

ANTHONY S. MINA	:	DARE COUNTY SUPERIOR COURT
Petitioner	:	
V.	:	No.
SOUTHERN SHORES/WES HASKETT	:	
Respondent	:	
	:	

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 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, 204 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.
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 NEGLECT, 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 NEGLECT, 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 NEGLECT, 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 NEGLECT, 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 NEGLECT, 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 NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN"**.
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 NEGLECT, 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 pre-requisite 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.

December 18, 2024

Respectfully Submitted,



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

NORTH CAROLINA

BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES

Case: VA-24-01

In Re: Application for a Variance by Anthony S.
Mina for 75 East Dogwood Trail
(Pin # 986817213502)

ORDER

THIS MATTER was heard before the Town of Southern Shores Board of Adjustment (the "Board") on October 21, 2024, after due notice as required by law was provided. At issue was the application for a variance (the "Application") by Anthony S. Mina for 75 East Dogwood Trail, Pin # 86817213502. Present were W. Jay Wheless, Board Attorney; Lauren Arizaga-Womble, Town Attorney; Wes Haskett, Deputy Town Manager/Planning Director; and the Applicant, Anthony S. Mina, appearing pro se. Jennifer L. Franz was sent notice of the hearing, but did not appear.

On October 15, 2024, Mr. Mina submitted a motion to preclude variance hearing scheduled for October 21, 2024 due to Southern Shores' alleged conspiracy to falsify material information to the public and Planning Board, grant applicant's variance from section 30-96(f) and section 36-202(d) and refund applicant's \$350 variance application fee. ("motion to preclude").

Prior to the commencement of proceedings, the Board Attorney, Mr. Wheless, made a conflict inquiry of the Board. There were no conflicts noted. It was documented Chairman Ward previously made a complaint to Town Staff regarding potential sign posting violations at or near the subject property after Chairman Ward was notified of the same by community members. Chairman Ward did not participate in enforcement or have any other involvement regarding the Applicant or subject property following the written complaint. Chairman Ward confirmed he could be fair and impartial and had no preconceived opinions regarding the variance requests before the Board. There was no objection by any party regarding the impartiality of any member of Board.

"EXHIBIT A"

At the time this matter was called for hearing, Mr. Mina requested the Board first consider his motion to preclude. The Board considered this request and then tabled ruling on the motion to preclude until the end of the hearing, following the full presentation of evidence. All parties consented to this procedure.

Based on a review of the record proper and the evidence and arguments presented, the Board of Adjustment makes the following:

FINDINGS OF FACT

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. The property was purchased on July 7, 2023.
2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.
3. Mr. Mina testified that prior to executing a contract for the subject property, he communicated with Town Staff and realtors about his desire to subdivide the property. Both Town Staff and the realtors reported to Mr. Mina it may be possible, but he must submit a proposed plan at the time of the formal subdivision application.
4. On June 1, 2023, Mr. Mina became aware of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the change on June 7, 2023.
5. On July 6, 2023, the seller of the subject property offered Mr. Mina an option by the seller of the subject property an option to terminate the contract with a full refund of due diligence money due to the change in the Town Code and the impact it could have on a potential

subdivision of the property. On July 7, 2023, Mr. Mina declined the offer and proceeded with the closing.

6. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

7. On July 16, 2024, the Town denied both applications. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-96(f), which requires both lots front a public road. The second application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot width of 100 feet in the RS-1 Single-Family Residential zoning district. The denials were not appealed by Mr. Mina.

8. On August 30, 2024, Mr. Mina, filed a variance application seeking relief from Town Code Section 30-96(f), Lots, or Town Code Section 36-202(d), Dimensional Requirements, to facilitate the subdivision of the subject property.

9. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were adopted on August 3, 2021, and June 6, 2023, respectively. The aforesaid Town Code sections remain in full force and effect.

10. Mr. Mina desires to subdivide the property, sell the new lot and use the proceeds to upgrade his residence. Mr. Mina has experience in home renovations and has engaged in substantial home makeover projects in Pennsylvania. Mr. Mina testified that he is familiar with complying with local code standards. Mr. Mina contends the inability to subdivide his property creates a personal financial hardship.

