



Town of Southern Shores
Regular Council Meeting
August 6, 2019

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, August 6, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Peter Rascoe and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Mayor pro tem Nason moved to approve the August 6, 2019 agenda. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes – July 9, 2019

MOTION: Councilman Conners moved to approve the consent agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

EMPLOYEE RECOGNITION

Town Manager Peter Rascoe and Mayor Bennett recognized Town staff for their years of service.

- 5 Years of Service-Dabni Shelton and Cynthia Mills
- 10 Years of Service-Wes Haskett

STAFF REPORTS

The following Department Heads presented Department reports for the month:

- Town Planner Wes Haskett presented the Planning Department's monthly report for July. He reported the Planning Board will be meeting on August 19th to continue its discussion of the Town's current requirements for building height and fill. The Board will also continue its discussion of a Special Events and Occupancy Limitation Ordinance.
- Police Chief David Kole presented his Department's monthly report for July.
- Fire Chief Limbacher presented the Fire Department's monthly report for July.
- The Town Manager presented the Manager's report on operation highlights:
 - The Town Manager stated this would be his last Manager's Report as he is retiring September 1, 2019.
 - South Dogwood walking path as approved as part of your budget back in June and as per your July 9th directive to have staff seek bids for construction. All property owners on both sides of the street were again notified of your actions by letters that were sent on July 12th. Subsequent to that, the Town engineer and Town staff have met with any property owner abutting the path that still had questions or concerns about any of the design details. The plans were again tweaked as per your direction to address public safety and owners concerns and posted on the Town website. The plans and specifications will go out to bid this Thursday, August 8th and since this is formal bidding under state law, we are required to get three bids. The bid opening is September 5th and if the Town gets three bids that will be in time for the Council's September 10th meeting where it can be presented for approval of contract. The plans and specs are being advertised as required for formal public bidding.
 - The surveys and subsurface investigations for all the streets covered in the CIIP plan that Council adopted for the current fiscal year are underway. East Dogwood will be the first to be bid out and underway per Council's directive.
 - The beach survey results will be complete by mid-September
- Town Attorney Gallop had no report.

Mayor Bennett took a few moments to recognize Town Manager Peter Rascoe for his years of service to the Town and wished him well in his retirement.

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and the following citizens offered comment:

1. Craig Hurd-378 Sea Oats Trail-non-conforming lots issue. Family bought lot as an investment, have been paying taxes on a lot that is now worthless.
2. Arthur Gormley-224 & 226 Wax Myrtle Trail-non conforming lot, now cannot sell lot due to the ordinance.
3. Brad Sanford-224 & 226 Wax Myrtle Trail-non conforming lots, how is one supposed to recap the losses from lots that cannot be sold?
4. Norm St Laurent-63 Hickory Trail-traffic on Hickory Trail needs to be minimalized, dangerous for residents to walk.
5. Etta Lanuti-54 Hickory Trail- excessive traffic on Hickory Trail during the weekends

6. Matthew Neal-163 Wax Myrtle- Hopeful that the public hearing on non-conforming lots is scheduled soon. More and more exceptions are becoming known. Need to address the core of the issue.
7. Ann Sjoerdsma-69 Hickory Trail-Supports Petition of David Watson to make Hickory Trail a dead-end street.
8. Ellen Barbaro-51 Hickory Trail-concerned over weekend traffic and emergency vehicles getting through.
9. David Watson-56 Hickory Trail-presented Council with a petition requesting Council approves making Hickory trail a dead-end street in order to alleviate summer cut thru traffic.

Hearing no other citizen wishing to speak, Mayor Bennett closed public comment.

NEW BUSINESS

Reconsider Council's tabling action of July 9, 2019 and reschedule Public Hearing at Regular Meeting of September 10, 2019 to consider Planning Board recommendation of ZTA-18-09 PB01 – Zoning Text Amendment to amend Southern Shores Town Code Section 36-132, Regulation of Structures and Uses Nonconforming.

MOTION: Councilman Conners moved to reschedule a public hearing and Council discussion and /or action at the regular meeting of September 10, 2019 to consider the Planning Board recommendation of ZTA 18 09 PB 01 and that the Town Attorney prepare for Council discussion, a separate ordinance that addresses only the tear down of a structure located on two or more non-conforming parcels of land and then building two or more structures on non-conforming lots. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously.

Councilman Nason stated he strongly believes this needs to be repealed, it was a mistake. Council's attempt to solve the issue are only making it worse

NEXT AGENDA ITEM

Per consensus of Council Members at April 23, 2019 Special Meeting and Mayor's email communication to Council of May 23, 2019: Adoption of a meeting schedule for future planning meetings on long-range planning & future budget consideration as previously submitted by Council Members to the Mayor:

- Beach Nourishment (Coastal Engineer to present beach survey findings late Summer/early Fall 2019)
- Future Capital Rehabilitation/Replacement of Town Buildings (Considered by Council at 2/26/19 Council planning meeting but not subsequently funded by Council in current year's budget.)
- Capital Apparatus/Equipment Needs of the Southern Shores Volunteer Fire Department, Inc. (Per Fire Services Contract Item (8), the SSVFD is to present a Long-term, Ten-Year Strategic Plan no later than April 1, 2020.)
- Town Land-Use Plan Update (Town's current land use plan approved by CRC 8/30/12.)

- Town-wide Walking Path System (East Dogwood Tr. path completed 11/12/18; S. Dogwood Tr. path construction authorized by Council 7/9/19.)

MOTION: Mayor Bennett moved to set a special meeting for Tuesday, September 17th at 5:30 p.m. to consider the Coastal Engineer's Beach Survey results and all other items submitted by Council relative to long range planning. The motion was seconded by Councilman Conners.

After reviewing the long-range planning list which consisted of beach nourishment, future capital rehabilitation/replacement of Town buildings, capital apparatus/equipment needs of the Southern Shores Volunteer Fire Department, Inc., the Town land use plan, and a Town wide walking path system, Councilman Newberry asked the Mayor to amend his motion to include cut thru traffic.

Councilman McDonald also requested the Mayor amend his motion to have the walking path system consideration fall under the Capital Infrastructure Improvement Committee (CIIP) and add stormwater to the long-range planning list.

Councilman Conners stated he would like the walking path to remain as an agenda item for the special meeting but agreed since South Dogwood Trail walking path has already been appropriated, any future needs can be sent to the CIIP Committee for consideration and possible Council consideration.

Mayor Bennett agreed to amend his motion as requested and seconded. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

Public Hearing- The purpose of the hearing is to consider LDA-19-01, a Landmark Designation Application submitted by Dave Mackey to designate 218 Ocean Blvd. as a Historic Landmark.

Historic Landmarks Commission Chairperson Whitley presented a brief report and recommended approval to designate 218 Ocean Blvd. as a Historic Landmark.

Town Attorney Gallop opened the public hearing. Upon hearing no citizen wishing to speak, he closed the public hearing.

MOTION: Councilman McDonald moved to approve LDA-19-01, a Landmark Designation Application submitted by Dave Mackey to designate 218 Ocean Blvd. as a Historic Landmark. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

Approval of Planning Board Officers as elected by the Planning Board.

MOTION: Mayor Bennett moved to approve Planning Board Officers as elected by the Planning Board; Elizabeth Morey as Chairperson and Andy Ward as Vice Chairperson.

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment and the following citizens offered comment.

1. Leo Holland-23 Spindrift-American Red Cross Blood Drive is being held tomorrow at Holy Redeemer Catholic Church. Congratulated the Town Manager on his retirement and thanked him for being the "guiding light for our Town."
2. Al Ewerling-187 Dogwood Trail-Feels the walking path was not approached right with citizens, Town is not transparent spending one million on walking path that is not ADA compliant.

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor pro tem Nason recognized Town Manager Peter Rascoe for his service.

Councilman Conners thanked the Town Manager as well for his service.

Councilman Newberry stated his was glad to see people coming to the meeting to speak about traffic problems during the season and that Council has a duty to protect the health, welfare, and safety of the citizens.

CLOSED SESSION

Councilman McDonald moved for a closed session pursuant to NCGS §143-318.11(6) for purpose of considering qualifications, competence, performance, character, and fitness of an employee(s). the motion was seconded by Councilman Conners and passed unanimously (5-0).

NEXT ITEM OF BUSINESS

Upon returning to open session, Council passed the following motions.

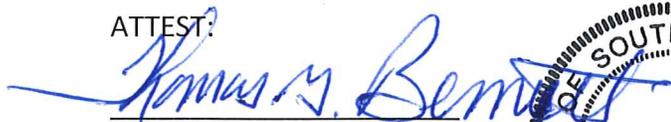
MOTION: Mayor Bennett moved that Council appoint Deputy Town Manger Wes Haskett as Interim Town Manager effective September 1, 2019, with increased compensation of \$250 per week. The motion was seconded by Councilman Conners. The motion passed unanimously.

MOTION: Councilman McDonald moved to direct the current Town Manager and the Active Town Manager/ Interim Town Manager to provide a list of consulting firms to go forward to hire a Town Manager. The motion was seconded by Councilman Conners. The motion passed 4-1; Mayor Bennett being the sole opposing vote.

ADJOURN

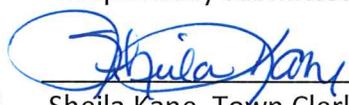
MOTION: Councilman McDonald moved to adjourn the meeting. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0). The times was 7:34 p.m.

ATTEST:



 Thomas G. Bennett, Mayor



Respectfully submitted,


 Sheila Kane, Town Clerk



FIRST PUBLIC COMMENT
AGENDA ITEM #4

**GENERAL PUBLIC COMMENT
SIGN-UP SHEET
August 6, 2019**

We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience.

NAME	MAILING ADDRESS OF RESIDENT	TOPIC
BRAD SANFORD	1324 Cornwall Pl. Norfolk VA 224 Wax Myrtle Trail	GA
Craig Hurd	378 Sea Oaks Tr 55	GA
Arthur Gormley	P.O. Box 237 ^{Mech. post} VA	GA 220. with 224 with
BRAD SANFORD	1324 Cornwall Pl. Norfolk VA 224 Wax Myrtle Tr.	GA
NORM ST. LAURENT	63 Hickory Tr 55	TRAFFIC CONDITIONS
ETTA LANUTI	54 HICKORY TR	TRAFFIC!
MATTHEW NEAL	163 WAX MYRTLE	GA
Ann Sjoerdsma	69 Hickory Trl.	Traffic
ELLEN BARBARO	51 Hickory Trl	Traffic!!
DAVID WATSON	56 HICKORY TRAIL	HICKORY TR.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 5/16/19 Filing Fee: \$200 Receipt No. N/A Application No. 27A-18-09 PB 01

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores
Address: 5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone 261-2394 Email whastett@southernshores-nc.gov

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: _____ Zoning district _____
Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Wm Hault
Signature _____ Date 5-16-19

* Attach supporting documentation.



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ZTA-18-09 PB01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 **WHEREAS**, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.

6
7 **ARTICLE II. Construction.**

8
9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 ("...") shall remain as they currently exist within the Town Code.

