

Investigate-Research-Develop-Recommend  
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach

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**Minutes From July 2, 2009**

**Members Present**

William McDonald-Chairman  
Leon August  
Bob Perry  
Al Seibert  
Sybil Kesterson  
Eddie Walters  
Gene Allen

**Members Absent**

None

**Staff**

Jeff Curtis  
Cindy Nelson

1. Call to Order-8:58 am.
2. Roll Call-Quorum Present
3. Agenda Comments-The Chairman stated the Public Hearing would be conducted as follows: The public hearing will be opened. The Chairman will ask Jeff Curtis for an explanation of each topic. The Chairman will ask for comments from visitors, instructing them to keep their comments brief, and to only stay with the first topic at hand. Then, the public hearing will be closed. At that time the board will conduct their discussion and make a vote. This format will follow for each public hearing item.
4. Approval of Minutes-Approval of Minutes from the June 4, 2009 Session. Minutes were approved with corrections. No motion for approvals was made. The minutes will be resubmitted for vote at the next meeting.
5. Building and Zoning Administrator Report-None
6. Public Hearing Topics
  - a. Amendment to Section 151.243 A-1 (b), (d), (e). Dimensional Requirements

Curtis explained the proposed changes for the BB-1 Zoning District. The changes were made in relation to citizen complaints that seemed valid. The proposed changes to section (b): change the minimum rear yard set back from 5' to 25'. The proposed changes to (d) and (e), the corner side yard being 12' facing three streets. and on thru lot situations, both front and rear yard would be 25' setback.

The chairman asked anyone who was for or against to speak.

Tracey Hobgood, operator of the Sunset Beach Trading Company; located at 423 Sunset Blvd, asked to make a presentation.

Tracey highlighted information concerning BB-1 Zoning District. She said that it has been zoned commercial since about 1972, and only makes up 6% percent of the island. Commercial development can only be permitted in this area. In relation to section (b) she restated the proposed changes and presented a GIS diagram showing how the residential and commercial parcels would be affected by comparing the 5' set back vs. the 25' set back. Tracey stated that with the new ordinance a lot could be purchased in the commercial zone and the owner could use it for residential building, then the abutting property, also zoned commercial, would lose a full 20' of developable area. The commercial use is penalized in the commercial zone based on the neighbors land use. She felt this was unfair when there is other residential property available on the island.

In relation to section (a-e), this proposed amendment addresses 25' set backs in the front and rear. The current structures would become nonconforming. The concern is any building currently located on a corner lot that is destroyed by fire or flood would have to rebuild to the new changes and would take away approximately 400 square feet of use. Tracey submitted a GIS photo (entered into the minutes), of how the rear yard setback will look when having a non conforming situation. Lot "A" shows a red line that reflects the 5' rear set back, abutting a residential building, "A-2", which has a yellow line reflecting the 5' rear set back. The black line on lot "A" shows what would be the 25' rear set back if a structure would have to be rebuilt after the proposed ordinance change takes affect. The commercial use would be impacted greatly. She said the buildable area of 7000 square feet is minimal when having to consider parking, landscaping, and stormwater requirements. With that said, Tracey concluded her presentation.

The Chairman asked the board if there were any questions. None being asked-the Chairman invited the public to speak.

Carol Scott of 1214 E. Main disagreed with any lots developing 5' from a street on a thru street regardless of it being zoned commercial or residential. She said this was an oversight and recommends changing the ordinance to address any lot throughout the town and not just this zoning district.

Mark Kaplan and Cliff Errickson explained in detail how the ordinance change would impact their business if they had to rebuild due to an event that might destroy their storage building. They stated the current ordinance allowed their storage building to be constructed.

Ron Watts stated the he was speaking as a property owner and not as a council member. His concern was that he could not plan for the future if he decides to redevelop some of his buildings in the next five to ten years. He encouraged the board to look at future businesses and the change will impact them. Watts further stated the more limitations that are put on island businesses; more they will be forced to relocate to the mainland, and if that is the case, let it be stated, and add it to the Land Use Plan.

Ed Gore urged the board to look at the BB-1 as a whole.

Tracey Hobgood encouraged the staff to look into other jurisdictions as to street side yard set backs.

Carol Scott added there is a need for consistency.

Public Hearing closed for the first agenda item at 9:35 am.

b. Proposed New “Open Space One” Zoning District: 151.403

Curtis explained this was to rezone the golf courses, he said this was not ready for a public hearing and suggested the issue be moved to the next worksession. The Chairman said this was an advertised Public Hearing and we should proceed on the subject.

Curtis added the AF-1 Zoning District is not suitable for the golf courses. He took the language for the golf courses from the AF-1; he said that 151.405 permits exhibit halls and convention halls, he asked the board for help in what to do with that.

The chairman asked the public to make any comments. With there being none, he closed the public hearing at 9:55 am.

7. Old Business

a. Discussion to Amend Section 151.243. A-1 (b) (d) (e)

Perry addressed the chairman with the request that he abstain for voting as there is a conflict of interest for him. The chairman allowed him to abstain.

Seibert said this is a tract of commercial land that will become non conforming.

Walters asked the board to look toward the future, that those who purchase property for residential use are aware of buying in the business zone. He stated that it would not be fair or equitable to change the rear yard set back to 25’. He was in favor of allowing that to remain. He went on to say that a 5’ setback from the street is not good for planning, zoning, or safety. He further suggested looking at the corner lot set back issue, and consider changing them to be more uniform.

**Walters made a motion to further review the setbacks that we are outlining or proposing, take the input of the citizens and the boards discussion into account; and come up with something that’s more workable for the property owners and at the same time providing direction for good zoning. Seconded by Leon. Motion carried unanimously.**

b. Discussion on the Proposed New “Open Space One” Zoning District: 151.403

Walters stated this was in our Land Use Plan. This was put in place to preserve the golf courses as the demand for land becomes greater.

Curtis said this will make the AF-1 Zoning District obsolete.

Seibert asked if this was going to be moved to a worksession. Curtis responded that would be a good idea.

**Seibert moved to continue this item to a worksession. Seconded by Allen. Motion carried unanimously.**

Further discussion ensued on the proposed ordinance. Walters challenged the language for 151.406 (B).

Seibert and Kesterson asked Curtis to look at 151.406 Accessory Structures.

8. New Business-None
  
9. Comments from Visitors-None
  
10. Adjournment-Meeting adjourned at 10:20 am. **Walters moved to adjourn. Seconded by August. Motion carried unanimously.**

*Bill McDonald-Chairman*

*Cindy Nelson-Secretary*