

**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 health 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.

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.

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