11. Mr. Mina contends his variance should be summarily granted in his motion to preclude in that:

- a. He was told by Outer Banks Realty that a subdivision was possible;
 - b. Wes Haskett did not tell him about the Town Code Text Amendment to Section 36-202(d) until June 1, 2023;
 - c. Southern Shores did not comply with notice requirements for Town Code Section 30-96(f) and Town Code Section 36-202(d) in that Wes Haskett did not give notice to the U.S. Army's Duck Facility and he did not post notice pursuant to Town Code Section 36-414(b);
 - d. Wes Haskett has made false reports to law enforcement agencies;
 - e. Wes Haskett, Cliff Ogburn and Town Attorney, Phil Hornthal, are violating federal law, state law and the Southern Shores Town Code and Ethics Policy;
 - f. Wes Haskett's staff report is false; and
 - g. Southern Shores lacks jurisdiction and forcing Applicant to pay \$350 for a variance hearing substantiates a criminal conspiracy to steal \$350 from Applicant and harass applicant with unenforceable codes.
12. There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff.
13. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.
14. Applicant's motion to preclude should be denied.
15. There is no unnecessary hardship that results from the strict application of the ordinance in that:
- a. The property is zoning single-family residential and there exists a single-family residence on the property;

- b. Mr. Mina's desire to upgrade and improve the existing structure is not restricted by the ordinance sections from which he is requesting a variance;
 - c. The size of Mr. Mina's parcel could allow for an accessory building with living space in addition to the single-family dwelling, which could also increase the value of his property;
 - d. There are other expansions in use or site improvements which could be made to Mr. Mina's property without a variance; and
 - e. Other than his unsubstantiated allegations of fraud and conspiracy, the only hardship alleged by Mr. Mina is financial in that he cannot subdivide his property, sell the new lot, and use the proceeds to upgrade his home.
16. Mr. Mina's alleged hardship does not result from conditions that are peculiar to the property, such as location, size or topography in that:
- a. The subject property is approximately 47,000 square feet with approximately 150 foot of road frontage;
 - b. The subject property is similar to other properties in the neighborhood, including but not limited to being located near/on the canal and lagoon and zoned single-family residential;
 - c. Mr. Mina's alleged hardship is financial and one of personal circumstances;
 - d. The ordinance sections Mr. Mina seeks to vary are applicable to all residential parcels in the Town, whereby the conditions which prevent the subdivision are common to the neighborhood and general public; and

- e. Mr. Mina alleges Town Staff is engaged in a real estate scam, multiple conspiracies and fraud. These allegations are not relevant to the standards for a variance and there is no evidence of the same.

17. The alleged hardship is a result of actions taken by the applicant or property owner in that:

- a. Mr. Mina contends the alleged hardship was created by the Town through illegally adopting the Town Code sections he seeks to vary. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were lawfully adopted on August 3, 2021, and June 6, 2023, respectively;
- b. Town Staff conducted preliminary reviews of several sketches from Mr. Mina for a subdivision of the subject property between May 1, 2023 and June 1, 2023. Town Staff provided advisory comments to Mr. Mina and advised a formal application would be required to determine if his proposed subdivision was allowable;
- c. On June 1, 2023, Town Staff notified Mr. Mina of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the adopted change on June 7, 2023;
- d. On July 6, 2023, Mr. Mina was given an 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; and
- e. On July 7, 2023, Mr. Mina proceeded with the purchase of the subject property with specific knowledge of town regulations, and did not make his purchase contingent on subdivision approval.

18. The requested variance is inconsistent with the spirit, purpose, and intent of the ordinance in that:

- a. RS-1, single-family residential zoning district is established to provide for 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;
- b. RS-1 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;
- c. The Town Code meets the intent of the RS-1, the density of population in the district is managed by establishment of minimum lot sizes, building set back and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages;
- d. Town Code Section 30-96(f) was adopted on August 3, 2021, removing the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code amendment was to eliminate subdivisions where new lots did not have frontage on a public street; and
- e. Town Code Section 36-202(d) was adopted on June 6, 2023, to clarify the definition of lot width to be 100-foot wide measured from the front lot lines at right angles to the rear lot line. The intent of the Town Code amendment was to clarify the Town Code lot width requirements which was prompted by an appeal of a formal staff determination in October 2022.

