# BOARD OF ADJUSTMENTS
# AGENDA

# JANUARY 10, 2013

# Currituck County
# Board of Adjustment Agenda

## *Historic Currituck County Courthouse*

**Date: January 10, 2013**
**Time: 7:30 P.M.**

| | |
|---|---|
| 7:30 p.m. | Call to Order |
| Item 1 | Roll Call |
| Item 2 | Election of Officers<br>• Chairman<br>• Vice Chairman |
| Item 3 | Approval of November 8, 2012 minutes |
| Item 4 | **BOA 13-1 NTELOS:** Conditional use permit to allow a telecommunications tower more than 50 feet located at 702 Northwest Backwoods Road, Tax Map 3, Parcel 1A, Moyock Township. |
| Item 5 | **BOA 13-2 WORLD MOTORS LLC:** Conditional use permit to allow automobile sales & rental located at 1383 Caratoke Hwy, Tax Map 23, Parcel 10, Moyock Township. |
| Item 6 | **BOA 13-3 RICHARD COULTIER:** Variance request for a reduction to the minimum lot size, the minimum lot width, and the right-of-way requirements. The property is lot 8 in the Lewark-Bender Subdivision, Tax Map 101B, Parcel 8, Fruitville Outer Banks Township. |
| Item 7 | Old Business |
| Item 8 | Adjournment |

# CURRITUCK COUNTY
# BOARD OF ADJUSTMENT REGULAR MEETING
November 8, 2012

## REGULAR MEETING

The Currituck County Board of Adjustment met on November 8, 2012 at 7:30 p.m. in the Historic Currituck County Courthouse. The following members were present: Bryan Bass, David Palmer, Christian Conner, Cameron Tabor, and Michael Painter. The following member was absent: Theresa Dozier and Vivian Simpson. Brad Schuler, Planner; Stacey Smith, Code Enforcement Officer; and Ike McRee, Board of Adjustment Attorney; were also present.

Mr. Bass called the meeting to order and announced a quorum have been met with three regular members and two alternate members.

## APPROVAL OF JULY 12, 2012, 2012 MINUTES

Mr. David Palmer motioned to approve the July 12, 2012 minutes with no changes. Mr. Christian Connor seconded the motion and the motion passed unanimously.

**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.

Mr. Terry Wethington, Mr. Derek Dail, Mrs. Stacey Smith and Mr. Brad Schuler appeared before the board and were sworn in.

Mr. Schuler presented the following case to the Board:

To: Board of Adjustment

From: Brad Schuler, Planner I

Date: November 1, 2012

Subject: The Lampe Company CUP Extension

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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.

There are no changes proposed in the extension request.

## DISCUSSION

David Palmer asked if the applicant had 5 percent of cost of the permit completed.

Brad Schuler stated they have not submitted any evidence that they have met the 5 percent to be vested for their permit.

Terry Wethington stated he thought he had until December 31st to have 5 percent done and have recently applied for permits and in hopes to start by October 1. We were required to go back through TRC again, which has delayed applying for the building permits.

Brad Schuler stated that they were required to go back to TRC to get the final approval, which was a requirement of their permit.

Terry Wethington just received that approved plan tonight and are ready to start construction and is prepared to spend the 5 % by the December 31st deadline. He does not want to push the local contractors to get it done as there are two major holidays and when rushed contractors make mistakes. However, he is ready to start with the full project.

David Palmer asked if they were going forward with the full project.

Terry Wethington stated they were as they have a lot of money invested in this project and they are committed to this project. We do not develop to sell; we develop to manage it ourselves, as that is our business

Derek Dail with Quible stated that he is here to answer any questions the board may have about the project.

**ACTION**

David Palmer motioned to extend the permit. Christian Conner 2nd that motion. Motion carried unanimously.

**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.

Mr. Thomas Wright, Mr. Jerry Wright and Mr. Dennis Anderson appeared before the board and were sworn in.

Mrs. Smith presented the following case to the board:

**To:** Board of Adjustment

**From:** Planning Staff

**Date:** October 31, 2012

**Re:** BOA 12-15 CO Partners of Jarvisburg

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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

## DISCUSSION

David Palmer made mention of the note on permit application "for illustration purposes only" on the construction drawings

Jerry Wright provided an overview of the history of the Mud Park. He felt the notice of violation should have gone to the Muddy Motor Sports and not CO Partners of Jarvisburg. He also wanted to know which commissioner this complaint came from.

Ike McRee stated that there is written documentation in the file and the files are public record.

Stacey Smith stated that the complaint was giving to the commissioners during the Terry Miles sign request along with three others during a BOC meeting.

Jerry Wright stated that the staff had determined the signs were off-premise. Ask staff to read signs.

Stacey Smith reads the whole signs.

Jerry Wright stated that the signs do not state location of Cam2. They are an activity of the park and Hall Automotive provides cash incentives. No place on the sign does it direct you to different locations. UDO never envisioned with these type of uses.

Bryan Bass summarizes: 1. violation should not have be cited to Co Partnership but to Muddy Motor Sports. 2. Signs are sponsors of the event.

Jerry Wright stated that outdoor advertising is the most effective advertising in the County. Biggest problem is most people cannot afford them.

Cameron Tabor asked if they have been receiving any fines.

Jerry Wright stated no as we appealed. If ruled against Dennis will have to take down sign soon or face fines of up to $500 a day.

Mike Painter asked whom the permit was issued to.

Stacey Smith stated that the building permit was issued to Dennis Anderson Muddy Motor Sports Park.

Stacey Smith quoted the section of the UDO where it speaks of persons liable for the violation. We always send violations to property owner.

Bryan Bass does the sign change if sponsor changes?

Dennis Anderson sign stays the same. He gave an overview of how the park is run.

Bryan Bass asked who paid for the skins for the sign.

Dennis Anderson stated that Hall Automotive and Cam2 paid for the signs and gives me products. He paid to have the signs built.

Chris Conner asked how long up have the signs been up.

Dennis Anderson stated that the signs have been up since about April of this year.

Christian Connor asked what was up before these signs.

Dennis Anderson stated no signs other then the little sign with just the name on it.

David Palmer asked Mr. Anderson is it correct that Cam2 gives you product and you give to participants.

Dennis Anderson answered yes they do.

David Palmer stated he thinks that in this case it is in fact part of operation.

Bryan Bass asked what relation Hall has in the operation.

Dennis Anderson stated that Hall Automotive sponsors a truck that he drives and pays the purse for the winners.

David Palmer asked if the sponsoring is on all the time.

Dennis Anderson answered, yes they do.

David Palmer asked Ike McRee for an interpretation.

Ike McRee advised the board to refer to the UDO

Cameron Tabor stated that the UDO does not say you have to sell it

**ACTION**

David Palmer motioned to overturn the administrator's decision as the signs stated sponsorship not location. Michael Painter 2nd the motion. Motion carried unanimously.

