

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
September 10, 2008**

The Planning Board for the Town of Duck convened at the Duck Municipal Offices at 6:30 p.m. on Wednesday, September 10, 2008.

Present were Chairman Jon Britt, Vice Chair Joe Blakaitis, Ron Forlano, John Fricker and Claiborne Yarbrough.

Absent: None.

Also present were Director of Community Development Andy Garman, Council Liaison Dave Wessel and Permit Coordinator Sandy Cady.

Others Present: John Jenkins, Stephanie Gadd of Coastal Engineering & Surveying, Olin Finch and Bill Lane.

Chairman Britt called to order the Regular Meeting of the Planning Board for September 10, 2008 at 6:31 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

A Special Exception Permit Application Submitted by Stephanie M. Gadd, P.E. of Coastal Engineering & Surveying, Agent for Charles T. and Betty B. Yates, Property Owners of 165B Buffell Head Road for a Special Exception Request for Parking Pursuant to 156.096 of the Town of Duck Code of Ordinances to Allow the Westward Relocation of an Erosion Threatened Structure Adjacent to the Atlantic Ocean

Director Garman stated that the Board had a special exception application before them for an oceanfront property that has suffered significant erosion since the owners bought the property. He stated that the house was now located within twenty (20) feet of the dune escarpment and in order to rectify the erosion issue, the owners conducted several beach fill projects, which continues to erode. He stated that the owners now wanted to relocate the structure landward approximately fifty-one (51) feet to meet the CAMA small structure setback, which is sixty (60) feet from the first line of stable natural vegetation. He stated that if the owners were granted the special exception, the house would meet all Town setbacks, but they would need the exception to meet the parking requirements. He noted that the applicants were making a lot of efforts to

minimize damage to the structure as well impacts to the oceanfront. He went on to review the staff report with the Board and audience adding that staff recommended removing one of the new parking spaces and putting it behind the two (2) spaces located adjacent to the house on the north side of the property. He also noted a letter from the adjacent property owner, Regis Burek, that was submitted regarding the special exception application.

Stephanie Gadd of Coastal Engineering and Surveying was recognized to speak. Ms. Gadd stated that she had spoken to Mr. Burek and relayed that the house was already at the small structure setback, and wasn't sure if it would be allowed to be moved as far forward as they wanted. She stated that the adjacent property owner was willing to give up some of his property for parking for the applicant.

Chairman Britt thought the parking would make it tricky for the two (2) stacked spaces on the east side to back out. Stephanie Gadd agreed. She stated that by adding the new spot on the south side, it would help.

Member Fricker asked if the two present parking spaces were flush with the adjacent property line. Stephanie Gadd stated that they were. Member Fricker asked why there was no suggestion or discussion on moving the house to the west-southwest. Stephanie Gadd stated that the septic would become an issue if the house was moved to the west-southwest. Member Fricker asked if the parking would be a safety issue from a fire prevention point of view. Director Garman stated that he had discussed it with Fire Chief Black and that she did not see it as an issue.

Director Garman reviewed the analysis of the criteria and pointed out that there was specific language in the code that dealt with relocating oceanfront properties. He stated that the applicant was looking to use the existing parking spaces and add three (3) new conforming spaces.

Member Fricker stated that he was concerned with traffic flow of the driveway. He pointed out that the adjacent property would have three (3) cars parked on their property line. Director Garman stated that the adjacent owner has three (3) spaces presently on their property line. He showed the Board an original Dare County site plan that listed three (3) parking spaces against the property line. Member Fricker clarified that those spaces were not currently permitted. Director Garman stated they were as they were already in existence. Member Fricker thought the new parking spaces would make parking and maneuvering more difficult than it previously was. Chairman Britt disagreed with Member Fricker. He noted that the original Dare County plan approval could have allowed four (4) vehicles blocked in at any time. Member Fricker stated he was focusing on the three (3) new parking spots on the site and thought it would create maneuverability problems with regard to ingress and egress. Chairman Britt thought they could back up from the house without an issue. Director Garman stated that vehicles could back into the turnaround area and then pull out of the driveway head-first.

