

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
chestercountylawn@yahoo.com

February 20, 2025

MOTION TO BAN PLANNING BOARD ATTORNEY JAY WHELESS FROM ANY INVOLVEMENT WITH THE MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO JAY WHELESS'S INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT, VIOLATIONS OF RULE 4.1 OF THE NORTH CAROLINA RULES OF PROFESSIONAL CONDUCT AND VIOLATIONS OF SOUTHERN SHORES TOWN ETHICS POLICY

Applicant, Anthony Mina hereby Motions To Ban Planning Board Attorney Jay Wheless From Any Involvement With The March 17, 2025 Appeal Of The January 21, 2025 Subdivision Denial and in support there of aver the following:

1. Applicant is Anthony Mina, Variance hearing Applicant from the October 21, 2024 Variance VA-24-01 hearing.
2. Jay Wheless is the Planning Board Attorney who represented the Planning Board on October 21, 2024.
3. Applicant Anthony Mina does not have any type of relationship with Jay Wheless, meaning he is not a friend, colleague, client, partner, student or any other person besides a Variance Applicant on October 21, 2024.
4. When Jay Wheless communicates the term "cross" with Applicant, Applicant believes Jay Wheless is saying "cross examine" and not part of an elaborate corruption scheme pretending Applicant is "crossing" (destroying) people or the Town of Southern Shores with Jay Wheless (apparently positioning Applicant in the fall guy position).
5. When Jay Wheless uses the word "leeway" in communication with Applicant, the word "leeway" means "the amount of freedom to move or act that is available" to Applicant.
6. Jay Wheless would not allow Applicant to testify to his Federal Law Suit during the October 21, 2024 and stated the law suit would be a part of the record and would be a preserved for Appeals. See you tube video 2:09-2:11.

7. Dare County Superior Court Ordered Wes Haskett and Southern Shores to provide a complete verified record from the Variance hearing within 30 days of December 18, 2024. A true and correct copy of the Order is attached hereto as Exhibit A.
8. Despite Southern Shores and Town Council being served by U.S. Mail with electronic receipt of service and the Planning Board being served by email the Order dated December 18, 2024, Wes Haskett, Southern Shores and/or the Planning Board are in Contempt of Dare County Superior Court's Order requiring a complete copy of the record from the Variance hearing VA-24-01. A true and correct copy of the email received by the Planning Board on December 18, 2024 is attached hereto as Exhibit B.
9. Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. 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. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
10. **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
11. On October 21, 2024 Jay Wheless and Wes Haskett misrepresented Town Code 36-414(b)'s posted notice requirements which requires posted notice when Town Code 36-414(a) is used to amend code, regardless of whether a map amendment is made. See you tube video 3:09-3:12.
12. On October 21, 2024 Jay Wheless fraudulently misrepresented Town Code 36-414(b) again to pretend notification requirements were met. See youtube video 3:48-3:51.
13. Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.
Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.
Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.
Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.

14. Andy Ward agreed the Code of Ethics would be complied with at the October 21, 2024 Variance Hearing. A true and correct copy of the code of ethics is attached hereto as Exhibit C.
15. The Code of Ethics prohibits Southern Shores money from being spent on Jay Wheless, as his fraudulent misrepresentations violate Town Code #1, 2, 3, 4 and 7.
16. Rule 4.1 OF THE RULES OF PROFESSIONAL CONDUCT STATES: TRUTHFULNESS IN STATEMENTS TO OTHERS: In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. Rule 1.6(b)(1) permits a lawyer to disclose information when required by law. Similarly, Rule 1.6(b)(4) permits a lawyer to disclose information when necessary to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used.

17. Rule 4.1 Of The Rules Of Professional Conduct prohibit Jay Wheless's conduct.
18. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant provides: **(a)**

(1)Whoever kills or attempts to kill another person, with intent to—
(A)prevent the attendance or testimony of any person in an official proceeding;
(B) prevent the production of a record, document, or other object, in an official proceeding;
or

(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).

(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A)influence, delay, or prevent the testimony of any person in an official proceeding;

(B)cause or induce any person to—

(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv)be absent from an official proceeding to which that person has been summoned by legal process; or

(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).**(3)**The punishment for an offense under this subsection is—

(A)in the case of a killing, the punishment provided in sections 1111 and 1112;

(B)in the case of—

(i)an attempt to murder; or

(ii)the use or attempted use of physical force against any person;imprisonment for not more than 30 years; and

(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1)influence, delay, or prevent the testimony of any person in an official proceeding;

(2)cause or induce any person to—

(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding

(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D)be absent from an official proceeding to which such person has been summoned by legal process; or

(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c)Whoever corruptly—

(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1)attending or testifying in an official proceeding;

(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation ¹ supervised release,,¹ parole, or release pending judicial proceedings;

(3)arresting or seeking the arrest of another person in connection with a Federal offense; or

(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;
or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e)In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f)For the purposes of this section—

(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(3) (g)In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency;
or

(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h)There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or [section 1503](#) may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

19. Jay Wheless is in violation of 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant laws.
20. Applicant filed a Motion To Preclude Variance Hearing Based On Fraudulent misrepresentations of Town Code Notification requirements. A true and correct copy of the Motion is attached hereto and marked Exhibit D.
21. Jay Wheless's fraudulent misrepresentations of Town Code 36-414(b) were illegal, biased, premeditated misconduct trying to undermine the fraud Applicant proved Wes Haskett has committed by falsifying records relating to property owners being properly notified of the March 31, 2023 lot width amendment pursuant to Town Code 36-414(b).