14
15 **ARTICLE III. Amendment of Zoning Ordinance.**

16
17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:

19
20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:

22
23 (a) *Nonconforming lots of record.*

24
25 (1) *Development and Sale of Certain Nonconforming Lots without Recombination:*

26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:

31
32 (i) the lot is not under the same ownership as any adjacent lot;

33
34 (ii) the lot meets or exceeds the lot area requirements for the district and is
35 located adjacent to a single conforming lot under the same ownership on
36 which is located an existing single-family dwelling;

37
38 (iii) the lot is one of three or less adjacent nonconforming lots under the
39 ownership of related siblings on September 5, 2018; or

40
41 (iv) the lot is located adjacent to land under the same ownership on which is
42 located an existing single-family dwelling, and the adjacent land is made up
43 of:

44
45 a. no more than two lots all of which are nonconforming; or
46

- 1 b. a single conforming lot not adjacent to any other land under the same
2 ownership that was created after January 1, 2015 due to a recombination
3 of two (2) previously nonconforming lots.
4
5

6 If a currently nonconforming single lot meets the requirements of subsection
7 (a)(1)(i), (ii), (ii) or (iv) then the lot may be sold without being recombined with
8 the remaining land if recombination would have been required by subsection (a)(2)
9 below. All applicable dimensional requirements other than lot area and lot width
10 shall be met for development or redevelopment of such a lot except that a lot having
11 a lot width of fifty (50) feet or less may use a side yard setback of twelve (12) feet.
12

13 (2) *Recombination Required:* If any of the following situations apply, all adjacent
14 lots under the same ownership shall be recombined into: (i) a single lot which may
15 or may not meet the minimum requirements for the district in which such lots are
16 located; or (ii) multiple lots which all meet the minimum requirements for the
17 district in which such lots are located:
18

- 19 a. Development is proposed upon land ~~under the same ownership~~ which
20 includes one or more nonconforming lots adjacent to one or more other lots
21 under the same ownership;
22
23 b. Demolition or redevelopment exceeding 50% of an existing structure's
24 value is proposed and any portion of the existing structure or associated use
25 is currently or has been within the previous seven (7) years located upon or
26 occurring on two or more lots under the same ownership, as measured from
27 the time of application;
28
29 c. Development is proposed of a new structure or use to be located on two
30 or more lots under the same ownership;
31
32 d. Prior to the sale or transfer of land when any portion of the land being
33 sold or transferred was a parcel or part of a parcel of land upon which an
34 existing structure or associated use is currently or has been within the
35 previous seven (7) years located upon or occurring on two or more lots
36 under the same ownership, as measured from the time of application; or
37
38 e. Prior to the sale or transfer of land including a nonconforming lot or lots
39 adjacent to one or more other lots under the same ownership;
40

41 A plat prepared by a North Carolina licensed surveyor showing the recombination
42 shall be shall be recorded in the Dare County public registry, and a copy of the
43 recorded plat shall be provided to the Town prior to the issuance of a zoning or
44 building permit for development or redevelopment upon any of the newly created
45 lots. Lots created by a recombination required by this section shall be deemed to
46 equal or exceed the standards of the Town under Chapter 30, and are exempt from

1 the subdivision process under Chapter 30.

2
3 (3) For purposes of this subsection (a), the term “same ownership” shall be
4 construed broadly to effectuate the reduction of nonconforming lots within the
5 Town. Land and lots under the same ownership shall include, but not be limited to,
6 any of the following or any combination of the following:

7
8 a. A lot is owned, in whole or in part, by an individual and another lot is
9 owned by the same individual or by an Affiliate of the same individual;
10 and/or,

11
12 b. A lot is owned, in whole or in part, by a legal entity and another lot is
13 owned by the same legal entity or by an Affiliate of the same legal entity.

14
15 (4) For purposes of this subsection (a), the following definitions apply:

16
17 a. An “Affiliate” of an owner shall mean:

18
19 (i) In the case of an individual owner, a family member of the owner,
20 or a legal entity controlled by the owner or a family member of the
21 owner.

22
23 (ii) In the case of a legal entity owner, an individual who controls
24 the legal entity or their family member, or another legal entity
25 controlled by the owner or controlled by a family member of any
26 individual who controls the owner.

27
28 b. “Controlled” or “controls” shall mean the power, by ownership, operation
29 of law or contract, whether exercised or not, directly or indirectly, actually
30 or effectively, to operate, supervise, or manage a legal entity, or to appoint
31 or elect the management of the legal entity, or to otherwise direct the
32 operation, supervision or management of the legal entity.

33
34 c. “Family member” of an owner shall mean the owner’s spouse, lineal
35 descendants, siblings and parents whether related by blood or marriage.

36
37 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
38 **Reasonableness.**

39
40 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
41 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
42 is applicable. For all of the above-stated reasons and any additional reasons supporting the
43 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
44 ordinance amendment to be reasonable and in the public interest.

45
46 **ARTICLE V. Severability.**

1
2 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
3 hereby repealed. Should a court of competent jurisdiction declare this ordinance
4 amendment or any part thereof to be invalid, such decision shall not affect the remaining
5 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
6 Town of Southern Shores, North Carolina which shall remain in full force and effect.

7
8 **ARTICLE VI. Effective Date.**

9
10 This ordinance amendment shall be in full force and effect from and after the ____ day of
11 _____, 2019.

12
13
14 _____, Mayor

15
16
17 ATTEST:

18
19
20 _____
21 Town Clerk

22
23
24 APPROVED AS TO FORM:

25
26
27 _____
28 Town Attorney

29
30 Date adopted:

31
32 _____
33 Motion to adopt by Councilmember:

34
35 _____
36 Motion seconded by Councilmember:

37
38
39 Vote: __AYES__ __NAYS__

STAFF REPORT

To: Southern Shores Planning Board
Date: July 1, 2019
Case: ZTA-18-09 PB01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

As requested by Council at the February 5, 2019 Town Council meeting, Town Staff identified the nonconforming lots in the Town and presented its findings to the Town Planning Board at the April 23, 2019 Special Planning Board meeting and to the Town Council at the May 7, 2019 Town Council meeting. Also at the April 23, 2019 Special Planning Board meeting, the Board asked Town Staff to draft a ZTA that includes all of the situations previously identified in ZTA-18-09 PB with the addition of a situation where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and a situation where three adjacent 50 ft. lots are under the same familial ownership (siblings) when the deed was recorded prior to September 5, 2018. ZTA-19-01 PB01 is an attempt to address all of the nonconforming lot situations that have been identified by Town Staff and the Town Planning Board.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan. The Town Planning Board unanimously (5-0) recommended approval of ZTA-19-01 PB01 at the June 17, 2019 Planning Board meeting.



TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949

(252) 261-2394 tel (252) 255-0876 fax

www.southernshores-nc.gov

Historic Landmarks Designation Application

Application No. LDA-19-01 Date 4-29-19

This application initiates consideration of a property for designation as a Southern Shores Historic Landmark by the Southern Shores Historic Landmarks Commission and the Southern Shores Town Council. It enables evaluation of the resource to determine if it qualifies for designation. The evaluation is made by Town Staff and/or third party resources, which makes a recommendation to the Historic Landmarks Commission, which in turn makes its recommendation to the Town Council. Requirements and procedures are established in Chapter 17 of the Southern Shores Town Code. Please type if possible. Use 8-1/2" x 11" paper for supporting documentation and if additional space is needed. Return completed application to the Southern Shores Planning & Code Enforcement Department or mail to:

Wes Haskett, Town Planner/Code Enforcement Officer
Town of Southern Shores
5375 N. Virginia Dare Trl.
Southern Shores, NC 27949

1. Name of Property (if historic name is unknown, give current name or street address):

Historic Name: MACKEY COTTAGE
Current Name: MACKEY COTTAGE

2. Location:

Street Address: 218 OCEAN BLVD

3. Legal Owner of Property (If more than one, list primary contact):

Name: MACKEY PROPERTIES LIMITED FAMILY PARTNERSHIP
Address: 2526 MONROE ST.
City: COLUMBIA
State: SC

Zip: 29205

Telephone No: 803-403-3388

E-Mail: DAVE MACKAY 3@GMAIL.COM

4. Applicant/Contact Person (If other than owner):

Name: DAVE MACKAY

Address: 2526 MONROE ST.

City: COLUMBIA, SC 29205

Telephone No: 803-403-3388

E-Mail: DAVE MACKAY 3@GMAIL.COM

5. General Data/Site Information:

Date of Construction and major additions/alterations:
1955 ORIGINAL, 1969 ADDITION OF 2 BEDROOMS/BATH TO SOUTH,
REPLACED DECK 2

Number, type, and date of construction of accessory structures:
ORIGINAL DECK 1955, REPLACED 2012

Approximate lot size or acreage:
26,000 sq ft

Architect, builder, carpenter, and/or mason:
BILLY GRAY or SON

Original Use: PRIVATE VACATION use / FAMILY or FRIENDS

Present Use: SAME

6. Classification:

A. Category (check all that apply):

Structure(s) Object Site

7. Reason for Request:

PRESERVATION / TAX BENEFIT

Mackey Cottage – 218 Ocean Blvd.

The Mackey Cottage was built in 1955 by Billy Gray and his son for Howard and Claire Grieves. The Grieves designed the house with plenty of thought given to life at the beach, and they spent their entire summers in residence. The juniper construction still offers a wonderful aroma when you open the door on arrival each visit. Every wall has plenty of windows to capture even the slightest breeze. The screened porch is on the south side so the land breeze still flows through, and the roof doesn't block the daylight from the primary living areas. Another screened porch on the west side served as a carport with a hinged wall that hung from the ceiling, but lowered to the floor to create a children's sleeping porch. The kitchen sink was placed perfectly to view the waves while cleaning up after meals. The two bathrooms each have outside entrances to allow guests to enter directly from the beach without tracking sand through the house.

The original 3 bedroom / 2 bath structure remains intact. Two "annex" bedrooms with outside entrances and a shared bath were added in 1969 when the Mackey family purchased the home, and the west screen porch was enclosed as a garage at that time.

A large beachfront deck has been in place since the house was constructed, albeit replaced twice due to storm damage.

The house still benefits all these years later from Ms. Grieves thoughtful design. When guests are told prior to arrival we have no tv, internet or air conditioning (until 2019!), one can sense the hesitation. However, on departure our guests express great delight having experienced the unique aspects of a time gone by.

Originally adjacent to numerous flat tops, the house still maintains its original character even while surrounded by large, modern rental homes common to the area. In the 1960's, almost no homes sat on the west side of the beach road above the fork in the Duck Road (remember the phone booth?). The neighborhood is still relatively quiet given the limited traffic, while the Duck Road gains traffic congestion each year.

The home was in the vacation rental market for a short two summers during the early 1980's, but has been reserved for family and friends other than that time period.

