of the best.

Watch Now



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:

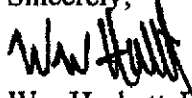
1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot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



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

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

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EXHIBIT 



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

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 [REDACTED]

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 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.



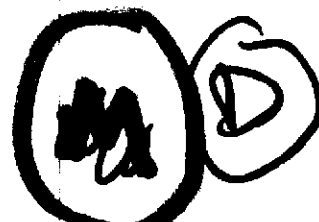
Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement 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-nv.gov/development>. Feel free to contact me at (252) 261-2394 or administrative@southernshores-nv.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 <chestercountylawn@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 2:15 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



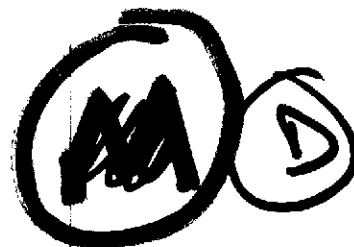
75DogwoodPermitApp.pdf
1MB



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



Submittal 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 3ft of Freeboard or LESS 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 AEC (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/fly doorway, remove walls on each side of second floor fireplace and remove ~~section of house~~ which Haskett claims prevents the lot subdivision

PERMIT TYPE (X): _____ COMMERCIAL X RESIDENTIAL

_____ RESIDENCE _____ 2ND HOME _____ RENTAL (> 30 days) _____ VACATION COTTAGE (< 30 days)

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

PROPERTY USE (X): 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: N/A 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

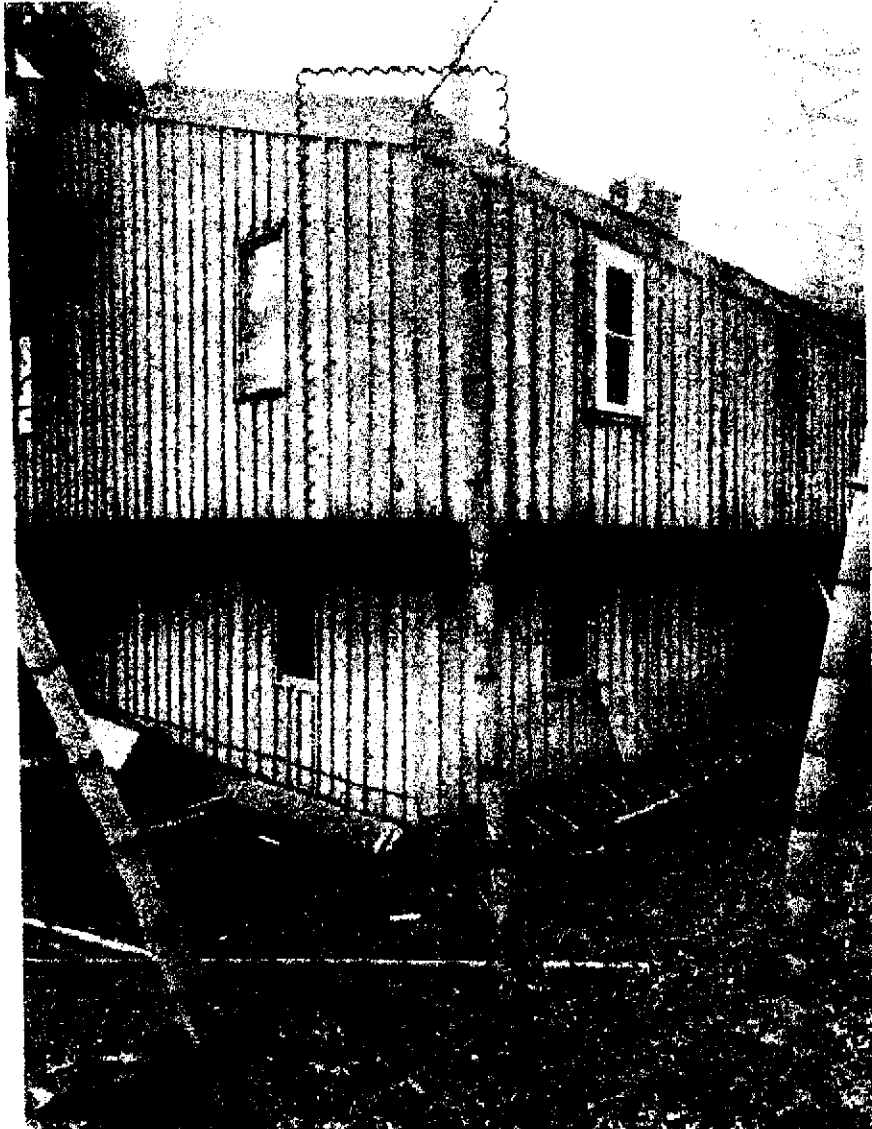
NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate 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 Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing back



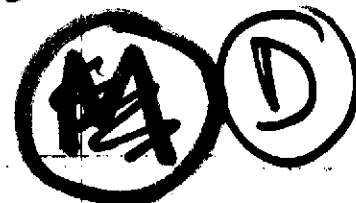

UZMAN ENGINEERING, LLC

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 Ogburn <cgoburn@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

MA D



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
[REDACTED]

75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina [REDACTED]:

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.



