



# PLANNING & ZONING COMMISSION MINUTES

**REGULAR MEETING**

**Wednesday, September 3, 2025 @ 6:00 pm**

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday, September 3, 2025 @ 6:00 p.m. A quorum of members was present, and Attorney Jim Eldridge attended.

**P&Z MEMBERS PRESENT**

Chairman Byron Ashbridge  
Vice-Chair Joe Barlok  
Member Jim Dugan  
Member Craig Galbraith  
Member Tony Karboski  
Alternate Member Brittany Evans

**P&Z MEMBERS ABSENT**

**STAFF PRESENT**

Beth Chase, Town Clerk  
Mandy Sanders, Director of Administration  
Bethany White, Director of Development and Compliance  
Joshua Littler, Code Enforcement Officer

**COUNCIL LIAISON PRESENT**

Commissioner Dennis Panicali

**CALL TO ORDER**

Chairman Ashbridge called the meeting to order at 6:00 p.m.

**ADOPTION OF THE AGENDA**

Chairman Ashbridge requested to add to the agenda a quick update on the oceanfront easement initiative.

MOTION – Member Dugan made a motion to add the oceanfront easement initiative item to the agenda

SECOND – Vice-Chair Barlok

VOTE – Unanimous

**ADOPTION OF MINUTES**

- June 4, 2025 Regular Meeting

MOTION – Vice-Chair Barlok made a motion to accept the minutes as reviewed

SECOND – Member Dugan

VOTE – Unanimous

Attorney Eldridge advised PZC to adopt the agenda as amended by the previous motion to add an item.

MOTION – Member Galbraith made a motion to adopt the agenda as amended



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SECOND – Vice-Chair Barlok

VOTE – Unanimous

## PUBLIC COMMENT

None

## OLD BUSINESS

1. Update on Oceanfront Easement Initiative (Chairman Ashbridge)

Chairman Ashbridge stated that when this was discussed a few months ago, the PZC recommendation was to eliminate the one subtle opportunity to do something in the easement because it no longer applied and there would not be any properties that could comply with the way it was described, so that could result in Town Council having to deal with exception requests with no guidance. He commented that Director of Development and Compliance White researched the issue further and sought outside input, and she is currently working on the wording of a text amendment that will go before Town Council in September.

Chairman Ashbridge explained that the proposal is to allow for building a small deck-type structure connected to the walkway itself, not to exceed the height of that particular segment of the walkway to keep from restricting neighbors' views. He stated this would also be limited to 200 square feet in total and would be an opportunity to expand on the existing walkway that every oceanfront property has.

Director of Development and Compliance White added that the structures must comply with setbacks, and she commented that the Town may require removal for safety or storm-related reasons.

Chairman Ashbridge stated he thinks this is a fair compromise that would not result in much objection. He commented that this item does not require a public hearing.

## NEW BUSINESS

1. Review and Report on Text Amendment Application to KBC 15.36.010 Control of Yard/Setbacks for Gus Industries at 501 K Avenue (Applicant)

Amy Russo, who appeared as the agent for Gus Industries, stated they are requesting the text amendment for a pergola at the residence because they were not aware of the requirement for a 10-foot setback on the corner property. She commented that under current regulations, nothing can be developed there.

Director of Development and Compliance White stated that exceptions have been granted in the past, and this is considered more of an architectural feature that does not create visual obstructions. Chairman Ashbridge added that this is intended to be global and not just for this property.



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Ms. Russo stated that the contractor did not request a permit for the 10-by-10 pergola, which is not attached to the house, because he saw it as a landscape feature and did not realize a permit was required. She commented that it would create a financial hardship to tear it down and added that the property line is not even at the road, so there is already a setback for the Town.

Member Galbraith questioned the term “freestanding,” stating that to him that means it’s not built on a foundation and therefore would not have to be torn down. Ms. Russo commented that the pergola is not on a foundation, but the posts are in concrete and they dug down several feet. She added that they have invested \$6,500 in the pergola.

Member Galbraith stated that this text amendment would affect the Town as a whole, so they must consider it in that context. Ms. Russo asked if there was a way to refine the proposal so it doesn’t adversely affect certain areas. Director of Development and Compliance White stated that she doesn’t think the Town could legally or morally do this, and restricting the text amendment to corner lots is important because it would not create issues for the Fire Department.

Vice-Chair Barlok stated that after reviewing the code, he believes all items listed for the setback are still met after the pergola was installed. Member Karboski added that some pergolas have sides. Ms. Russo stated this one does not. Director of Development and Compliance White commented that it’s not much different than a fence.

Vice-Chair Barlok suggested changing the wording to “freestanding open-air pergola.” He asked which zone the house is in. Code Enforcement Officer Littler said it’s in RA-1. Vice-Chair Barlok pointed out that Town regulations state that in RA-1, the minimum requirement for front yard setbacks and corner side yard setbacks is 20 feet, which disagrees with the 10-foot setback currently being discussed.

