



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, June 1, 2022 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday June 1, 2022. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

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

P&Z MEMBERS ABSENT

Member Tony Garibay

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 6:45 p.m.

ADOPTION OF AGENDA

MOTION- Member Dugan made a motion to excuse Tony Garibay from the meeting

SECOND- Member Barlok

VOTE- Unanimous

Chairman Galbraith commented the conference call system is not working so Staff has put a notice on the website for the meeting.

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

SECOND- Member Dugan

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- May 5, 2022 Regular Meeting

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

SECOND- Chairman Galbraith

VOTE- Unanimous

PUBLIC COMMENTS

None.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, June 1, 2022 @ 6:30 pm

OLD BUSINESS

None.

NEW BUSINESS

1. Proposed text application for KBC 15.38.020 (J) Continuance of Non-Conforming Situation, Change of Roof Design

Code Enforcement Officer White commented:

- Before the Commission tonight is a text application from property owner at 213 North Fort Fisher Boulevard, the property owner is present tonight for the meeting
- This is regarding section 15.38.020 (J) Non-conforming situation
- This comes from a violation noted in January and this property is already non-conforming as there is 3 units on the property
- It is also non-conforming to the setbacks, the violation was noted on Unit C which is the rear building on the property
- It had an existing porch that the owner put a roof over which is the new structure that was not permitted and non-conforming to the setbacks
- The property owner has submitted this application in response to the violation to try to keep the new roof on the property

Member Dugan commented has there been individual problems that have been documented or is it just the one letter that was sent out?

Code Enforcement Officer White commented it was one violation letter. The property was already non-conforming, but any additions or changes made to the non-conforming property must comply with the Town code. The new roof over the existing porch does not meet the setbacks and is non-conforming.

Chairman Galbraith commented this is a proposal to do a text amendment to change a roof design. It states a flat roof may be changed to a pitch roof. Did this originally change from a flat roof to a pitch roof?

Code Enforcement Officer White commented it did not. The roof was already pitched and believes the property owner chose this text change due to his current roof design. He just wants to be able to extend it over the porch.

Town Attorney Eldridge stated the Commission has the non-conforming text provisions included in the agenda packet. This is a text amendment that would apply to any non-conforming structure. The law concerning non-conforming structures is very clear and very settled and reflected in the code. The property owner loses their non-conforming status if you extend the use of the non-conforming structure. This is what the roof design mounts to, it is an extension which under D is not permitted.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, June 1, 2022 @ 6:30 pm

Chairman Galbraith commented he was wondering why PZC is looking at the change of a roof design and looking at a text amendment under that section. Which only applies to a flat roof changing to a pitch roof and this is not the place for what the property owner did. He would like to hear from the property owner.

Property Owner stated:

- He is not a zoning attorney and it seemed the most logical place to propose a change but if that is not the best section, he is open to suggestions
- Unit C is mostly non-conforming as most of the structure is in the setback
- He is not trying to change the existing footprint but there was an existing deck on the property and he is trying to get the most use out of the deck so that is why he extended the roof
- He thought it was a reasonable ask to change the roof design but he thanks Planning & Zoning for their time and consideration and if this request could be proposed in a different way he will take the time to do so

Chairman Galbraith how big is the extension of the roof?

Property Owner commented it is about 6 feet off the existing roof.

Member Zielinski stated she is struggling to see why this would be a problem. The applicant is not increasing the building occupancy, square footage, production servicing or utility demands. The applicant is just trying to get shade on the porch. She is unsure if she is missing something but does not see a problem with it.

Property Owner commented yes that is correct.

Code Enforcement Officer White commented it is in violation with the current ordinance of non-conforming structures and that is why he is applying for the text amendment. The new extension does not meet the current setbacks and is in violation.

Member Barlok commented this would apply to every property. It seems very harmless for this situation, but he worries about future situations.

Member Dugan asked with the additional sentences is there any legal issues with using the word "May" versus using the word "Shall"?

Attorney Eldridge commented "May" would be acceptable if that is how the Commission wants to move forward. He is more focused on the fact that the roof extends the non-conforming use. The text amendment has a greater impact as it is the extension of the non-conforming structure.

Building Inspector Batson commented the reason this chapter was put into place was because there were numerous properties built prior to the zoning ordinances. Once the zoning ordinances went into effect based on how they wanted the Town to look the non-conforming ordinance helped not



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, June 1, 2022 @ 6:30 pm

penalize the current properties. As far as the placement of the proposed text amendment in the Town code it is up to the applicant on how he wants to propose writing it.

Chairman Galbraith commented he has a problem with of the ordinance going in "J" as its not a flat roof being changed. If approved, it belongs in "B". He does not remember ever doing a text amendment for a non-conforming structure.

Member Zielinski asked is there any other problems the Town would run into?

Code Enforcement Officer commented yes there are other non-conforming structures in Town it effects.

Member Barlok stated he feels it is setting a bad presence to change this text amendment. This one is very harmless but don't know what will come up in the future.

MOTION-Member Dugan made a motion to recommend the proposed text amendment to KBC 15.38.020 (J) Continuance of Non-Conforming Situation, Change of Roof Design to Town Council at the July Town Council meeting

SECOND- Member Zielinski

VOTE- For- Member Dugan, Member Zielinski, Against- Chairman Galbraith, Member Barlok

MEMBER ITEMS

None.

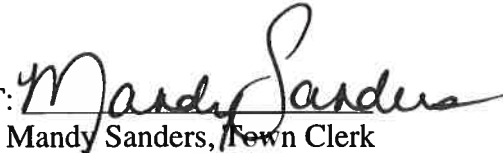
ADJOURNMENT

MOTION- Member Dugan made a motion to adjourn the meeting at 7:31 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.