Based on the foregoing Findings of Fact and the additional findings of fact incorporated with the following Conclusions of Law, the Board makes the following:

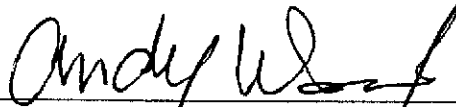
CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear and consider the Application.
2. Notifications of the hearing on the Application were appropriately provided as required by law.
3. The parties consented to the individual members of the Board hearing the application after inquiries regarding members conflicts of interest.
4. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.
5. Applicant's motion to preclude should be denied.
6. Unnecessary hardship would not result from the strict application of the Town Code.
7. The alleged hardship is not a result of conditions that are peculiar to the property, such as location, size, or topography.
8. The alleged hardship is a result of actions taken by the applicant or the property owner.
9. The requested variance is inconsistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice would not be achieved if a variance was granted.
10. The requested variance will not authorize the initiation of a nonconforming use of land.

11. The Board acknowledges that there are or may be numerous conclusions of law set forth in the section of this Order denominated "Findings of Fact," and the Board hereby ratifies and accepts any such conclusions of law contained in the same.

Based on the foregoing Findings of Fact and Conclusions of Law, it is, therefore, **ORDERED, ADJUDGED, and DECREED, by a unanimous vote, the Applicants' Motion to Preclude and Application for Variance request are DENIED.**

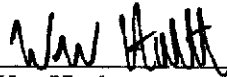
Entered in open session the 21st day of October 2024 and signed this 19th day of November 2024.

A handwritten signature in black ink, appearing to read "Andy Ward", is written over a horizontal line.

ANDY WARD, Chairman
Town of Southern Shores
Board of Adjustment

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the Order to Deny Applicant's Motion to Preclude and Application for Variance Request submitted by Anthony S. Mina 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. hereto attached was mailed via certified U.S. mail to the persons listed below at the addresses indicated on the 19th day of November, 2024.



Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Mina, Anthony Stocker
75 E. Dogwood Trl.
Southern Shores, NC 27949

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

"EXHIBIT A"

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

chestercountyla.../Inbox



Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20 at 5:07 PM

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 1/4 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



11 Files 13.9MB

"EXHIBIT B"

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercounty.lawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Money <emoney@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>
May 21 at 2:27 PM

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 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 with requirements, which they adopted.

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

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

From: Anthony Mina <chestercounty.lawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Money <emoney@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Eric Brinley <brinley@hrem.com>; Darrell Brickhouse <brickhouse@hrem.com>; Tracy Mann <tracy@hrem.com>; Jason Thompson <jason@hrem.com>; Richard Deener <rdeener@hrem.com>; Thomas Long <thomas@hrem.com>; Andrew Spottwood <aspottwood@hrem.com>; Jennifer Couture <jc couture@hrem.com>; FBI <fbi@hrem.com>; olivia.hines@nccourts.org; olivia.hines@nccourts.org; Andrea C. Powell <apowell@nccourts.org>; Elizabeth Money <emoney@southernshores-nc.gov>; Jasper Rogers <jrogers@hrem.com>; cgarfiss@kittyhawktown.net; cgarfiss@kittyhawktown.net; Casey Varnell <cvarnell@hrem.com>; Mike Talley <mtalley@hrem.com>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Bryan <bryan@hrem.com>; cocommissioners@chesco.org; cocommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marlen Modrowitz <modrowitz@hrem.com>

EXHIBIT 6

midcline@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 [redacted] 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 cross-tour) 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 Mina

P.S. 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 cross-tour 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 <[redacted]>
To: "dkole@southernshores-nc.gov" <[redacted]>; "dkole@southernshores-nc.gov" <[redacted]>; Elizabeth Morey <[redacted]>; Philip Hornthal <[redacted]>; Cliff Ogden <[redacted]>
Cc: "jleigel@southernshores-nc.gov" <[redacted]>; "mcooke@southernshores-nc.gov" <[redacted]>; "ebrikey@southernshores-nc.gov" <[redacted]>; "dbrickhouse@southernshores-nc.gov" <[redacted]>; "tarnm@southernshores-nc.gov" <[redacted]>; "atmpean@southernshores-nc.gov" <[redacted]>; "rdsear@southernshores-nc.gov" <[redacted]>; "dong@southernshores-nc.gov" <[redacted]>; "jthompson@southernshores-nc.gov" <[redacted]>; "japottwood@southernshores-nc.gov" <[redacted]>; "jcoulture@southernshores-nc.gov" <[redacted]>; FBI <[redacted]>
"olivia.shines@nccourts.org" <[redacted]>; "olivia.shines@nccourts.org" <[redacted]>; Andrew C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; "cgaries@kittyhawktown.net" <[redacted]>; "cgaries@kittyhawktown.net" <[redacted]>; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; "mike.palkovic@kittyhawktown.net" <[redacted]>; "mike.palkovic@kittyhawktown.net" <[redacted]>; "chambers_of_chief_judge_sanchez@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_peppert@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_mitchell_a_goldberg@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "jmanwell@chesco.org" <[redacted]>; "jmanwell@chesco.org" <[redacted]>; Marian Moskowitz <[redacted]>; "midcline@chesco.org" <[redacted]>; "midcline@chesco.org" <[redacted]>; Wes Haskett <[redacted]>

