



KURE BEACH PLANNING & ZONING COMMISSION REGULAR MEETING

A regular meeting of the Kure Beach Planning and Zoning Commission was held on **Wednesday, June 7, 2017**. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chairman John Ellen
Vice Chairman Alan Votta
Member Craig Galbraith
Member Bill Moore
Member Kenneth Richardson
Alternate Member John Cawthorne

P&Z MEMBERS ABSENT

All present

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

### **2. APPROVAL OF AGENDA**

**MOTION** – Member Votta moved to approve the meeting Agenda

**SECOND** – Member Galbraith

**VOTE** – Unanimous

### **3. APPROVAL OF MEETING MINUTES**

**MOTION** – Member Richardson moved to approve the minutes of May 3, 2017 with two changes; changing Chairman Eldridge to Attorney Eldridge and Member Richard to Member Richardson.

**SECOND** – Member Votta

**VOTE** – Unanimous

### **4. PUBLIC COMMENTS**

Residents Karlene and Steve Fryxell of 302 Sixth Avenue S appeared before the committee to request assistance in understanding why their permit application for yard improvements using part grass, part crushed granite and deck materials could not be approved as submitted. It was suggested by Building Inspector Batson that they come to this meeting for clarification since this kind of issue was on the agenda to be discussed. Since their lot can only accommodate a one-car garage due to setback restrictions, parking two cars and a boat trailer is a problem. Mr. Fryxess said Mr. Batson informed him that the gravel he planned to put along the sides of his driveway could be only eight feet wide due to the width of the existing driveway. Mr. Batson explained that the gravel the Fryxells want to add to the sides of the existing driveway would be used for parking as explained by Mr. Fryxell and, therefore, was considered part of the driveway. Mr. Fryxell questioned why he must use grass and not granite along his driveway since he could find nothing in the code directing him to do so. He further argued he could put gravel down on his entire yard if he chose to, something that he does not intend to do, but used the suggestion to illustrate his point. Mr. Batson said that gravel in the landscape is controlled under a landscape permit but the way it was presented to him it was called a driveway and, therefore, restricted in its width.

Committee members reviewed pictures and a site plan submitted by the Fryxells. Inspector Batson pointed out that the committee is not adjudicating this issue. The Fryxells were invited to come to the meeting to discuss this because their questions fall into the general topic that was on the agenda. Attorney Eldridge explained to the Fryxells, with respect to their request for a permit, they can agree with Inspector Batson's decision or file for an appeal. If they think there are instances justifying the need to be in the setback, then their presence here, and feedback, can be helpful for the purpose of discussing setbacks.

Mrs. Fryxell offered that she sees a huge problem with the size of the houses currently going up. People build a house that extends close to their build line and then have trouble getting a permit for things like an outdoor shower. She added that specifying types of acceptable ground covers would be helpful. Mr. Fryxell added that some of the problem is the ambiguity in some definitions. The lengthy discussion continued and included topics such as clarifying what is permitted, deck versus pergola as structures and various definitions including driveway, yard, setback, structure and more.

### **5. OLD BUSINESS**

None

## 6. NEW BUSINESS

### a. Setbacks and Structures

Discussion revolved around possible changes to the code, if changes are needed. Comments included:

- In cases of zoning noncompliance, owners can go to Board of Adjustment for variance
- Should pergolas be permitted in setbacks? Are they considered structures?
- Parking on grass and medians
- What are the objectives when defining setbacks? Safety and firefighting are key
- Other types of permits such as landscape may need to be considered in regard to setbacks
- Committee would appreciate input from Inspector Batson based upon some common problems that arise
- Parking in setbacks along front and side yards
- Ground level decking should be permitted

**MOTION** – Member Galbraith moved to carry this discussion on to next meeting and asked the attorney to look at these issues and discuss with Inspector Batson those areas where the language can be tweaked. The committee will look at those recommendations, and also discuss decks and pools.

**SECOND** – Member Richardson

**VOTE** – Unanimous

Discussion continued after the vote. What can the committee do to lessen stress and ambiguity when owners approach Inspector Batson with these issues? Tweaking the language will not be enough. Inspector Batson would like to hear from the committee members their views on what they would like to see Kure Beach look like. What is the intent of our setbacks and required yards? What should be in those areas besides fences? What is the spirit of the community?

Discussion continued with the topic of Mr. Gates' pergola. Consensus was reached that above ground structures requiring a building permit are not permitted in setbacks. Inspector Batson will communicate the committee's opinion to Mr. Gates so he can decide if he wants to apply for a text amendment or variance.

## 7. MEMBER ITEMS

- a. Member Richardson questioned if the Planning & Zoning Committee should take on the issue of public parking because it is no longer part of the SLABP committee and private lot owners are now planning to charge for parking. Discussion that followed included several points of interest:

- Efforts in the past, including studies and recommendations, resulted in no changes in parking
  - Parking is included in the town's comprehensive study, but there is uncertainty on where that currently stands
  - Chairman Ellen shared a draft plan for considering safe and convenient parking that he had submitted to Town Council
  - P&Z should only be concerned where zoning is involved, such as parking in yards
  - Paid parking will drive more traffic back into the neighborhoods
  - Free parking might encourage increased gang activity
  - Council should handle this
  - Residents should be given preference in business district parking spaces
  - ADA parking in paid lots
  - Remote parking with shuttle service
  - Illegal parking will be changed to civil violation with \$25 fine
  - Controlling parking need not be a money making enterprise
  - Chairman Ellen will be bringing to Council the suggestion to remove "shoreline access and parking committee" from Sec. 10-234 of the Code
- b. Chairman Ellen reported that Council, at their last meeting, accepted the new Livestock and Exotic Animals ordinance as submitted. Furthermore, the ordinance change for 6' rear yard fence height was accepted, but restricting chain link fences was not.
- c. Member Galbraith informed the committee that he would be unable to attend the July meeting to which Chairman Ellen said that he would like to cancel.

**MOTION** – Chairman Ellen moved to cancel the July meeting

**SECOND** – Member Votta

**VOTE** – Unanimous

**8. ADJOURNMENT**

**MOTION** – Member Votta moved to adjourn the meeting.

**SECOND** – Member Moore

**VOTE** – Unanimous

The meeting adjourned at 8:41 p.m.



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John Ellen, Chairman  
Planning and Zoning Commission



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Kathleen Zielinski, Secretary

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