WHEREFORE, Applicant Anthony Mina respectfully requests that Jay Wheless be banned from any involvement with Applicant's March 17, 2025 Appeal of the January 21, 2025 subdivision denial.

February 20, 2025

Respectfully Submitted,



ANTHONY S. MINA : DARE COUNTY SUPERIOR COURT

Petitioner :

V. :

SOUTHERN SHORES/WES HASKETT :

Respondent :

: No.

: Southern Shores No. VA-24-01.

FILED

DATE: December 18, 2024

TIME: 2:48:51 PM

DARE COUNTY
CLERK OF SUPERIOR COURT

BY: L. Watts

PROPOSED WRIT OF CERTIORARI

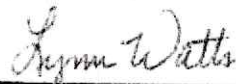
Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule 4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024

Signature: _____



Asst. Clerk

EXHIBIT A

PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

From: Anthony Mina (chestercountylawn@yahoo.com)

To: phornthal@hrem.com; norwood@cmclawfirm.com; dkole@southernshores-nc.gov; cogburn@southernshores-nc.gov; lawomble@hrem.com; emorey@southernshores-nc.gov; psherlock@southernshores-nc.gov; whaskett@southernshores-nc.gov; mbatenic@southernshores-nc.gov; mneal@southernshores-nc.gov; rneilson@southernshores-nc.gov; council@southernshores-nc.gov; council@southernshores-nc.gov; planningboard@southernshores-nc.gov; info@southernshores-nc.gov

Cc: philadelphia.complaints@ic.fbi.gov; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; andrea.powell@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov; jportnoy@invtitle.com

Date: Wednesday, December 18, 2024 at 05:03 PM EST

Dear Southern Shores and Law Enforcement (Mr. Hornthal, please provide this email to all Southern Shores addresses blocked from receiving my emails that I have included in this email),

Please find the attached:

- 1) PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT (contains exhibits A-H)
- 2) My Variance Application, which is Exhibit I of my Petition for Writ of Certiorari
- 3) The timestamped copies of the Writ and Proposed Writ Ordering Southern Shores to produce the complete record to the Dare County Superior Court within 30 days of December 18, 2024.

PLEASE NOTE THAT SOUTHERN SHORES CODE OF ETHICS PROHIBITS SOUTHERN SHORES TOWN MONEY FROM BEING SPENT ON LEGAL FEES (ESPECIALLY LEGAL FEES INVOLVING WES HASKETT) ASSOCIATED WITH MY PETITION FOR WRIT OF CERTIORARI AND VARIANCE HEARING.

SOUTHERN SHORES CODE OF ETHICS STATES IN PART:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of SOUTHERN SHORES TAX PAYERS in mind in the expenditure of these funds.

My Petition For Writ of Certiorari, like my Variance Application, prove Wes Haskett lied about meeting/complying with notification requirements to affected property owners prior to adoption of the zoning amendment being used to deny my lot sub-division plan. Because property owner notification is a pre-requisite to zoning code being applicable to the property the only thing Wes Haskett's lies that convinced Southern Shores Planning Board/Adjustment Board to deny

EXHIBIT B

my Variance application add up to is a criminal conspiracy to commit crimes, including a false pre-tense real estate scam that helped Linda Lauby defraud me of \$75,000 for a lot that was sub-dividable when I entered into an agreement to purchase the property as Wes Haskett was hiding his proposed March 31, 2023 lot width amendment when I was specifically asking about sub-dividing and lot width requirements in May, 2023 (when posted notice was required at 75 E. Dogwood Trail).

Please arrest Wes Haskett and correct his wrong doing. The Petition for Writ of Certiorari cost me another \$200 that I would not have been required to spend if Wes Haskett stopped lying and stopped defrauding me with unenforceable, illegally adopted zoning codes that can not apply to properties that did not receive notice of the zoning amendment.

Thank you,
Anthony S Mina

PS. My Petition States:

ANTHONY S. MINA : DARE COUNTY SUPERIOR COURT
Petitioner :
V. : No.
SOUTHERN SHORES/WES HASKETT :
Respondent :
: Southern Shores No. VA-24-01

PETITION FOR WRIT OF CERTIORARI
WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW
ENFORCEMENT COMMITTED BY WES HASKETT

Petitioner, Anthony S Mina hereby petitions to the Honorable Dare County Superior Court to reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L) and order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
4. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
5. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
6. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
7. Town Code Section 36-362(b) provides: Notices. Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the

EXHIBIT B

subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

8. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E. Dogwood Trail is attached hereto as "Exhibit B".

9. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.

10. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".

11. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".

12. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.

13. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").

14. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".

15. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.

16. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 2024 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".

17. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".

18. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.

EXHIBIT B

19. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.
20. Wes Haskett's staff report claims "the district is intended to promote stable, PERMANENT NEIGHBORHOODS..." and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.
21. Wes Haskett's staff report claims "the density of the population is managed" but contradicts himself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).
22. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".
23. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".
24. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN" require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.
25. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".
26. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".
27. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".
28. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".
29. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

EXHIBIT B

30. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLIGENCE, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

31. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S \$350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

32. A true and correct copy of Petitioner's Variance Application is attached hereto as "Exhibit I".

33. The previous owner of 75 E Dogwood Trail was able to negotiate an additional \$75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.

34. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.

35. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately \$50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.

36. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a prerequisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.

37. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).

38. Andy Ward has yet to comply with Southern Shores Code of Ethics.

39. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

EXHIBIT B

December 18, 2024

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com



PetitionForWritWithExhibitsA-H.pdf
3.7MB



VA-24-01 75 E. Dogwood Trl.pdf
11.1MB



PetitionForWritTimeStamped.pdf
58.2kB

EXHIBIT B

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

EXHIBIT C

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S \$350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's \$350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional \$75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b)**. A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides: Any person who shall willfully make or cause to be made to a law**


EXHIBIT D

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:
 1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
 2. I will always uphold the integrity and independence of my job.
 3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
 6. I will never use my position to harass or adversely influence any of the town's other employees.A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY \$350 FOR A VARIANCE HEARING SUBSTANTIATES A CRIMINAL CONSPIRACY TO STEAL \$350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's \$350 Variance Application fee.

Respectfully Submitted,


Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox



Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

"EXHIBIT A" *LD*

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB



5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT A" *afD*

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

Jun 21 at 11:02 AM

To: Sheila Kane <skane@southernshores-nc.gov>,

Southernshores Nc Info <info@southernshores-nc.gov>,

Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on affected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 38-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Sheila Kane <skane@southernshores-nc.gov>

Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT

Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
 1. Coastland Times Advertisement invoices and copies of notices are attached. **A 1/2 of a page size is NOT REQUIRED**
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
 1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
 1. **NOT REQUIRED**
 2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

skane@southernshores-nc.gov



1 File 4.3MB

IMG_1328.jpeg
4MB

"EXHIBIT B" *FD*

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or if you have any questions or concerns".

My questions are:

- 1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.
- 2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than \$100,000. In the real world \$100,000 is easily the difference between life and death. \$100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding \$100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than \$100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Nina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than \$100,000 of land value from my family).

----- Forwarded Message -----

From: Anthony Mina <am@chickadee.com>
To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "Elizabeth Morey" <elmorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@southernshores-nc.gov>; Cliff Ogbum <cliff.ogbum@southernshores-nc.gov>;
Cc: "jsiegel@southernshores-nc.gov" <jsiegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "ebrinkley@southernshores-nc.gov" <ebrinkley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>; "unann@southernshores-nc.gov" <unann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>; "rdanner@southernshores-nc.gov" <rdanner@southernshores-nc.gov>; "dong@southernshores-nc.gov" <dong@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspottwood@southernshores-nc.gov" <jspottwood@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>; FBI <fbi@fbi.gov>;
"olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "Andrea C. Powell" <acpowell@nccourts.org>; Elizabeth Morey <elmorey@southernshores-nc.gov>; Jasper Rogers <jasper.rogers@nccourts.org>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; "Casey Vornell" <casey.vornell@kittyhawktown.net>; Mike Talley <mike.talley@kittyhawktown.net>; "mike.palkovics@kittyhawktown.net" <mike.palkovics@kittyhawktown.net>;
"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>; "chambers_of_judge_pappert@paed.uscourts.gov" <chambers_of_judge_pappert@paed.uscourts.gov>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <chambers_of_judge_timothy_j_savage@paed.uscourts.gov>; "Dryan" <dryan@chesco.org>; "ccommissioners@chesco.org" <ccommissioners@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; Marlan Moskowitz <marlan.moskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; Wes Haskett <whaskett@chesco.org>;

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EMHITC" AD

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

chestercounty.../inbox

n



Wes Haskett <whaskett@southernshores-nc.gov>

May 21 at 2:27 PM

To: Anthony Mina <chestercountyawn@yahoo.com>

Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>,

Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows:" The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. 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. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), \$200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountyawn@yahoo.com>

Sent: Monday, May 20, 2024 12:12 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>

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EXHIBIT C

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

- X 1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
- X 2. I will always uphold the integrity and independence of my job.
- X 3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
- X 4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
- X 5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
- X 6. I will never use my position to harass or adversely influence any of the Town's other employees.
- X 7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
- 8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
- 9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT D" of D

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

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

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District
Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards.
Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

"EXHIBIT E" *of D*

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
 - There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT E

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
 - Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.
- (4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
 - The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
 - The Town Code Text Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
 - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
 - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT E"