3-000200-3
Jc > 0200 > J

~~XX~~



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 eaves, 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



Fw: 75 E Dogwood Trail

From: Anthony Mina (chestercountylawn@yahoo.com)

To: alan@outerbanksrealtygroup.com; teamcreechobx@gmail.com

Cc: jim@outerbanksrealtygroup.com

Date: Thursday, June 1, 2023 at 01:51 PM EDT

Hello,

I am writing you regarding 75 E. Dogwood Trail.

Please provide me the exact day and time the due diligence period expires on my agreement to purchase 75 E. Dogwood Trail. I received the ratified agreement on May 8, 2023 and was told Alan Creech did not receive the ratified 75 E Dogwood Trail agreement from Linda Lauby until May 8, 2023.

On May 1, 2023 I informed Outer Banks Realty that Southern Shores indicated that they did not think a subdivision at 75 E. Dogwood Trail was possible. I also indicated that I had offered as much as my budget would allow for an unsubdividable lot on May 1, 2023. Since the May 1, 2023 email I've communicated with Wes Haskett at Southern Shores on a regular basis to come up with a subdivision plan and had (3) options: (a) purchase 1' of property from 73 E. Dogwood Trail; (b) remove 1' of the 75 E Dogwood Trail house encroaching into the setback or (c) ask Southern Shore for a variance so the 14' setback did not prevent a subdivision.

Today, for the first time, Wes Haskett of Southern Shores has informed me that there is an amendment to the zoning code that Southern Shores council is being asked to approve on June 6, 2023. The amendment is attached to this email and if passed on June 6, 2023, would raise a second reason why 75 E. Dogwood Trail is not a subdividable property given the zoning code requirements.

Despite the fact that I love the 75 E. Dogwood Trail property and the fact that the house and property needs tons of work (a house needing a ton of work makes it a dream home to someone like myself), I expect to be withdrawing my \$625,000 offer if the amendment is passed and respectfully requesting my \$5000 due diligence payment to be refunded to me (I made an offer on a property that could potentially be subdivided and Southern Shores would like to amend it's zoning code on June 6, 2023 so there would be a second code preventing the subdivision.)

As I explained, 75 E. Dogwood Trail is a dream home to me and if the attached amendment to the zoning code was passed on June 6, 2023 I would still be interested in purchasing 75 E. Dogwood Trail, but I would need to renegotiate the sale price and/or the financing agreement.

One solution would be keeping the sale price at \$625,000 but reducing the financing agreement's monthly payment to \$1600 per month. To make this offer more lucrative to Linda Lauby then the current agreement, I would add a clause stating that in 48 months Linda Lauby will also be paid 10% of 75 E. Dogwood Trail's appraised value or 10% of the sales price if I have 75 E. Dogwood Trail listed for sale in 48 months. So, in lieu of the \$48,000 Linda Lauby would receive in monthly payments over the first 48 months, Linda Lauby should receive more than \$62,500. And, to be honest with you, my preference is to keep 75 E. Dogwood Trail as a 1 acre lot and would be aiming for a value of more than \$900,000 in 48 months. The extra \$1000 per month of savings I would have with this agreement should allow me to have access to more than \$200,000 to invest into 75 E. Dogwood Trail after I sell my current home.

I apologize for the possibility of needing to withdraw my current sales agreement after the June 6, 2023 Southern Shores town meeting. I have 4 children and the potential for a subdivision at 75 E. Dogwood Trail meant to me that if my fiance and myself ever needed money we would be able to sell 20,000 square feet for more than \$200,000. Without the potential subdivision, my fiance and myself are going to need to live more frugally than we had planned for the next 48 months and I do not think that my fiance and myself are going to agree that we will be happy living on

EXHIBIT "E"

the budget without a possible subdivision given the renovations 75 E Dogwood Trail needs.

Finally, I wanted to remind you that 75 E. Dogwood Trail is a dream home to me. I lived in Pennsylvania before moving to the Outer Banks last September and loved the way builders renovated old barns in Pennsylvania. More than 20 years ago I owned a property maintenance business that maintained more than 100 properties on a regular basis and one of my customers owned this barn: <https://www.redfin.com/PA/West-Chester/1050-Copeland-School-Rd-19380/home/39036332>

Finding 75 E. Dogwood Trail is like finding a needle in a haystack for me and in the event that Southern Shores passes the amendment to the zoning code on June 6, 2023 I still plan on trying to negotiate a deal that would make both Linda Lauby and my family happy. Renovations and additions I built at my last job can be seen at www.outerbankshomeimprovements.com.

Thank you,
Tony Mina

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

From: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 8, 2023 at 09:53:32 AM EDT
Subject: Re: 75 E Dogwood Trail

Good morning,

It was a good, but crazy, weekend. Thank you. I thought I had responded to your last email but found it in drafts this morning.

This all sounds good, just give me as much notice as possible and we will make it happen.

The pest inspector I like is Greg, with Don's Pest Control.

I just received the ratified contract this morning and will be preparing it to send to the attorney. You are using Ashton Harrell for your closing attorney, correct? I will send you a copy as well.

We will need to get together for the due diligence fee. The check should be made out to Linda Lauby.

Let me know when you have questions or there is anything I can do for you.

Alan Creech, RSPS
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: Monday, May 8, 2023 8:57 AM
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
Subject: Fw: 75 E Dogwood Trail

Good Morning,

I hope you had a good weekend,

I wanted to let you know that I have a septic company scheduled at 75 E. Dogwood Trail Thursday afternoon. They will call me 20-30 minutes prior to going to 75 E. Dogwood Trail.