County of Dare, North Carolina

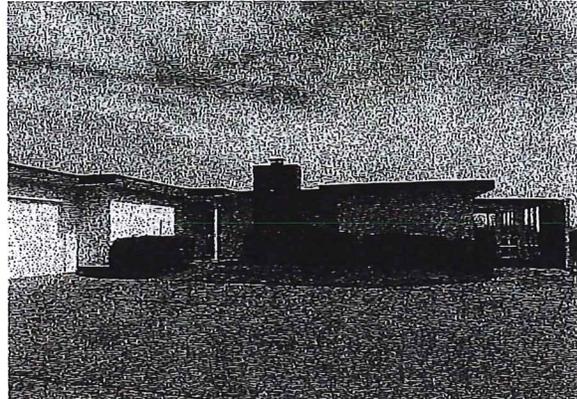
*Owner and Parcel information is based on current data on file and was last updated on April 01 2019

Primary (100%) Owner Information:

MACKEY, G WILMER TIC
MACKEY PROPERTIES LIMITED PARTNERSHIP TIC
700 WOODROW ST APT 610
COLUMBIA SC 29205

Parcel Information:

Parcel: 022077000 PIN: 986819622325
District: 20- SOUTHERN SHORES
Subdivision: SO/SH AMENDED PLAT B SEC 3 REV
LotBlkSect: LOT: 20 21 BLK: 28 SEC: 3
Multiple Lots: -
PlatCabSlide: PL: 2 SL: 142 Units: 1
Deed Date: 12/31/2003
BkPg: 1539/0193



022077-000 20-986819-003 03/11

Parcel Status: ACTIVE

Property Use: RESIDENTIAL

218 OCEAN BLVD

BUILDING USE & FEATURES Tax Year Bldg Value: \$76,500

Building Use:	FLAT ROOF	
Exterior Walls:	ASBESTOS	Actual Year Built: 1955
Full Baths:	3 Half Baths: 0	
Bedrooms:	4	
Heat-Fuel:	4 - OIL	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1865
Air Conditioning:	3 -CENTRAL	Total Finished SqFt for all bldgs: 1865

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE Tax Year Misc Value: \$1,100

Misc Bldg a: (WD1) WOOD DECK OR RAMP Year Built: 1955 sqft: 220

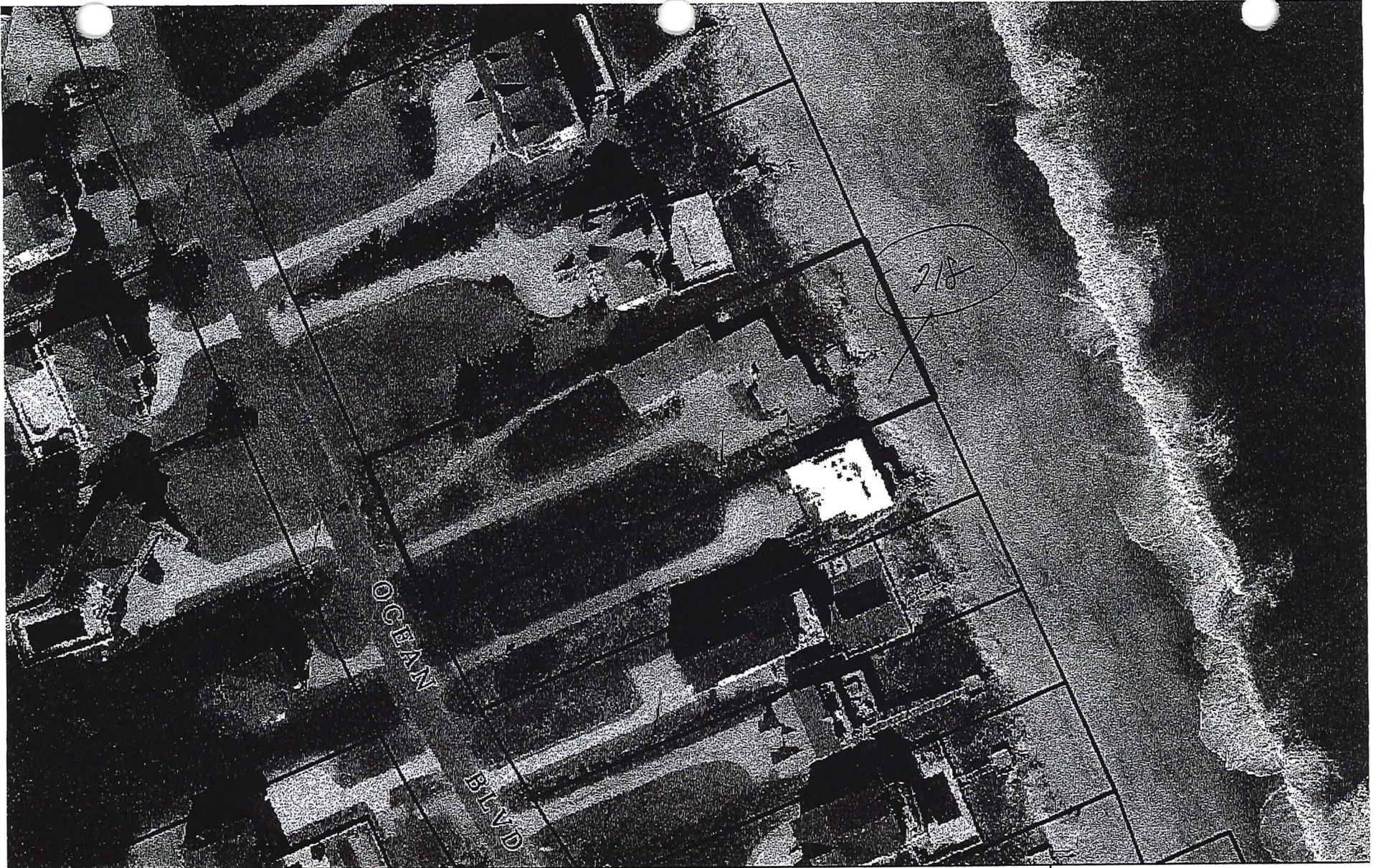
LAND USE Tax Year Land Value: \$882,100

Land Description : 20-Ocean front

TOTAL LAND AREA: 26000 square feet

Tax Year Total Value: \$959,700

*Values shown are on file as of April 01 2019

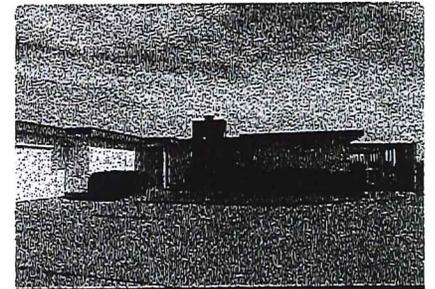


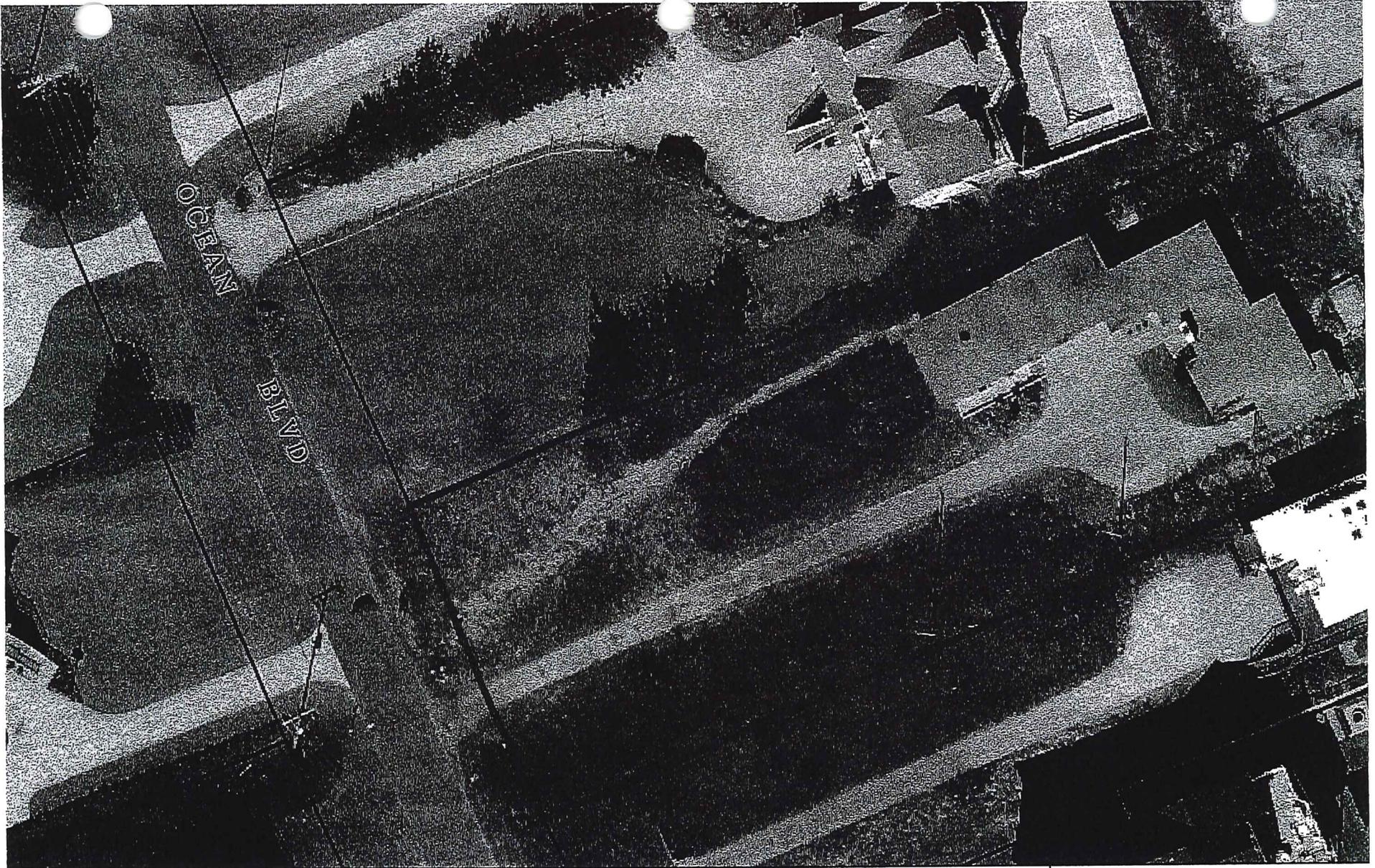
This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

218 Ocean BLVD
Southern Shores NC, 27949
Parcel: 022077000
Pin: 986819622325

Owners: Mackey, G Wilmer
Mackey Properties Limited Partnership
Building Value: \$76,500
Land Value: \$882,100
Misc Value: \$1,100
Total Value: \$959,700

Tax District: Southern Shores
Subdivision: So/sh Amended Plat B Sec 3
Rev
Lot BLK-Sec: Lot: 20 21 Blk: 28 Sec: 3
Property Use: Residential
Building Type: Flat Roof
Year Built: 1955



