

Town of North Topsail Beach



Donald Martin, Mayor
Larry Hardison, Mayor Pro Tem
Aldermen:
Richard Farley
Richard Peters
Robert Swantek
Daniel Tuman

Lara N. Burleson, MPA
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

TOWN OF NORTH TOPSAIL BEACH PLANNING BOARD MINUTES SEPTEMBER 10, 2009 6:30 P.M.

PRESENT: SUE TUMAN-CHAIRMAN, PAUL DORAZIO-VICE CHAIRMAN, GARY ROWLAND, GERALD RIGGLEMAN, HANNA McCLOUD, GUNNAR MATTHEWS, DEBORAH HILL-PLANNING & ZONING ADMINISTRATOR, RYAN MCALISTER-PLANNER

NOT PRESENT: DEBORAH LANCI, SUZANNE GRAY-ALTERNATE

- 1. CALL TO ORDER:** Mrs. Tuman called the meeting to order at 6:30 p.m. in the North Topsail Beach meeting room.
- 2. ADOPTION OF AGENDA:** Mr. Dorazio made a motion to adopt the Agenda. Mr. Rowland seconded the motion, motion passed unanimously.
- 3. APPROVAL OF MINUTES:** Mr. Rowland made a motion to approve the minutes. Mr. Riggleman seconded the motion, motion passed unanimously.

PUBLIC COMMENT: *Mr. Yawn came forward to speak, he read his concerns as follows: I have concerns about performing a carte blanche rezoning of the substandard properties. We need to trust the Board of Adjustments to do their job, since each property may have a unique history. Some may be valid to grant a variance for, but there are possible instances where the lots may be substandard due to illegal subdivisions. We have a bad history of illegal subdivisions in NTB. Examples of how this can happen is if a duplex was built on a 10,000 sq ft lot, was split into two 5000 sq ft lots (illegally), then the duplex was destroyed by fire or storm. Or a 10,000 sq ft lot might have been split in two after the owner died, to give half to each of a pair of siblings. Again, an illegal subdivision. There are other situations in which a variance would be unwarranted, such as a lot that was once large enough that has been reduced in size due to erosion.*

Properties need to be researched, some back to the time the federal government transferred ownership to private individuals, with all subdivisions and transfer of ownership documented as part of the investigation process.

A set of these properties on Goldsboro Lane were submitted to the Board of Aldermen in mid 2007 to be rezoned from R-10 to R-5. This was denied by the Aldermen. In fact, one owner of one of these lots indicated she did NOT want to be rezoned.

In looking at the 1982 zoning map (8 years prior to NTB incorporation), there are a number of substandard lots labeled with a unique key on the legend, indicated they are substandard lots (mainly R-10). So, many of these substandard lots have been so since at least 1982. The fact that these substandard lots exist is not new news, and I feel we should let the proper variance process via the Board of Adjustments handle them if and when an owner wants to apply for a variance.

If an owner applies to the Board of Adjustments for a variance, and the lot is deserving of a variance after careful historical research had been performed, that is fine and a variance should be granted. Examples are such as the situation if the Onslow zoning overlay was created after the original subdivision of the lot, or if the town or state built a road that took away part of the lot. But if the variance is not justified, then the owner does have options, including joining their lots with another substandard lot and creating a new, joined, conforming, legal lot.

Finally, in our CAMA Land Use Plan, Policy P.9 reads:

The Town supports quality future development reflecting the spectrum of housing needs ranging from single-family homes to multi-family development in the form of duplex and triplex housing. Although this policy reflects support for medium density development, the town will not rezone any property to a density less than R-10 (10,000 square feet).

Let me repeat, we have a binding document, our LUP, that indicates we will not rezone any property to a density less than R-10.

4. OLD BUSINESS:

- A. ZONING MAP:** Town and County staff compared the Official Zoning Map to the zoning data contained in the GIS/Mapping System. A number of discrepancies were found to exist. In order to resolve the differences between the Zoning Map and GIS, a review of Town records and Board minutes was conducted to determine whether to correct either the GIS/Mapping System or to recommend an amendment to the Official Zoning Map. Former Planning Board Chair, Mike Yawn has reviewed and confirmed Staff's findings.

In order to resolve the differences between the Zoning Map and GIS, a review of Town records and Board of Aldermen Minutes was conducted to determine whether to correct either the GIS/Mapping System or to recommend an amendment to the Town's Official Zoning Map. Once these inconsistencies are resolved, the Town will be able to use the County's GIS information to print new Town Zoning maps when needed and facilitate amendments as they occur.

Staff will submit a request to Onslow County Geographical Information Services via the Mayor to make the necessary corrections to the GIS/Mapping System. Once these discrepancies are resolved, the Town may make use of the County's GIS information to print new Zoning maps when needed and facilitate amendments as they occur. Additionally, accurate online information will be accessible to the public.

RECOMMENDATION: That the Planning Board conduct a public hearing on October 8, 2009 on the proposed amendments and forward its recommendation to the Board of Aldermen for their consideration.

Ms. Hill stated that there were some questions of why the Town just doesn't do administrative corrections. When the Town adopted the Official Zoning Map they knew there would be errors when it was adopted March 1st, 2007. She stated with the history of problems the Town has had with rezoning, it would be best to go through notification of property owners and adjacent property owners just like an amendment. And any issues by property owners or adjacent property owners will be initially addressed by staff. We will show them the documentation and explain that we are attempting to correct the zoning.

