

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

October 29, 2024

**APPLICANT'S BRIEF IN SUPPORT OF MOTION TO REVERSE OCTOBER 21, 2024
DECISION TO DENY APPLICANT'S VARIANCE BASED ON THE RELEVANT,
COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS,
CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF
OGBURN, PHILIP HORNTAL, LAUREN WOMBLE AND THE PLANNING BOARD
ATTORNEY PRIOR TO AND AT THE VARIANCE HEARING**

****THE PLANNING BOARD'S REFUSAL TO GRANT APPLICANT'S MOTION TO
REVERSE OCTOBER 21, 2024 DECISION SUBSTANTIATES A CRIMINAL
CONSPIRACY WITH THE AFORESAID CONSPIRATORS****

Wes Haskett did not present a case to the Southern Shores Planning Board/Board of Adjustments based on the "spirit, intent and purpose of the zoning ordinance", Wes Haskett presented a case of lies he knew he was caught in and let the Planning Board violate laws by trying to act like Applicant was the problem. Wes Haskett appears to be scheming on positions of power like Applicant is his pawn and Wes Haskett's misconduct, which includes illegally adopting zoning codes upon the entire town, is the bait for Southern Shores Planning Board and Town Council to try and hide so they inevitably lose their position of power to a political opponent.

What Wes Haskett did was present a case that proved Applicant's proposed lot subdivision plan (with a conditional occupancy limit offer on the table) was much better than the "spirit, purpose and intent of the zoning ordinance" and allowed Jan Collins and Robert McClendon to ridicule Applicant for being a victim of his corruption, in violation of N.C.G.S. 14-226- Intimidating And Interfering With Witnesses and 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant.

Applicant did as much as he could to explain to the Planning Board he was not happy about so much of his case being about Wes Haskett's misconduct and not how beautifully Applicant's lot will exceed the "spirit, purpose and intent of the zoning ordinance" if granted a Variance for the lot subdivision and Jan Collins and Robert McClendon still ridiculed Applicant for being a victim of Wes Haskett's corruption. Jan Collins was literally arguing that Applicant is at fault for accepting Wes Haskett's answers to questions about zoning codes as the truth and should have had his realtor draft a contingency agreement. And Robert McClendon was arguing that Applicant did not have an argument because 24 hours before closing the old owner of 75 E

Dogwood Trail offered for the first time a refund of Applicant's deposit. Applicant spent about \$50,000 on his last house in preparation of selling the house which was not refundable. Applicant also was surrounded at his last house by properties owned by the Meredith family and were permitted to be turned into illegal junkyards with extremely dangerous abandon vehicles abandon on the right of way. The Kitty Hawk Town Zoning Inspector was intentionally allowing the Meredith family to ruin the neighborhood with trash and also was involved with Mike Meredith's house fire which the fire department allowed to get so huge the tops of trees 50' were burned and 15 trees on Applicant's property were destroyed. Mike Meredith yelling and cursing at Applicant for cleaning up fire damage on his own property as he refused to provide compensation was also stated in the law suit provided with Applicant's Variance Application. If Robert McClendon wants to ridicule Applicant for needing to move his family out of a dangerous neighborhood with a corrupt zoning inspector allowing an obnoxious illegal junkyard to be installed, he can save his argument for re-election, where he will not be subjected to the witness intimidation laws governing Plaintiff's position as Wes Haskett's victim.

Wes Haskett is the epitome of town corruption which substantiates relevant, competent, and substantial evidence of neglect, unlawful acts, conspiracy and intentional misconduct. Wes Haskett went from filing a zoning amendment on 3/31/2023 to prevent lot subdivisions with a lot width change without notifying effected property owners pursuant to Town Code Section 36-414(b) and Town Code Section 36-362(b), to refusing to tell Applicant about the proposed zoning amendment scheduled for approval on June 6, 2023 until June 1, 2023 as Applicant asked 3 times about codes governing subdivisions and lot width requirements.

After Wes Haskett tricked the planning board and town council into illegally amending zoning codes without meeting notification requirements he provided Applicant and Police Chief Kole a false report claiming to have had a legal basis to amend zoning code with Section 36-414(b) deleted and notification requirements at Town Code Section 36-362(b) omitted. Wes Haskett's email to Police Chief Kole violates North Carolina Code ss 14-225 regarding false reports to law enforcement. Wes Haskett's abuse of zoning codes continued with the refusal to accept Applicant's house's 1' corner overhanging the setback requirement line (the house was built in 1970) until Applicant filed a building permit to remove the 1' of house. Wes Haskett then added some discriminatory misconduct to his abuse of power such as refusing to answer Applicant's questions about lot subdivisions without a subdivision application being submitted with a filing fee.

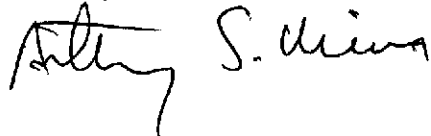
Wes Haskett denied Applicant's sub-division applications with knowledge he did not meet notification requirements prior to amending the codes being used to prevent the lot sub-division. Wes Haskett then continued his fraud by claiming in his staff report that notification requirements were met and making sworn statements claiming notification requirements were met.

Wes Haskett is determined to bring as many Southern Shores employees, board members and council members down with his disreputable, illegal conduct when he has been repeatedly told there is a simple solution which is correcting his wrong doing. Correcting his wrong doing would enable Applicant to obtain a lot subdivision that he would have obtained prior to June 6,

2023 if Wes Haskett was not hiding the proposed zoning amendment and would have given Southern Shores the opportunity to take corrective measures without the unnecessary burden and embarrassment of several different kinds of litigation required because of Wes Haskett's misconduct.

Simply put, at this point refusing to grant Applicant's Motion To Reverse Variance Denial substantiates a criminal conspiracy with Wes Haskett to file false reports, make false sworn statements, harass Applicant for objecting to his misconduct and allow illegally adopted zoning codes to be used as weapons against Applicant in Wes Haskett's retaliation against Applicant for refusing to be a victim of his corruption that has actually victimized all of Southern Shores property owners.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony S. Medina". The signature is written in a cursive, flowing style.

ANTHONY S MINA
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October 29, 2024

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APPLICANT'S VARIANCE BASED ON THE RELEVANT, COMPETENT AND
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I, Applicant Anthony S Mina hereby Motion To Reverse The October 21, 2024 Decision of the Planning Board/Adjustment Board and in support thereof aver the following:

1. Wes Haskett did not present an argument on October 21, 2024 that showed Applicant's Variance request is inconsistent with the "spirit, purpose and intent of the zoning ordinance", Wes Haskett presented an argument indicating to Applicant that Wes Haskett must be conspiring with a power broker to scheme on Planning Board and/or Town Council positions of powers by being deceptive (and positions of power within Southern Shores Police Department).
2. Wes Haskett states in paragraph 1 of his staff report that there is no unnecessary hardship caused by not allowing a Variance which will be used for a lot sub-division because Applicant can build an Accessory Dwelling Unit with living space.
3. Wes Haskett states in paragraph 4 of his staff report that the "district is intended to promote stable, PERMANENT NEIGHBORHOODS..."
4. Arguing that Applicant can build an ADU, when ADUs are known for short term vacation rentals appears to Applicant to be trickery to bait Planning Board members into making a decision against Applicant that can be used against them in fights over power within Southern Shores government.
5. Wes Haskett states in paragraph 2 that Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam.

6. On October 15, 2024 Wes Haskett was provided an email asking him to provide a staff report that does not falsely claim notification requirements were met for the June 6, 2023 and August 3, 2021 zoning amendments and Wes Haskett responded in an email "I will not revise the staff report nor will I answer any questions about your application prior to the hearing." A true and correct copy of Wes Haskett's refusal to correct false statements is attached hereto and marked "Exhibit 1".
7. Wes Haskett testified under oath at the October 21, 2024 hearing that notification requirements were met prior to the zoning amendments being adopted that were used to prevent the 75 E. Dogwood Trail subdivision.
8. Southern Shores' attorney Lauren Womble repeatedly stated that Applicant was incorrect in his characterization of the TCA-21-06 and ZTA-23-03 amendments as illegally adopted and also claimed they were legally adopted.
9. Applicant proved that Wes Haskett did not post notice at 75 E. Dogwood Trail or mail letters to 75 E. Dogwood Trail prior to the June 6, 2023 and August 3, 2021 zoning amendments pursuant to Town Code Section 36-414(b) & Town Code Section 36-362(b) with Variance "Exhibit 2C".
10. On October 21, 2024 the Planning Board Attorney and Southern Shores' Attorney were misrepresenting the language of Town Code Section 36-414(b) which requires posted notice at the subject property for the purpose of notifying people of the proposed rezoning scheduled pursuant to Town Code Section 36-414(a).
11. On October 21, 2024 Applicant objected to the misrepresented language of Town Code Section 36-414(b), told the Planning Board Attorney and Southern Shores' Attorney they were colluding then was accused by the Planning Board Attorney of accusing the whole town of impropriety.
12. Town Ethics Policy # 4 prohibits Southern Shores Town money from being spent on attorneys mispresenting codes as it states: "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." A true and correct copy of the Southern Shores Code of Ethics is attached the Variance Application and marked "Exhibit 6".
13. Applicant proved Wes Haskett hid the lot width amendment adopted on June 6, 2023 from Applicant until June 1, 2023 when Applicant repeatedly asked about lot width requirements for a subdivision. Applicant's exhibit proving this fraud was entered into evidence on October 21, 2024 as "Exhibit A" and is attached hereto as "Exhibit 2".
14. Wes Haskett did not comply with Town Code Section 36-362(b) notification requirements prior to the May 15, 2023 Planning Board/Adjustment Board hearing on his March 31, 2023 amendment application.
15. Proving a hardship caused by Wes Haskett hiding a lot width amendment from a property owner in the middle of a real estate transaction that involves selling a sub-dividable lot is the absolute definition of hardship that is peculiar to the property since the lot width amendment changed lot width requirements to 100' wide for the entire lot when prior to the amendment having a 30' wide access to the wider part of the lot was sufficient.
16. Applicant also proved that his lot is peculiar because the house faces the canal, not the street so Applicant's house faces 326.75' of canal and has about 153' of frontage on

Dogwood Trail at the lot line (approximately 175' frontage on the street). Applicant should also be allowed to subdivide and build a second home facing the canal because both properties would meet all requirements if the direction the houses both faced was considered the front property line. Applicant's surveyor's plot plans proving the lot dimensions was attached to the Variance Application as "Exhibit 2A" and "Exhibit 2B".

17. Paragraph 3 of Wes Haskett's staff report states Applicant purchased the property on July 7, 2024 with knowledge of the June 6, 2023 lot width amendment requiring a Variance and goes on to falsely claim all notification requirements were met prior to the June 6, 2023 lot width amendment.
18. Applicant entered into an agreement to purchase 75 E. Dogwood Trail on May 7, 2023 after Outer Banks Realty group (a real estate company a public records request found Wes Haskett communicating with about 75 E. Dogwood Trail off the record) negotiated an additional \$75,000 from Applicant for a potentially subdividable lot.
19. At the time Outer Banks realty group negotiated the additional \$75,000 Wes Haskett was hiding the proposed June 6, 2023 lot width amendment from Applicant and a sub-division would have been approved based on the town codes available on the Southern Shores website and the town codes Wes Haskett told Applicant about when specifically asking about sub-divisions and lot width requirements.
20. Applicant's Exhibit 1B of the Variance Application proves the lot subdivision would have been approved because Wes Haskett's only reason for denial is the lot width amendment he was hiding from Applicant during the month of May, 2023. Exhibit 1B is based on the sketch Wes Haskett admitted in his June 1, 2023 email may be ok per the current code then told Applicant for the first time about the June 6, 2023 proposed amendment. The June 1, 2023 email was admitted into evidence with Exhibit A at the Variance hearing on October 21, 2023 (Exhibit 2 of this filing).
21. Wes Haskett's false and misleading statements in paragraph 3 caused Planning Board/Board of Adjustment Board member Jan Collins to publicly ridicule Applicant for accepting Wes Haskett's answers to zoning questions as facts and the Southern Shores websites town codes as the governing code. Jan Collins main argument was that Applicant and his realtor should have made the lot subdivision a condition in the purchase agreement.
22. Wes Haskett's false and misleading statements in paragraph 3 caused Planning Board/Board of Adjustments member Robert McClendon to claim Applicant was at fault for purchasing 75 E Dogwood Trail because on July 6, 2023 (about 24 hours before the closing) Applicant was offered a refund of his deposit for the first time. Robert McClendon did not reference the next paragraph in Applicant's Federal Law Suit which stated "On July 6, 2023 Plaintiff responded to Linda Lauby "at this point my fiancé and I are forced to purchase 75 E. Dogwood Trail, Southern Shores, NC with the \$625,000 agreement that was supposed to be for purchasing a potentially subdividable lot and will be forced to use North Carolina's legal system to determine if Outer Banks Realty and Linda Lauby are legally entitled to the extra \$75,000 they obtained with lies. My fiancé and me have spent the last approximately 6 months looking at homes and our plans can not be changed now".

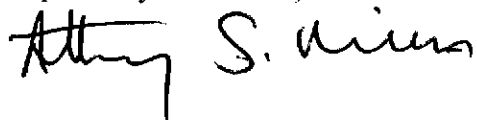
23. Southern Shore Planning Board would not allow Applicant to go into detail about the dangers Applicant's family was in at 4809 Vista Lane or the approximately \$50,000 he already spent on 4809 Vista Lane in preparation of selling the property and was ridiculed because the house did not close until December 27, 2023 which proves one of Applicant's reasons for having to move which was the neighbors were intentionally destroying the street, including Applicant's property and the Kitty Hawk Zoning Officer was allowing their vandalism to ruin the neighborhood. Plaintiff's Federal Law Suit was included with the Variance Application as evidence of the dangers forcing Applicant to purchase 75 E. Dogwood Trail and use North Carolina's legal system.
24. North Carolina's legal system prohibits Wes Haskett's false sworn statements with N.C.G.S. ss 20-112-Making False Affidavit Perjury
25. North Carolina's legal system prohibits Wes Haskett's false police report to Chief Kole on May 21, 2023 with N.C.G.S. 14-225-False Reports To Law Enforcement.
26. North Carolina's legal system prohibits the Planning Board/Adjustment Board from intimidating and interfering with witnesses with N.C.G.S. 14-226. Applicant attempted to answer the Planning Boards questions and explain Wes Haskett's misconduct associated with forcing Applicant into the unnecessary Variance Application Process and Jan Collins and Robert McClendon publicly ridiculed Applicant for accepting Wes Haskett's answers as truths like Applicant being a victim of Wes Haskett's corruption was the problem, and not Wes Haskett.
27. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant prohibits Wes Haskett, Southern Shores attorneys and the Planning Board from ridiculing Applicant for being a victim of Wes Haskett's corruption and also prohibits Applicant from being provided an opportunity to present all of his evidence proving Wes Haskett's misconduct is a major cause of the hardships and that Wes Haskett has ulterior motives adverse to the "spirit, purpose and intent of the ordinance".
28. The United States Constitution prohibits the August 3, 2021 and June 6, 2023 zoning amendments without properly notifying property owners as per applicable codes and laws with "Due Process Rights". Wes Haskett has violated all Southern Shores property owners "Due Process Rights" with illegally adopted zoning codes.
29. Paragraph 4 of Wes Haskett's staff report claims to meet the intent of the zoning district, the density of the population is managed.
30. Since Wes Haskett argues Applicant's property can be used for an Accessory Dwelling Unit the occupancy of Applicant's property is 28 people (14 people in the ADU, 14 people in the existing home).
31. Applicant offered Wes Haskett and Southern Shores a pre-variance conditional offer for sub-division plan limiting both lots to a total occupancy of 14 people (14 less than the 28 limit Applicant's occupancy limit currently is with an ADU) which Wes Haskett and Southern Shores did not accept, proving their ulterior motives to use illegally adopted zoning codes as a means to harass Applicant for catching them defrauding all Southern Shores property owners with zoning codes adopted without property owners being notified as required by law and town code.

by 1' and prohibited the lot subdivision. After months of telling Applicant and surveyor Douglas Styons they were wrong and the 1' overhang was not acceptable Wes Haskett hired Attorney Philip Hornthal to also claim the 1' overhang was a reason for prohibiting the sub-division. THEN, when Applicant filed a building permit to remove the 1' of house supposedly preventing the lot sub-division, Wes Haskett revised his sub-division denial the next day and allowed applicable zoning code at Town Code Section 36-132(c) and 36-132(c)(1) to govern Applicant's subdivision plan (Wes Haskett claimed under oath that he changed his mind because he spoke to a college about zoning code). A true and correct copy of Wes Haskett's special interest and abuse of zoning codes against Applicant is attached hereto and marked "Exhibit 3".

33. Board Chairman Andy Ward committed reversible error not recusing himself from the October 21, 2024 Variance hearing. Andy Ward reported Applicant's business signs advertising a real estate opportunity at 75 E. Dogwood Trail but did not report other signs in violation of town code that could not be missed when leaving the Southern Shores neighborhood. A true and correct copy of Andy Ward's sign complaint along with documentation of the other signs at the time of the complaint is attached hereto and marked "Exhibit 4".
34. Applicant agreed to allow Chairman Andy Ward to be a part of the October 21, 2024 Variance hearing if he could comply with the Southern Shores Town Ethics Policy.
35. The Southern Shores Town Ethics Policy was not complied with because:
 - paragraph 1 requires the law to be obeyed without influencing the application of the law by any of the town's authorities or personnel and Wes Haskett repeatedly violated the law and obviously was allowed to influence the application of the law.
 - paragraph 2 requires the integrity to be upheld and even though Wes Haskett was the person caught committing crimes, Applicant was being ridiculed for being a victim of Wes Haskett's crimes and needing to ask for a Variance.
 - paragraph 3 requires impropriety to be avoided and the appearance of impropriety to be avoided... Wes Haskett, the Planning Board Attorney and Southern Shores attorney were all fraudulently misrepresenting Town Code Section 36-414(b) as Wes Haskett made false claims indicating he complied with zoning codes.

WHEREFORE, Applicant respectfully requests the Southern Shores Planning Board/Adjustment Board reverse their decision to deny Applicant's Variances from Section 30-96(f) and 36-202(d).

Respectfully Submitted,

Attorney S. Allen

W Wes Haskett <whaskett@southernshores-nc.gov>
 To: Anthony Mina <chestercountylawn@yahoo.com>; Cliff Ogburn <cogburn@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>;
 olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>

Oct 15 at 1:52 PM

Good afternoon, Mr. Mina. See attached application with page two that is not cut off. I will not revise the staff report nor will I answer any questions about your application prior to the hearing.

Wes Haskett
 Deputy Town Manager/Planning Director
 Town of Southern Shores
 (252) 261-2344 (ph)
 (252) 255-0876 (fx)
www.southernshores-nc.gov



From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 15, 2024 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>; ncago@ncdoj.gov; ncago@ncdoj.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Planning Board <PlanningBoard@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rnelson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

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

"EXHIBIT 1"

RE: 75 E Dogwood Trail Subdivision



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

chestercountyla.../Inbox

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



Wes Haskett's July 16th, 2024 subdivision 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 EXHIBIT 2 & ZONING AMENDMENT,

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.

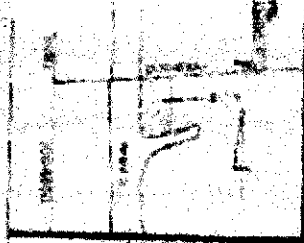
Anthony S Mina

1 File 2.2MB

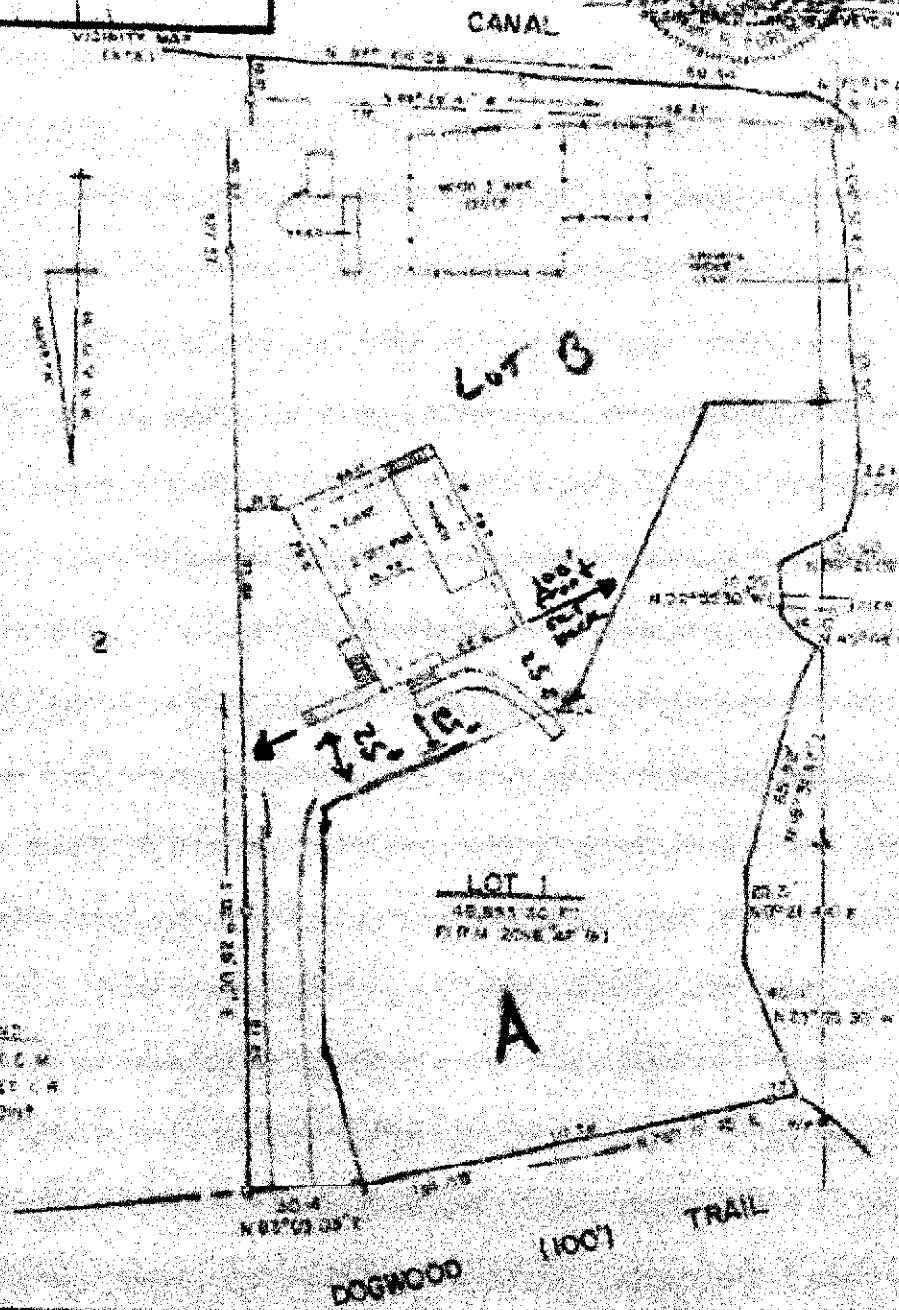
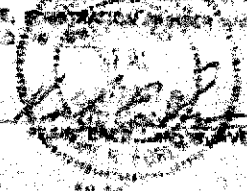


5-16-23 ZTA-23-03 Lot Width.pdf
2MB

4 EXHIBIT 2'



OF THE LAND... COUNTY... THAT THE CHAIN OF TITLE...
 BY... AND... THAT...
 ARE SHOWN AS...
 AND THAT THIS MAP...
 WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH
 DAY OF... A.D. 1997



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.

LOT b
 EXISTING HOME
 WITH STREET
 FRONTAGE

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: 4857-78-7	DE: 87, 878
100-M. B. 2, 05, 182	
100-M. B. 3, 05, 182	
100-M. B. 3, 05, 182	
100-M. B. 3, 05, 182	

KIRK R. FOREMAN
 LAND SURVEYING COMPANY
 P.O. BOX 188
 KILL DEVIL HILLS, NC 27548
 (919) 281-1221

SUBDIVISION LINES NOT TO SCALE
 "EXHIBIT 2"

THE STATE OF NORTH CAROLINA, COUNTY OF ...
 I, the undersigned, being a duly qualified Surveyor in and for the County of ...
 do hereby certify that the foregoing is a true and correct copy of the ...
 as the same appears from the records of said County.

LOT C

LOT A

New single family
 dwelling pursuant
 to RSP zoning
 requirements
 including 900' front
 yard setback
 Lot 12,000 sq. ft.

12.15

LOT B

EXISTING HOME
 WITH STREET
 FRONTAGE

A

DOGWOOD TRAIL
 1000'

SURVEYED BY
 LINDA L. LAUBY
 LOT 1 BLOCK 104
 ATLANTIC TOWNSHIP, LENOIR COUNTY, NORTH CAROLINA

EXHIBIT 2

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 2"

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 2"

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

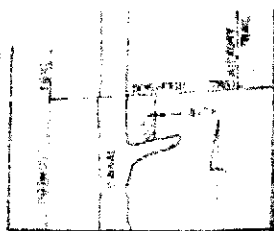
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"EXHIBIT 2"

THE SURVEYOR CERTIFIES THAT THIS MAP WAS DRAWN AND THE SUPERVISOR PRESENT FOR THE SURVEY MADE UNDER MY SUPERVISION RECORDED IN M.L. 2, PG. 182 OF THE DARE COUNTY RECORDS THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS THAT BOUNDARY IS NOT EXACTLY SHOWN AS SHOWN LINES PLOTTED FROM INFORMATION FOUND IN M.L. 2, PG. 182 AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-31, 25 AND 4000 WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 21ST DAY OF MARCH 1997

REGISTRATION NUMBER



CANAL

VICINITY MAP
(Inset)

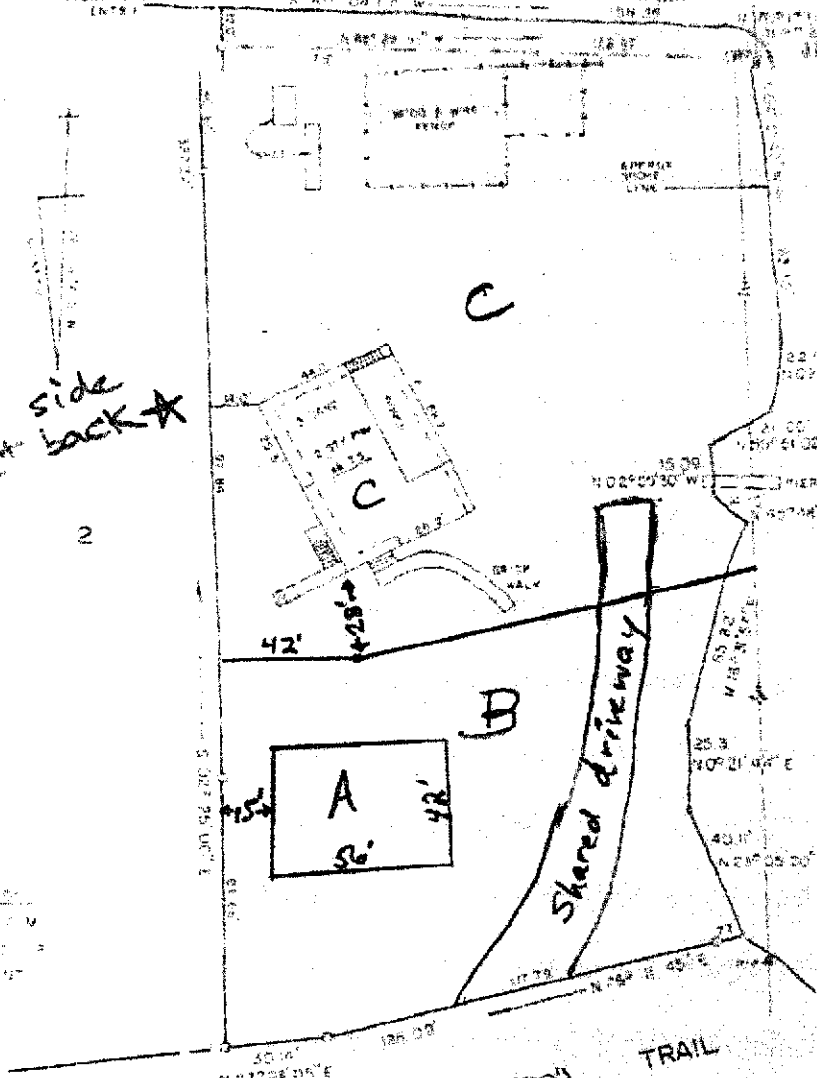
A: New single family dwelling pursuant to RSI zoning requirements

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

C: EXISTING HOME 1/3 LOT Pursuant to RSI zoning requirements
* Except for 14' side setback *

14' side set back *

2



DOGWOOD

(100')

TRAIL

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

DATE: MARCH 8, 1997	SCALE: 1" = 40'
FILE: 4827 - 72 7	DR. BY: RFB
SEE M. L. 2, PG. 182	
I.R.M. # 370430 0001 C (4/8/93)	
CA **	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1561
KILL DEVIL HILLS, NC 27948
(919) 281-1221

"EXHIBIT 2"

E



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 3"

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/hc-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 3"

75 E Dogwood Trail

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

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>

Jun 4 at 2:18 PM

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 3"

PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE



Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

**TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT**
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 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 #): 986817213502
Lot Area: 46,500 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

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 LES 8 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: Homeowner is doing work

Business Name:
Contractor Name:
Mailing Address:
City: State: Zip Code:
Business # Cell #
Fax # Email

NC G. C. Licensed Contractor OR Non-Licensed Contractor
NC G. C. License Number:
Limitation:
Classification:
Qualifier:

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. Wes Haskett claims prevents the lot subdivision

PERMIT TYPE (X): RESIDENTIAL 2nd HOME RENTAL (> 30 days) VACATION COTTAGE (< 30 days)
RESIDENCE 2nd HOME RENTAL (> 30 days) VACATION COTTAGE (< 30 days)

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

PROPERTY USE (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) PORCH(ES) STORAGE ENCLOSURE OTHER

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

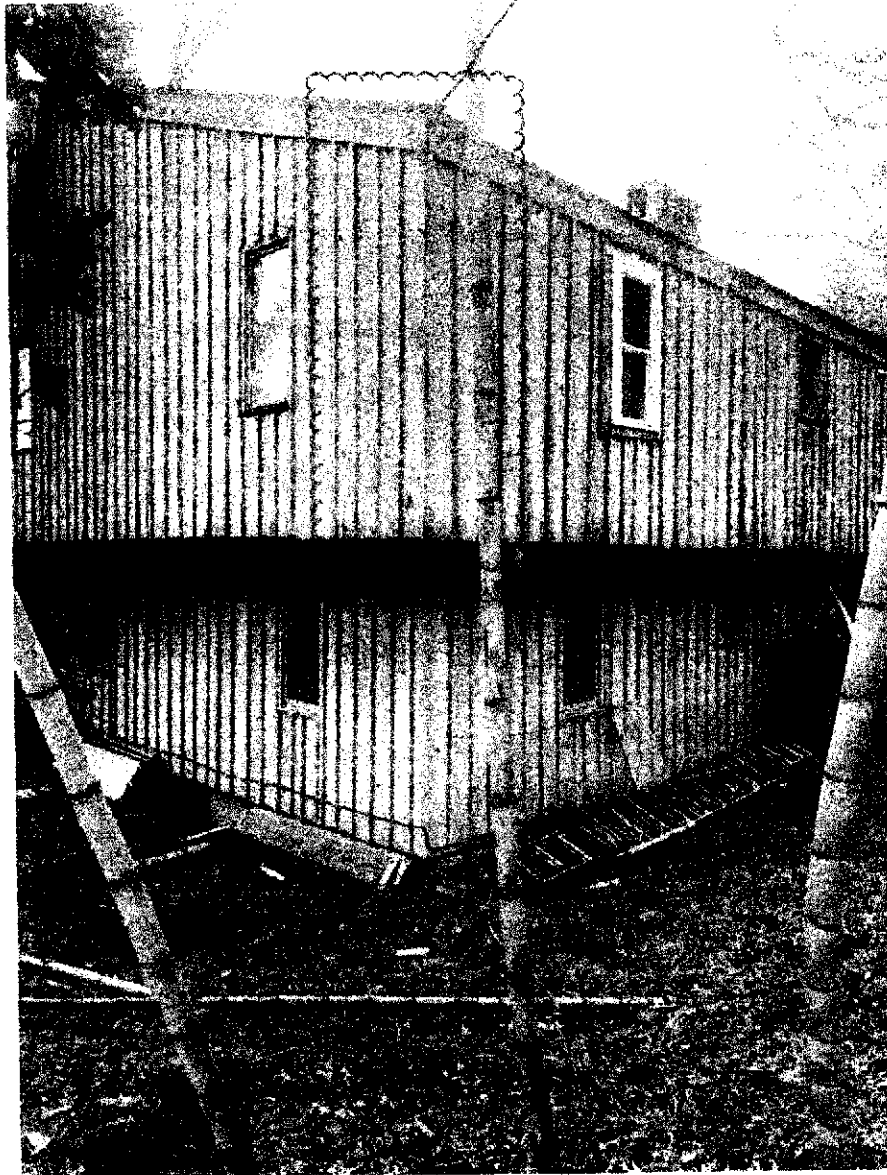
\$1600.- \$1800.- COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
\$1600.- \$1800.- ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

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 Wes 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 3"

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
NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE
"EXHIBIT 3"

Anthony Stocker Mina

5/24/2024

Forwarded Message

From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountyawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@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 <chestercountyawn@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 3"

Wes Haskett

From: Andy Ward <andyward147@gmail.com>
Sent: Wednesday, June 19, 2024 2:23 PM
To: Wes Haskett
Subject: Signs
Attachments: IMG_3276.HEIC; IMG_3277.HEIC

Hey Wes and Cliff,

I'm pretty sure these signs are in the Town's right-of-way advertising this fantastic investment opportunity:

<https://outerbankshomeimprovements.com/dream-investment>

I've had several people asking how this stands up against the sign ordinance. I'm assuming they can display the signs on their property but not in the Town's RoW, which is pretty far off the road and sidewalk on E. Dogwood.

Your thoughts?

Andy

RE: Public Records Request Re: signs placed in right-of-way

chestercountyla.../Inbox



Cliff Ogburn <cogburn@southernshores-nc.gov>

To: Anthony Mina <chestercountylawn@yahoo.com>

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

info@southernshores-nc.gov <info@southernshores-nc.gov>

Jun 20 at 10:56 AM

Town Code Section 36-165 (3) Sign permit required.

No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, nor shall any existing sign or outdoor advertising structure be structurally altered, remodeled, or relocated, until a sign permit for same has been issued by the zoning administrator. No permit is required for signs in residential districts, temporary signs, or any sign not exceeding three square feet in area.

Response to the 6 locations you referenced in your email below:

1. Not allowed in this location. This sign has been addressed.
2. Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.
3. Not allowed in this location. This sign has been addressed.
4. temporary sign legally placed – no permit required.
5. Not allowed in this location. These signs have been addressed.
6. This sign does not exist at this location.

From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Thursday, June 20, 2024 7:48 AM

To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov

Subject: Public Records Request Re: signs placed in right-of-way

Southern Shores,

Please provide me:

- 1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
- 2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
- 3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
- 4) All permits issued to allow "join our team" sign at Duck Woods Country Club.
- 5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 18 E. Dogwood Trail.
- 6) All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.

Thank you,

Anthony S Mina

On Wednesday, June 19, 2024 at 02:56:43 PM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Mr. Mina – in reference to the two signs in the below picture in front of your property at 75 East Dogwood Trl, please be advised that Town Code Section 36-165 prohibits temporary signs in the right-of-way (except from 30 days before early voting begins and 10 days after an election). Please either remove these signs or have them moved back outside of the right-of-way. Otherwise, they may be

subject to removal.

If you have any questions or would like to discuss this further, please contact me at 261-2394.

Thank you.

Cliff Ogburn

Town Manager

Town of Southern Shores

1'
EXHIBIT 4"



1 File 1.3MB



image001.png
1MB

"EXHIBIT 4"