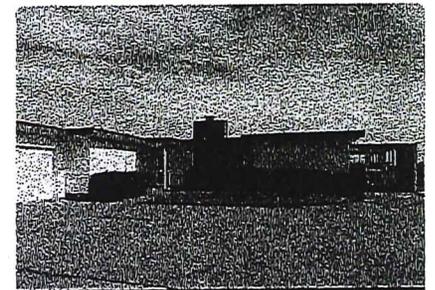


This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

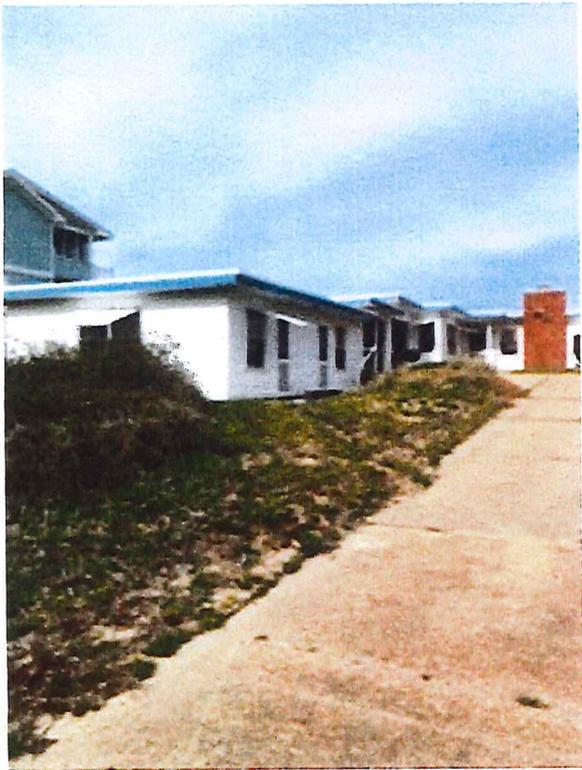
218 Ocean BLVD
Southern Shores NC, 27949
Parcel: 022077000
Pin: 986819622325

Owners: Mackey, G Wilmer
Mackey Properties Limited Partnership
Building Value: \$76,500
Land Value: \$882,100
Misc Value: \$1,100
Total Value: \$959,700

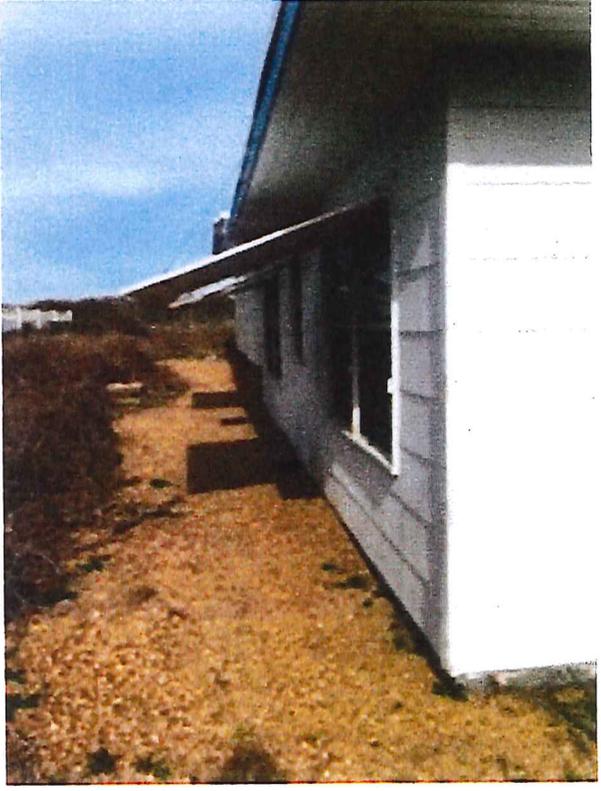
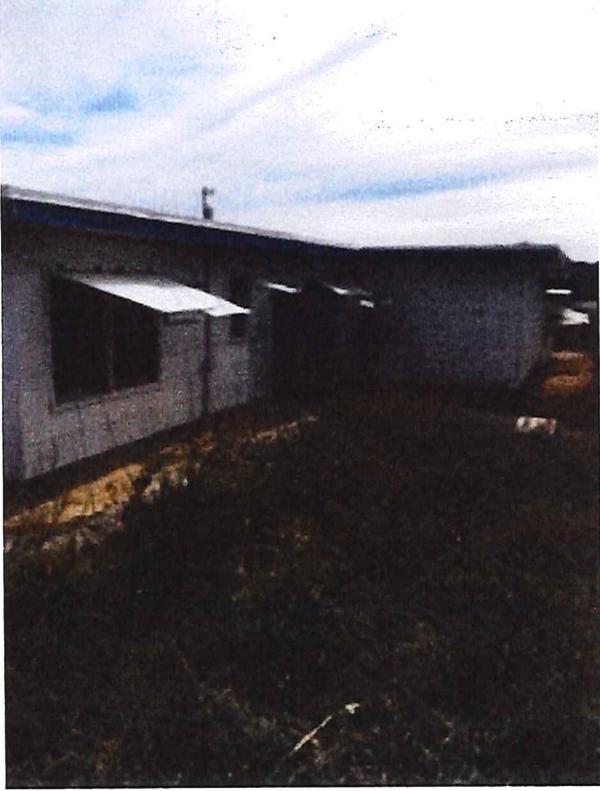
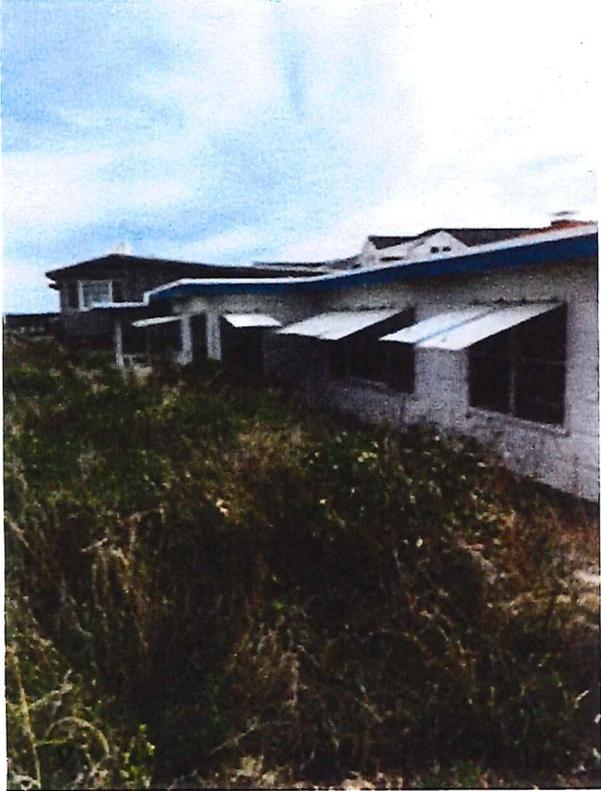
Tax District: Southern Shores
Subdivision: So/sh Amended Plat B Sec 3
Rev
Lot BLK-Sec: Lot: 20 21 Blk: 28 Sec: 3
Property Use: Residential
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Year Built: 1955



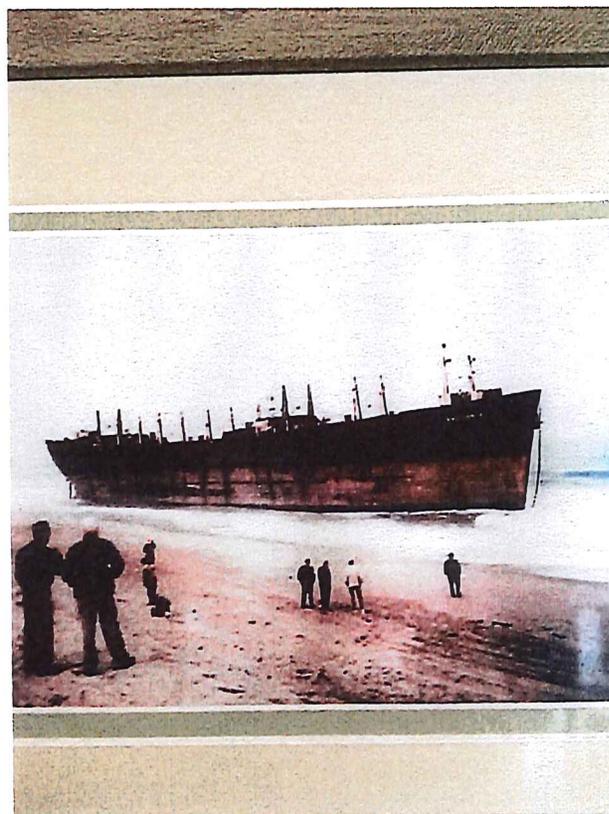
Mackey Cottage – 218 Ocean Blvd



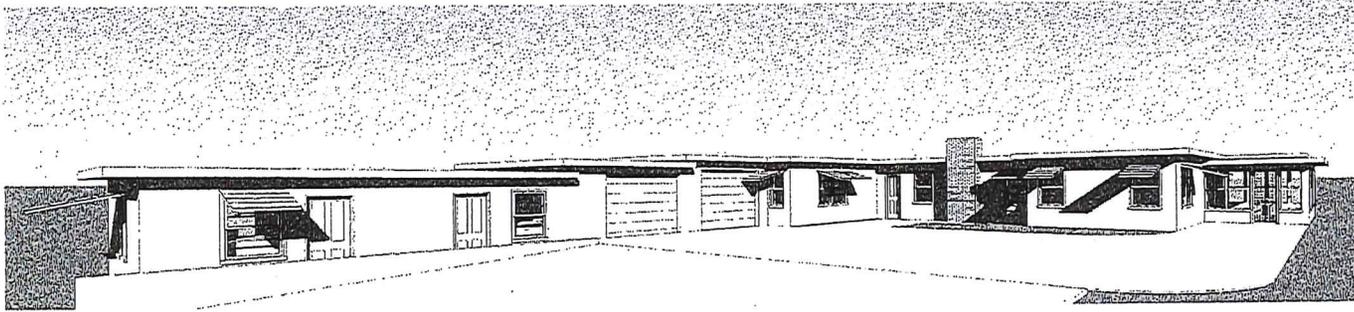
Mackey Cottage – 218 Ocean Blvd



Mackey Cottage – 218 Ocean Blvd



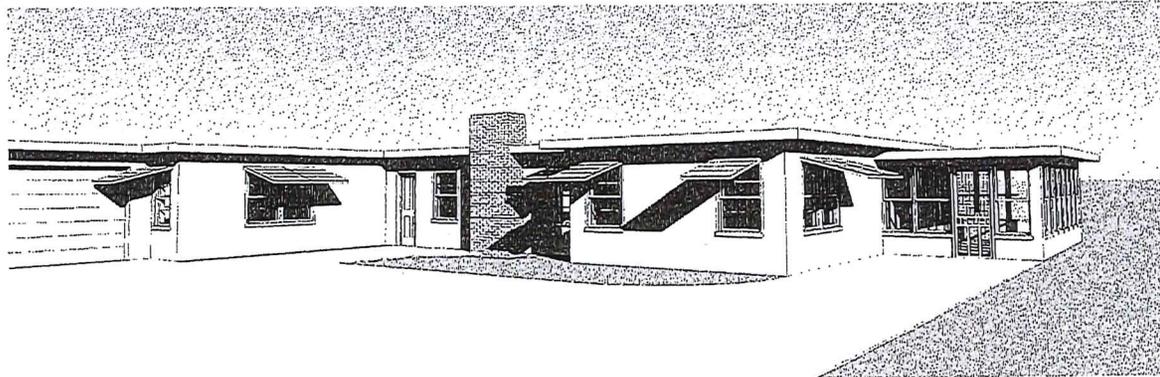
A Liberty ship being towed ran aground in 1969 in front of our house. You can't see the house in this photo, but this is the intersection of Dogwood Trail and Ocean Blvd. 218 Ocean Blvd is just outside the photo at the stern of the ship.



