Currituck County
Board of Adjustment Agenda

Historic Currituck County Courthouse

Date: November 8, 2012
Time: 7:30 P.M.

7:30 p.m. Call to Order

Item 1 Roll Call

Item 2 Approval of July 12, 2012 Minutes

Item 3 **CONSIDERATION AND ACTION on BOA 09-15 THE LAMPE COMPANY INC:** Extension of the conditional use permit to allow a mini-warehouse and outdoor storage located at 8418 Caratoke Hwy in Powells Point, 0124-000-068G-0000, Poplar Branch Township.

Item 4 **BOA 12-15 CO PARTNERS OF JARVISBURG:** Appeal of administrator's decision that signage contains off-premise advertising and is in violation of Section 7.4 of the Unified Development Ordinance. Located at 5243 Caratoke Hwy, Parcel 0083-000-006A-0000, Poplar Branch Township.

Item 5 Old Business

Item 6 Adjournment

CURRITUCK COUNTY
BOARD OF ADJUSTMENT REGULAR MEETING
July 12, 2012

REGULAR MEETING

The Currituck County Board of Adjustment met on July 12, 2012 at 7:30 p.m. in the Historic Currituck County Courthouse. The following members were present: David Palmer, Vivian Simpson, Christian Conner, Cameron Tabor, and Theresa Dozier. The following member was absent: Bryan Bass. Brad Schuler, Planner; Tiffany Sanders, Planning Technician; and Benjamin Gallop, Board of Adjustment Attorney; were also present.

Mr. Connor called the meeting to order and announced a quorum had been met with four regular members and one alternate member.

APPROVAL OF JUNE 14, 2012 MINUTES

Mr. Palmer motioned to approve the June 14, 2012 minutes with no changes. Ms. Dozier seconded the motion and the motion passed unanimously.

BOA 12-11 MOORE, GEORGE: Conditional use permit to allow an Auction House at 6470 Caratoke Highway in Grandy, Tax Map 94, Lot 122A, Poplar Branch Township.

Mr. George Moore and Mr. Schuler appeared before the board and were sworn in.

Mr. Schuler presented the following case to the Board:

BOARD OF ADJUSTMENT CASE ANALYSIS

Meeting Date:	July 12, 2012
Case Number:	BOA 12-11
Applicant/ Property Owner:	George Moore
PIN:	0094-000-122A-0000
Address:	6470 Caratoke Highway
Zoning District:	General Business (GB)
Township:	Poplar Branch

Request

Conditional use permit to allow an auction house in a GB zoning district, pursuant to the Table of Permissible Uses of the Currituck County Unified Development Ordinance.

Narrative

1. The operation will hold auctions on two Saturdays each month, from 8am to 2pm. Patrons of the auction house may preview the items the day before the auction.

2. The operation will be in an existing building and no additional impervious surfaces are proposed. However, the existing vegetation in the vehicular use area will have to be removed and wheelstops added to delineate required parking.

Conditional Use Permit Criteria and Staff Findings

The Board must find that the applicant meets all criteria in order for a conditional use permit to be approved. Following is the staff suggested findings for each criterion (as is required by the UDO).

In granting a conditional use permit, the Board of Adjustment may attach to the permit such reasonable requirements in addition to those specified in this ordinance as this will ensure that the development in its proposed location meets the following:

(a) The application is complete.
1. The application is complete.

(b) The proposed use is among those listed in the Table of Permissible Uses as a conditional use indicated with a "C."
1. The proposed use is among those listed in the Table of Permissible Uses as a conditional use indicated with a "C."

(c) The conditions proposed meet or exceed the minimum requirements of this ordinance.
1. It appears the proposal would meet or exceed the minimum requirements of this ordinance.

(d) The conditional use will not endanger the public health or safety.
1. The proposed use should have no impact on public heath or safety.

(e) The conditional use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.
1. The proposed location is zoned for commercial uses and is around commercially zoned property. The use will not injure the value of the adjoining property and will be in harmony with the area.

2. The surrounding land uses include:
   a. North: Undeveloped/Restaurant Zoning District: GB
   b. South: Religious Institution Zoning District: GB
   c. East: Undeveloped Zoning District: GB

d. West: Undeveloped Zoning District: GB

(f) The conditional use will be in conformity with the Land Use Plan and other officially adopted plans.

1. The conditional use is in conformity with the Land Use Plan and other officially adopted plans.

2. The 2006 Land Use Plan classifies this property as Full Service within the Grandy subarea. Nonresidential uses within the Full Service Area should preserve the existing community character in scale, architectural style, materials, landscaping, and site design.

