



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, January 3, 2024 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday January 3, 2024. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

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

P&Z MEMBERS ABSENT

STAFF PRESENT

Beth Chase, Town Clerk
Mandy Sanders, Director of Administration
John Batson, Director of Compliance and Development
Bethany White, Code Enforcement Officer

COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

CALL TO ORDER

Chair Ashbridge called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

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

SECOND- Member Barlok

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- November 1, 2023 Regular Meeting

MOTION- Member Barlok made a motion to approve the minutes

SECOND- Member Dugan

VOTE- Unanimous

PUBLIC COMMENTS

None



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ORGANIZATIONAL

Election of Chairperson and Vice-Chairperson for 2024

MOTION- Member Galbraith made a motion to appoint Byron Ashbridge as Chairperson for 2024

SECOND- Member Dugan

VOTE- Unanimous

MOTION- Member Galbraith made a motion to appoint Joe Barlok as Vice-Chairperson for 2024

SECOND- Member Dugan

VOTE- Unanimous

OLD BUSINESS

1. Review and Report on Proposed text amendments to Zones RA-1 and RA-3 (15.10.040 and 15.20.040)

Member Barlok commented this is follow up from discussion that was held last month on the wording in the modification section where it allowed specific modifications for these two zones for lot size and building on the smaller lot sizes. Also talked about in the past that this statement was removed from some of the other zone statements. The determination was to take the wording out of all the individual zone sections and add it to one section at the end under non-conforming uses. It now applies across the board for the Town of Kure Beach. He is seeking approval to recommend this to Town Council.

Member Galbraith commented looking at the wording, “the required side yard/setback on every lot having less than thirty-eight (38) feet, Lot Width may be reduced by one half foot for each foot” so this wouldn’t even apply till someone is at 38 feet. He does not see anything that says 39 feet and is required less than 38 feet so this wouldn’t apply till 37 feet.

Chairperson Ashbridge commented yes why wouldn’t it be less than 40 feet? He suggests stating “the required side yard/setback on every lot having less than forty (40) feet”.

Member Barlok stated yes, he agrees.

Director of Compliance and Development commented he agrees to the change.

MOTION- Member Galbraith made a motion to recommend to Town Council the approval of Proposed text amendments to Zones RA-1 and RA-3 as amended

SECOND- Member Dugan

VOTE- Unanimous



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MOTION- Member Galbraith made a motion to approve the Consistency Statement as presented

SECOND- Member Barlok

VOTE- Unanimous

2. Review and Report on Proposed Syntactical Text Amendments Part Two: KBC Preface Through Chapter 4

Attorney Eldridge stated he doesn't have a lot to review on these as it has been discussed multiple times. This copy has the changes the PZC agreed to last month and addresses the gender-based references and found a few additional ones he changed.

Member Barlok commented he found a few more additional changes, under page 13 section F has the reference "his". Page 20 section K need to cross out the word "Commissioners". Page 22 section 2.14.070 it should all be red as this section was moved.

MOTION- Member Galbraith made a motion to recommend for Town Council for approval on Proposed Syntactical Text Amendments Part Two: KBC Preface Through Chapter 4

SECOND- Member Barlok

VOTE- Unanimous

MOTION- Member Galbraith made a motion to approve the Consistency Statement as presented

SECOND- Member Dugan

VOTE- Unanimous

NEW BUSINESS

1. Text Application for Sombra Properties, LLC (Aaron and Kelligh Orlando) at 125 South 3rd Avenue

Attorney Steve Coggins with Rountree Losee LLP stated:

- He is representing Aaron and Kelligh Orlando with Sombra Properties LLC, Aaron was unable to attend tonight as he is pilot, but his mother is in attendance tonight.
- Proposing a very simple text amendment to the allowed uses under Section 15.26.020 Permitted Uses to include section "S" to include "One- Family dwellings on lots on which there were previous non-conforming residential uses"
- This language guarantees the ratio of residents to businesses in the historical district would not change, and the businesses would not be crowded out or taken over by residents.
- If there is a vacant lot, one would have to establish that there was a prior residential use on that particular property in order to qualify to build a one-family dwelling and also the entire B1 district is in the Historic District so would have to go through the COA process which would guarantee the property is consistent with the homes in Kure Beach



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- He has included a very detailed Consistency statement tendered into the record and will address any questions the Commission may have.

Chairperson Ashbridge commented the problems up to this point is it the one-year limitation around the rebuild?

Attorney Coggins stated yes it was. It was a combination of if more than 50% of the value was being renovated and was there an appropriate CAMA permit for that and a stop work order. Also, Hurricane Isaias made it a lot more difficult at that location. It was then decided it was best for the buildings to be torn down and by this point more than one year had gone by.

Chairperson Ashbridge stated he has personal experience dealing with the nonconforming situation with a renovation but how does this apply with a building that is torn down and you're starting over. It has been established your client owns the property?

Director of Compliance and Development Batson commented the two aren't comparable. The nonconforming buildings are no longer an issue.

Attorney Coggins commented yes, his client owns the property.

Member Galbraith stated if you go back far enough a lot of the B1 was residential so he is concerned that if you go back far enough more than half would have been residential. So a simple statement like this could have businesses being knocked down and residential built. Also just calling something residential it could have had boarding houses etc. If approved, it should be the most immediate prior residential use of the property.

Member Dugan asked Director of Compliance and Development Batson do you know how many residential units in the B1 there are?

Director of Compliance and Development Batson stated there are currently 11 single family dwellings in the B1. If you have a current non-conforming single-family dwelling currently in the Town ordinances and you can tear it down and rebuild a larger one by right.

Chairperson Ashbridge stated if they choose to tear it down and rebuild would they then have to apply everything from a conforming standpoint?

Director of Compliance and Development Batson stated the property owner would have to follow the RA-1 requirements which would be mostly the setback ordinances that apply.

Chairperson Ashbridge asked Director of Compliance and Development Batson what is your opinion on this text amendment request?



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Director of Compliance and Development Batson stated he can guarantee that it was residential use prior. The old buildings were in serious disrepair and the structures were in such bad condition he had to put the stop work order. He thinks it is worth investigating and need to do more research.

Member Barlok stated if approved the section that makes it an allowed use, then it will no longer go back to the non-conforming sections because it is allowed.

Director of Compliance and Development Batson commented more research needs to be completed.

Attorney Coggins stated the wording may need modifications to make it clear it is the most immediate prior residential use and also needs to conform to the setbacks in the RA-1. He will bring back next month an amended proposed text amendment for PZC review.

CLOSED SESSION

None.

ADJOURNMENT

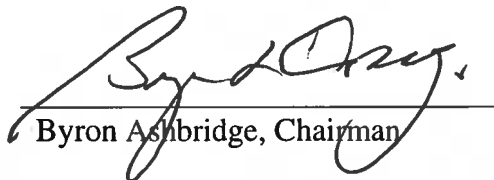
MOTION- Member Galbraith made a motion to adjourn the meeting at 6:49 p.m.

SECOND- Member Dugan

VOTE- Unanimous

ATTEST:


Beth Chase, Town Clerk


Byron Ashbridge, 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.