① FRONT PERSPECTIVE 1

LIST OF DRAWINGS	
ARCHITECTURAL DRAWINGS	
T1.1	TITLE SHEET
A1.1	FIRST FLOOR
A1.2	ROOF FRAMING PLAN & ROOF PLAN
A2.1	ELEVATIONS

218 OCEAN BLVD,
SOUTHERN SHORES, NORTH
CAROLINA



② FRONT PERSPECTIVE 2

BEACON
 ARCHITECTURE + DESIGN P.L.L.C.
 P.O. BOX 1807
 1075 HAYNE, NC 27839
 PH: (252) 441-0267, FAX: (252)
 261-4865

PROJECT NAME:

 218 OCEAN BLVD
 SOUTHERN SHORES
 NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILTS	2 / 25 / 19

DRAWING NAME:

 TITLE SHEET

PRELIMINARY DRAWINGS
 NOT FOR
 CONSTRUCTION:

DRAWN BY: DF

DATE: 2 / 25 / 19

SCALE: SEE PLANS

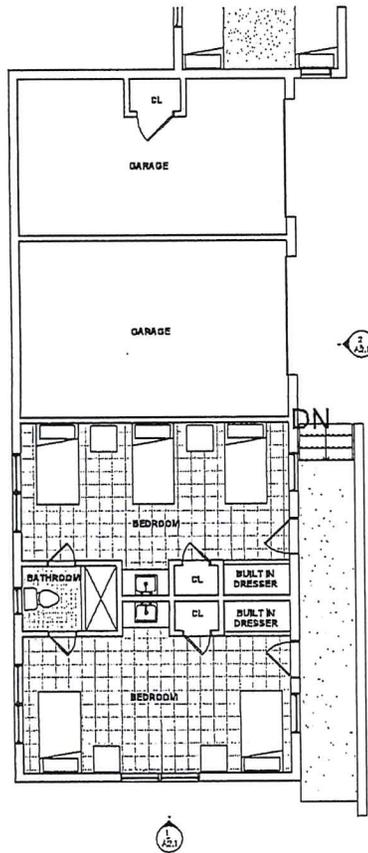
STAMP:

© 2019 BEACON ARCHITECTURE + DESIGN P.L.L.C. ALL RIGHTS RESERVED

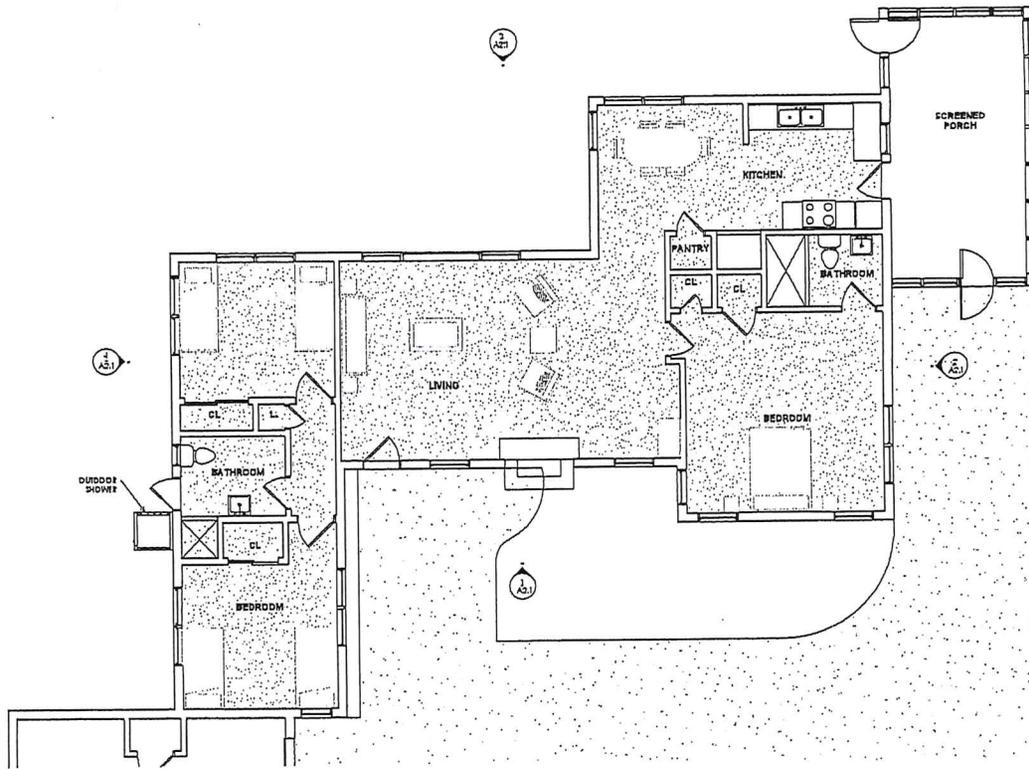
SHEET:

 T1.1

SEE 1/A1.1 FOR MORE INFO



Ⓢ GARAGE FLOOR PLAN
1/4" = 1'-0"



SEE 2/A1.1 FOR MORE INFO

Ⓢ FIRST FLOOR PLAN
1/4" = 1'-0"

BEACON
ARCHITECTURE + DESIGN P.L.L.C.
P.O. BOX 1827
1875 HAVENS, NC 27939
PH (252) 441-6747, FAX (252) 251-6842

PROJECT NAME:

21B OCEAN BLVD
SOUTHERN SHORES
NORTH CAROLINA

REVISIONS: DATE:
AS-BUILTS 2 / 25 / 19

DRAWING NAME:

FIRST FLOOR
PLAN

PRELIMINARY DRAWINGS
NOT FOR
CONSTRUCTION:

DRAWN BY: DF

DATE: 2 / 25 / 19

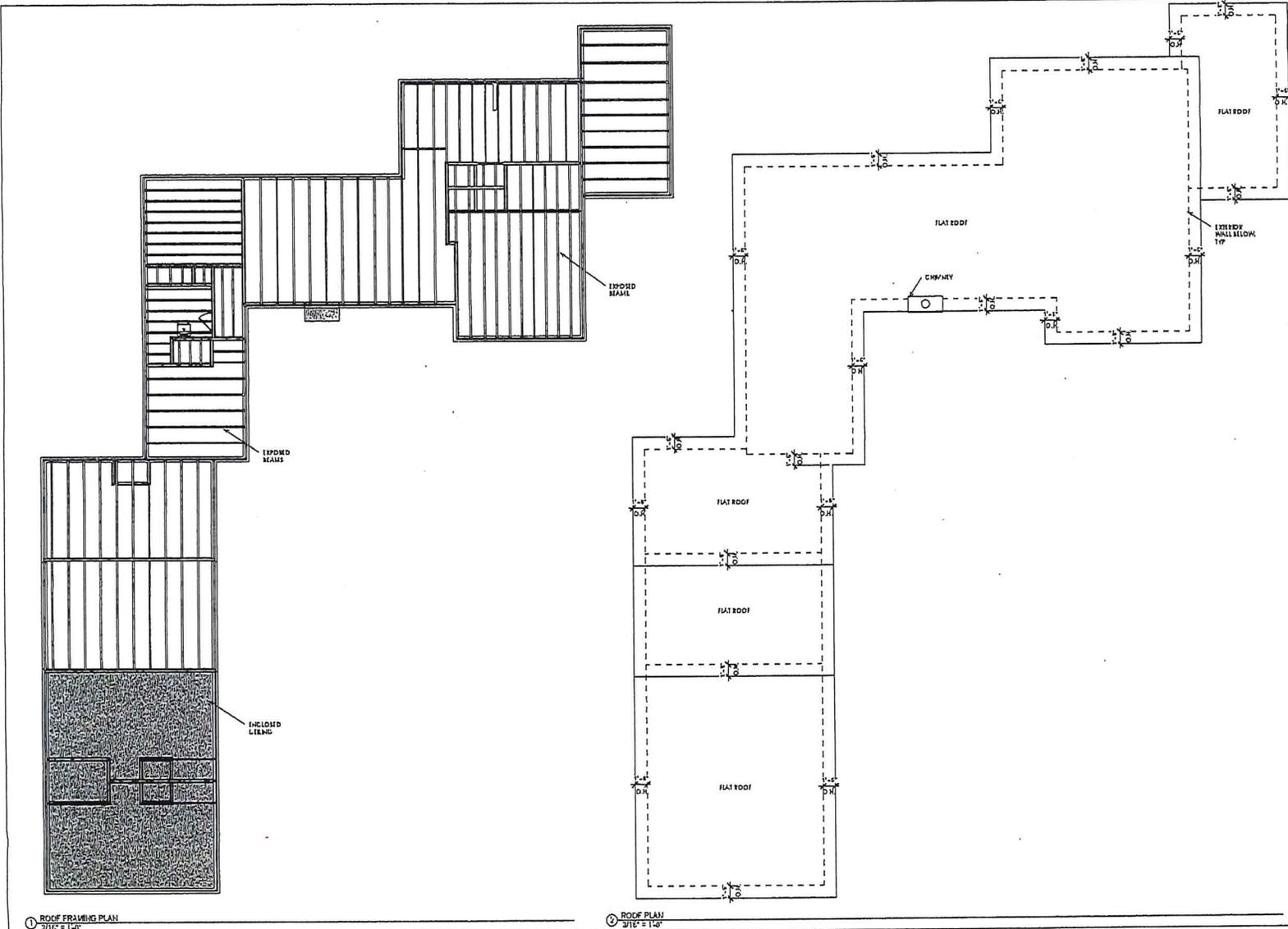
SCALE: SEE PLANS

STAMP:

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DESIGN P.L.L.C. ALL RIGHTS RESERVED

SHEET:

A1.1



BEACON
 ARCHITECTURE + DESIGN, P.L.L.C.
 P.O. BOX 1827
 1177 MARLENE, NC 27854
 Ph: (252) 441-6247, FAX: (252) 261-4828

PROJECT NAME:
 218 OCEAN BLVD
 SOUTHERN SHORES
 NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILTS	2 / 25 / 19

DRAWING NAME:
ROOF FRAMING PLAN

PRELIMINARY DRAWINGS
 NOT FOR
 CONSTRUCTION:

DRAWN BY: DF
 DATE: 2 / 25 / 19
 SCALE: SEE PLANS

STAMP:

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SHEET:
A1.2

1 ROOF FRAMING PLAN
 2116' x 114'

2 ROOF PLAN
 2116' x 114'

PROJECT NAME:
 218 OCEAN BLVD
 SOUTHERN SHORES
 NORTH CAROLINA

REVISIONS:	DATE:
A2-BUILTS	2 / 25 / 19

DRAWING NAME:
 ELEVATIONS

PRELIMINARY DRAWINGS
 NOT FOR
 CONSTRUCTION:

DRAWN BY: DF

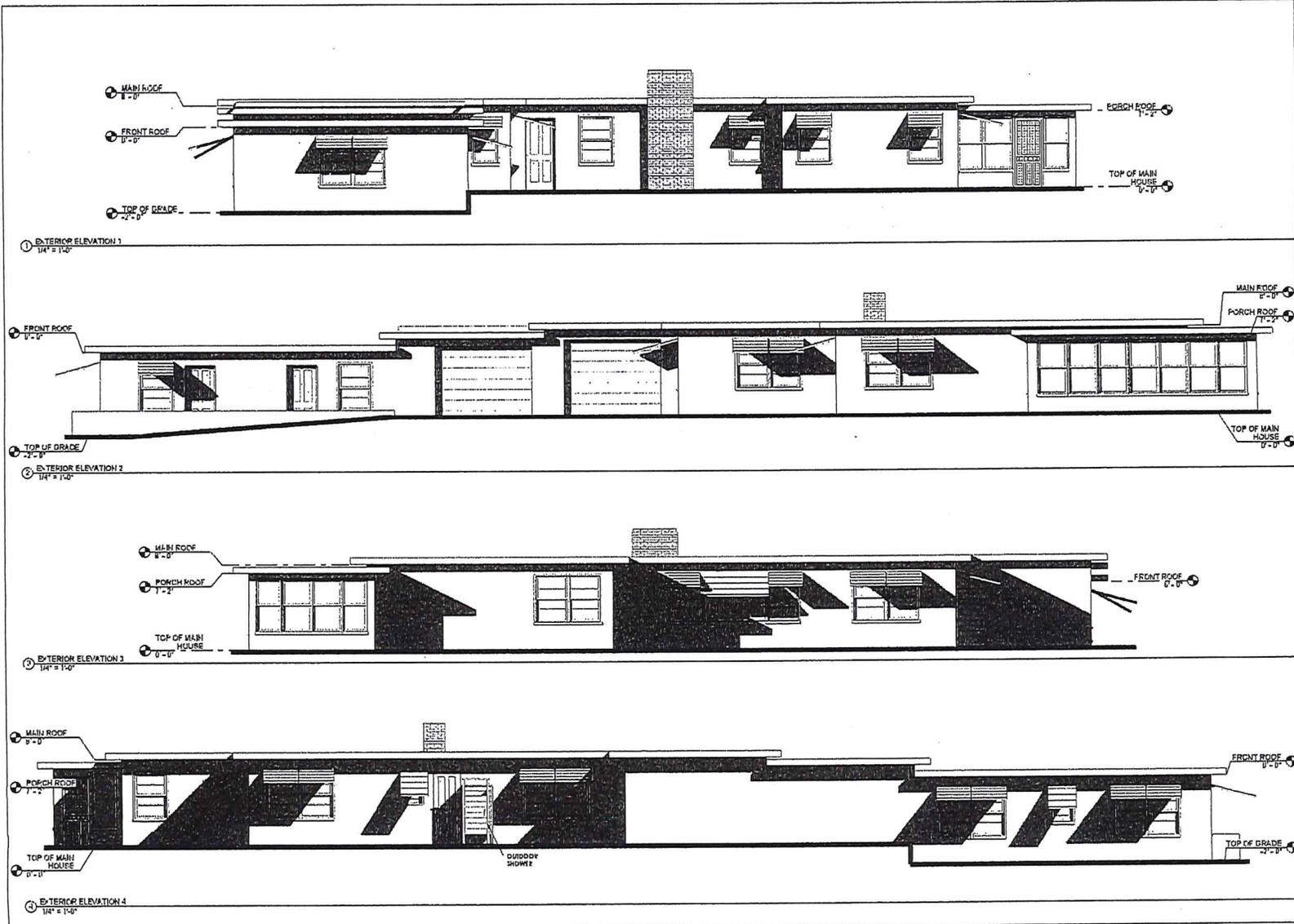
DATE: 2 / 25 / 19

SCALE: SEE PLANS

STAMP:

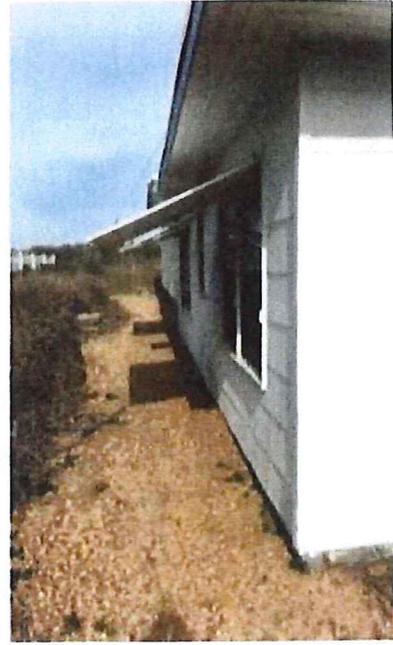
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SHEET:
 A2.1



BLANK

Local Designation Report
Mackey Cottage
218 Ocean Blvd
Southern Shores, North Carolina



May, 2019

Historic Landmark Designation Report

218 Ocean Blvd.

Southern Shores, North Carolina

1. NAME OF PROPERTY:

Historic Name: Mackey Cottage

Current Name: Mackey Cottage

2. LOCATION:

218 Ocean Blvd.

Southern Shores, NC 27949

3. LEGAL OWNERS OF PROPERTY:

G. Wilmer Mackey

Mackey Properties Limited Partnership

700 Woodrow St. Apt. 610

Columbia, SC 29205

4. APPLICANT:

Dave Mackey

2526 Monroe St.

Columbia, SC 29205

5. GENERAL DATA/SITE INFORMATION:

Date of Construction: 1955

Date of Alteration: 1969

Approximate lot size or acreage: 26,000 sq. ft.

Original Architect: Unknown

Original Builder: Billy Gray

Original Use: Private Vacation Cottage

Present Use: Private Vacation Cottage

Appraised Building Value: \$76,500

Miscellaneous Appraised Value: \$1,100

Appraised land value: \$882,100

Total Tax Value: \$959,700

6. CLASSIFICATION:

Structure(s) Object _____ Site

7. ARCHITECTURAL SIGNIFICANCE:

The Flat Top was adapted for its barrier island setting from the single-story, flat-roofed block houses of Florida. To those design elements, Frank Stick added an extended overhang and a bright, whitewashed exterior. These features alone deflect the sun and intense heat, which makes these homes a cool relief during the hot and humid summer months. The exposed soffits and storm shutters were painted in brilliant shades of crimson, jade, emerald, and sapphire, introducing color to an otherwise monochromatic outer Banks landscape.

The Flat Top homes have plumbing and drain lines that are buried in the sand that have been covered by concrete and sealed. Frank Stick's Flat Top homes were second homes, which were designed so that middle-income families could enjoy the same amenities as wealthier clients. As the real-estate market fluctuated, site plans for Southern Shores were made, discharged, adopted, and abandoned during the early years of the community. The Flat Top houses become the idiom around 1965 when they become the predominant local form.

8. HISTORIC SIGNIFICANCE:

The Mackey Cottage, constructed in 1955, is a prime example of the Flat Top inspiration that Frank Stick brought to Dare County in the late 1940s. After World War II, Frank Stick acquired an option on a twenty-eight-hundred-acre tract north of Kitty Hawk for thirty thousand dollars. In the process of Mr. Stick building his own home, he creates a new vernacular architectural form: the Flat Top.

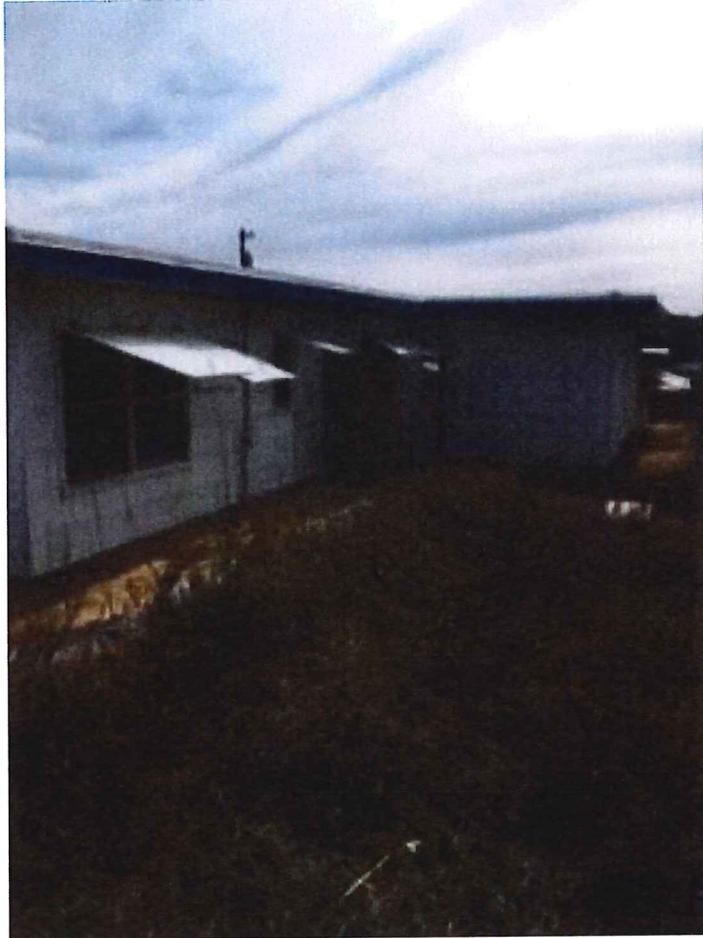
9. SPECIAL SIGNIFICANCE SUMMARY:

The Mackey Cottage was built in 1955 by Billy Gray and his son for Howard and Claire Grieves. The Grieves designed the house with plenty of thought given to life at the beach, and they spent their entire summers in residence. The juniper construction still offers a wonderful aroma when you open the door on arrival each visit. Every wall has plenty of windows to capture even the slightest breeze. The screened porch is on the south side so the land breeze still flows through, and the roof doesn't block the daylight from the primary living areas. Another screened porch on the west side served as a carport with a hinged wall that hung from the ceiling, but lowered to the floor to create a children's sleeping porch. The kitchen sink was placed perfectly to view the waves while cleaning up after meals. The two bathrooms each have outside entrances to allow guests to enter directly from the beach without tracking sand.

The original 3 bedroom / 2 bath structure remains intact. Two "annex" bedrooms with outside entrances and a shared bath were added in 1969 when the Mackey family purchase the home, and the west screen porch was enclosed as a garage at that time.