**ADJOURNMENT**

There being no further business to discuss Mr. Cameron Tabor motioned for adjournment. Mr. Christian Conner seconded the motion and the motion passed unanimously. The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

*Stacey Smith*
Code Enforcement Officer

DRAFT

# BOARD OF ADJUSTMENT CASE ANALYSIS

| | |
|---|---|
| Meeting Date: | January 10, 2013 |
| Case Number: | BOA 13-01 |
| Applicant: | Richmond 20MHz, LLC. (dba Ntelos) |
| Property Owner: | Vernon P. Garrett, III |
| PIN: | 0003-000-001A-0000 |
| Address: | 702 Northwest Backwoods Road (proposed) |
| Zoning District: | Agricultural (A) |
| Township: | Moyock |

**Request**

Conditional use permit to allow a 199 foot telecommunications tower in the Agricultural (A) zoning district, pursuant to the Table of Permissible Uses of the Currituck County Unified Development Ordinance.

**Application reviewed under the Unified Development Ordinance adopted and effective on September 4, 2007 (1989 UDO), and amended through the date of application, November 21, 2012.*

**Narrative**

1. The 199 foot monopole tower will be within a 75' x 75' lease area approximately 940 feet from the front property line.

2. The tower and supporting ground equipment will be surrounded by an eight foot security fence within the leased area.

3. The tower will be accessed by a 12' gravel road.

4. The tower itself will provide four antenna array and co-location opportunities.

**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. The conditions proposed 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 of the tower is surrounded by wooded area and farmland. The use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.

2. The surrounding land uses include:

| | | | |
|---|---|---|---|
| a. | North: | Undeveloped | Zoning District: A |
| b. | South: | Undeveloped | Zoning District: A |
| c. | East: | Undeveloped | Zoning District: A |
| d. | West: | Undeveloped | Zoning District: A |

**(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 Rural within the Moyock subarea. The Rural classification emphasizes low-density development and preservation of agricultural areas.

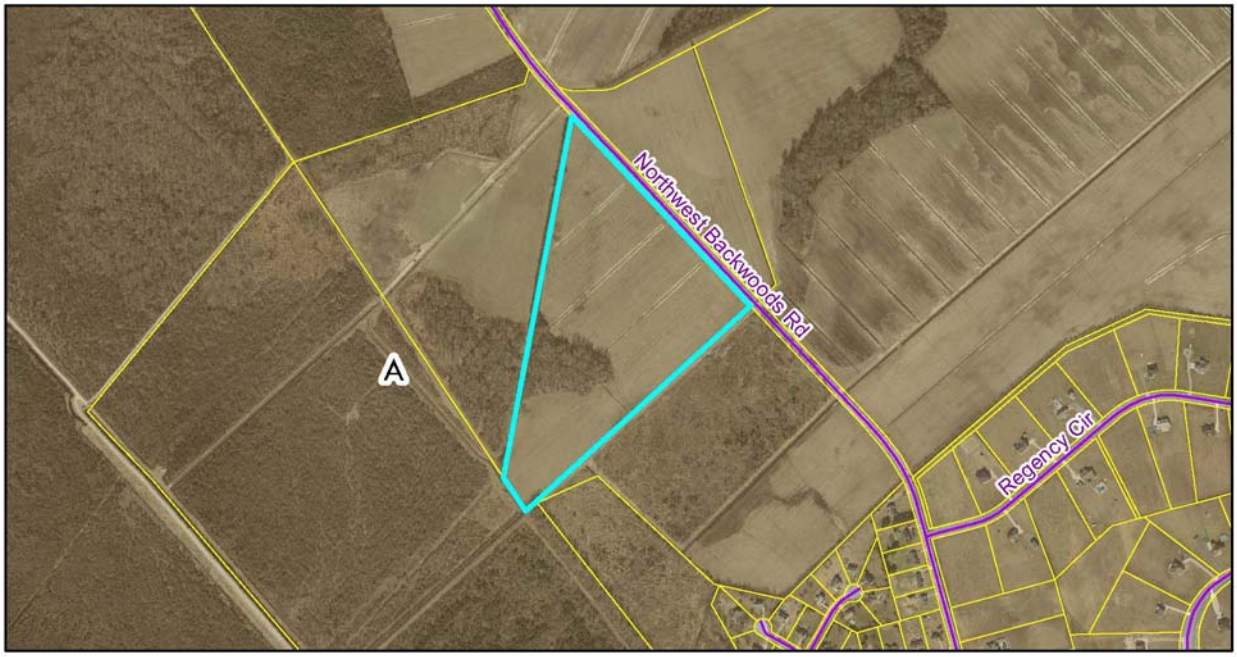
**(g) The conditional use will not exceed the county's ability to provide adequate public facilities.**

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

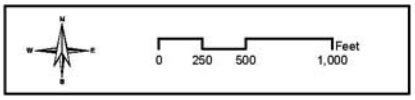
**TRC/Staff Recommendation:**

The Technical Review Committee and staff recommend **approval** of this request subject to the findings of fact as presented above and the following conditions:

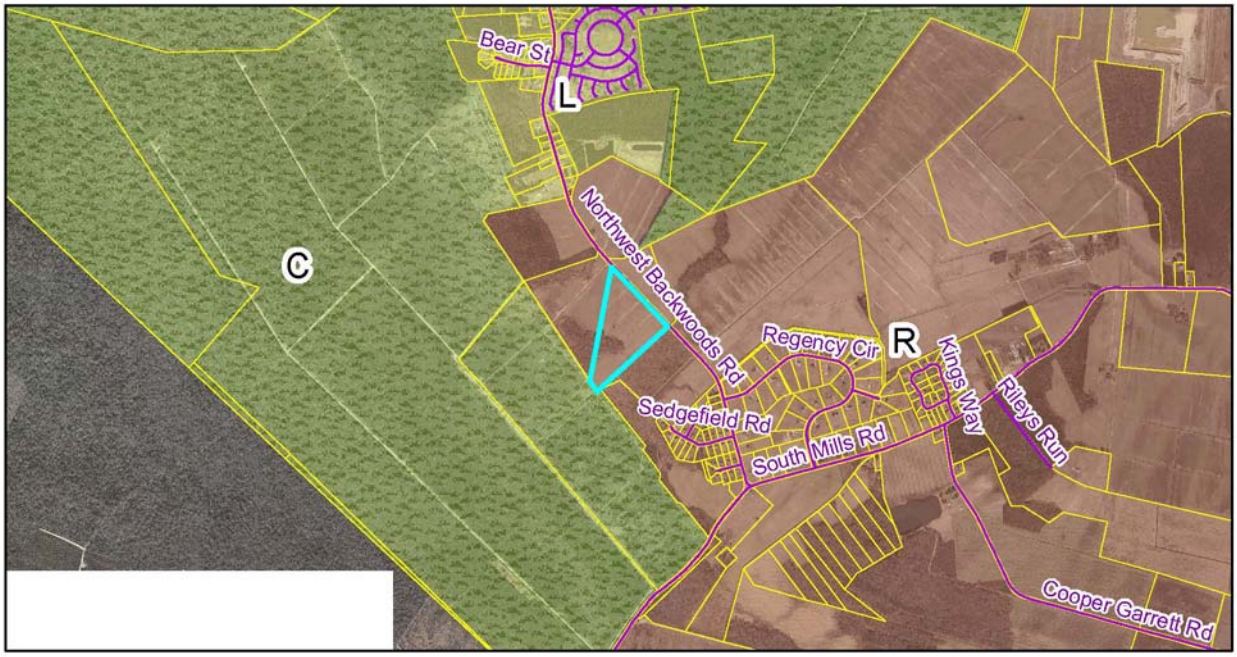
1. A 10 foot buffer of the existing vegetation shall be preserved around the perimeter of the facility or adequate landscaping be installed to screen the facility from surrounding properties; provided however, that vegetation that causes interference with the antennas or inhibits access to the facility may be trimmed or removed.
2. Prior to issuance of building permit, the applicable NCDENR stormwater permit shall be submitted to the Planning and Community Development Department.