Staff and Planning Board members reviewed the zoning of each of the following:
Property #5- 23rd Ave. Tax Parcel #'s 763-1.4 & 763-1.8 Staff recommends updating GIS to show zoning as R-20 for both parcels.

Mr. Rowland made a motion to accept the recommendation of Staff on property #5, 23 Ave. Tax Parcel #'s 763-1.4 & 763-1.8 Mr. Riggleman seconded the motion, motion passed unanimously.

Property #11- Tax parcel #'s 813-7.15 & 813-7 Staff recommends GIS to show zoning as R-10.

Mr. Rowland made a motion to accept the recommendation by Staff on property #11 Tax Parcel #'s 813-7.15 & 813-7. Mr. Dorazio seconded the motion, motion passed unanimously.

Property #12- Sea Oaks Ct. Tax parcel # 815A-21 many other parcel numbers for Subdivision Sea Oaks and four properties adjacent Island Dr. Staff request GIS correct the zoning boundaries between parcel # 815A-21 through March 2007 adopted Zoning Map R-5 and Con-D and lots 815-11, 815-12, 815-13, 815-13.2 to adjust the boundary line between R-20 and Con-D to reflect the 2007 Official Adopted Zoning Map and 815-14, 815-15 and 815-16 to reflect the zoning boundary between B-1 and Con-D of those lots to reflect 2007 Official Adopted Map for the Town.

Mr. Riggleman made a motion to accept Staff's recommendation. Mr. Rowland seconded the motion, motion passed unanimously.

*Mr. Riggleman excused himself from the rest of the meeting.

Property #14- Tax parcel # 768-8.1 Island Dr. Staff request Onslow County GIS to correct the zoning from B-2 to B-1 and add Tax Parcel # 768-8.1 to the list for a Public Hearing to reflect the B-1 boundary line in 1982.

Mr. Rowland made a motion to accept Staff's recommendation on Property #14 Tax parcel # 768-8.1. Mr. Dorazio seconded the motion, motion passed unanimously.

Property #35- Tax parcel #'s 778-4.4 through 778-4.7

Mr. Rowland made a motion to table Property # 35 Tax parcel #'s 778-4.4 through 778-4.7. Mr. Dorazio seconded the motion, motion passed unanimously.

Property #36 Dolphin Shores Subdivision- Mr. Rowland made a motion to table Property # 36 Dolphin Shores Subdivision. Mr. Dorazio seconded the motion. Mr. Dorazio withdrew his second. Mr. Rowland withdrew his motion.

Staff's recommendation is to add Dolphin Shores Subdivision proposed rezoning to R-10 to reflect the vote as recorded in the minutes June 4, 1998 by the Board of Aldermen.

Mr. Rowland made a motion to accept the recommendation of Staff on property # 36 Dolphin Shores Subdivision conditional upon presentation of the back up data to authorize the change. Mr. Dorazio seconded the motion, motion passed unanimously.

Property #37 Tax parcel # 768-9.2 Otha Herring Estate- Island Dr. Staff recommends that the Planning Board hold a Public Hearing on October 8th, 2009 to consider proposed amendment to the Zoning Map on tax parcel 768-9.2 from R-20 to Con-D.

Mr. Rowland made a motion to accept the recommendation of Staff on Property # 37 tax parcel 768-9.2. Mr. Matthews seconded the motion, motion passed unanimously.

Property # 38 Tax parcel # 774-16.1 Sound side of New River Inlet Road R-20 to R-5. Staff will verify that changes were approved contingent upon confirmation that there was no action taken by the Board of Aldermen.

Mr. Rowland made a motion to recommend approval contingent upon confirmation that there was no action taken by the Board of Aldermen which automatically approves the request if no action is taken for 6 months. Mr. Matthews seconded the motion, motion passed unanimously.

5. PLANNING BOARD AND STAFF DISCUSSION:

- A. **UNDERSIZED LOTS OF RECORD:** Mr. Rowland suggested taking one section at a time and addressing the one that resulted in going to the Board of Adjustment first CASE V-09-02 Judy Hooks. Planning Board directed Staff to provide background on the number of non-conforming undersized lots that are yet to be developed. Planning Board consensus was first to make use of the Staff review currently underway identifying all of the undersized properties. Once all of the properties have been identified, the Planning Board will review each section individually, addressing first the one that included a property most recently brought to the Board of Adjustment.

B. NTB TOWN CODE CHAPTER 7- UNIFIED DEVELOPMENT ORDINANCE: Ms. Hill stated that she has made changes on the Unified Development Ordinance that were discussed at last month's meeting. Mr. Rowland suggested including a Public Hearing on the Planning Board Preliminary review of a Major or Minor Subdivision. Planning Board and Staff discussed more changes on the Unified Development Ordinance.

6. PUBLIC COMMENT: No one from the Public came forward to speak.

8. ADJOURNMENT: Mr. Dorazio made a motion to adjourn. Mr. Matthews seconded the motion, motion passed unanimously.

The Planning Board meeting adjourned at 9:17 p.m. September 10, 2009. Minutes prepared by Terrie Woodle- Permit Tech/Recording Secretary.


Sue Tuman- Chairman

Date: 10/13/09


Terrie Woodle- Permit Tech/Recording Secretary

Date: 10/13/09