



Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Alice Derian, ICMA-CM
Town Manager

Aldermen:
Richard Grant
Tom Leonard
Laura Olszewski
Connie Pletl

Nancy Avery
Interim Town Clerk

Agenda	Consent
Item:	Agenda
Date:	06 05 2024

Planning Board Committee Report
Hanna McCloud, Chair

The North Topsail Beach Planning Board held a regular meeting on Thursday, May 2, 2024, at 6:00 PM.

PRESENT: Hanna McCloud - Chair, Scott Morse, Lisa Brown, Terri Ward, Stu Harness (Alternate)
ABSENT: Susan Meyer - Vice Chair, Fred Fontana (Alternate)

PUBLIC COMMENT

Phyllis Umbarger of 126 Sea Gull Lane addressed the Planning Board regarding a request to change the common area around her home to private ownership. She explained her concerns such as who pays for the taxes on the common area, and who controls the common areas in front of and behind the house. Ms. Umbarger was unaware of the situation until she received a deed revision. She requested clarification as to what she could do to rezone so that the property would belong to her.

Elmon Curtis Anders of 136 Sea Gull Lane spoke from his seat echoing Ms. Umbarger's concerns: the payment of taxes on the common area, and the longevity associated with selling the property. He had been under the impression the lot was his. He asked for clarification on whether his house was a duplex or a townhouse.

There was discussion.

Planning Director Hill asked for the opportunity to prepare information to report back to the Planning Board at the next public meeting. She explained this was the development of eight-thousand square foot lots that was reviewed by the Planning Board and approved by the Board of Aldermen for the re-zoning from business B-1 to residential R-8, to facilitate duplexes, despite the highest zoning density of R-10 per the CAMA (Coastal Area Management Act) Land Use Plan. Ms. Hill explained that it did not make sense to rezone an eight thousand square foot lot to R-10 since it did not meet the minimum dimensional requirement of ten thousand square feet. She explained there is a difference in definition between duplexes and townhouses. Duplexes are considered one structure with two units, so for an eight thousand square foot lot that is zoned residential R-8, you shall not further subdivide that lot because the resulting lots would not meet the minimum dimensional requirements. Planning Director Hill continued, saying she believed most of the surrounding communities recognized and defined duplexes in the same way in their zoning ordinances as having two units, possibly owned by different entities, and the surrounding land is

owned by both as tenants in common. Planning Director Hill stated that should have been addressed and made clear to the buyers by the people involved in the sale transaction of the property: the closing attorney, the seller of the property, and the buyer's agent. Ms. Hill recommended that because the concerns were legal in nature, the property owners discuss this matter with their closing attorneys. If they are not satisfied with the closing attorney's guidance, perhaps a different land use attorney would be better.

Chair McCloud suggested that the meeting was not the place for this matter.

Planning Director Hill repeated that she did not think re-zoning the property would be a remedy, based upon the definition of a duplex in both the ordinances of Town of North Topsail Beach and in the Building Code. She stated that re-zoning was not the answer. The speakers were more than welcome and allowed to apply for a re-zoning, a redevelopment, or whatever it is they would like to do. The matter would then be brought before the Planning Board to make a recommendation to the Board of Aldermen. Planning Director Hill stated that she was reluctant to support anything not consistent with the CAMA Land Use Plan, the Zoning Ordinance, and sound and consistent planning principles. She further explained there have been recent complaints regarding the impacts of increasing zoning density and increasing development pressuring the infrastructure of the Town, for example the lack of water pressure.

Planning Director Hill explained that when the development application was made for this area by the property owner the acreage was reviewed by a technical review committee, presented to the Planning Board, and then presented to the Board of Aldermen. The resulting lots and duplexes were the highest density allowable, with two units on one lot. The building permit was issued as a duplex. She explained that townhouses were three units or more.

Ms. Umbarger asked who owns the property in front of and behind the house.

Planning Director Hill asked Ms. Umbarger if she received a plat of survey and a deed at the closing, and who was the attorney.

Ms. Umbarger confirmed, and that the area is called a "common area." She explained that she consulted with an attorney, who did not provide guidance on the ownership of the property. She did not give the attorney's name. The attorney instructed Ms. Umbarger to speak with Planning Director Hill. She further explained that she wants what is hers to exert control over the land. Had she known about the ownership, she would not have bought the property.

There was no further public comment.

DISCUSSION

Planning Director Hill introduced the APA Video Training: Staff Reports and explained the sample staff report handout. The Planning Board watched the video and discussed staff reports. Planning Director Hill noted that the next training session would focus on the comprehensive plan. For North Topsail Beach that is the enforceable CAMA Land Use Plan.

ADJOURNMENT

Ms. Brown made a motion to adjourn. Mr. Harness seconded the motion. The motion passed unanimously, 5-0.

The Planning Board meeting adjourned at 7:00 p.m.