



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 4, 2018**

The Kure Beach Planning and Zoning Commission held their regular meeting on **Wednesday, April 4, 2018**. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chair Craig Galbraith
Vice Chair Bill Moore
Member Kenneth Richardson
Member John Cawthorne
Alternate Member Robert Young

P&Z MEMBERS ABSENT

Member Retha Deaton

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary

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Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

**MOTION** – Member Moore moved to place Item a. under New Business to Item a. under Old Business to accommodate the applicant for the text amendment, Mr. Lawler.

**SECOND** – Member Richardson

**VOTE** – Unanimous

**MOTION** – Member Richardson moved to approve the agenda as amended

**SECOND** – Member Moore

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES – March 12, 2018**

**MOTION** – Member Richardson moved to approve the minutes from the March 12, 2018 meeting as submitted

**4. PUBLIC COMMENTS**

None

**5. OLD BUSINESS**

- a. Consideration of proposed text amendment from Robert Lawler concerning 629-B Fourth Avenue.

Inspector Batson introduced a text amendment application regarding Sec. 19-320, which regulates what is allowed within side, rear and front setbacks. He explained that the applicant, Mr. Lawler, was in the process of installing two decks on his home when Mr. Batson noticed he also had a shower enclosure installed which appeared to be encroaching into the side setback by about 18". After hearing his options for ameliorating the situation, Mr. Lawler chose to submit his application for a text amendment that, if approved, would bring his shower enclosure into compliance.

Mr. Lawler then stood to address the commission, starting with some background about his purchase of the house to include his inquisition about enclosing the outdoor shower that was already installed. He was informed by the contractor that the shower could be enclosed and there was no mention of any restrictions when he discussed it with the seller during the purchase proceedings. He said the outdoor shower was a selling point for him when considering his new home purchase, but upon investigation by Mr. Batson, he became aware that the shower should not have been installed in that location if it was to be enclosed at a future date.

Mr. Lawler's text amendment application addresses the fact that the shower was approved during the permitting process. He has noticed similar showers on nearby homes, but they are in the rear of the house where there is more space allowed outside of the setback. Mr. Lawler's faucet and shower would be useless to him and his wife if it could not be enclosed similar to the other showers in his vicinity.

Chairman Galbraith then asked the commissioners if they had any questions to which Member Richardson inquired if a builder should get a permit in a situation like this. Inspector Batson said that, while he gets requests frequently, this would not be approved for a permit. He considers the enclosures as fences, which are permitted in the setbacks, but the problem here is that the enclosure is on the side of the house where fence height is limited to four feet. If the enclosure was in the rear of the house, it could be built up to six feet high to be in compliance with the new fence height ordinance. However, in Mr. Lawler's case, there is no location in the rear of the house where an enclosed shower can fit. Mr. Lawler then distributed photos with measurements to elucidate his argument.

Several considerations were offered in the ensuing deliberation including:

- The definition of a structure
- What constitutes a temporary structure?
- Would furniture be permitted in a setback? (Yes)
- Some people require a shower enclosure for privacy, others do not see the need
- Emergency service personnel must have room between houses for access
- Tools are available to easily tear down a shower enclosure if needed
- Text amendments affect every property in town
- Request for a variance may be considered
- Creative design may be available for a temporary structure to enclose the shower

Chairman Galbraith then asked for a motion on the text amendment proposal.

**MOTION** –Member Moore moved that the commission not approve the submitted text amendment application

**SECOND** – Chairman Galbraith

**VOTE** - Unanimous

Attorney Eldridge distributed a consistency statement that he had drafted for the commission to send to council stating that the proposed text amendment is not consistent with Part 3, Section 2.B of the town's Land Use Plan.

**MOTION** – Member Moore moved to submit said Consistency Statement to council

**SECOND** – Member Cawthorne

**VOTE**– Unanimous

Mr. Lawler expressed his intention to follow up with Inspector Batson before moving forward with his proposal to council.

b. Report and recommendation for council regarding The Cove at Kure Beach

Attorney Eldridge prepared a document, as requested by the commission at their previous meeting, to recommend council approve the planned residential development on the condition that a declaration of covenants be included with site plan, driveways be incorporated into stormwater plan and a sound abatement fence be installed on the north and east sides of the pool area.

c. Text Amendments to Chapter 10, Article VI (Parking Regulations)

Member Richardson reported that he, Chief Bowden, Commissioner Whitley and Attorney Eldridge had met on several occasions to work on tightening up the rules on parking with a strong emphasis on safety. Some streets throughout the town are very narrow, parking can be a problem when it comes to emergency vehicles and traffic is an issue. They took a reasonable approach to tighten up current rules and bring town parking regulations up to that other beach towns. He added that Attorney Eldridge went through changing authorities, with a much stronger emphasis on safety.

Commissioner Whitley stated that this is a work in progress. The team is hopeful to have changes approved at the May council meeting so they will be in effect in time to go through the summer to see what works and doesn't. He said that Chief Bowden took the opportunity of the busy Easter weekend to start enforcement of rules already in place to give a good indication that change is coming. These changes are necessary for safety and aesthetic reasons, especially when looking toward the future with expanded development occurring over the bridge. Mr. Whitley also wanted to state for the record that many people said they would attend this meeting, but no one is here. The plan is to bring the recommendations to council in April for a public hearing in May, get feedback after the summer and review again in October. This is a start and a work in progress. Some people may not be happy, but we have to move forward.

Attorney Eldridge offered that there is nothing new substantively in the proposed amendments and summarized some of the issues that were discussed, which include:

- Ruled out paid and permit based parking policies. They will be addressed in the future. Focus is more on day-to-day issues.
- Current provisions are reorganized and grouped, being specific about the actions that were being regulated as accomplished by the definitions.

- Public right of way – not only the road but also land adjacent on either side. Some neighborhood streets setback amendments provide that you can park in your front yard setback.
- Enforcement was mentioned here and there with ambiguity – moved it up front with the provision on towing.
- Provide for no parking, restricted parking, commercial parking, etc.
- Passenger vehicle definition will include golf carts.
- Combined towing and impoundment – controlled by four or five detailed statutes.
- No overnight parking except in designated parking spaces
- Town property – 24-hour maximum
- Definitions provided
- Only passenger vehicles in designated spaces
- Moved enforcement up front so operators are aware to foster compliance

Debbie Leonard of 226 Fourth Avenue South rose to inquire if these changes will help those who have driveways onto I Avenue. She also asked if designated parking spaces and signage will be incorporated, and if this will help with big trucks to which she was given affirmative response. She expressed her frustration with Carolina Beach residents who come to Kure Beach for free parking but do not spend a dime while they are here and leave their litter everywhere. She thanked the members of the committee for their efforts.

Member Richardson went on to say that this is to be considered an experiment for the summer and will be revisited in October. Short-term rental parking and RV regulations will be addressed as part of step two.

Commissioner Whitley informed the group that council is considering a pamphlet of information to help educate the public.

**MOTION** – Member Richardson moved to send the text amendments to council with a positive recommendation

**SECOND** – Member Moore

**VOTE** - Unanimous

## 6. NEW BUSINESS

### a. Flood Damage Prevention Ordinance summary of changes

Inspector Batson provided the commission members with copies of a summary of changes to the Flood Damage Prevention Ordinance, which regulates construction in Special Flood Hazard Areas and influences flood insurance rates. Kure Beach began participating in the National Flood Insurance Program (NFIP) in 1982. As of May 31, 2017 Kure Beach residents had 939 policies with \$250,000,000 in coverage. The town enrolled in the Community Rating System as part of NFIP in May of 2015. By doing so, and holding a Class 8 rating, residents save approximately \$30,000 a year. If these ordinance changes are not accepted by August 28 the town risks probation with the NFIP, which would render all existing policies useless. Insurance rates and premiums will not change until August 28.

According to the FIRM flood maps, Kure Beach has two flood zones. The V zone, defined as being prone to experience wave action of at least three feet, encompasses 125 properties requiring flood insurance and the A zone, with waves under three feet, contains 255. When the new flood maps are adopted later this year 133 properties will be in the V zone and only 13 will remain in the A zone. The majority of properties will be better off, except for those that are oceanfront.

Mr. Batson went on to explain that while most of the new ordinances cannot be changed, there is some wording that is optional. He then reviewed the different options with the commission and informed them of his recommendations as to which portions he will suggest Town Council accept or reject. A public hearing will be held prior to adoption of the changes

During the discussion, it was noted that accepting or rejecting the optional wording can have an effect on both the insurance premiums and the property values and will involve potential tradeoffs for each.

- b. Special use permits (SUP) and conditional use permits (CUP)

**MOTION** – Member Richardson moved to table the discussion on special use and conditional use permits to the next meeting

**SECOND** – Member Moore

**VOTE** - Unanimous

## 7. MEMBER ITEMS

Next meeting will be held May 2

## 8. ADJOURNMENT

**MOTION** – Member Richardson moved to adjourn the meeting

**SECOND** – Member Cawthorne

**VOTE** – Unanimous

Meeting was adjourned at 8:47 p.m.



Craig Galbraith, Chairman  
Planning and Zoning Commission



Kathleen Zielinski, Secretary

NOTE: These minutes reflect items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.