10. ABSTRACT:

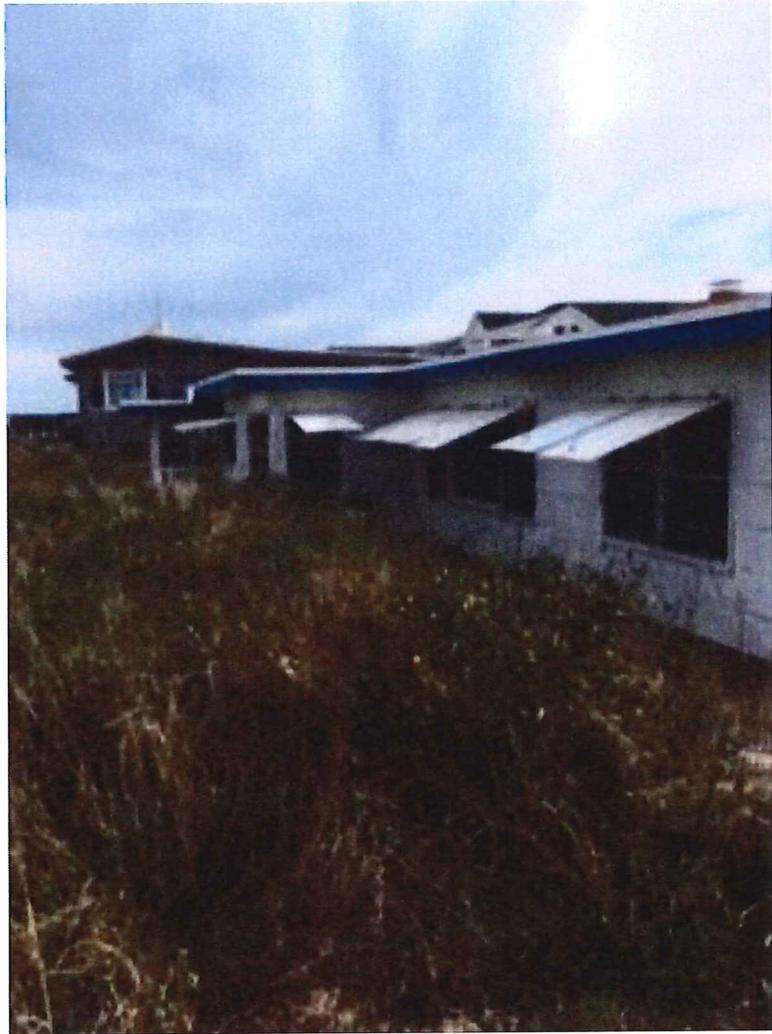
Originally adjacent to numerous Flat Tops, the house still maintains its original character even while surrounded by large, modern rental homes common to the area. In the 1960's, almost no homes sat on the west side of the beach road above the fork in the Duck Road. The neighborhood is still relatively quiet given the limited traffic, while the Duck Road gains traffic congestion each year. The home was in the vacation rental market for a short two summers during the early 1980's, but has been reserved for family and friends other than that time period.



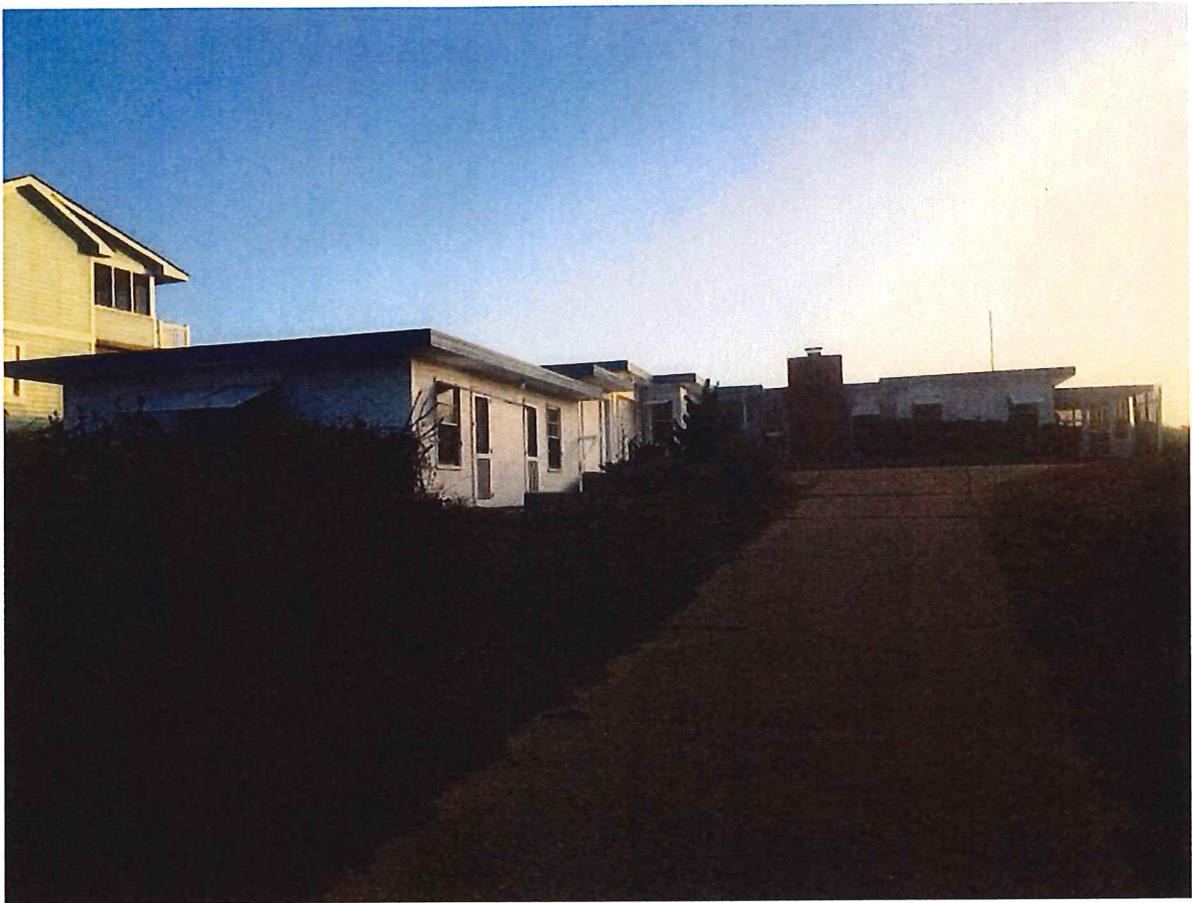
Mackey Cottage, North Facade



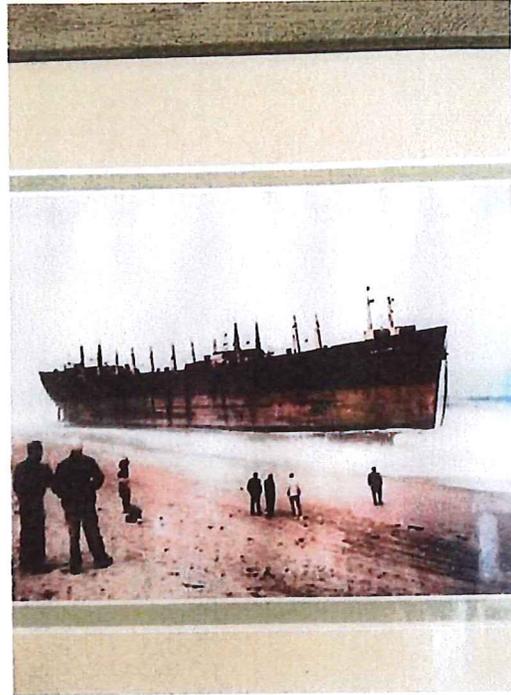
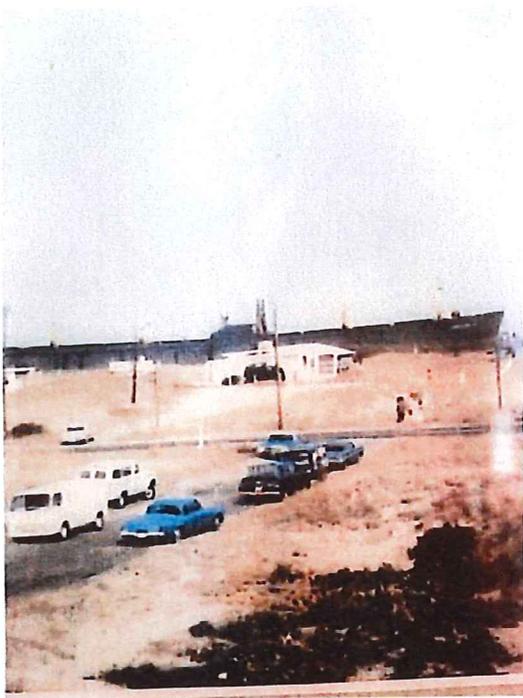
Mackey Cottage, South Facade



Mackey Cottage, East Facade

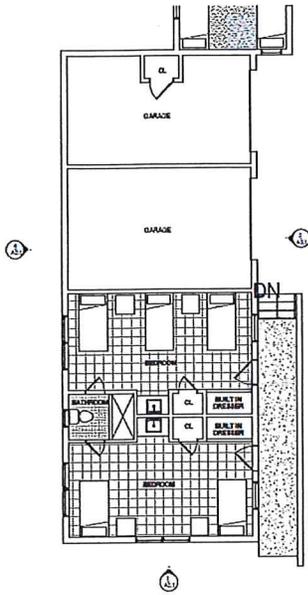


Mackey Cottage, West Facade

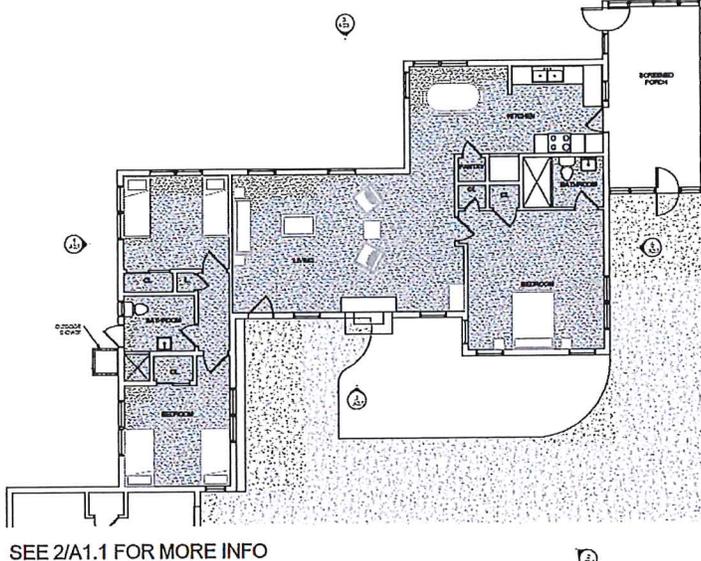


The intersection of E. Dogwood Trl. and Ocean Blvd. A Liberty ship being towed ran aground in 1969. 218 Ocean Blvd. is just outside of the photo at the stern of the ship