I have scheduled a heating and air conditioning company to meet me at 75 E. Dogwood Trail either Tuesday or Wednesday. They are going to call me the day of the heater/air conditioner inspection to tell me when they will be

EXHIBIT

----- 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,

"E"

ZTA Public Records For Zoning Text Amendment To Allow Pie Shaped Lots or Irregularly shaped lots

From: Anthony Mina (chestercountylawn@yahoo.com)

To: chestercountylawn@yahoo.com

Date: Wednesday, January 7, 2026 at 01:16 PM EST

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

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

To: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Monday, December 22, 2025 at 11:31:15 AM EST

Subject: RE: Public Records For Zoning Text Amendment To Allow Pie Shaped Lots or Irregularly shaped lots

There are no public records associated with this request.

From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Sunday, December 21, 2025 11:55 AM

To: Cliff Ogburn <cogburn@southernshores-nc.gov>; info@southernshores-nc.gov; Sheila Kane <skane@southernshores-nc.gov>; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Lauren Arizaga-Womble <lawomble@hrem.com>; W. Jay Wheless <jay@whelesslawfirm.com>

Cc: Olivia S. Hines <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; opengov@ncdoj.gov; FBI <philadelphia.complaints@ic.fbi.gov>

Subject: Fw: Public Records For Zoning Text Amendment To Allow Pie Shaped Lots or Irregularly shaped lots

Dear Southern Shores,

Please provide me the results of the Public Records Request I made on December 7, 2025. I can not find a response in my email.

Thank you,

Anthony S Mina

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

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>; Lauren Arizaga-Womble <lawomble@hrem.com>; council@southernshores-nc.gov <council@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>; W. Jay Wheless <jay@whelesslawfirm.com>

"E"

Cc: Olivia S. Hines <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov <ncago@ncdoj.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; opengov@ncdoj.gov <opengov@ncdoj.gov>

Sent: Sunday, December 7, 2025 at 06:59:52 PM EST

Subject: Re: Public Records For Zoning Text Amendment To Allow Pie Shaped Lots or Irregularly shaped lots

Dear Southern Shores,

Please provide me all documentation, including documentation from before June 7, 2023 (meeting minutes, YouTube videos, names, phone numbers and text amendment applications) indicating town staff planned the June 6, 2023 lot width amendment to prevent pie sliced shaped lots and irregular shaped lots with 100' at the building front line with a new requirement that the entire length of the lot must then be 100' wide so that in the near future a lot width amendment would be proposed contradicting the June 6, 2023 lot width amendment and again allowing pie sliced shaped lots shaped lots and irregularly shaped lots. (I've drawn a pie slice shaped lot as property A, an irregular shaped lot as property b and a lot with the June 6, 2023 width requirements as property c)

Please also provide me the zoning code that permitted Wes Haskett to approve the Jessica Penson Heyder recombination plat on 7-21-2016 without the 100' lot width requirement being complied with.

Thank you,

Anthony S Mina

PS the December 4, 2025 response does not explain anything about the purpose of adopting a lot width amendment on June 6, 2023 to file another lot width amendment to contradict the June 6, 2023 lot width amendment. Please provide me all the information prior to June 7, 2023 documenting the lot width amendment contradiction plans.

On Thursday, December 4, 2025 at 02:52:57 PM EST, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

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

Sent: Thursday, December 4, 2025 9:50 AM

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

Subject: RE: Public Records For Zoning Text Amendment To Allow Pie Shaped Lots or Irregularly shaped lots

Cliff-please forward this records request to Mr. Mina. Thank you.

"E"

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

"F"

----- 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,



75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

chestercountyla.../Sent



Anthony Mina <chestercountylawm@yahoo.com>

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

Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>

Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>

olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, FBI <philadelphia.complaints@ic.fbi.gov>

Oct 15 at 9:58 AM

Mr. Haskett,

Thank you for the email.

Could you please rescann my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional \$75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b). Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b)

Could you please define the "split" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

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 Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend \$350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

Forwarded Message

From: Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountylawm@yahoo.com>

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

Sent: Monday, October 14, 2024 at 03:59:17 PM EDT

Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2194 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



5 Files 11.4MB

"6"
"EXHIBIT E"

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:

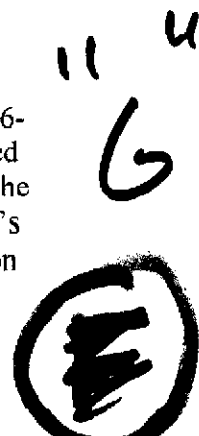
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

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

" 6 "



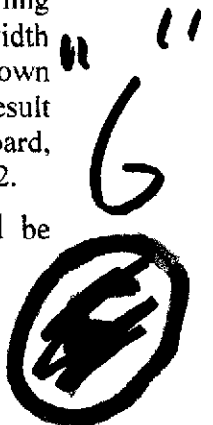
adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.



- 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.



FW: PRR October 12, 2025

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

To: chestercountylawn@yahoo.com

Date: Monday, November 3, 2025 at 08:35 AM EST

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

Sent: Wednesday, October 29, 2025 3:43 PM

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

Subject: PRR October 12, 2025

Cliff-please forward this records request to Mr. Mina.