3. Land Use Plan policies relevant to this use:

   POLICY TR6: HIGHWAY 158/168 shall receive special attention concerning the proper development of land and properties adjoining and/or accessing this critical area.

   POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

   POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

   POLICY ML4: Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near term quality of life and long-term economic prospects for residents and property owners in the Mainland Area. The Transportation and Community Appearance policy sections of this plan shall be implemented to give priority to this issue.

(g) The conditional use will not exceed the county's ability to provide adequate public facilities.

1. The proposed use will not exceed the county's ability to provide adequate public facilities.

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TRC/Staff Recommendation:
The Technical Review Committee and staff recommend **approval** of this request subject to the findings of fact as presented above.

DISCUSSION

Mr. Palmer questioned the type of auction items that would be auctioned.

Mr. Moore stated that all household items or cars that were included in estates.

Ms. Dozier asked if the items would come from only estates or individuals also.

Mr. Moore he stated that he would take individual items but would auction the individual items with the next estate sale. He stated that if the items didn't sell at the first auction they would be sold at a second auction at a later date.

Ms. Dozier asked how long would he store automobiles that didn't sell at the first auction. She asked where would these automobiles be stored.

Mr. Moore stated that the automobile would be kept for one more auction only before the owner would have to come pick it up or it would be donated.

Ms. Simpson asked about farm equipment sales.

Mr. Moore stated that most farm equipment auctions were generally held at the farm due to size of equipment and having more space on the farm.

Mr. Gallop asked Mr. Moore have any problems fulfilling staff's requests for improving the parking area.

Mr. Moore stated he had no problem meeting staff's requests.

Mr. Tabor asked if the recommendations would need verification by staff when completed.

Mr. Gallop stated that if the request wasn't completed then Mr. Moore would be in violation of his conditional use permit.

Mr. Connor closed the public hearing.

ACTION

Ms. Dozier questioned reasonable conditions for outside storage.

Mr. Gallop stated that reasonable conditions could be added to a conditional use permit.

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Mr. Palmer questioned the allowance of outdoor storage for vehicles in the Unified Development Ordinance.

Mr. Schuler explained the allowance for one unlicensed vehicle to be allowed on a property.

Mr. Tabor moved to approve the conditional use permit subject to staff's findings of fact and recommendations. Ms. Dozier seconded the motion and the motion passed unanimously.

ADJOURNMENT

There being no further business to discuss Ms. Dozier motioned for adjournment. Mr. Tabor seconded the motion and the motion passed unanimously. The meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Tiffany B. Sanders/s/

Planning Technician

DRAFT

Currituck County
Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Adjustment

From: Brad Schuler, Planner I

Date: November 1, 2012

Subject: The Lampe Company CUP Extension

On September 10, 2009, the Board of Adjustment voted to approve BOA 09-15, a Conditional Use Permit application for mini-warehousing and outdoor storage at 8418 Caratoke Highway. The CUP approval was due to expire on September 10, 2011, however, the North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the CUP expiration date is January 1, 2013.

On August 24, 2012 the applicant, The Lampe Company, submitted a request for a two year extension of the permit (see attached).

In accordance with the UDO Chapter 11 Section 11.10.2, the Board of Adjustment may grant an extension of the CUP one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
   a. The permit has not yet expired and will expire January 1, 2013.

2. The permit recipient has proceeded with due diligence and in good faith; and,
   a. The decline in the economy has delayed the development of the property.

3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
   a. There are no changes proposed in the extension request.

LAMPE MANAGEMENT COMPANY
P.O. Box 608
Smithfield, NC 27577
(919) 934-3041

August 24, 2012

Mr. Brad Schuler
Currituck County Planning
P.O. Box 70
Currituck, NC 27929

Re: **Ample Storage Center CUP 09-15**
Request for Extension
Poplar Branch Township, Currituck County, NC

Dear Mr. Schuler,

As the Owner/Applicant, the purpose of this correspondence is to respectfully request an extension of the CUP 09-15 that was issued for Ample Storage Center on September 10, 2009. It is our understanding that the existing CUP 09-15 expires on January 1, 2013 in the event that less than 5% of the total construction cost has been spent by that date. We further understand that all other permits are in place and remain valid. Therefore, the construction phase of the subject project is commencing immediately.