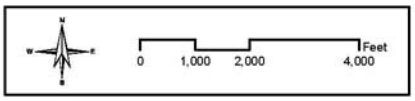

BOA 13-01
Ntelos - CUP
Zoning




Currituck County
Planning & Community
Development




BOA 13-01
Ntelos - CUP
LUP




Currituck County
Planning & Community
Development

# Conditional Use Permit

## Review Process

### Contact Information

Currituck County
Planning Department
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026
Website: http://www.co.currituck.nc.us/Planning.cfm

### Step 1 Pre-application Meeting

The applicant must schedule a pre-submittal meeting with county staff to discuss the use, preliminary assessments regarding the proposed use and the adopted ordinance and plans, and process.

### Step 2 Application Submittal

The applicant must submit a complete application packet on or before the application submittal date. A complete application packet consists of the following:

- Completed Currituck County Conditional Use Permit Application.
- Application Fee ($150).
- A narrative explaining the proposed use, description of any processes to be utilized, equipment used as part of the operation, proposed days/hours of operation, and any information which will be useful in considering this application.
- An accurate site plan of the property drawn to scale (1"=50') in a professional like manner, unless waived by the administrator. The site plan shall include the following:
  - General information including, but not limited to: vicinity sketch; north arrow; engineering scale ratio; acreage; title of the development; date of the plan; gross floor area of all buildings; name and address of owner/developer and person or firm preparing the plan; and zoning setback lines.
  - Location(s), dimension(s), and arrangement of all: vehicular entrances, exits, drives and fire lanes; automobile parking spaces, width of aisles and bays, angle of parking and number of spaces; truck unloading docks, ramps and spaces; refuse collection (dumpster) container space(s); building(s) with exterior dimensions; fences, walls, docks, ramps, pools, patios, and surface areas; water tap(s) denoting size(s) of line(s) or well area; sewer tap(s) denoting size(s) of lines or septic system location, including repair area; electrical service connection(s); existing and proposed fire hydrant; easements and rights-of-way; size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public rights-of-way and easements.
  - Drainage plan, including a drainage narrative with calculations, site surface drainage, pipe size, yard drains, catch basins, curb inlets, and topographic plan that indicates location and elevation changes above or below natural grade (shown in one foot intervals) within the past six months and contains the following certificate:

    I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede

the natural flow of water from higher or adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.
Date:_____ Owner/Agent:_____

- Curb and gutter alignment, including street widening and storm drainage, if necessary.
- Bufferyard/Landscape plan, including the following information:
  - Existing and proposed buildings, drives, parking areas, exterior storage areas, dumpsters, stormwater detention areas (if applicable) and accessory structures;
  - All existing and proposed planting areas and vegetation that will be used to comply with the bufferyard requirements, including the species, height, caliper (for single stem trees only) and spacing of all vegetation;
  - Existing and proposed physical barriers to be used to comply with the bufferyard requirements;
  - All surrounding existing land uses; and,
  - Adjoining property lines and names and address of adjoining property owners.
- Site distance triangles of 10' x 70' shall be indicated at the intersection of all public right-of-way lines, and site distance triangles of 10' x 35' shall be indicated at the intersection of a right-of-way and driveway.
- Comparison of how the proposed development relates to the maritime forest guide, if applicable.
- The flood zone(s), including boundary lines and finished floor elevations, where applicable.
- A lighting plan compliant with the Currituck County Unified Development Ordinance.
- A copy of an executed NCDOT Street and Driveway Access Permit Application and Encroachment Agreement, if necessary.
- Any additional information as may be required by the reviewing agents.
- NCDENR, DWQ, stormwater permit application for projects with 10,000 square feet or more of built upon area proposed.
- NCDENR, Land Quality, Erosion and Sedimentation Control permit application for projects with one acre or more of land disturbance proposed.
- Number of Copies Submitted
  5 Copies of conceptual site plans
  5 Hard copies of ALL documents
  1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

NOTE: NCDENR PERMITS AND APPROVED PLANS ARE REQUIRED PRIOR TO BUILDING PERMIT APPLICATION OR COMMENCEMENT OF PROPOSED USE IF A BUILDING PERMIT IS NOT REQUIRED.

## Step 3 Technical Review Committee Review and Recommendation

The planning staff will submit the plan to the TRC and prepare a written report that will include any outstanding concerns with the proposed request or layout of the plan. After the TRC meeting, the planning staff will prepare the staff report and recommendation. A copy of the report will be provided to the applicant in advance of the Board of Adjustment meeting.

## Step 4 Adjoining Property Owner Notification

It is the planning staff's responsibility to mail a notice to all adjacent property owners within 200 feet of the subject property at least 10 days but not more than 25 days prior to the Board of Adjustment meeting date.

## Step 5 Board of Adjustment Meeting

The Planning staff will present the request to the Board of Adjustment. The applicant must attend the Board of Adjustment meeting to answer any questions the board or public may have about the proposed project. The Board of Adjustment shall conduct a quasi-judicial hearing that is subject to procedural rules set forth by the courts, including the requirement of a formal evidentiary hearing, and may require reasonable and appropriate conditions be attached to the approval of the application. Such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffers, phasing of development, infrastructure improvements, and other matters that the board may find appropriate or the applicant may propose. The Board may approve or deny the permit, or the board may continue the hearing until a subsequent meeting.

# Conditional Use Permit
Application

OFFICIAL USE ONLY:
Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

## Contact Information

APPLICANT:
Name: Richmond 20MHz, L.L.C. (dba Ntelos)
Address: 5501 Boulder View Dr. Ste 600
Richmond, VA 23225
Telephone: 804-327-5462
Fax Number: 804-327-5491
E-Mail Address: cornellm@ntelos.com

PROPERTY OWNER:
Name: Vernon P. Garrett, III
Address: 552 South Mills Rd.
Moyock, NC 27958
Telephone: 252-435-1173
Fax Number: 252-435-6054
E-Mail Address: garrettrealestate66@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

## Property Information

Physical Street Address: Backwoods Road, Moyock, NC 27958
Location: Backwoods Road
Parcel Identification Number(s): 0003000001A000
Total Parcel(s) Acreage: 34.34 acres
Existing Land Use of Property: farming

## Request

Proposed Use of the Property: Wireless Communication Facility
Total square footage of land disturbance activity: 27,593 sq. ft. (lease area 5,625 sq. ft.)
Total lot coverage: 34.34 acres
Total vehicular area: easement
Existing gross floor area: n/a
Proposed gross floor area: n/a

Purpose of Conditional Use Permit and Project Narrative:
(see attached)

The applicant shall provide a response to the each one of the following issues. The Board of Adjustment must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Adjustment to issue the conditional use permit.