Director of Development and Compliance White stated that she has not seen this in RA-1 before and needs to research why it’s there. Code Enforcement Officer Littler stated that the zoning application has a typo and the house is in RA-2, not RA-1. Vice-Chair Barlok commented that it should be OK to move forward, but the Town needs to deal with the discrepancy. Director of Development and Compliance White stated that she thinks the figure of 20 feet is a mistake.

Chairman Ashbridge reminded the applicant that PZC will make a recommendation on the request, and Town Council will make the final decision. Town Clerk Chase stated this will require a legislative hearing, which will be scheduled in September and heard by Town Council in October.

**MOTION** –Vice-Chair Barlok made a motion to recommend the text amendment to Town Council with added wording for a “freestanding open-air pergola”

Attorney Eldridge advised using caution with the term “freestanding.” Member Karboski asked if freestanding means the same thing as not being attached to the house. Director of Development and Compliance White suggested the wording “detached from primary structure.”



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MOTION – Vice-Chair Barlok made a motion to recommend approval of the text amendment with the change of wording to “detached open-air pergola”

SECOND – Member Dugan

Attorney Eldridge questioned whether the wording should specify from what it’s detached. Town Clerk Chase recommended that the applicant redraft the proposed text amendment in the application before bringing it to Town Council.

PZC and Attorney Eldridge discussed options for the best way to convey proposed wording changes to Town Council, including specifying them in the motion and revising the consistency statement. Attorney Eldridge stated that if PZC makes a motion reflecting the proposed changes, he will revise the consistency statement and everything will go to Town Council. He suggested that the motion be that “the Commission recommends to Council the adoption of the proposed text amendment provided that the gazebos are detached from the primary residence and open-air.”

MOTION – Member Galbraith made a motion to recommend approval of the text amendment based on the aforementioned wording Attorney Eldridge provided

SECOND – Member Karboski

VOTE – Unanimous

PZC and Attorney Eldridge discussed the consistency statement and where to put the revised language. Member Galbraith asked if the applicant can draft what is being added and submit a revised application tonight. Town Clerk Chase stated that her recommendation was to follow past procedure and ask the applicant to amend the application before it goes to Town Council. She suggested that based on the motion, it should be clearly stated what the applicant should write in her revised application. Director of Development and Compliance White stated that the wording should include that structures would have to meet the 5-foot setback.

Attorney Eldridge suggested that this item be tabled until next month so the applicant and staff can come up with the correct language. PZC and the applicant indicated they would like to continue moving forward tonight. Member Galbraith recommended that the language be changed to the following: “For corner lots with a 10-foot setback, a 5-foot setback is authorized for a detached from primary structure open-air pergola.” Ms. Russo read back the language to be included on the revised application, and PZC gave consensus that this was acceptable.

Attorney Eldridge stated that they still need to adopt a consistency statement. Member Galbraith commented that the revised language should go at the end and read back the final wording.

MOTION – Member Galbraith made a motion to adopt a consistency statement based on his aforementioned comments

SECOND – Vice-Chair Barlok

VOTE – Unanimous



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2. Review and Report on Syntactical Amendments to KBC Chapter 12 Planning and Development Regulations (Vice-Chair Barlok)

Vice-Chair Barlok reviewed the changes being proposed for this 43-page chapter, which are outlined in the Chapter 12 – Planning and Development Regulations document hereby incorporated into the minutes.

Among the proposed revisions discussed was whether to include “domestic partner” under the list of what is considered a “close familial relationship.” Attorney Eldridge stated that he doesn’t have an opinion either way. Member Galbraith commented that he’s not sure if a domestic partner is considered “familial.” However, he stated that for the purposes of determining a conflict of interest, people living together should be considered and in that case adding “domestic partner” to the list makes sense. Vice-Chair Barlok stated that he will make that change.

PZC also considered whether to change the policy that “faithful attendance” is defined as no more than 3 excused absences in a rolling 12-month period. Member Galbraith stated that most absences are excused, so he thinks the current policy is fine. Town Clerk Chase commented that an absence would be considered unexcused if no notice was given. PZC gave consensus to leave the policy as is.

Vice-Chair Barlok pointed out the following and questioned whether it has been followed: “The Planning and Zoning Commission shall review and make recommendations to Town Council on the extent, location and design of all public structures and facilities...” Attorney Eldridge suggested changing “shall” to “may.” Member Galbraith stated this paragraph is unnecessary because it seems out of purview for what PZC does and hasn’t been followed. PZC gave consensus to remove it.

Vice-Chair Barlok stated that he will take the notes from tonight and incorporate them into a draft that will be presented at the next PZC meeting in text amendment form. He commented that Chapters 13 and 14 remain for review.

## **ADJOURNMENT**

MOTION – Member Dugan made a motion to adjourn the meeting at 7:19 p.m.

SECOND – Vice-Chair Barlok

VOTE – Unanimous

ATTEST: Mandy Sanders  
Mandy Sanders, Deputy Town Clerk

Byron Ashbridge  
Byron Ashbridge, Chairman



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NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.