Due to the overall economic situation for the past few years, we did not feel comfortable proceeding with such a large capital project. The estimated total construction cost of this particular project is $3 million. It is our understanding that 5% of the total construction cost amounts to an expenditure of at least $150,000 by the end of this year. While we feel that this may be accomplished based upon the current bids and time left, we want to be proactive in ensuring that construction proceeds at the appropriate pace and that all permits remain valid. We certainly do not want Contractors moving too quickly and the project subject to lesser quality nor do we want materials and goods delivered to the site and sitting idle and exposed to the elements when the site and conditions are not prepared.

We feel that upon completion, this project will be well received and the County can be proud of its development. There is a current need for a storage center at this location and once properly constructed in substantial compliance with permits and approvals, will fit the overall land use plan.

We respectfully request that this request for extension of CUP 09-15 be added to the Board of Adjustment meeting scheduled in October to avoid potential penalties resulting from an expired permit. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Sincerely,

The Lampe Company Incorporated
cc: Michael W. Strader, Jr., P.E., Quible & Associates, P.C.

Currituck County
Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

MEMORANDUM

To: Board of Adjustment

From: Planning Staff

Date: October 31, 2012

Re: BOA 12-15 CO Partners of Jarvisburg

Jerry Wright is appealing the administrator's decision regarding signs located at The Muddy Motorsports Park, 5243 Caratoke Hwy, Poplar Branch.

On March 17, 2011 the County issued building permits for two 240 square foot on-premise signs in accordance with the standards of the Unified Development Ordinance (UDO). At the time, the UDO allowed for two on premise signs for the property with a maximum area of 250 square feet each. The building permit application did not illustrate any off premise advertisements.

An on site inspection found the two signs to be advertising businesses not located on the premises on which the signs are located. The UDO states:

"Section 7.4 Prohibited Signs
The following signs are expressly prohibited:
A. *Off-premise advertising signs (billboards), including digital billboards."*

Section 17.2 Definitions of the UDO states:
"Sign, On Premise
Any sign that directs one's attention to a service, commodity, entertainment, or business offered on the premise where the sign is located."

The County submits the following attachments:

- Attachment 1: Appeal application submitted September 17, 2012 by Jerry Wright, property owner.
- Attachment 2: Notice of violation sent September 4, 2012 from Stacey Smith, Code Enforcement Officer.
- Attachment 3: Photos taken August 30, 2012 of the two signs found in violation.
- Attachment 4: Building Permit #201100342 issued on March 17, 2011 for 2 freestanding on premise signs
- Attachment 5: Copy of Sections 7.4 & 17.2

APPEAL - INTERPRETATION
Application

OFFICIAL USE ONLY:	
Case Number:	BOA 12-15
Date Filed:	4-17-12
Gate Keeper:	SDS
Amount Paid:	150.00

Contact Information

APPELLANT/APPLICANT:

Name: Thomas C Wright
Jerry W Wright

Address: P.O Box 252
Jarvisburg NC

Telephone:

Fax Number: 252 491 8303

E-Mail Address:

PROPERTY OWNER:

Name: C O Partners of Jarvisburg

Address: P.O. Box 252
Jarvisburg, NC

Telephone: 252 491 2387

Fax Number: 252 491 8668

E-Mail Address:

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: 5243 Caratoke Hwy

Location: Muddy Motorsports Park

Parcel Identification Number(s): 0083000006A000

Request

I, Jerry W. Wright, hereby request:

☑ An appeal to the Board of Adjustment from the following adverse decision of an administrator in the Planning Department: V12-114

☐ An interpretation of the zoning map.

Appellant Statement

State the facts you are prepared to prove to the Board of Adjustment that should lead the board to conclude that the decision of the administrator was erroneous.

Two on site billboards are used for on-site purpose.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Owner — Date: Sept 17, 2012

Appellant/Applicant — Date: Sept 17, 2012

Owner Verification

If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this section. If the owner is the appellant/application please do not complete this section.

Dear Sir or Madame:

I am the owner of the property located at 5243 Caratoke Hwy.

hereby authorize _____
to appear with my consent before the Board of Adjustment in order to request an appeal or interpretation at the above location. I authorize you to advertise and present this matter in my name as the owner of the property.

If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

Respectfully yours,

Owner — Date: Sept 17, 2012

Sworn to and subscribed before me, this the 17th day of Sept, 2012

Tammy D. Glave
Notary Public

TAMMY D. GLAVE
Notary Public, North Carolina
Currituck County
My Commission Expires
4-5-2015

COUNTY OF CURRITUCK
Code Enforcement Program
153 Courthouse Road, Suite 110
Currituck, NC 27929
(252) 232-6027

NOTICE OF VIOLATION #
V12-114

C.O. Partners of Jarvisburg LLC
PO Box 24
Jarvisburg, NC 27947

CC: Jerry W. Wright, Manager
Thomas C Wright, Manager

Violation Date:	**Inspection Date:**
August 31, 2012	August 30, 2012
Property Address:	**PIN #:**
5243 Caratoke Hwy	0083-000-006A-0000

Violation Description:

The on-premise sign is advertising an off-site location which is prohibited. Off-premise advertising is expressly prohibited.