A. The use will not materially endanger the public health or safety.

A passive use with facility within a fenced area.

B. The use will not substantially injure the value of adjoining or abutting property.

Located within a treed area on a large parcel and provides needed wireless communication coverage to surrounding area.

C. The use will be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible).

Passive use produces no annoying light, odor or noise.

D. The use will be in general conformity with the Land Use Plan or other plan officially adopted by the board.

Yes.

E The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, and law enforcement.

No impact.

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

Applicant

## Nature of Proposed Use

The proposed use is for a wireless communication facility, including a tower 195 feet in height with a 4 foot lightning rod and supporting ground equipment. The leased area for the tower and supporting equipment shall be 75 feet by 75 feet. This is a passive use with no onsite employees. A technical or maintenance person may visit the site periodically. There will be no adverse aspects to the use; noise, light and vehicular activity will be minimal. The site will be located within an existing treed area as shown on the attached plan and this vegetation will shield the base equipment from view. Utilities and access to the site will be by an easement as shown on the attached site plan. Because of the nature of the proposed use, there will be no adverse traffic impact at the site. The proposed use will produce minimal drainage issues. The site is not located in a drainage sensitive area and no significant offsite drainage concerns will be generated by this use. All site design issues are addressed on the attached site plan. There will be no need for water or sewer service to the site. There will be sufficient space on the tower for at least 2 other users.

## Glenn Hampton

**From:** Cornell, Marc [cornellm@ntelos.com]
**Sent:** Tuesday, November 20, 2012 10:17 AM
**To:** Glenn Hampton
**Subject:** Agent Authorization

Richmond 20MHz, LLC, d.b.a. NTELOS (Applicant), hereby authorizes Glenn Hampton of Bowman Green Hampton & Kelly PLLC as its agent for the purposes of signing any and all applications and documents needed for a conditional use permit from Currituck County, NC.

Marc Cornell | Site Development Manager
7501 Boulders View Drive, Suite 600, Richmond VA 23225
Office: (804) 327-5462 | Mobile: (804) 218-5462 | cornellm@ntelos.com

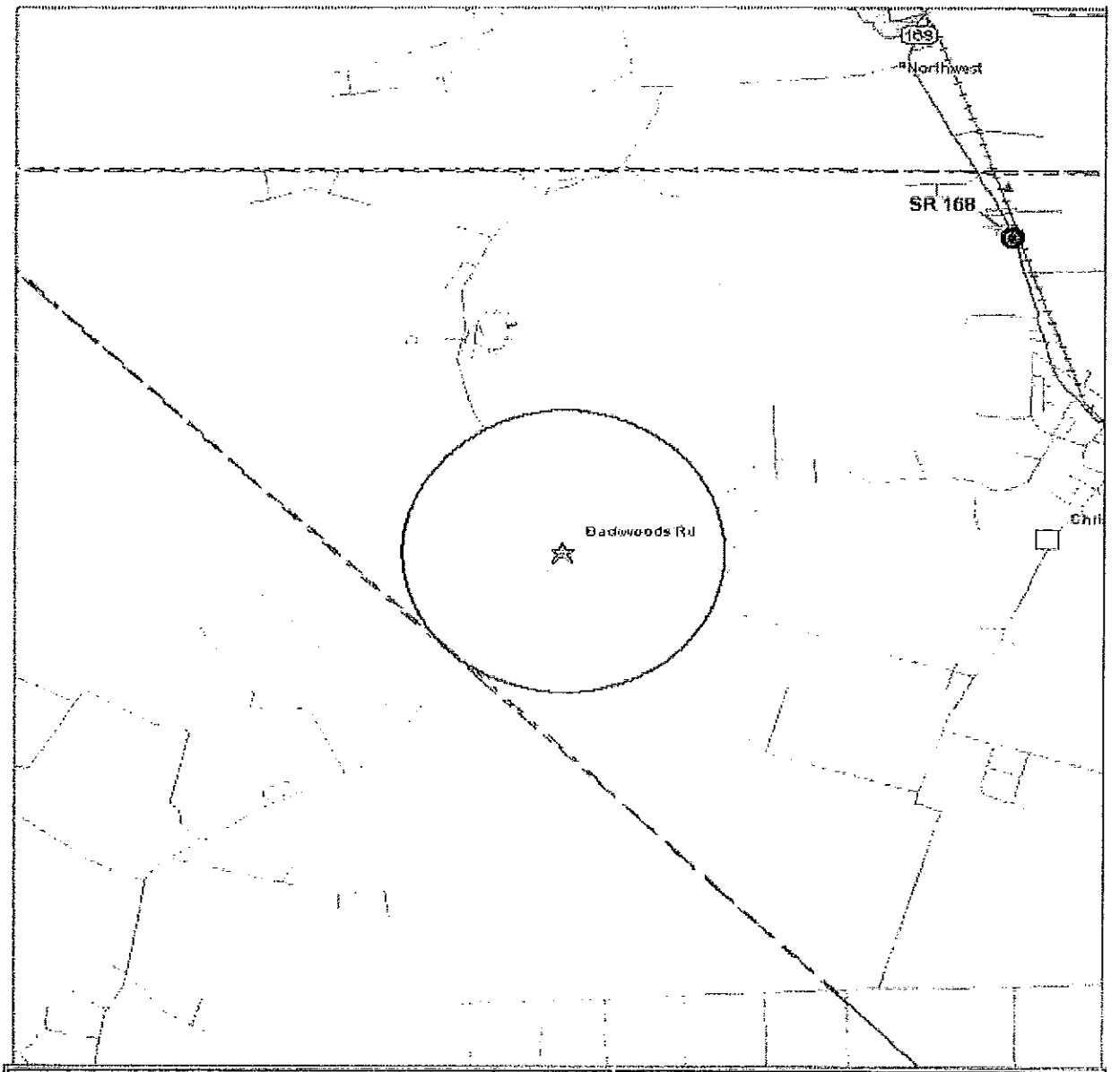
nTelos wireless

WE INSPIRE LOYALTY.

## Co-location Investigation

In determining that this site was the best available to meet its needs, NTelos examined all existing towers, structures or other co-location possibilities in the surrounding area. None were available within the search ring that had been established for this coverage. To further demonstrate this, we have attached a site plan indicating the site design parameters and the locations of structures within or close enough to the search ring to provide an alternative.