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,

"EMPHATIC"

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 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

4
EXHIBIT D"

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 D"

75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

Oct 15 at 9:58 AM

To: Cliff Ogburn <cogburn@southernshores-nc.gov>, Wes Haskett <whaskett@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, FBI <philadelphia.complaints@ic.fbi.gov>
[more...](#)

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional \$75,000 from applicant." is not cut off from my Variance Application.

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).

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

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 taxpayers in mind in the expenditure of these funds.

Being forced to spend \$350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

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

From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Monday, October 14, 2024 at 03:59:17 PM EDT
Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

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



5 Files 11.4MB

"EXHIBIT E"

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

A

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



Wes Haskett's July 16th, 2024 sub-division denial (Variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

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



WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6/2023 TO REQUIRE THE ENTIRE LOT

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).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT "EXHIBIT F")

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

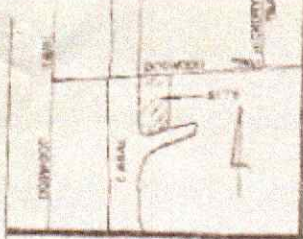


5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT F"

THESE LINES WERE BY SURVEY SAID, RECORDED IN M.B. 2, PG. 182
 OF THE DARE COUNTY REGISTRY, THAT THE ERROR OF CLOSURE AS CALCULATED
 BY LATITUDES AND DEPARTURES IS 1.00' 00" THAT BOUNDARIES NOT SURVEYED
 ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN M.B. 2, PG. 182
 AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED
 WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 5TH
 DAY OF MARCH A.D. 1997

L-2801
 REGISTRATION NUMBER



VICINITY MAP
 (ENL.)

CANAL



2

Lot B

Lot A

New single family
 dwelling pursuant
 to RSP zoning
 requirements,
 including 100' lot
 width at front
 set back
 Lot size:
 20,000 sq. ft.

CANAL

Lot B

EXISTING HOME
 WITH STREET
 FRONTAGE

LOT 1
 48,893 SQ. FT.
 PLANNED ZONE 25' (B)

A

LEGEND:
 - EX. 2. M
 - SET L.R.
 - POINT

DOGWOOD

(100')