Mr. Mina,

On October 12, 2025 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

1) legal bills associated with case no. 25CV000423-270 and no. 24CV001667-270 (Dare County Superior Court cases)



2) Copies of all documents /notifications to Southern Shores property owners explaining the meaning of Town Code 36-414(b), Town Code 36-362(b) and Town Code 36-365(a) is different than the English language interpretation found in dictionaries and taught in North Carolina public schools.

3) Copies of all documents/notifications to Southern Shores property owners explaining Elizabeth Morey is seeking re-election with unsettled litigation including the refusal to comply with the December 18, 2024 Order and refusal to stop Wes Haskett's fraudulent scheme.

The approximate cost of legal bills associated with the above-mentioned court cases and received by the Town of Southern Shores totals \$13,135.00. There are no public records associated with item request number two or three.

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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Positive

As of: December 15, 2025 1:35 AM Z

Dalton v. Dalton

Court of Appeals of North Carolina

April 1, 2004, Heard In the Court of Appeals ; June 1, 2004, Filed

NO. COA03-839

Reporter

164 N.C. App. 584 *; 596 S.E.2d 331 **; 2004 N.C. App. LEXIS 978 ***

BARBARA GARRISON DALTON, Plaintiff v. ROBERT
FRANK DALTON, Defendant

Disposition: [***1] Affirmed.

Core Terms

parties, retirement, separate agreement, summary
judgment, savings account, benefits

law and thus the court rejected the husband's request to reform the agreement. Contrary to the husband's assertion, the record contained a copy of the agreement bearing a notary stamp for the signatures of both the wife and husband as required by N.C. Gen. Stat. § 52-10.1 (2003). Thus, the wife was properly granted summary judgment.

Outcome

The court affirmed.

Case Summary

Procedural Posture

Defendant husband challenged a decision of the Guilford County District Court (North Carolina), which entered summary judgment in favor of plaintiff wife in connection with the husband's counterclaim for equitable distribution of the parties' marital and divisible property, which counterclaim sought to have a separation agreement set aside.

Overview

The wife sought a divorce and cited the parties' separation agreement as resolving all claims for support and equitable distribution. The husband counterclaimed for equitable distribution and sought to have the separation agreement set aside on the ground that the wife **misrepresented the law** when she divided the parties' retirement benefits in the agreement. The trial court granted the wife summary judgment and the court affirmed on appeal. Because the existence of a relationship of confidence and trust did not operate as an exception to the general rule that **fraud** could not be premised upon a **misrepresentation of law**, the court rejected the husband's claim of **fraud**. That the parties' distribution scheme differed from that established by North Carolina law constituted merely a bare mistake of

LexisNexis® Headnotes

Civil Procedure > ... > Summary
Judgment > Entitlement as Matter of
Law > Appropriateness

Civil Procedure > ... > Discovery > Methods of
Discovery > General Overview

Civil Procedure > Judgments > Summary
Judgment > General Overview

Civil Procedure > ... > Summary
Judgment > Burdens of Proof > General Overview

Civil Procedure > ... > Summary
Judgment > Hearings > General Overview

Civil Procedure > ... > Summary
Judgment > Motions for Summary
Judgment > General Overview

Civil Procedure > ... > Summary
Judgment > Opposing Materials > General
Overview

"H"

Civil Procedure > ... > Summary
Judgment > Entitlement as Matter of Law > General Overview

Civil Procedure > ... > Summary
Judgment > Entitlement as Matter of Law > Genuine Disputes

Civil Procedure > ... > Summary
Judgment > Entitlement as Matter of Law > Materiality of Facts

Civil Procedure > ... > Summary
Judgment > Supporting Materials > General Overview

Civil Procedure > ... > Summary
Judgment > Supporting Materials > Discovery Materials

A separation agreement which is not incorporated into a court judgment is a contract. Generally speaking, a party cannot attack the making of a contract on the basis of fraud where the proof regarding the misrepresentation or misstatement relates to a matter of law. This is based primarily on the following related principles: that everyone is equally capable of determining the law, is presumed to know the law and is bound to take notice of the law and, therefore, in legal contemplation, cannot be deceived by representations concerning the law or permitted to say he or she has been misled. A widely held exception to this rule is where there is a relation of trust and confidence between the parties.

Contracts Law > ... > Affirmative Defenses > Fraud & Misrepresentation > General Overview

HN1[1] Entitlement as Matter of Law, Appropriateness

Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law. N.C. Gen. Stat. § 1A-1, N.C. R. Civ. P. 56(c) (2003). The party moving for summary judgment must establish the lack of any triable issue, and all inferences of fact from the evidence proffered at the hearing must be drawn against the movant and in favor of the party opposing the motion. Nonetheless, summary judgment should be looked upon with favor where no genuine issue of material fact is presented.

Contracts Law > ... > Affirmative Defenses > Fraud & Misrepresentation > General Overview

Family Law > ... > Postnuptial & Separation Agreements > Defenses > Misrepresentation

Family Law > ... > Marital Agreements > Postnuptial & Separation Agreements > General Overview

Family Law > ... > Postnuptial & Separation Agreements > Defenses > General Overview

HN2[1] Affirmative Defenses, Fraud & Misrepresentation

HN3[1] Affirmative Defenses, Fraud & Misrepresentation

Fraud cannot be based upon ignorance of the law. The court has rejected the proposition that the existence of a relationship of confidence and trust operates as an exception to the general rule that fraud cannot be premised upon a misrepresentation of law.