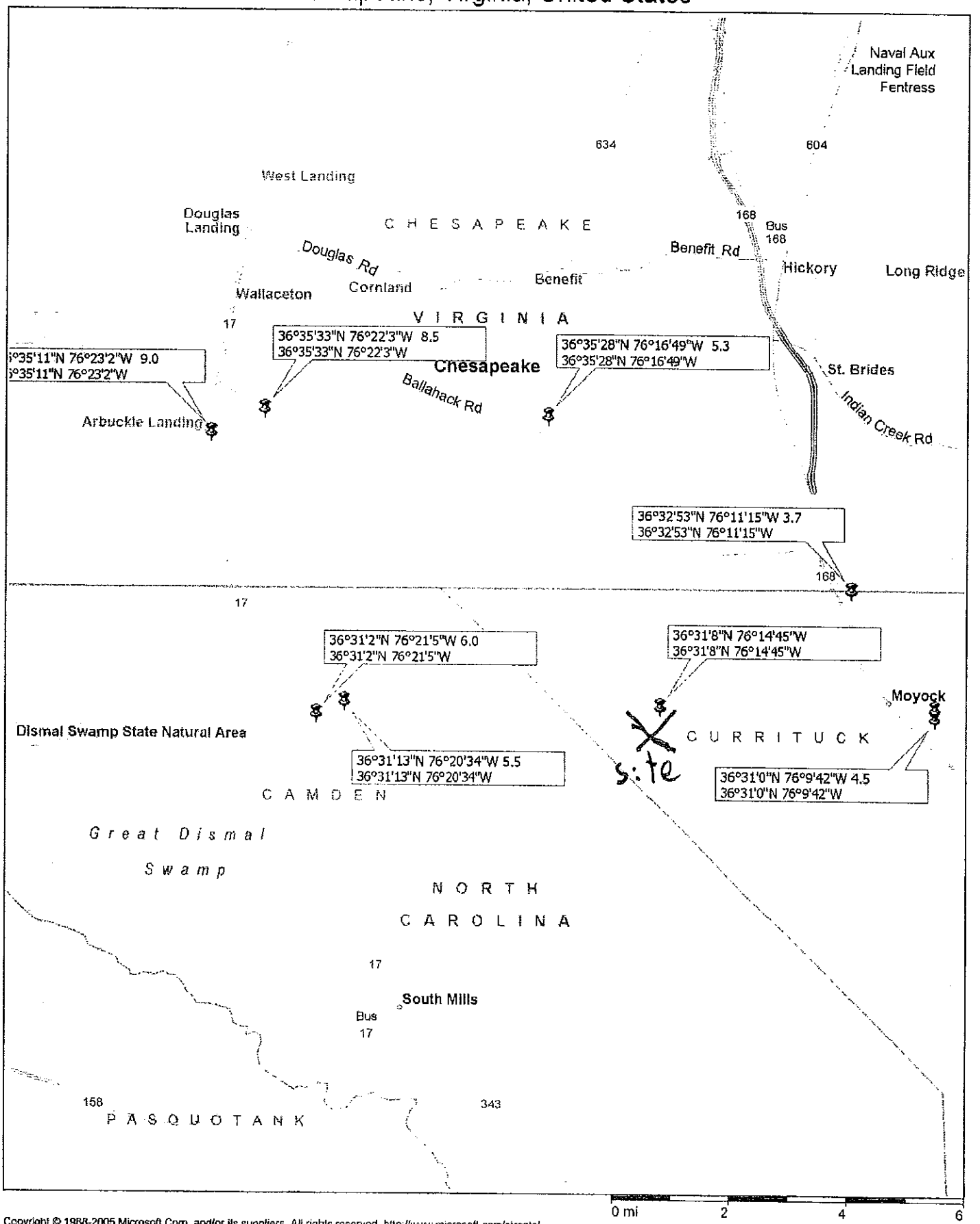
# NR7311 Backwoods Road




| SITE DESIGN PARAMETERS | | NAME: | Backwoods Road |
|---|---|---|---|
| Engineer: Chris Sahr | | Site ID: | NR7311 |
| Latitude | 36.5115 | Market | Norfolk |
| Longitude | -76.2391 | County | Pasquotank |
| Radiation Center | 180' | Map Name | Delorme |
| Ground Elevation | 15' | Release Date | 5/22/2006 |
| | | Priority | 2010 |

**Site Objectives:** Provide service in a currently uncovered area of Elizabeth City, NC

# Chesapeake, Virginia, United States

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© 2004 NAVTEQ. All rights reserved. This data includes information taken with permission from Canadian authorities © Her Majesty the Queen in Right of Canada. © Copyright 2004 by TeleAtlas North America, Inc. All rights reserved.

## Co-location Opportunities

Owner and Applicant agree to allow and reasonably market co-location opportunities on the Monopole and at this site.

## Lighting

The Monopole is not intended to have lighting installed. In the event lighting the Monopole is deemed necessary, it will be done so as to meet all applicable requirements, including those set forth in Section 3.10.7.4.H of the UDO.

# BACKWOODS ROAD
# NR-7311

## 702 NW BACKWOODS ROAD
## MOYOCK, NC 27958

## CONSTRUCTION OF A NEW 195' MONOPOLE TOWER

PROPERTY OWNER: _____ _____

NTELOS RF ENGINEER: _____ _____

NTELOS CONSTRUCTION MANAGER: _____ _____

NTELOS OPERATIONS MANAGER: _____ _____

SITE ACQUISITION MANAGER: _____ _____

SIGNATURE (REQUIRED BY DEPARTMENTS) — DATE

SIGNATURE BLOCK


nTelos
7501 BOULDER VIEW DRIVE
SUITE 600
RICHMOND, VA 23225


SITE NAME: BACKWOODS ROAD

SITE NUMBER: NR-7311

SITE ADDRESS: 702 NW BACKWOODS ROAD MOYOCK, NC 27958

AREA: LEASE AREA = 5,625 SQ. FT.

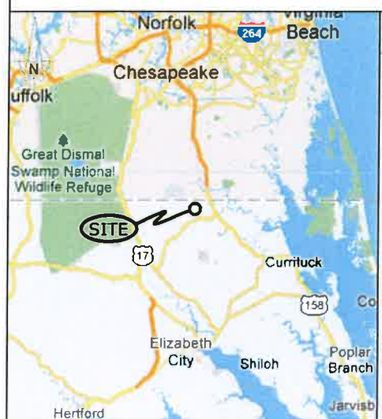
PROPERTY OWNER: VERNON PAUL GARRETT, III
DEED BOOK 1183, PG 338
34.34 ACRES
PID: 0003000001A0000

