



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday October 5, 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 Tony Garibay

Member Byron Ashbridge

P&Z MEMBERS ABSENT

STAFF PRESENT

Beth Chase, Deputy Town Clerk

John Batson, Building Inspector

COUNCIL LIAISON PRESENT

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

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

SECOND- Member Ashbridge

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- September 7, 2022 Regular Meeting

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

SECOND- Member Dugan

VOTE- Unanimous

PUBLIC COMMENTS

None.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

OLD BUSINESS

1. Continued Discussion of Green/Sustainability Planning and Zoning Elements

MOTION- Member Dugan made a motion to table this item to the November PZC Meeting

SECOND- Member Ashbridge

VOTE- Unanimous

NEW BUSINESS

- Discussion of Town Ordinances to be Reviewed Recommended by Building Inspector Batson

Building Inspector Batson commented he would like the Commission to review the items on the list that is included in the agenda packet and consider changing these ordinances.

Chairman Galbraith commented there is a lot of recommendations. Could they all be handled in a single Legislative Hearing by Town Council?

Attorney Eldridge answered yes.

Chairman Galbraith commented the Commission needs to define the definition of a kitchen.

Building Inspector Batson commented he would provide a proposed definition at next months meeting. He will give reasons on each of the items and will provide next month.

Member Barlok commented he has a lot of changes and will create a list to provide to the Commission.

Chairman Galbraith commented each member should review Chapter 15 and bring recommendations next month.

CONSENSUS- PZC Directed Deputy Town Clerk Chase to add this item to the November PZC Meeting for further discussion

- Proposed Text Amendment to KBC 15.36.140 Roof Pitch

Building Inspector Batson commented this was brought to the Towns attention that this ordinance was missed when the Town revised the Code for the Chapter 160D. It states the Town should not dictate any design elements for family dwellings. He brought it to Town Councils attention, and they requested PZC review it. It was the Consensus of Town Council that it should be deleted.

Attorney Eldridge stated the question is a pitch roof a design element and the statute defines design elements raguly and broadly. The instruction from Town Council was to delete it as the argument can be made that its a prohibited regulation.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

Chairman Galbraith commented is there a safety issue related to roof pitch or just a design element?

Attorney Eldridge commented there is a list of advantages and disadvantages of roof pitch, but it seemed reasonable to assume that the code provision could be construed as a prohibited design element.

Chairman Galbraith commented he struggles with roof pitch being a design element.

MOTION- Member Garibay made a motion to recommend to Town Council the approval of the Proposed Text Amendment to KBC 15.36.140 Roof Pitch

SECOND- Member Ashbridge

VOTE- (4-1) For-Member Dugan, Member Ashbridge, Member Barlok, Member Garibay, Against-Chairman Galbraith

MOTION- Member Dugan made a motion to approve the Consistency Statement for Proposed Text Amendment to KBC 15.36.140 Roof Pitch

SECOND- Member Ashbridge

VOTE- (4-1) For-Member Dugan, Member Ashbridge, Member Barlok, Member Garibay, Against-Chairman Galbraith

- Proposed Text Amendment Application to KBC 15.36.070 Location of Accessory Buildings on Residential Lots & 15.36.010 Control of Yards/Setbacks

Code Enforcement Officer White stated:

- The Text Amendment Application was submitted by Property Owner Kesia Rosales at 108 Myrtle Avenue regarding Sheds and Accessory structures in the setbacks
- The Applicant Ms. Rosales is on the conference call tonight
- The applicant was building an unpermitted structure in the rear yard
- It was a 12x8 shed in the rear yard that is set 5 feet off the backyard property line and 5 feet off the side property line
- She told the applicant the setbacks require 10 feet off the property line, so the shed does not meet the property setbacks
- The applicant stated she thought the setbacks were 5 feet
- This is a common issue the Building Inspections Department has with permitting sheds or unpermitted sheds going up
- The 10-foot setback is hard to meet with a lot of the yards

Member Barlok commented the Commission needs to keep in mind this proposed text amendment change will apply to everyone in Town.