Business & Corporate Compliance > ... > Contract Formation > Mistake > Mutual Mistake
Contracts Law > Contract Formation > Mistake > Mutual Mistake

Contracts Law > Defenses > Ambiguities & Mistakes > Mutual Mistake

Family Law > ... > Marital Agreements > Postnuptial & Separation Agreements > General Overview

Contracts Law > Defenses > Ambiguities & Mistakes > General Overview

Contracts Law > Remedies > Reformation

Family Law > ... > Postnuptial & Separation Agreements > Defenses > General Overview

Family Law > ... > Postnuptial & Separation Agreements > Defenses > Mistake

Real Property
Law > Deeds > Remedies > Reformation "

H

HN4[1] Mistake, Mutual Mistake

Relief has been granted where there exists a mutual mistake as to a material fact comprising the essence of the agreement. However, a bare mistake of law generally affords no grounds for reformation.

Headnotes/Summary**Headnotes**

Divorce—equitable distribution--unincorporated separation agreement--mistake of law

The trial court did not err by granting summary judgment in favor of plaintiff wife on defendant husband's counterclaim for equitable distribution of the parties' marital and divisible property even though defendant sought to set aside the parties' separation agreement drafted by plaintiff based on the fact that plaintiff fraudulently or mistakenly represented to defendant that the law in North Carolina required each of them to retain their respective retirement savings accounts as their separate property, because: (1) s separation agreement which is not incorporated into a court judgment is a contract, and a party cannot attack the making of a contract on the basis of fraud where the proof regarding the misrepresentation or misstatement relates to a matter of law since everyone is equally capable of determining the law; (2) the existence of a relationship of confidence and trust does not operate as an exception to the general rule that fraud cannot be premised upon a misrepresentation of law; (3) a bare mistake of law generally affords no grounds for reformation, and the separation agreement in the instant case succeeded in accomplishing the intention of the parties to distribute their retirement benefits pursuant to an erroneous understanding of North Carolina law; and (4) contrary to defendant's assertion, the record contained a copy of the separation agreement bearing a notary stamp for the signatures of both plaintiff and defendant.

Counsel: Diane Q. Hamrick, for plaintiff-appellee.

Robert R. Schoch, for defendant-appellant.

Judges: CALABRIA, Judge. Judges McGEE and STEELMAN concur.

Opinion by: CALABRIA

Opinion

[*584] [332]** Appeal by defendant from order entered 19 March 2003 by Judge Thomas G. Foster in Guilford County District Court. Heard in the Court of Appeals 1 April 2004.

[*585] CALABRIA, Judge.

Robert Frank Dalton ("defendant") is appealing the entry of summary judgment against him on his counterclaim for equitable distribution of the parties' marital and divisible property. We affirm.

Defendant and Barbara Garrison Dalton ("plaintiff") were married on 22 May 1982. On or about 31 December 2000, the parties separated. The parties executed a document on 25 January 2001 entitled "Separation and Property Settlement Agreement." The agreement distributed the parties' real property and personal property, including seven parcels of real property, household and personal belongings, vehicles, bank and financial accounts and retirement benefits. In dividing the parties' retirement **[**2]** accounts, the agreement provided, in pertinent part, as follows: "f. Retirement Benefits. Husband shall be the sole owner of all funds and benefits in his name in the SEP account with Wachovia. Wife shall be the sole owner of all funds and benefits in her name in the SEP account with Wachovia." As of the date of separation, plaintiff's retirement savings account was valued at approximately \$ 600,000 while defendant's retirement savings account was valued at approximately \$ 100,000.

On 9 July 2002, plaintiff filed a complaint for absolute divorce and cited the parties' separation agreement as resolving "any and all claims of the parties for support, alimony and/or equitable distribution of marital property." In an amended answer, defendant counterclaimed for equitable distribution, seeking to set aside the separation agreement on the grounds of fraud, constructive fraud, misrepresentation, mutual mistake, undue influence, unconscionability and manifest unfairness, and failure to observe the proper formalities in executing the agreement. Plaintiff replied to defendant's answer asserting defendant's counterclaims were barred by various affirmative defenses, including accord and satisfaction, **[***3]** waiver, estoppel, and ratification. On 24 January 2003, plaintiff moved for summary judgment "on the grounds that there is no genuine issue as to any material fact related to Defendant's Counterclaim, and Plaintiff is entitled to

"H"

Summary Judgment in her favor as a matter of law." In an order filed 19 March 2003, the trial court granted plaintiff's motion. Defendant appeals.

