

STAFF REPORT

To: Southern Shores Town Council
Date: May 5, 2026
Case: ZTA-2026-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Daniel S. Osman
39 Eleventh Ave.
Southern Shores, NC

Requested Action: Amendment of Town Zoning Ordinance by amending Town Code Sections 36-202(d)(4) and 36-202(d)(5) to establish a minimum 10 ft. side yard (setback) requirement and a minimum 20 ft. rear yard (setback) requirement for pool equipment, pool sheds, accessory structures up to 150 square feet, and mechanical equipment (HVAC) in the RS-1 zoning district.

ANALYSIS

The Applicant is proposing to amend Town Code Sections 36-202(d)(4) and 36-202(d)(5) to establish a 10 ft. minimum side yard (setback) requirement and a 20 ft. minimum rear yard (setback) requirement for pool equipment, pool sheds, accessory structures up to 150 square feet, and mechanical equipment (HVAC) in the RS-1 zoning district. Town Code Sections 36-202(d)(4) and 36-202(d)(5) currently establish a 15 ft. minimum side yard (setback) requirement and a 25 ft. minimum rear yard (setback) requirement. Town Code Section 36-57 defines “yard” as a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, from 30 inches above the ground level of the graded lot upward, provided, however, that eaves, fences, walls, poles, posts, ocean dune platforms, walks, accessible ramps, steps and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirements of the Zoning Ordinance.

If adopted as written, the proposed amendments would allow pool equipment, pool sheds, accessory structures up to 150 square feet, and mechanical equipment (HVAC) to be at least 10 ft. from side property lines and 20 ft. from rear property lines instead of at least 15 ft. from side property lines and 25 ft. from rear property lines in the RS-1 zoning district. The current rear yard (setback) requirement has been in place since 1981, and the current side yard (setback) requirement was increased from 10 ft. to 15 ft. for all structures (with some exceptions) in May, 2000. The Applicant submitted the application after learning that a recently constructed pool cabana does not meet the current 25 ft. rear yard (setback) requirement.

The Town’s current Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- LUC 7: Continue to enforce community design standards such as regulating building height, lot coverage, building size, and capacity, and other standards that preserve local character.

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application with the following amended language:

(d) *Dimensional requirements.*

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum lot width for lots created after June 6, 2023: 100 feet (measured from the front lot line at right angles to the rear lot line).
- (3) Minimum front yard (setback): 25 feet.
- (4) Minimum side yard (setback).
 - a. Minimum side yard setback shall be 15 feet;
 - b. An additional five-foot side yard adjacent to the street is required for a corner lot;
 - c. Minimum side yard setback shall be 15 feet for swimming pools.
 - d. Notwithstanding the above, for pool equipment, accessory structures up to 144 sq. ft., and mechanical equipment (HVAC), the minimum side yard setback shall be 10 feet.
- (5) Minimum rear yard (setback): 25 feet.
 - a. Notwithstanding the above, for pool equipment, accessory structures up to 144 sq. ft., and mechanical equipment (HVAC), the minimum rear yard setback shall be 20 feet.

The Town Planning Board unanimously (5-0) recommended approval of the application at the April 20, 2026 Planning Board meeting with the following amended language:

(d) *Dimensional requirements.*

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum lot width for lots created after June 6, 2023: 100 feet (measured from the front lot line at right angles to the rear lot line).
- (3) Minimum front yard (setback): 25 feet.
- (4) Minimum side yard (setback).
 - a. Minimum side yard setback shall be 15 feet;
 - b. An additional five-foot side yard adjacent to the street is required for a corner lot;
 - c. Minimum side yard setback shall be 15 feet for swimming pools.

- d. Notwithstanding the above, for platforms for pool mechanical equipment and mechanical equipment (HVAC), the minimum side yard setback shall be 10 feet.
- (5) Minimum rear yard (setback): 25 feet.
 - a. Notwithstanding the above, for platforms for pool mechanical equipment and mechanical equipment (HVAC), the minimum rear yard setback shall be 20 feet.