COUNTY: CURRITUCK

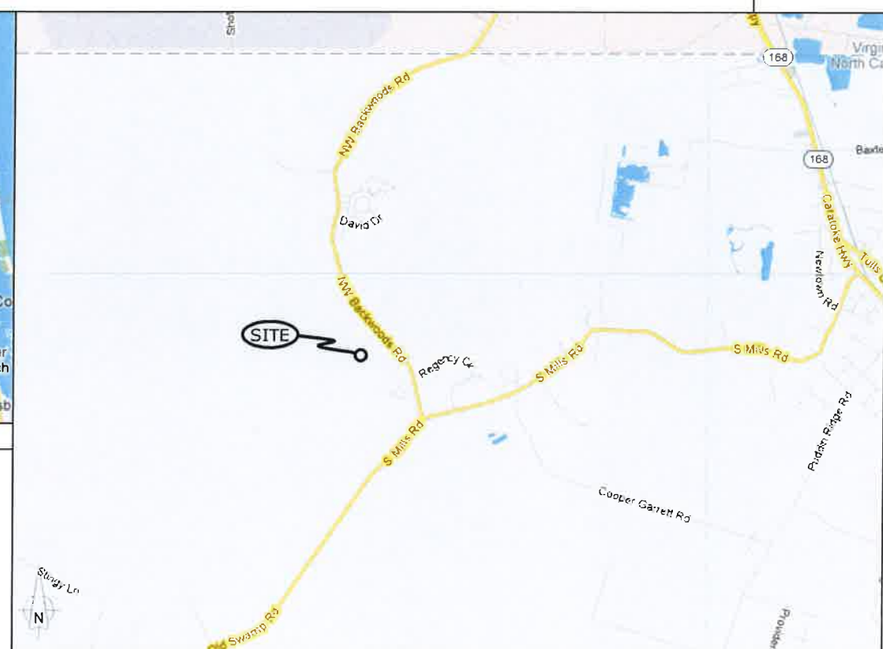
LATITUDE: 36° 31' 07.59" N

LONGITUDE: 76° 14' 48.32" W

| NO. | REVISION/ISSUE | DATE |
|---|---|---|
| 1 | ZONING DRAWINGS | 11/16/12 |
| 2 | COUNTY COMMENTS | 12/18/12 |
| | | |
| | | |
| | | |




AREA MAP




VICINITY MAP

**BOA 13-01 Ntelos CUP**
**Plan**
**15 of 23**

*CONSTRUCTION OF A NEW 195' MONOPOLE TOWER WITH ASSOCIATED OUTDOOR EQUIPMENT WITHIN A NEW FENCED COMPOUND. NEW UTILITY RUNS TO SITE.*

PROJECT DESCRIPTION

### SITE DIRECTIONS

*FROM RICHMOND, VA: TAKE I-64 E TOWARD NORFOLK. TAKE EXIT 291B FOR I-464 S/VA-168 S TOWARD US-17 S/ELIZABETH CITY/OUTER BANKS. CONTINUE ON VA-168 S FOR 15.1 MILES AND TURN RIGHT ONTO OLD BATTLEFIELD BLVD. TAKE THE FIRST RIGHT ONTO BALLAHACK ROAD. TRAVEL 1.5 MILES AND TAKE A SLIGHT LEFT ONTO BACKWOODS ROAD. TRAVEL APPROXIMATELY 3.4 MILES TO EXISTING DRIVEWAY ON RIGHT. DRIVEWAY IS PRIOR TO REGENCY CIRCLE INTERSECTION.*

DIRECTIONS TO SITE

**SITE NAME**
*BACKWOODS ROAD*

**SITE NUMBER**
*NR-7311*

**SITE ADDRESS**
*702 NW BACKWOODS ROAD*
*MOYOCK, NC 27958*

**PROPERTY OWNER**
*VERNON PAUL GARRETT, III*
*552 SOUTH MILLS ROAD*
*MOYOCK, NC 27958*
*PID: 0003000001A0000*
*ZONED: A*

**SITE DATA**
*NAD 83 LATITUDE – N 36° 31' 07.59"*
*NAD 83 LONGITUDE – W 76° 14' 48.32"*
*ELEVATION – 16.2'*
*FLOOD ZONE "X"*

**LEASE AREA**
*5,625 SQUARE FEET*

**JURISDICTION**
*CURRITUCK COUNTY, NC*

**DISTURBED AREA**
*0.63 ACRES*

**BUILDING FLOOR AREA**
*N/A*

**CONTACTS**

*nTELOS (CONSTRUCTION)*
*ANDREW WALLACE*
*(804) 247-3898 – PHONE*

*nTELOS (LEASING)*
*MARC CORNELL*
*(804) 927-5462 – PHONE*
*(804) 327-5491 – FAX*

*TIMMONS GROUP (ENGINEER)*
*BRIAN CRUTCHFIELD, PE*
*(804) 541-6600 – PHONE*
*(804) 458-1511 – FAX*

PROJECT INFORMATION


| | | |
|---|---|---|
| SHEET | T-1 | TITLE SHEET |
| SHEET | C-1 | OVERALL SITE PLAN |
| SHEET | C-2 | EXISTING CONDITIONS |
| SHEET | C-3 | PROPOSED SITE PLAN |
| SHEET | C-4 | GRADING & EROSION CONTROL PLAN |
| SHEET | C-5 | GRADING & EROSION CONTROL PLAN |
| SHEET | C-6 | GRADING & EROSION CONTROL PLAN |
| SHEET | C-7 | TOWER ELEVATION |
| SHEET | D-1 | GENERAL NOTES |