HN1 Summary judgment is appropriate where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law." *N.C. Gen. Stat. § 1A-1, Rule 56(c)* (2003). The party moving for summary judgment must establish the lack of any triable issue, and all inferences of fact from the evidence proffered at the hearing must be drawn against the movant and in favor of the party opposing the motion. *Boyce v. Meade*, 71 N.C. App. 592, 593, 322 S.E.2d 605, 607 (1984). Nonetheless, "summary judgment should be looked upon with favor where no genuine issue of material fact is presented." *Lowry v. Lowry*, 99 N.C. App. 246, 249, 393 S.E.2d 141, 143 (1990). *****4**

Here, defendant asserts plaintiff engaged in a series of "expertly-machinated manipulations and deceptions" resulting in "his financial fleecing." Defendant contends the marital history of plaintiff's dominance conditioned him to follow her advice and, when they decided to separate, plaintiff suggested she prepare their separation agreement without involving attorneys and he assented. Defendant further contends that, after the unequal distribution of the parties' retirement savings accounts, plaintiff fraudulently or mistakenly represented to defendant that the law in North Carolina required each of them to retain their respective retirement savings accounts as their separate property.

*****333** It should be noted at the outset that there was no confusion as to any issue of fact on the part of either of the parties. To the contrary, both parties readily concede that (1) plaintiff had a retirement savings account in her name with approximately \$ 600,000, (2) defendant had a retirement savings account in his name with approximately \$ 100,000, and (3) both knew the respective amounts in each account. Defendant's claim depends on his assertion that plaintiff misrepresented the law of North Carolina *****5** when she divided the parties' retirement benefits in the separation agreement. In short, our holding is limited to situations involving misrepresentations of law and not of fact.

HN2 "A separation agreement which is not incorporated into a court judgment is a contract[.]" *Rose v. Rose*, 108 N.C. App. 90, 94, 422 S.E.2d 446, 448 (1992). Generally speaking, a party cannot attack the making of a contract on the basis of fraud where the

proof regarding the misrepresentation or misstatement relates to a matter of law. Richard A. Lord, Williston on Contracts § 69:10 (4th ed. 1993). This is based primarily on the following related principles: "that everyone is equally capable of determining the law, is presumed to know the law and is bound to take notice of the law and, therefore, in legal contemplation, cannot be deceived by representations concerning the law or permitted to say he or she has been misled." *Id.* A widely held *****587** exception to this rule is "where there is a relation of trust and confidence between the parties[.]" *Avriett v. Avriett*, 88 N.C. App. 506, 512, 363 S.E.2d 875, 880 (1988) (Greene, J. dissenting) (citation omitted). This exception, *****6** however, cannot avail defendant.

In *Avriett*, a wife claimed her former husband's failure to reveal his attorney's legal advice constituted fraud. The husband failed to reveal the "significant difference between the ramifications of alimony and property settlement as it pertains to the [husband's] military pension[.]" ¹ *Id.* The majority held the wife's claim for fraud was fatally deficient for three reasons. *Id.*, 88 N.C. App. at 508-09, 363 S.E.2d at 877-78. One of the three alternative and independent grounds upon which the wife's claim failed was that **HN3** "fraud cannot be based upon ignorance of the law." *Id.*, 88 N.C. App. at 508, 363 S.E.2d at 878. In so doing, this Court rejected the proposition that the existence of a relationship of confidence and trust operates as an exception to the general rule that fraud cannot be premised upon a misrepresentation of law. *Id.* This conclusion is bolstered by the fact that each of these deficiencies was propounded by the majority as fatal to the wife's claim despite the dissent's specific reference to the exception in question. Accordingly, we are bound by our holding in *Avriett* and, thus, *****7** conclude that plaintiff's claims premised upon fraud are fatally deficient. See *In the Matter of Appeal from Civil Penalty*, 324 N.C. 373, 384, 379 S.E.2d 30, 37 (1989) (holding when one "panel of the Court of Appeals has decided the same issue, albeit in a different case, a subsequent panel of the same court is bound by that precedent, unless it has been

¹ We do not perceive a meaningful distinction between the plaintiff's failure to reveal certain information in *Avriett* as compared to plaintiff's alleged misrepresentation in the instant case. See *Link v. Link*, 278 N.C. 181, 191, 179 S.E.2d 697, 703 (1971) ("fraud rests upon deception by misrepresentation or concealment"); *Vail v. Vail*, 233 N.C. 109, 113, 63 S.E.2d 202, 205 (1951) ("fraud may be said to embrace all acts, omissions, and concealments") (internal quotation marks and citation omitted).

"H"

overturned by a higher court").

In the alternative, defendant, relying on *Durham v. Creech*, asserts the [***8] separation agreement should be reformed because appellee's "inducing statements about the law 'requiring' the parties to retain savings in their individual names . . . clearly demonstrate she also was mistaken (at least) about the law." See *id.*, 32 N.C. App. 55, 231 S.E.2d 163 (1977). **HN4** [T] Relief has been granted where there "exists . . . a mutual mistake as to a *material fact* comprising the essence of the agreement" *Lancaster v. Lancaster*, 138 N.C. App. 459, 465, 530 S.E.2d 82, 85 (2000) (emphasis added). However, "[a] bare mistake of law generally affords no grounds for reformation." [***588] *Durham*, 32 N.C. App. at 60, 231 S.E.2d at 167. In *Durham*, the sellers of certain real property sought to have the deed reformed to reflect the intention of the parties [***334] to reserve a life estate for the sellers. The deed failed to include the language reserving the life estate due to the mistake of the draftsman. This Court held a directed verdict for the buyers was improper because "the failure to accomplish the intention of the parties, to reserve a life estate, was a mistake of fact which will afford reformation." *Id.* This Court's analysis [***9] in *Durham* turned on the deed's failure to accomplish the intention of the parties. However, in the instant case, the separation agreement succeeded in accomplishing the intention of the parties. Specifically, the parties intended to distribute their retirement benefits pursuant to an erroneous understanding of North Carolina law. That the parties' distribution scheme, in actuality, differed from that established by North Carolina law constitutes merely a "bare mistake of law." Defendant's claim cannot avail him.