Compliance Request:	**UDO Code Reference:**
Remove the off-premise advertisement from the on-premise sign	Chapter 7, Section 7.4 of the Currituck County Unified Development Ordinance
	Required Compliance Date: September 17, 2012

Please be advised that failure to comply with the above may result in civil penalties assessed by the County of up to $500.00 per day for each day that the violation exists.

If you wish to appeal this decision, you have ten (10) days from receipt of this notice in which to submit an appeal application to the Board of Adjustment or this decision shall be considered final. Applications can be obtained and submitted in the Community Development Department.

Hall
AUTOMOTIVE
More Cars. Great People.
www.HallAuto.com
HOME OF KING SLING
MUDDY
MOTORSPORTS
PARK

CAM2
HOME OF KING OLING
Blue Blood
Racing
Motor Oil
MUDDY
MOTORSPORTS
PARK

County of Currituck
Project Approval

Application #: 201100342

Property Owner: DENNIS ANDERSONS MUDDY MOTORSPORTS PARK

Location: 5243 CARATOKE HWY

Parcel ID: 0083000006AA000

Project Description: SIGN ON PREMISE

Issued Date: 03/17/11

Expiration Date: 09/13/11

(IF WORK ON THE PROJECT HAS NOT COMMENCED ON OR BEFORE THE EXPIRATION DATE LISTED ABOVE, THIS PROJECT APPROVAL IS NULL AND VOID)

CONDITIONS OF APPROVAL:

2 FREESTANDING ON PREMISE SIGNS (24 X 10' EACH) - "DENNIS ANDERSONS MUDDY MOTOR SPORTS". NOT ILLUMINATED. FLOOD ZONE: X. ALL CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES. MUST POST PERMIT AND SCHEDULE ALL REQUIRED INSPECTIONS INCLUDING A FINAL INSPECTION UPON COMPLETION OF WORK. CALL 232-3378 BY 4PM 1 DAY PRIOR TO SCHEDULE. 1 SET OF APPROVED PLANS MUST BE ON SITE FOR ALL INSPECTIONS.

B 7877	BUILDING PERMIT		50.00
		TOTAL FEE	50.00 pd.

I have read and understand the above conditions of approval.