SHEET INDEX

**POLICE/FIRE/RESCUE**
*911*

**ELECTRIC POWER**
*DOMINION VIRGINIA POWER*
*CONTACT: CUSTOMER SERVICE*
*PHONE#: 1-866-366-4357*

**TELEPHONE**
*CENTURYLINK*
*CONTACT: CUSTOMER SERVICE*
*PHONE#: 866-706-8592*

**nTELOS NOC**
*(540) 941-4800 – PHONE*

EMERGENCY AND UTILITY CONTACTS

SEAL 34288 — BRIAN V. CRUTCHFIELD — ENGINEER


TIMMONS GROUP
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VIRGINIA | NORTH CAROLINA
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Prince George, VA 23875
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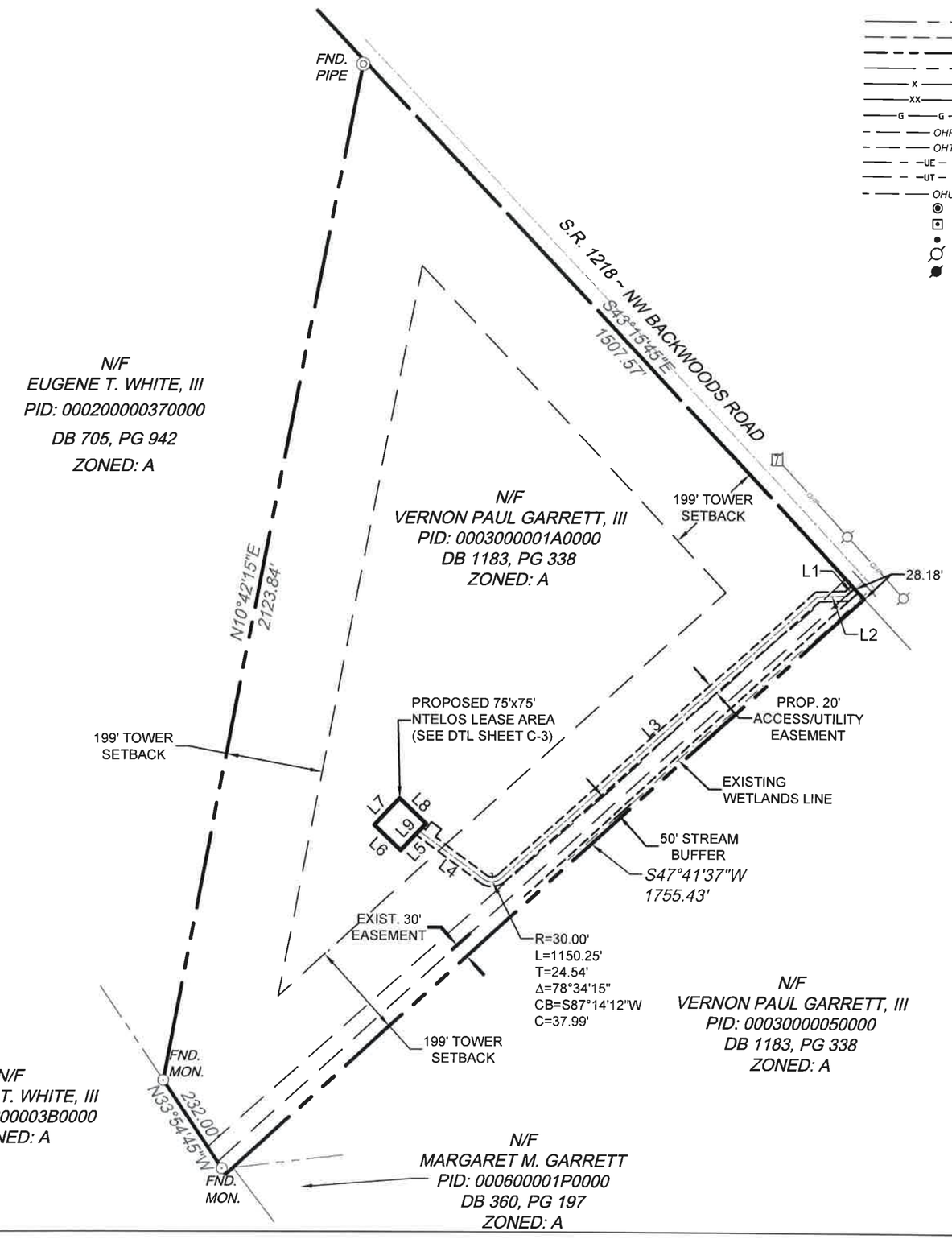
TG PROJECT # 32795

TITLE SHEET — SHEET T-1

NORTH MERIDIAN REFERENCED TO NC STATE PLANE COORDINATE SYSTEM (NAD83)

NOTE: BEARING & DISTANCE INFORMATION TAKEN FROM FIELD SURVEY BY TIMMONS GROUP ON 05-01-12.




**LEGEND**

- PROPERTY LINE
- TRACT LINE
- LEASE LINE
- ROW LINE
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- GAS LINE
- OVERHEAD POWER
- OVERHEAD TELEPHONE
- UNDERGROUND POWER
- UNDERGROUND TELCO.
- OVERHEAD UTILITY
- 5/8" REBAR W/CAP SET
- FOUND MONUMENTATION
- CALCULATED POINT
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE

OWNER CERTIFICATION

I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher or adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date:_____ Owner/Agent:_____

**BOA 13-01 Ntelos CUP**
**Plan**
**16 of 23**

GRAPHIC SCALE

250 125 0 250

1 INCH = 250 FEET

**LINE TABLE**

| LINE | LENGTH | BEARING |
|---|---|---|
| L1 | 21.62 | S47°18'35"W |
| L2 | 60.83 | S87°58'57"W |
| L3 | 862.93 | S47°57'05"W |
| L4 | 163.72 | N53°28'40"W |
| L5 | 54.03 | S43°29'52"W |
| L6 | 75.00 | N46°30'08"W |
| L7 | 75.00 | N43°29'52"E |
| L8 | 75.00 | S46°30'08"E |
| L9 | 75.00 | S43°29'52"W |

nTelos

7501 BOULDER VIEW DR, SUITE 600
RICHMOND, VA 23225

SITE NAME: BACKWOODS ROAD

SITE NUMBER: NR-7311

SITE ADDRESS: 702 NW BACKWOODS ROAD
MOYOCK, NC 27958

AREA: LEASE AREA = 5,625 SQ. FT.

PROPERTY OWNER:
VERNON PAUL GARRETT, III
DEED BOOK 1183, PG 338
34.34 ACRES
PID: 0003000001A0000

COUNTY: CURRITUCK

LATITUDE: 36° 31' 07.59" N

LONGITUDE: 76° 14' 48.32" W

| NO. | REVISION/ISSUE | DATE |
|---|---|---|
| 1 | ZONING DRAWINGS | 11/16/12 |
| 2 | COUNTY COMMENTS | 12/18/12 |
| | | |
| | | |
| | | |

NORTH CAROLINA PROFESSIONAL SEAL 34288 ENGINEER BRIAN V. CRUTCHFIELD
12-18-12

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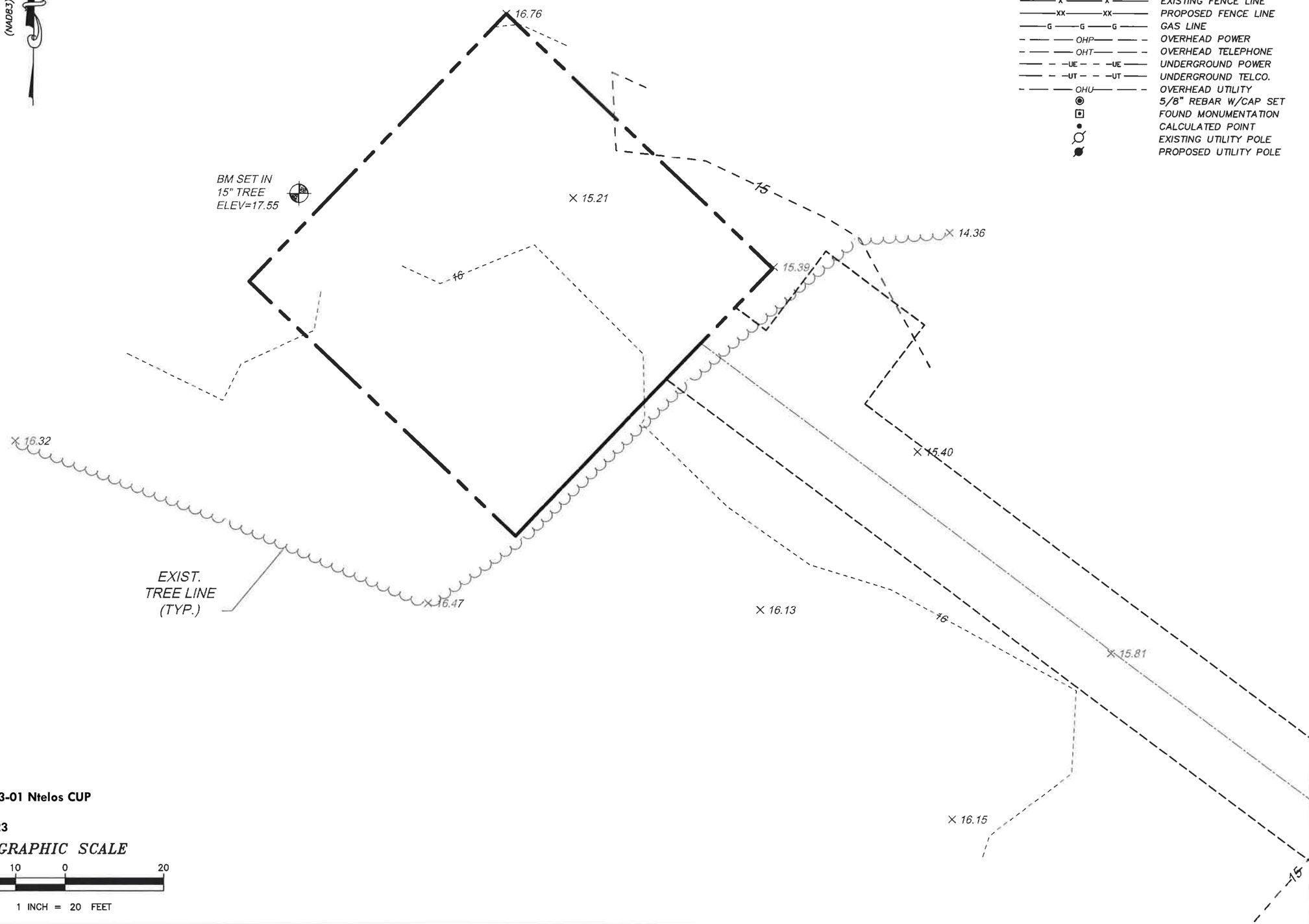
TG PROJECT # 32795