TRAIL

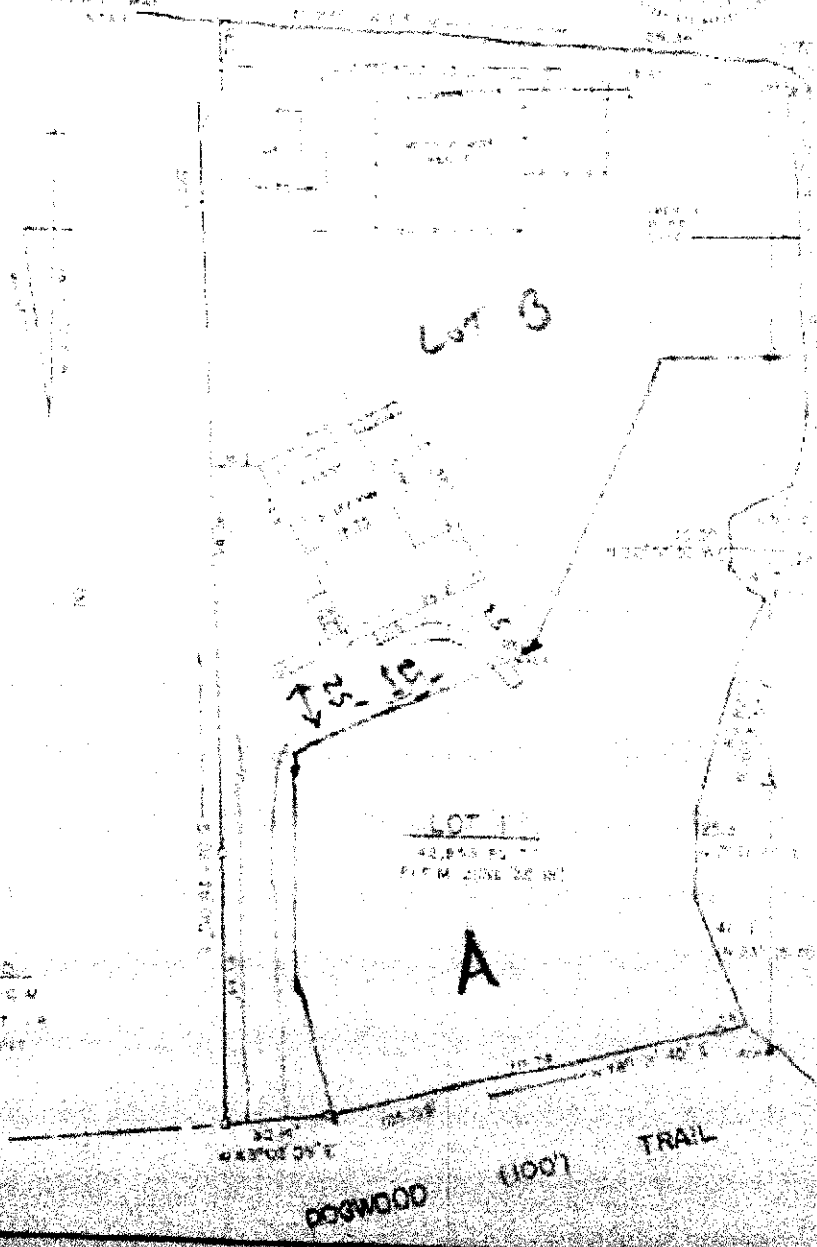
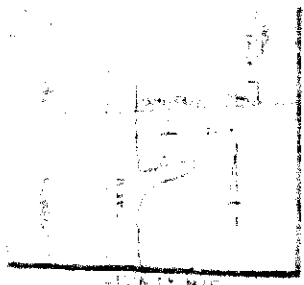
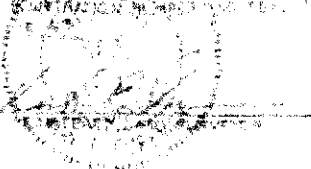
SURVEYED FOR
 LINDA L. LAUBY
 LOT 1, BLOCK 105
 SOUTHERN SHORES
 ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 6, 1997	SCALE: 1" = 40'
FILE: 4827-72-71	DR. BY: RDR
REF: M.B. 2, PG. 182	
LRN: 370430 0001 P (4/2/95)	
FIN: 88	

KIRK R. FOREMAN
 LAND SURVEYING COMPANY
 P.O. BOX 1861
 KILL DEVIL HILLS, NC 27948
 (919) 281-1221

SUBDIVISION LINES NOT TO SCALE
"EXHIBIT F"

NOT TO BE USED FOR ANY OTHER PURPOSE THAN THAT FOR WHICH IT WAS DESIGNED
 THESE NOTES UNDER NO CIRCUMSTANCES TO BE USED FOR ANY OTHER PURPOSE THAN THAT FOR WHICH IT WAS DESIGNED
 THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN
 AND THAT THE USER HAS BEEN ADVISED OF THE LIMITATIONS OF THE INFORMATION CONTAINED HEREIN
 A STATE OF CALIFORNIA - COUNTY OF SAN DIEGO - SURVEYOR - [Signature]
 CAN OF [Signature]
 EYE VISION CORP.



LOT A

New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front lot back
 Lot size: 20,000 sq. ft.