Finally, defendant contends the separation agreement cannot be upheld on the grounds that it was not acknowledged by both parties before a certifying officer as required by *N.C. Gen. Stat. § 52-10.1* (2003). Contrary to defendant's assertion, the record contains a copy of the separation agreement bearing a notary stamp for the signatures of both plaintiff and defendant. We have carefully considered defendant's remaining arguments and find them to be without merit.

Affirmed.

Judges McGEE and STEELMAN concur.

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

chestercountyla.../inbox

n



Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountyawn@yshoo.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>

May 21 at 2:27 PM

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 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

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

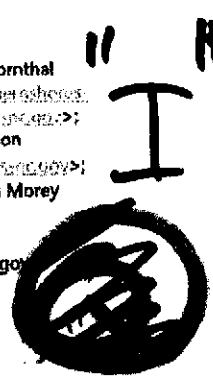
From: Anthony Mina <chestercountyawn@yshoo.com>

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 <jtsiegel@southernshores-nc.gov>; Matt Cooke <mccook@southernshores-nc.gov>; Eric Brinkley <brinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tracy@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 <jc couture@southernshores-nc.gov>; FBI <fbi@fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <apowell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgariss@kittyhawktown.net; cgariss@kittyhawktown.net; Casey Varnell <cvarnell@kittyhawktown.net>; Mike Talley <mtalley@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@shesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>

"EXHIBIT"



FW: PRR October 12, 2025

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

To: chestercountylawn@yahoo.com

Date: Monday, November 3, 2025 at 08:35 AM EST

From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 29, 2025 3:43 PM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: PRR October 12, 2025

Cliff-please forward this records request to Mr. Mina.

Mr. Mina,

On October 12, 2025 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- 
- 1) legal bills associated with case no. 25CV000423-270 and no. 24CV001667-270 (Dare County Superior Court cases)
 - 2) Copies of all documents /notifications to Southern Shores property owners explaining the meaning of Town Code 36-414(b), Town Code 36-362(b) and Town Code 36-365(a) is different than the English language interpretation found in dictionaries and taught in North Carolina public schools.
 - 3) Copies of all documents/notifications to Southern Shores property owners explaining Elizabeth Morey is seeking re-election with unsettled litigation including the refusal to comply with the December 18, 2024 Order and refusal to stop Wes Haskett's fraudulent scheme.

The approximate cost of legal bills associated with the above-mentioned court cases and received by the Town of Southern Shores totals \$13,135.00. There are no public records associated with item request number two or three.

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

" J "

RE: Public Records Request (2) 06.10.2024

chestercounty/a.../inbox

Jun 17 at 10:45 AM



Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountyawn@yahoo.com>

Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogbum <coogbum@southernshores-nc.gov>.

Philip Hornthal <phornthal@hrem.com>

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 6 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 <chestercountyawn@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 Ogbum <coogbum@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 <chestercountyawn@yahoo.com>

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

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

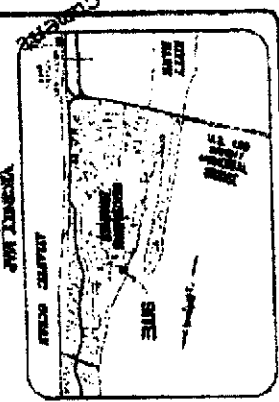
On Friday, June 14, 2024 at 09:06:09 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

"K"

PCI-279

Unofficial Document



EXEMPTION CERTIFICATE FILED
BY WES HASKETT WITH
MEETING ALL ZONING REQUIREMENTS

Unofficial Document
Wes Haskett
7-24-16

Recorded: 07/24/2016 10:28:45 AM
BY: Bureau of Land Management
Vernon, Idaho
Don Campy
Page 1 of 1

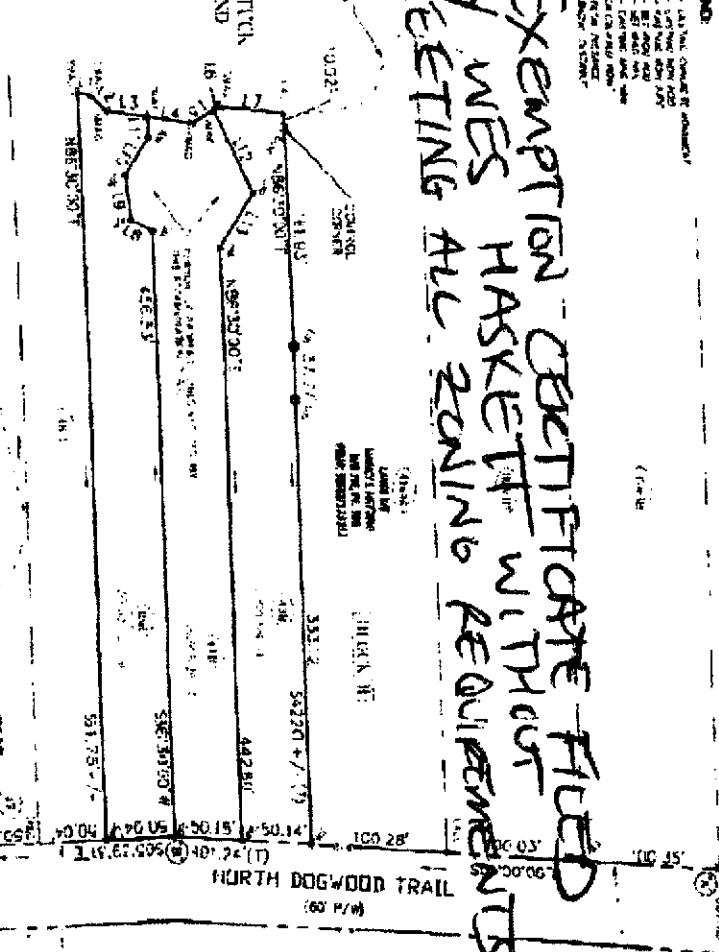
BOOK PCI PAGE 279 (1)