SEE 1/A1.1 FOR MORE INFO



1 GARAGE FLOOR PLAN
2/25/19

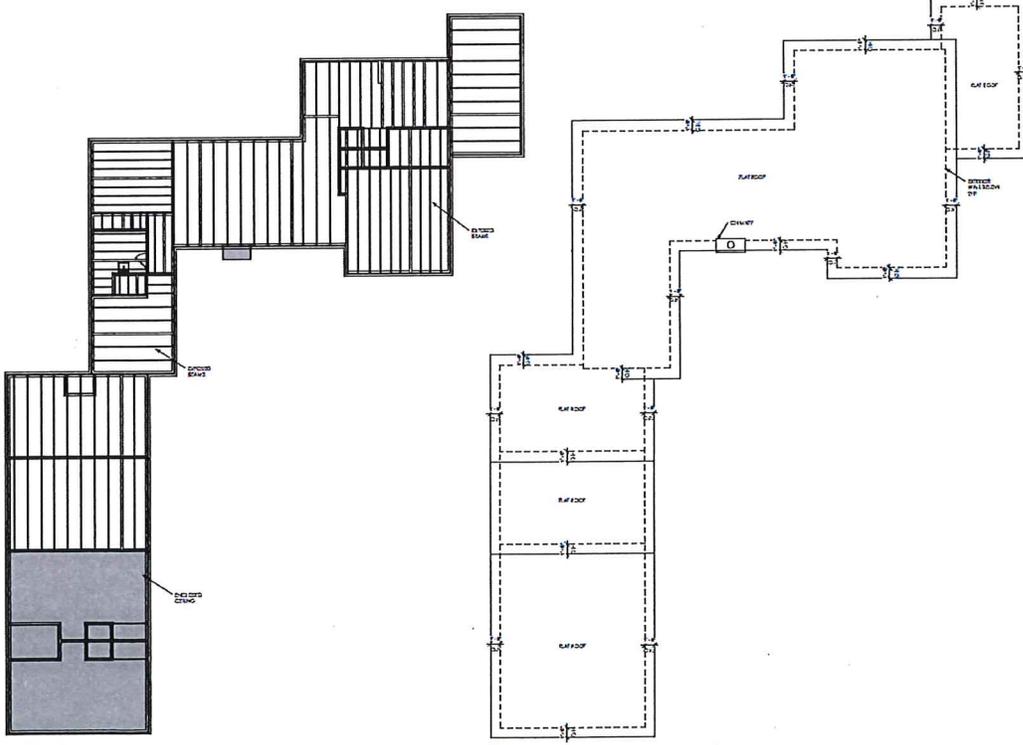


SEE 2/A1.1 FOR MORE INFO

2 FIRST FLOOR PLAN
2/25/19



PROJECT NAME:	
218 OCEAN BLVD SOUTHERN SHORES NORTH CAROLINA	
REVISED:	DATE:
AS BUILT	2/25/19
DRAWING NAME:	
FIRST FLOOR PLAN	
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION	
DRAWN BY:	DF
DATE:	2/25/19
SCALE:	SEE PLAN
STAMP:	
SHEET:	
A1.1	

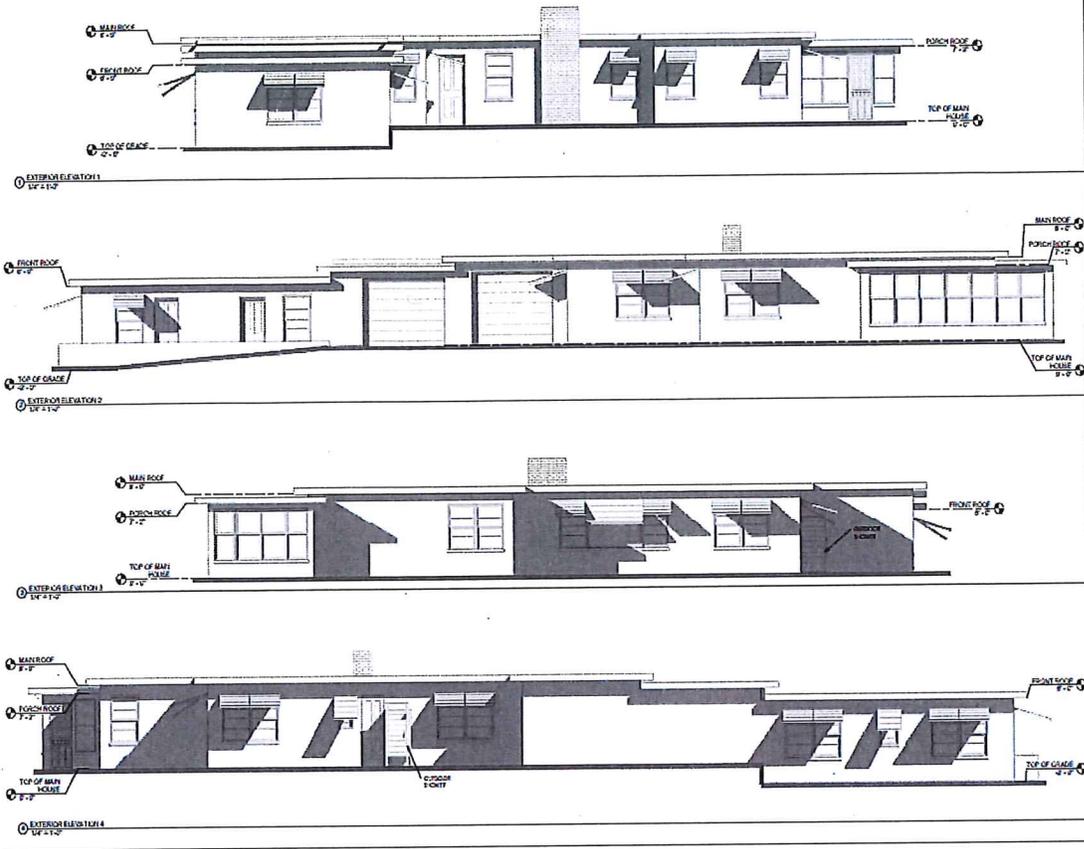


3 ROOF FRAMING PLAN
2/25/19

4 ROOF PLAN
2/25/19



PROJECT NAME:	
218 OCEAN BLVD SOUTHERN SHORES NORTH CAROLINA	
REVISED:	DATE:
AS BUILT	2/25/19
DRAWING NAME:	
ROOF FRAMING PLAN	
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION	
DRAWN BY:	DF
DATE:	2/25/19
SCALE:	SEE PLAN
STAMP:	
SHEET:	
A1.2	



BEACON
ARCHITECTURAL FIRM, LLC
1000 W. 10TH ST.
WILMINGTON, NC 28401
910.343.1234

PROJECT NAME:
**218 OCEAN BLVD
SOUTHERN SHORES
NORTH CAROLINA**

REVISION:	DATE:
AS-BUILT	07/25/19

DRAWING NAME:
ELEVATIONS

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

DRAWN BY: DJ
DATE: 07/25/19
SCALE: SEE PLANS

STAMP:

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SHEET:
A2.1

Dare County Tax Department
P.O. Box 1000
Manteo NC 27954-1000



PROPERTY TAX BILL



MACKEY, G WILMER
MACKEY PROPERTIES LIMITED PARTNERSHIP
700 WOODROW ST APT 610
COLUMBIA SC 29205

>>>>IMPORTANT>>>>

[PLEASE CLICK HERE FOR IMPORTANT INFORMATION](#)

DROP BOX NOW AVAILABLE...located in front of the Dare County Justice Center, 962 Marshall C. Collins Dr., Manteo NC

Please Mail or Bring this stub when making payment to insure payment is credited to the correct account.
MAIL TO: The Tax Office Designated below.

PENALTIES ARE DETERMINED BY U.S. POSTAL POSTMARK.

Owner as of January 1: MACKEY, G WILMER

Customer Number	District			Bill Number
023015455	SOUTHERN SHORES			28931
Parcel Number	Billing Date	Tax Year	Due Date	Delinquent After
022077000	07/17/2018	2018	09/01/2018	01/07/2019
Description of Property		% Rate	Tax Levied	
PIN#: 986819-62-2325				
Description: LOT: 20 21 BLK: 28 S SO/SH AMENDED PLAT B SEC 3 REV		.470000	DARE CO	\$4,510.59
Street Address: 218 OCEAN BLVD		.220000	SS TOWN	\$2,111.34
Real Property Value: 959,700		.000000		\$0.00
Personal Property Value: 0		.000000		\$0.00
Exempt Value: 0		.000000		\$0.00
Total Taxable Value: 959,700		.000000		\$0.00
				\$0.00
			LATE LIST:	\$0
			PAYMENT:	\$0
				AMOUNT DUE: \$6,621.93

Proposed Landmark Designation Boundary for the Mackey Cottage



Tax District: Southern Shores
 Subdivision: So/sh Amended Plat B Sec 3
 Rev
 Lot BLK-Sec: Lot: 20 21 Blk: 28 Sec: 3
 Property Use: Residential
 Building Type: Flat Roof
 Year Built: 1955

Owners: Mackey, G Wilmer
 Mackey Properties Limited Partnership
 Building Value: \$76,500
 Land Value: \$882,100
 Misc Value: \$1,100
 Total Value: \$959,700

218 Ocean Blvd
 Southern Shores NC 27949
 Parcel: 022077000
 Pin: 986819623225

This map is prepared from data used for the necessity of the real property for the purpose. Primary information sources such as records, deeds, plats, and other primary public records should be consulted for verification of the information.



References

McNaughton, M. (n.d.). Outer Banks Architecture. Retrieved May 10, 2019, from

<http://southernshores-nc.gov/wp-content/uploads/2016/04/completed-bk2.pdf>

Dave Mackey. Submitted documentation.

Dare County. (n.d). <https://maps.darecountync.gov/>

BLANK



North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

June 11, 2019

Wes Haskett
Town Planner
Town of Southern Shores
5375 North Virginia Dare Trail
Southern Shores, NC 27949

RE: Proposed designation of the **Mackey House, 218 Ocean Boulevard, Southern Shores, Dare County**

Dear Mr. Haskett:

Thank you for the report we received on the proposed designation of the Mackey House located at 218 Ocean Boulevard in Southern Shores. We have reviewed the report and offer the following comments.

Constructed c. 1955 for Howard and Claire Grieves, the Grieves-Mackey House appears to be an intact example of the modest, single-story, flat-roof houses of mid-20th century origin that continued to be built in the Southern Shores community of the Outer Banks in a similar vein to other historic Flat-Top houses developed by Frank Stick. We feel the report effectively conveys the historical and architectural significance of the property and should provide the Southern Shores Historic Preservation Commission and the Town Council sufficient information to determine whether the property possesses the requisite special significance and integrity for landmark designation.

Landmark designation means the community recognizes a property as an important historic resource worthy of preservation. Any substantial exterior design changes to a designated landmark are subject to the design review procedures of the Southern Shores Historic Landmarks Commission. The owner may apply for an annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.

If the local governing board wishes to extend the Commission's design review authority to significant features of the interior, the owner must give written consent. The designation ordinance must specify the features and describe the nature of the Commission's design review authority over them.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, nonbinding. Once the governing board has received a recommendation from the Southern Shores Historic Landmarks Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the Mackey House. Please contact me at 919-814-6575 should you have any questions about our comments.

Sincerely,



Amber E. Stimpson
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure