



# Town of Southern Shores

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## TOWN COUNCIL TOWN OF SOUTHERN SHORES, NORTH CAROLINA

### ORDER GRANTING SPECIAL USE PERMIT

The Town of Southern Shores Town Council (the “Council”) held a Public Hearing on January 3, 2023 to consider a Special Use Permit application submitted by Timmons Group, Kimberly D. Hamby (the “Applicant”) on behalf of Fire Service Real Estate, Inc. (the “Property Owner”) seeking a Special Use Permit to construct a new EMS/Fire Station on the parcel of property located at 28 E. Dogwood Trl. (the “Property”). The Council, having heard all of the evidence and arguments presented at the hearing makes the following FINDINGS OF FACT:

1. Proper notice was published in a legal advertisement placed in a newspaper having general circulation in Dare County.
2. Proper notice was mailed to the applicant and all property owners abutting and across the street from the Property using USPS Certified Mail.
3. Proper notice was posted on the Property.
4. The Property Owner owns the Property.
5. The Applicant seeks a Special Use Permit to construct an 8,756 sq. ft. EMS/Fire Station on the Property.
6. Fire Stations are a permitted use in the R-1, Low-density Residential District provided that a Special Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board.
7. The Town Planning Board granted a Variance on December 1, 2022 to allow stormwater in the drainage area that contains the concrete apron off of E. Dogwood Trl. to be collected and stored in the retention area located at 29 E. Dogwood Trl. as it is today.

8. The Town Planning Board recommended approval of the Special Use Permit application at the December 19, 2022 Planning Board meeting with conditions.

Based on the above Findings of Fact, and considering the burdens of proof and persuasion being on the Applicant, the Council makes the following **CONCLUSIONS** pursuant to Town Code Sec. 36-300(5):

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

**THEREFORE**, based upon all of the foregoing the application for a Special Use Permit is **GRANTED** with the following conditions:

1. The following permit shall be issued prior to submittal of a Building Permit application:
  - a. Improvement Permit and Authorization to Construct a new wastewater collection, treatment and disposal system as issued by the Dare County Health Department.
2. A lighting plan shall be submitted with the Building Permit and Zoning Permit application.
3. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.

Ordered this \_\_\_\_ day of \_\_\_\_\_, 2023

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Elizabeth Morey, Mayor

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Sheila Kane, Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Dare County in accordance with Article 14 of Chapter 160D of the North Carolina General Statutes.