Vice Chair Blakaitis stated that he saw Chairman Britt's point and agreed with him. He wondered why two (2) more vehicles couldn't be put alongside the driveway and have the driveway reoriented to accommodate them. He suggested adding parallel parking along the existing flagpole area. Member Forlano suggested making the whole area gravel and agreed with Vice Chair Blakaitis regarding the parallel parking. Stephanie Gadd felt that stacking the parking would make things more congested. Chairman Britt stated he did not like stacking

vehicles along the drive aisle. Director Garman noted that there was a lot coverage issue that the applicant will have to resolve as some of the driveway would have to come out and be replaced with gravel. Chairman Britt clarified that Director Garman was proposing to move three (3) parking spaces to the driveway as well as keeping them on the south side of the property. Member Fricker felt the spaces should be moved farther to the west from the existing location on the driveway and away from the pool.

Member Fricker clarified that staff has taken the position that since this is a voluntary demolition; the applicant would have to conform to the current zoning regulations. He asked if once the applicant moves house, they should have two (2) or three (3) vehicles against the adjacent property line. Director Garman stated that if the applicant were demolishing the house, staff would take that position. Member Fricker clarified that it wasn't staff's position. Director Garman stated staff was trying to weigh several factors. Member Fricker noted that apart from moving the one (1) parking space, there has been no accommodation given to the adjacent property owner. He stated that it seemed like the applicant was not losing or pulling back anything to meet the setbacks. He wondered if it was a balancing interest between adjacent properties. Director Garman thought some of the suggestions would help balance the interests. He noted that the applicant was doing this work voluntarily as the alternative was to bring in sandbags. He stated that there may be some adverse impacts but felt that the benefits may outweigh the adverse impacts.

Vice Chair Blakaitis noted that the lot coverage was satisfactory based on Option 3 in the special exception application. Director Garman stated that if the applicant is granted the special exception for parking, they would have to obtain a permit from the Town to complete the project and would have to meet lot coverage. Vice Chair Blakaitis clarified that the project met all of the zoning and ordinances except for parking setbacks and questioned how this would be handled if it were a tear down project. Director Garman stated it would need to meet the parking and driveway setbacks.

Stephanie Gadd pointed out that under Option 3, the applicant would be under the thirty percent (30%) lot coverage mark by removing the concrete. Vice Chair Blakaitis noted that the new lot size would not allow eight (8) bedrooms. Director Garman stated that as long as the applicant does not increase the degree of the nonconformity, they can keep what they have presently.

Member Forlano asked how the adjacent property owner's suggestions would improve their view shed. Director Garman stated that he didn't think they would. Chairman Britt thought moving the parking spaces would help the adjacent owner's view shed.

Vice Chair Blakaitis asked what was decided with regard to parking. Chairman Britt asked if the Board was in agreement to move the three (3) spaces further west below the adjacent pool and remove the existing concrete adjacent to the neighboring property. Member Yarbrough thought it was an excellent compromise. Director Garman clarified that the Board wanted two (2) spots moved, removing the concrete in one area, installing a twelve (12) foot wide driveway, installing parking delineators and putting in vegetation where the vehicles were presently parked. Member Yarbrough stated that she would recommend it and thought it was a good solution.

Member Fricker moved to recommend the special exception for approval with the changes noted. Vice Chair Blakaitis seconded the motion.

Motion carried 5-0.

APPROVAL OF MINUTES

Planning Board Meeting August 13, 2008

Chairman Britt directed the Board to review the minutes from the August 13, 2008 meeting.

Member Fricker moved to approve the minutes as presented. Member Yarbrough seconded the motion.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Wind Energy Forum to be Held Thursday, September 11, 2008 at 6:00 p.m. at the Kitty Hawk Town Hall

Director Garman reminded the Board about the wind energy forum at the Kitty Hawk Town Hall. He stated that staff would take what they learn and move on with a discussion with the Board at a later date.

BOARD COMMENTS

None.

ADJOURNMENT

Chairman Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 7:34 p.m.

Approved: _____
/s/ Jon Britt, Chairman