



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, March 2, 2022 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday March 2, 2022. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Vice-Chair Jim Dugan
Member Kathleen Zielinski
Member Tony Garibay
Member Joe Barlok
Alternate Member Byron Ashbridge

P&Z MEMBERS ABSENT

STAFF PRESENT

Mandy Sanders, Town Clerk
Beth Chase, Deputy Town Clerk
John Batson, Building Inspector

COUNCIL LIAISON PRESENT

CALL TO ORDER

Chairman Galbraith called the meeting to order at 7:30 p.m.

ADOPTION OF AGENDA

MOTION- Member Dugan made a motion to adopt the agenda as presented

SECOND- Member Zielinski

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- February 2, 2022 Regular Meeting

MOTION- Member Barlok made a motion to approve the minutes as presented

SECOND- Member Dugan

VOTE- Unanimous

PUBLIC COMMENTS

None.

OLD BUSINESS

1. Land Use Plan Update

No update.



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2. Discussion of Residential Fence Ordinance

Chairman Galbraith stated:

- At the last meeting recommended to Town Council the proposed text amendment to be denied but the text application was not presented
- He had a discussion with Town Council at the last Town Council meeting and he reviewed 20 other similar tourist communities regarding fence ordinances
- The Communities varied on what was allowed, some allowed 6-foot fences in the backyard and several communities had transitions for the side yard
- Town Council requested the Commission revisit the topic
- His opinion is he likes the Sunset Town Ordinance allowing a 6-foot fence in the side yard expect on a corner lot it can't be on the street side

Member Garibay commented he feels the 6-foot fence is appropriate in the backyard, and the side yard is where he struggles. If it is allowed in the side yard need to regulate where it starts on the side yard to help Building Inspector Batson enforce.

Member Barlok stated the Sunset Beach regulation will not resolve the issue brought forward by the applicant as it is on a corner lot. Most residents would want a 6-foot fence for privacy reason.

Member Dugan commented he apologizes to the applicant as he did not realize who he was or that he was at the last meeting to answer questions. This proposed text amendment would allow the whole Town to have a 6-foot fence and he is unsure how many homes this would affect in Town.

Applicant Vic Ward stated:

- He lives at 514 I Avenue in Kure Beach
- Did you look at Carolina Beach fence ordinance?
- He is not requesting any special treatment and the fence he will be installing is a white vinyl fence, so it is applicable
- He did feel that at the last months meeting the mind of the Commission was already made up before hearing the information being presented
- It is a corner lot across from a commercial property so he believes it should be reviewed differently
- His corner lot has a church right across from his house and most properties in Town do not have that. He also has public parking near his property
- That impacts his privacy and he has a working dog that can jump a 4-foot fence

Chairman Galbraith commented he did not look at the Carolina Beach ordinance but did review Wrightsville Beach. He did ask Building Inspector Batson if there was a way last month to do a variance for this case, but he stated it would not be appropriate.

Building Inspector Batson commented I think it be best to listen to the recording from last months meeting to review as that was an after-meeting discussion. A variance must show a hardship and



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must deal with the land not the structure or the individual. Therefore, he told Applicant Ward to apply for the text amendment.

Member Zielinski commented wouldn't having the public parking be a hardship to the land?

Building Inspector Batson commented it could be debated. He would like to drive around Town to see how many Towns this would apply too.

Chairman Galbraith commented he is trying to move this process along so this can get approved quicker for the applicant.

Member Zielinski stated could not the applicant amend his text amendment application?

Chairman Galbraith commented yes, he could.

Town Attorney Eldridge commented Building Inspector Batson has received a lot of information and he can review this information and if he sees necessary work with the applicant to amend the applicants request.

CONSENSUS- PZC unanimously agreed that a 6-foot fence on the side yard would be appropriate if the adjacent property was a non-residential property

NEW BUSINESS

1. Discussion of P&Z Responsibilities and Roadmap of PZC Approvals Process for Council

Attorney Eldridge commented:

- Under KBC 12.08.040.A, PZC *shall* review/comment on proposed amendments to the Chapter 15 zoning regulations and zoning map
- Under KBC 14.04.040.A, Town Council *may* refer proposed amendments of subdivision regulations to PZC for review/comment.
- The remaining Chapters of the Code do not warrant PZC review/comment in that they are either not related to planning and development, mandated under North Carolina General Statutes, or require compliance with technical requirements beyond PZC's authority.
- PZC does review/comment on text amendments developed in accordance with Council's instructions such as, *e.g.*, the light pollution and anti-graffiti ordinances.
- The Code does not provide a procedure for text amendments other than the provisions set forth in Chapter 12, Article 8 for adopting, amending, and repealing development regulations. The omission of a prescribed procedure has resulted in insufficient staff review and unauthorized PZC review/comment of proposed text amendments.
- His recommendation is to review and comment on the two proposed text amendments attached hereto providing for PZC's review/comment of amendments to the subdivision



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regulations and setting forth a procedure for amending provisions of the Code which do not constitute development regulations.

CONSENSUS- PZC agreed to recommend to Town Council the proposed texts amendments as presented in the agenda packet

2. Change the Time of Planning and Zonings Monthly Meetings

MOTION- Chairman Galbraith made a motion to change the start time of Planning & Zoning Commission meetings from 6:30 p.m. to 6:00 p.m. or soon there after

SECOND- Member Zielinski

VOTE- Unanimous

MEMBER ITEMS

None.

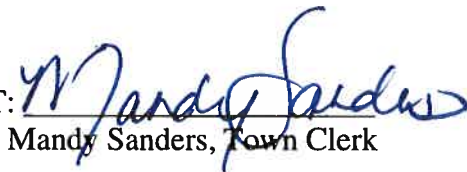
ADJOURNMENT

MOTION- Member Dugan made a motion to adjourn the meeting at 9:30 p.m.

SECOND- Chairman Galbraith

VOTE- Unanimous

ATTEST:


Mandy Sanders, Town Clerk


Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.