NOTES:
1. THE EXEMPTION IS FOR THE PROPOSED CONSTRUCTION OF A 10-UNIT RESIDENTIAL DEVELOPMENT ON THE 10-UNIT RESIDENTIAL ZONED TRACT.
2. THE EXEMPTION IS FOR THE PROPOSED CONSTRUCTION OF A 10-UNIT RESIDENTIAL DEVELOPMENT ON THE 10-UNIT RESIDENTIAL ZONED TRACT.
3. THE EXEMPTION IS FOR THE PROPOSED CONSTRUCTION OF A 10-UNIT RESIDENTIAL DEVELOPMENT ON THE 10-UNIT RESIDENTIAL ZONED TRACT.

DESCRIPTION OF PROPERTY AND EXEMPTION
The property is located in the 10-UNIT RESIDENTIAL ZONED TRACT. The property is located in the 10-UNIT RESIDENTIAL ZONED TRACT. The property is located in the 10-UNIT RESIDENTIAL ZONED TRACT.

DESCRIPTION OF EXEMPTION
The exemption is for the proposed construction of a 10-unit residential development on the 10-unit residential zoned tract. The exemption is for the proposed construction of a 10-unit residential development on the 10-unit residential zoned tract.

DESCRIPTION OF EXEMPTION
The exemption is for the proposed construction of a 10-unit residential development on the 10-unit residential zoned tract. The exemption is for the proposed construction of a 10-unit residential development on the 10-unit residential zoned tract.



LINE	BEARING	DISTANCE
1	N 89° 32' 30" E	51.75 ±
2	S 89° 32' 30" E	51.75 ±
3	S 89° 32' 30" E	51.75 ±
4	S 89° 32' 30" E	51.75 ±
5	S 89° 32' 30" E	51.75 ±
6	S 89° 32' 30" E	51.75 ±
7	S 89° 32' 30" E	51.75 ±
8	S 89° 32' 30" E	51.75 ±
9	S 89° 32' 30" E	51.75 ±
10	S 89° 32' 30" E	51.75 ±

RECOMBINATION PLAT FOR JERRICA PERSON-KRYDER, TRUSTEE		REVISIONS DATE REVISION	Coastal ENGINEERING & SURVEYING INC.
ATLANTIC TRSP PLAT UPDATE NORTH CAROLINA LOTS 43-45, BLE H. SOUTHERN SHORES ANNEDED SECTION "A"			
DATE 7/24/16	BY WES HASKETT		

136
ND

BUT KEEF AD
ED FROM
L PHOTO

80' front setback
when 100' minimum was

A hand-drawn sketch map of a coastal area. The coastline is irregular, with several points labeled with numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. The map includes labels for 'VINYL BULKHEAD SURVEYED', 'SMAG', 'N 86° 30' 00" E', and '456.53'.

LANDS N/T
JESSICA PENSION MEMBER
VILISTEE
DB 462, PG. 189
PIO FILE: 946817114902

- SHORELINE
SCALED FROM
AERIAL PHOTO

LANDS AVE
JESSICA PENGON MEYER
TRUSTEE
DB 461, PG. 189
P/O FIRM: 306217114902

LAGOON

PLAN APPROVED BY
DPHHS, DPH, EH UNIT
DATE 8/21/66
H. R. R. R.

PROPOSED
DECK ADDITION

PORTION OF PROPERTY
ONE TO BE REMOVED

EX. SEPTIC TANK
AND DRAIN FIELD
APPROX. LOCATION

-EX SAND
DRIVEWAY
APPROX.
LOCATION

EXISTING -
(3) 8' x 12'
PARKING SPACE
(TYP.)

MAGNIFIED DETAIL

561.75' ± 7'

LANDS AND
A PERSON NEYDER,
TRUSTEE
B 461, PG. 189
NR: 986817114902

SOUTHERN SHORES
AMENDED SETION A
PC "A", PG. 106

DOGWOOD TRAIL
(100' R/W)

[illegible]

SITE PLAN FOR:

JENNIFCA PENSON-KEYDER, PROUTER

NORTH CAROLINA

DARE COUNTY

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

DATE: 6/78/86	SCALE: 1"=60'
CHECKED: CFG	DRAWN: MMH/BW
PROJECT NO: S2766.16	
CAD FILE: S2716SP2	
SHEET: 1 OF 1	

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.

"L"

