

## **STAFF REPORT**

**To:** Southern Shores Town Council  
**Date:** May 6, 2025  
**Case:** ZTA-25-02  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### **GENERAL INFORMATION**

**Applicant:** Anthony S. Mina  
75 E. Dogwood Trl.  
Southern Shores, NC 27949

**Requested Action:** Amendment of Town Code Section 36-414

### **ANALYSIS**

The Applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Section 36-414 to establish a 90-day exemption for property owners in all zoning districts to submit any applications to the Town to seek governance under the Town Code prior to all ordinance amendments adopted within three years of adoption of his proposed amendment. If adopted, property owners would be permitted to submit applications for a 90-day period to seek governance from the Town under the Town Code as it applied prior to adoption of all zoning text amendments that affected their property within the last three years. The proposed language would apply to property owners who owned the property, were under contract to purchase the property, rented the property, or occupied the property at the time the zoning text amendment was adopted.

In July 2024, the Applicant submitted two applications to subdivide the property at 75 E. Dogwood Trl. that were denied. In October 2024, the Town Planning Board considered a Variance application submitted by the Applicant to allow the subdivision of 75 E. Dogwood Trl. that was denied. In January 2025, the Applicant submitted another request to subdivide the property at 75 E. Dogwood Trl. that was denied. In March 2025, the Planning Board considered an Appeal application submitted by the Applicant to allow the subdivision of 75 E. Dogwood Trl. that was denied. The proposed amendment is an attempt to exempt himself and other affected property owners from having to comply with the lot width requirements established in ZTA-23-03 that was adopted on June 6, 2023.

### **RECOMMENDATION**

Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends disapproval of the application. Please note that prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent or inconsistent with the Town's currently adopted Comprehensive Land Use Plan and explaining why the Town Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. Since all of the zoning text amendments that were adopted within the last three years were found to be consistent with the Town's Comprehensive Land Use Plan (formerly Land Use Plan), creating an exemption from having to comply with their requirements would be inconsistent with the Town's Comprehensive Land Use Plan. The ZTA does not identify any Comprehensive Land Use Plan policies that are consistent with the proposed

amendment. The Town Planning Board unanimously (5-0) recommended disapproval of the proposed amendment at the May 21, 2025 Planning Board meeting and found that their action (to recommend disapproval) was consistent with the Town's currently adopted Comprehensive Land Use Plan, that it was reasonable, and in the public's interest.