LOT B

EXISTING HOME WITH STREET FRONTAGE

SURVEYED FOR
 LINDA L. LAUBY
 LOT 1 BLOCK 10
 [Illegible text]

RE: 75 E. Dogwood Trail Subdivision

chestercountyla.../Inbox



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

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

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

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

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

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):

- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibKTs-23fsXS&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT F"

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla.../Sent



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

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my proposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

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



WES HASKETT HIDING
JUNE 6, 2023 PROPOSED
LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2):

https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

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



WES HASKETT HIDING JUNE
6, 2023 PROPOSED LOT
WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

" EXHIBIT F "

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. 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

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

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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"EXHIBIT F"

REGISTRATION NUMBER AND SEAL TO
 10 07
 SE 01
 REGISTERED LAND SURVEYOR

VICINITY MAP
(NTS)

B: New lot with
shared driveway
pursuant to RS1
zoning requirements

C: EXISTING HOME
3' Lot Pursuant to
RS1 ZONING requirements
* EXCEPT for 44' side
setback *

EXCISE
DEPARTMENT
OF ALCOHOL
TAXES

DOGWOOD

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES

ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 8, 1997	SCALE: 1" = 40'
TILE 4827 - 72 7'	CR. BY: BDB
REF: M. B. 2, PG. 182	
I.R.M. # 370430 0001 C (4/2/93)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 281-1221

"EXHIBIT F"



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

June 5, 2024

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

PROOF OF WES
HASKETT'S SPECIAL INTEREST
IN 75 E. DOGWOOD TRAIL

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do 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 do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

"EXHIBIT G"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.
3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.



Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nc.gov/bc-ph>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT 6"

75 E Dogwood Trail

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

Jun 4 at 2:18 PM

To: Marcey Baum <mbaum@southernshores-nc.gov>,

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

Wes Haskett <whaskett@southernshores-nc.gov>

Hello,

Please find the attached building permit application to:

-repair first floor sagging problems, as needed.

-enlarge the foyer/first floor family room opening.

-replace a defective beam supporting the second floor family room floor.

-remove walls on each side of the 2nd floor fireplace.

-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,

Anthony S Mina

3 Files 16.7MB



75DogwoodPermitApp.pdf

1MB



NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf

14MB

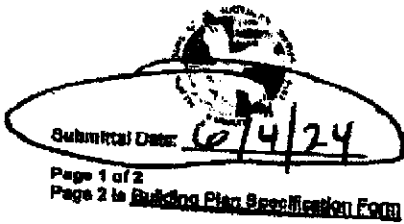


NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf

1MB

"EXHIBIT 6"

PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE



TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
 (252) 281-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov
BUILDING/FLOODPLAIN DEVELOPMENT
PERMIT APPLICATION

Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
 Lot Number: 1 Block: 105 Section: _____
 Property ID Number (PIN #): 986817217502
 Lot Area: 41,500 sq ft
 Flood Zone (circle): AE 4 ft - AE 5 ft - AO 1 ft depth - AO 2 ft depth - VE 11 ft - VE 12 ft - VE 13 ft - Shaded X - Unshaded X
 Base Flood Elevation: _____ ft / Plus 3 ft of Freeboard or LESS ft = _____ ft = Regulatory Flood Protection Elevation
 Zoning District: RS1 Septic Permit # _____ Permit Date: _____ \$ Person Septic Capacity _____
 CAMA Permit required? Yes or No CAMA Permit # _____ CAMA AEC (circle): _____ Estuarine Shoreline or Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: _____ NC G. C. Licensed Contractor _____ OR _____ Non-Licensed Contractor
 Contractor Name: _____ NC G. C. License Number: _____
 Mailing Address: _____ Limitation: _____
 City: _____ State: _____ Zip Code: _____ Classification: _____
 Business # _____ Cell # _____ Qualifier: _____
 Fax # _____ Email: _____

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/fire doorway, remove walls on each side of second floor fireplace and remove section of house ~~which Haskett claims prevents the lot subdivision~~

PERMIT TYPE (X): _____ COMMERCIAL X RESIDENTIAL 1st HOME _____ RENTAL (> 30 days) _____ VACATION COTTAGE (< 30 days)
 Please see engineer-d approved plans for more information

TYPE OF CONSTRUCTION (X): _____ NEW CONSTRUCTION _____ ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR _____ ACCESSORY _____ OTHER

PROPERTY USE (X): X SINGLE FAMILY _____ DUPLEX _____ MULTI-FAMILY _____ GOVERNMENT - INSTITUTIONAL _____ COMMERCIAL

COMMERCIAL USE ONLY: _____ CURRENT USE _____ PROPOSED USE _____

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE _____ SHED _____ SWIMMING POOL _____

