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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

April 08, 2019

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: Zoning Amendment Request—Eddie Goodrich— Amend §153.101 Ocean Impact Residential (OIR) Zoning District (A) Setbacks— (5) Reduce Side Yard Setback to Ten Feet for All Cluster Housing and Cottage Courts in the OIR

Attached is a zoning amendment request submitted by Eddie Goodrich to amend §153.101 Ocean Impact Residential zoning district (A) setbacks by creating a separate side yard setback of ten feet for all cluster housing and cottage courts. As the applicant proposed, it would change cottage courts/cluster housing side yard setbacks in the OIR from 12 feet to 10 feet on a lot that meets the site requirements of this use of a minimum of 100 feet. Currently, this setback of 12 feet applies to all lot widths over 75 feet within the OIR including multifamily development, single-family dwellings, and cottage courts/cluster homes, etc. Cottage courts/cluster homes can also be considered multifamily under many circumstances, mainly the similarity in density. As you recall, over the past year, Mr. Goodrich recently requested the addition of Cottage Courts Cottage courts and cluster housing the Commercial and Ocean Impact Residential Zone. Both have been adopted by the Board of Commissioners. However, in his request to add Cluster Home to permitted uses he requested reduction in setbacks. The Planning Board was not favorable to that portion of the amendment and the applicant removed the language.

The current request is asking to reduce side yard setbacks by two feet in the Ocean Impact Residential Zone from 12 feet to 10 feet (total 4 foot reduction). Staff does **not** support this change. The purpose of land use setbacks are to provide separation, safety, privacy and environmental protections. This request does not support this intent. The Ocean Impact Residential Zone is one of the Town's most restrictive zones and reducing setbacks to allow more density and more buildings would not be consistent with the zone or the Land Use Plan.

Additionally, this creates an inequality throughout the zone for properties with widths of 75 feet or more. As proposed, a single-family dwelling, multifamily dwellings and duplexes will be required to meet a minimum 12-foot setback on a lot width greater than 75 feet in width. In contrast, a cluster home or cottage court development with a minimum of three independent dwellings will have lesser setback of 10 feet, with a greater lot width requirement of 100 feet. Structure size on a lot cannot be a factor in consideration of the request because building size is not regulated in the Zoning Ordinance.

Structure size is an arbitrary point with no legitimacy because there are no regulations regarding size. It becomes the property owner's development preference as to whether the structure is large or small.

The Planning Board reviewed the request on March 19, 2019 and forwarded it to the Board recommending denial. Staff recommends setting the public hearing for the April 24, 2019 Board of Commissioners meeting.



Kill Devil Hills
Zoning Amendment Application
Chapter 153 Zoning

Name of Applicant: Eddie Goodrich

Address of Applicant: PO. Box 3629, Kill Devil Hills, NC 27948

Telephone Number: 252 475 0874

Agent for Applicant (if applicable): n/a

Agent Address: _____

Telephone Number: _____

I hereby request an amendment to the following specific section of the Zoning Ordinance: _____

Ocean Impact Residential OIR, Section 153.101(A) Setbacks

Proposed language for zoning amendment: (5) For all Cluster Housing and Cottage Courts the side yard setback shall be 10 feet

Justification for Amendment: Consistency in side yard setbacks. The current side yard setback for a 2500 sq ft or less house in a Cottage Court or Cluster Housing, which must be constructed on no less than a 100 feet wide lot is 12 feet whereas the side yard setback on a 50 feet wide lot is 10 feet and a much larger structure, perhaps 5000 sq ft or greater can be constructed. Also the side yard setback in the Commercial Zone is currently 10 feet as well.

A \$250.00 non-refundable application fee is due and payable to the Town of Kill Devil Hills.

Signature of Applicant/Agent: *Eddie Goodrich*

Date Received: <u>2/5/19</u>	Staff Only:
Received by: <u>RL</u>	