Chairman Galbraith commented why did the applicant not rip down the old shed and put the new shed in the same place?



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

Applicant Rosales commented the old shed was right on top of her house she felt it was a fire or safety concern. She thought the setbacks were 5 feet.

Code Enforcement Officer White commented as she said earlier this is a very common issue that constantly comes up due to the 10-foot setback. A lot of times that would put the shed in the middle of the yard.

Chairman Galbraith commented if this were approved neighbors could have sheds backed up to each other from the 5-foot setbacks.

Building Inspector Batson commented if this were approved there would need to be restrictions on it.

Member Barlok stated not long ago the Commission had a discussion on fences regarding how high it could be. There were safety concerns regarding the fence and visibility issues. This would allow a 15-foot accessory building to be 5 feet from the property line on a corner lot. He believes the Town should maintain the ordinance it currently has.

Member Garibay commented he is torn. Is there an advantage or disadvantage with amending it and allowing citizens to use their yard? Besides the concerns from the Fire Chief is there any other issues? He is not opposed to amending the ordinance but have restrictions on the height.

Chairman Galbraith, and Member Dugan agreed they would like to maintain the setback at 10-feet.

Member Ashbridge commented he would be open to revising the ordinance but needs to have conservative restrictions.

MOTION- Member Barlok made a motion to not recommend the Proposed Text Amendment 15.36.070 Location of Accessory Buildings on Residential Lots & 15.36.010 Control of Yards/Setbacks to Town Council

SECOND- Chairman Galbraith

VOTE-(3-2 Vote) For- Chairman Galbraith, Member Dugan, Member Barlok, **Against-** Member Ashbridge, and Member Garibay

MOTION- Chairman Galbraith made a motion to Approve the Denial of the Consistency Statement for the Proposed Text Amendment 15.36.070 Location of Accessory Buildings on Residential Lots & 15.36.010 Control of Yards/Setbacks to Town Council

SECOND- Member Dugan

VOTE- (3-2 Vote) For- Chairman Galbraith, Member Dugan, Member Barlok, **Against-** Member Ashbridge, and Member Garibay



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

- Town Ordinances regarding Private Beach Access Points

Building Inspector Batson commented:

- Recently a property owner rebuilt their beach access walkway and built it to the exact same height and size
- It did extend further as the dunes had extended further out
- A neighbor voiced some concerns and wanted to see the permitting for the walkway and regulations governing it
- Town Council discussed this item at last month's meeting and Town Council wanted PZC to review
- Standard beach access from a residential are normally elevated and have center and top handrails
- Some property owners over the years will run the walkway lower to the ground with no handrails and that is what the concerned citizen would like to see
- The Town has no ordinance that regulates this currently, as the Town ordinance only follows the CAMA regulations
- He understands where the compliant is coming from and over the years he has recommended property owners to build them closer to the ground
- He does think there is room for this to be an ordinance, but it is up to PZC to decide

Chairman Galbraith commented so the complaint is regarding the height?

Building Inspector Batson commented yes and the restricting views.

Member Dugan commented have you seen dune changes over the years that would impact the height of the walkway. So, if the Commission voted to lower the height limit if there was a storm would you have to tell property owners to rip out their walkways and raise it up?

Building Inspector Batson commented yes absolutely. That is a very valid point you brought up because when you build something low to the ground the dunes are going to grow. You would see sand buildup a lot quicker on a lower walkway.

Chairman Galbraith commented do you have a recommendation as the Building Inspector? He does think it would be good idea for the Town to have an ordinance on it.

Building Inspector Batson commented he thinks it is a cleaner look with lower walkways and no handrails. He recommends PZC members to go look at the differences and talk about it again next month.

Chairman Galbraith commented lets keep it on the agenda for next month for further discussion.



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 5, 2022 @ 6:00 pm

ADJOURNMENT

MOTION- Member Dugan made a motion to adjourn the meeting at 7:15 p.m.

SECOND- Member Barlok

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.