

STAFF REPORT

To: Southern Shores Town Council
Date: July 8, 2025
Case: ZTA-25-04
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 36-362(b)

ANALYSIS

The Applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Section 36-362(b) 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 June 6, 2023. 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 on June 6, 2023.

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. In March 2025, the Applicant submitted a ZTA to amend Town Code Section 36-414 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 which was denied. The proposed amendment to Section 36-362(b) is another attempt by the Applicant 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 Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. 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 June 16, 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.