Applicant: Dennis Anderson

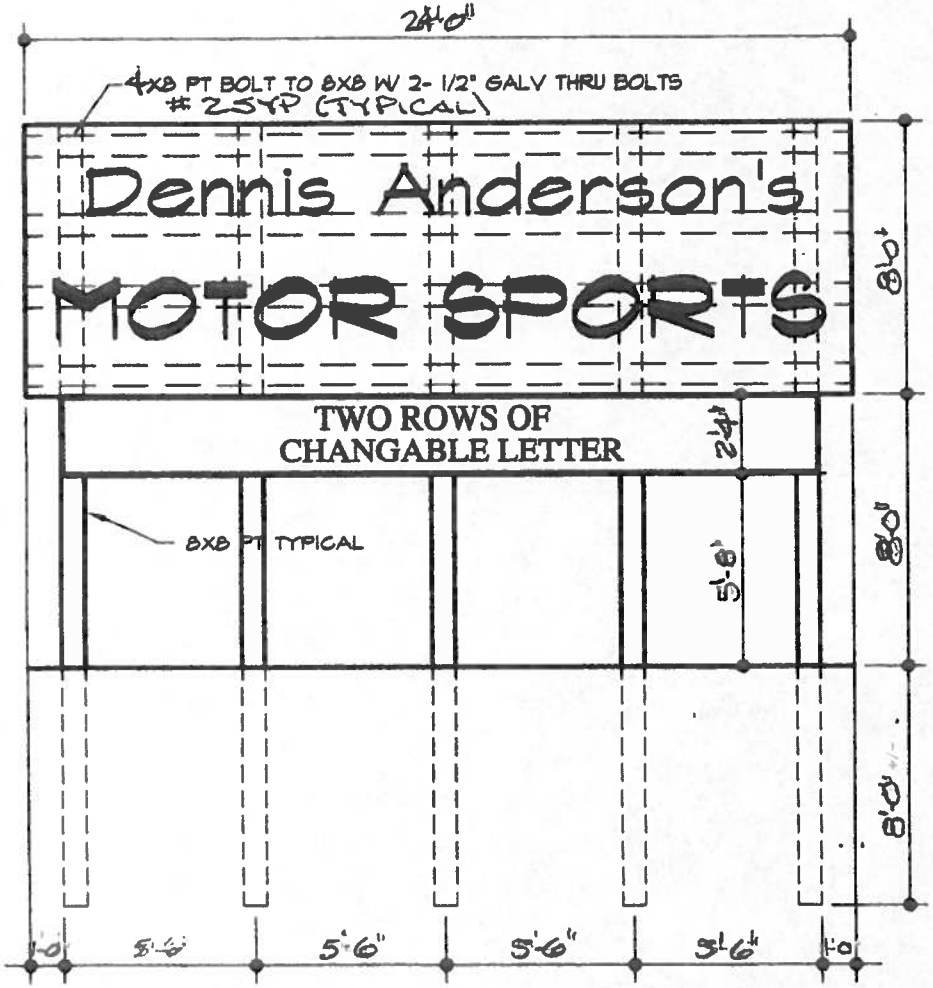
Application Text

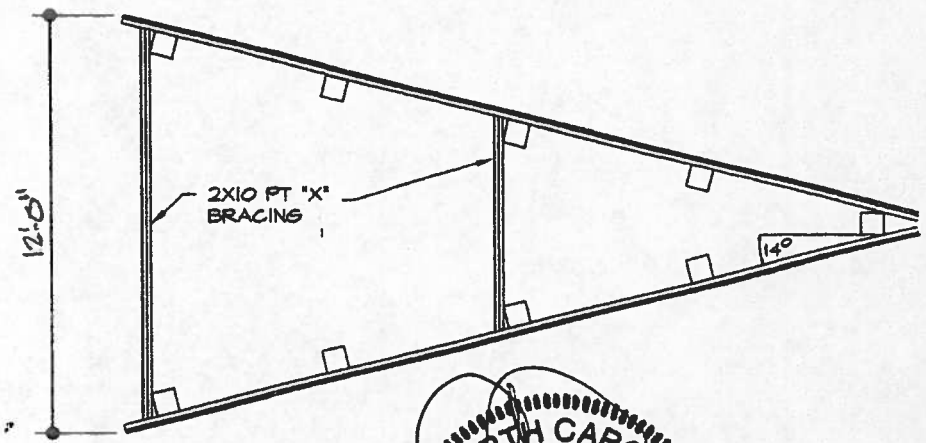
File Edit Tools Insert Help

2 FREESTANDING ON PREMISE SIGNS (24 X 10' EACH) - "DENNIS ANDERSONS MUDDY MOTOR SPORTS".

Check Spelling | Display as HTML

OK 3-15-11
JGW
201100342





NORTH CAROLINA PROFESSIONAL SEAL 19018 ENGINEER RAYMOND G. PATE 3/10/11

244 SQ FT EA SIDE

NOTE: ACTUAL LETTERING/ SIGNAGE WILL VARY. DRAWING INTENDED TO INDICATE SIZE AND STRUCTURE ONLY

Raymond Pate
PO Box 12999
Raleigh, NC 27605

B. Informational signs that identify public property, convey public information, or display other identification not having a commercial message.

C. Signs designed to direct and guide vehicular and pedestrian traffic on private property, but bearing no advertising matter.

D. Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays.

E. Official signs of a non-commercial nature erected by public utilities.

F. Residential flags or flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

H. Vendor signs located at convenience stores. Such signs shall not be attached to public utility poles or traffic signs.

I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

A. Off-premise advertising signs (billboards), including digital billboards.

B. Signs located within the sight distance triangle or public right-of-way.

C. Signs attached to the structure of a lawfully permitted sign without a permit except as otherwise provided by this ordinance.

D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.

E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.

G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.

Sign, Informational
Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

Sign, Internally Illuminated
A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Sign, Local Event
A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

Sign, Message Board/Reader Board
That portion of a sign where the message changes by way of lights or some other mechanical means.

Sign, Monument
A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

Sign, Nonconforming
Any sign that does not meet one or more of the requirements of this ordinance as of the effective date of this ordinance.

Sign, Off Premise
Any sign that directs one's attention to a service, commodity, entertainment, or business that is offered elsewhere than on the premise where the sign is displayed.

Sign, On Premise
Any sign that directs one's attention to a service, commodity, entertainment, or business offered on the premise where the sign is located

Sign Permit
A permit issued by the administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Political
A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable (Mobile Marquee)
A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.