GAZEBO _____ DUNE DECK _____ RETAINING WALL _____ BULKHEAD _____ PIER/DOCK _____

DECK(S) _____ PORCHES _____ STORAGE ENCLOSURE _____ OTHER _____

PROPOSED BUILDING AREA: 7/9 SQ FT - HEATED/LIVING AREAS (NEW SPACE)

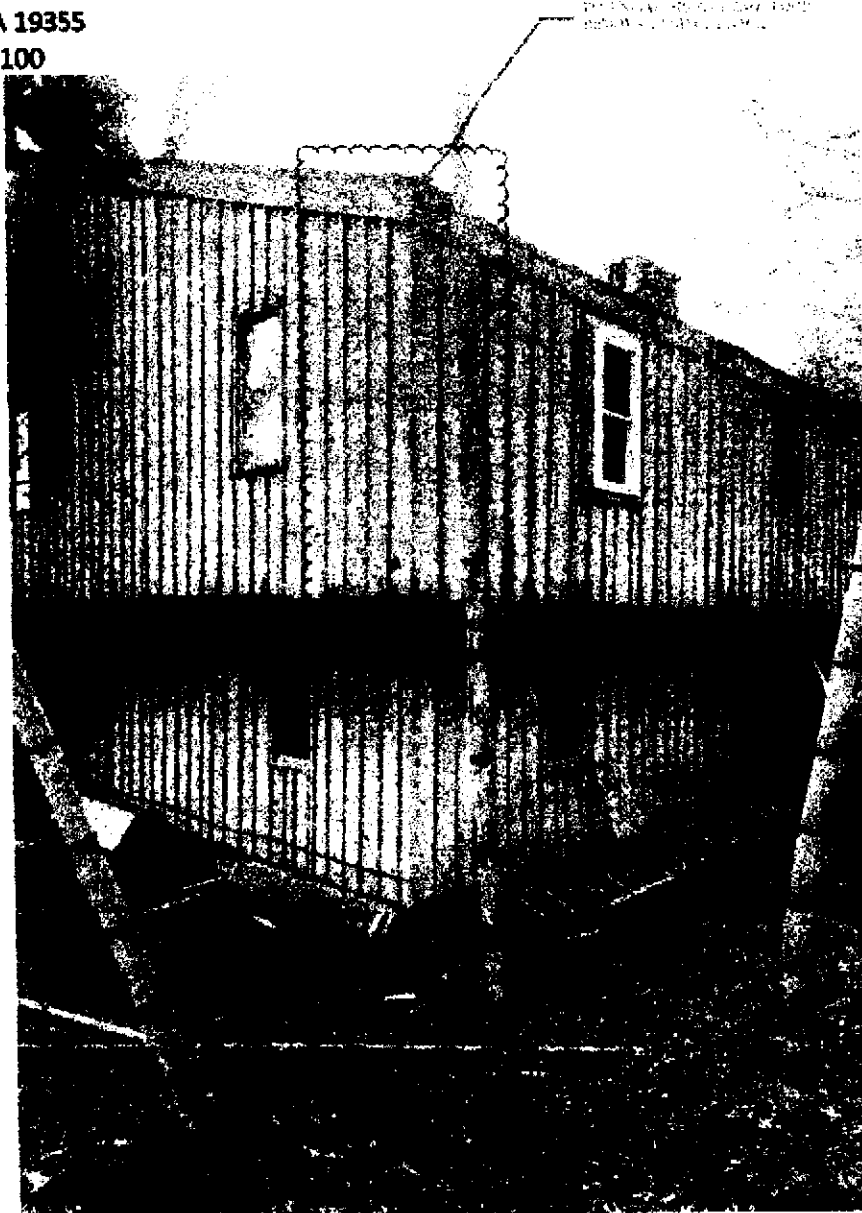
As4 \$1600. - 1800. SQ FT - NON HEATED AREAS (NEW SPACE)
 COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
 \$1600. - 1800. ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note over Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing house.
"EXHIBIT 6"

UZMAN ENGINEERING, LLC

116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE "EXHIBIT 6"

Anthony Stocker Mina

5/24/2024

--- Forwarded Message ---

From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: CMT Ogbum <cogbum@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

[Click here to read our Disclaimer,
Legal Notices & Privacy Policy](#)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello,

REFUSAL TO ACCEPT
SIDE SETBACK AS
CONFORMING FROM TOWN
ATTORNEY PHIL HORNTHAL
ON BEHALF OF WES HASKETT
AND SOUTHERN SHORES

"EXHIBIT 6"

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

V
EXHIBIT H"

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

" EXHIBIT H "

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
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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 H OF PETITION) "EXHIBIT A"

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 H OF PETITION

" EXHIBIT A "

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

chestercountyla.../Sent

Anthony Mina <chestercountyla@yaho.com>
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogbum <cogbum@southernshores-nc.gov>

Jun 21 at 11:02 AM

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 <chestercountyla@yaho.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 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 361 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
TOWNSHIP OF SOUTHERN SHORES



1 File 43MB

IMG_1328.jpeg
4MB

EXHIBIT H OF PETITION

"EXHIBIT B"

midcline@chesco.org; midcline@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 midcline@chesco.org 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 outline 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 Mina

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 cross tour 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 <amina@kittyhawktown.net>
To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Philip Hornthal <phornthal@southernshores-nc.gov>; Cliff Ogburn <cliff.ogburn@southernshores-nc.gov>
Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "brinkley@southernshores-nc.gov" <brinkley@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>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "reesner@southernshores-nc.gov" <reesner@southernshores-nc.gov>; "dong@southernshores-nc.gov" <dong@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>; "japottswood@southernshores-nc.gov" <japottswood@southernshores-nc.gov>; FBI <fbi@fbi.gov>; "olivia.shines@nccourts.org" <olivia.shines@nccourts.org>; "olivia.shines@nccourts.org" <olivia.shines@nccourts.org>; Andrea C. Powell <andrea.c.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jasper.rogers@nccourts.org>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <casey.varnell@nccourts.org>; Mike Talley <mike.talley@nccourts.org>; "mike.palkovics@kittyhawktown.net" <mike.palkovics@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>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "jmanwell@chesco.org" <jmanwell@chesco.org>; "jmanwell@chesco.org" <jmanwell@chesco.org>; Mariah Moskowitz <mariah.moskowitz@chesco.org>; "midcline@chesco.org" <midcline@chesco.org>; "midcline@chesco.org" <midcline@chesco.org>; Wes Haskett <wes.haskett@chesco.org>

Sent: Friday, May 17, 2024 at 05:35:15 PM EDT

Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

EXHIBIT H OF PETITION

"EMOITE"

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

chestercountyla./inbox



Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercounty1awn@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>

May 21 at 2:27 PM

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 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 <chestercounty1awn@yahoo.com>

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

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

Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Siegel <jtsiegel@hrem.com>; Matt Cooke <mcooke@hrem.com>; Eric Brinkley <brinkley@hrem.com>; Darrell Brickhouse <dbrickhouse@hrem.com>; Tracy Mann <tracy.mann@hrem.com>; Chris Simpson <csimpson@hrem.com>; Richard Deener <rdeener@hrem.com>; Thomas Long <tlong@hrem.com>; Jason Thompson <jthompson@hrem.com>; Andrew Spottawood <aspottawood@hrem.com>; Jennifer Couture <jc couture@hrem.com>; FBI <fbi@hrem.com>; olivia.shines@nccourts.org; olivia.shines@nccourts.org; Andrea C. Powell <acpowell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@hrem.com>; cgariss@kittyhawktown.net; cgariss@kittyhawktown.net; Casey Varrell <cvarrell@hrem.com>; Mike Talley <mtalley@hrem.com>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net;

chambers_of_chief_judge_sanchez@pscd.uscourts.gov; chambers_of_judge_edward_g_smith@pscd.uscourts.gov; chambers_of_judge_pappert@pscd.uscourts.gov; chambers_of_judge_mitchell_a_goldberg@pscd.uscourts.gov; chambers_of_judge_timothy_j_savage@pscd.uscourts.gov; Dryan <dryan@hrem.com>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@hrem.com>

EXHIBIT H OF PETITION

EXHIBIT G

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 H OF PETITION

"EXHIBIT 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 H OF PETITION

"EXHIBIT E"

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 H OF PETITION

"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 H OF PETITION

"EXHIBIT E"