OVERALL SITE PLAN

SHEET C-1

NORTH MERIDIAN REFERENCED TO NC STATE PLANE COORDINATE SYSTEM (NAD83)




**LEGEND**

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- FOUND MONUMENTATION
- CALCULATED POINT
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE

**BOA 13-01 Ntelos CUP**
**Plan**
**17 of 23**

GRAPHIC SCALE

20 10 0 20

1 INCH = 20 FEET

nTelos

7501 BOULDER VIEW DR, SUITE 600
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12-18-12

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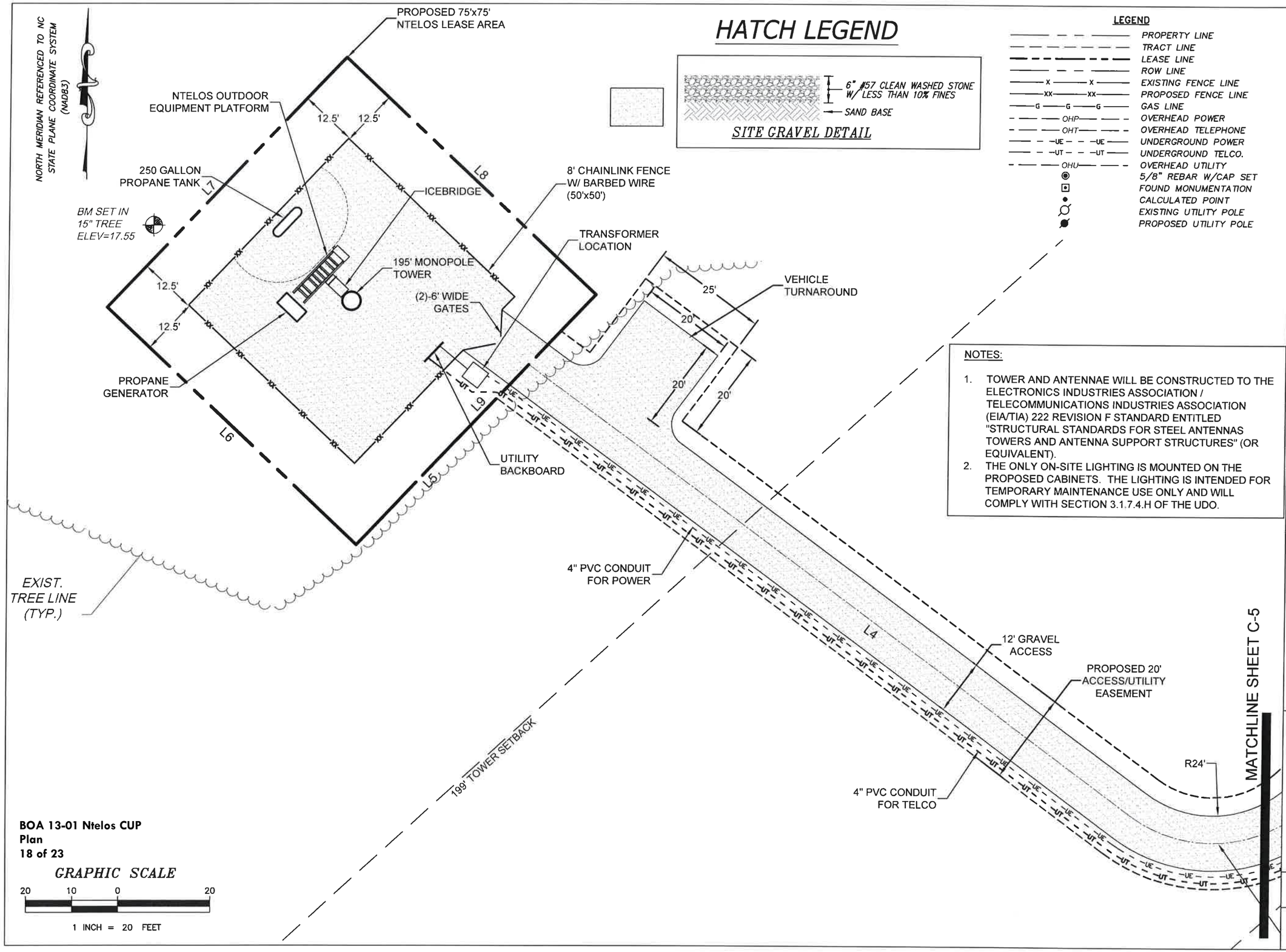
TG PROJECT # 32795

EXISTING CONDITIONS

SHEET C-2




NOTES:

1. TOWER AND ANTENNAE WILL BE CONSTRUCTED TO THE ELECTRONICS INDUSTRIES ASSOCIATION / TELECOMMUNICATIONS INDUSTRIES ASSOCIATION (EIA/TIA) 222 REVISION F STANDARD ENTITLED "STRUCTURAL STANDARDS FOR STEEL ANTENNAS TOWERS AND ANTENNA SUPPORT STRUCTURES" (OR EQUIVALENT).
2. THE ONLY ON-SITE LIGHTING IS MOUNTED ON THE PROPOSED CABINETS. THE LIGHTING IS INTENDED FOR TEMPORARY MAINTENANCE USE ONLY AND WILL COMPLY WITH SECTION 3.1.7.4.H OF THE UDO.

nTelos

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NORTH CAROLINA PROFESSIONAL SEAL 34288 ENGINEER BRIAN V. CRUTCHFIELD
12-18-12

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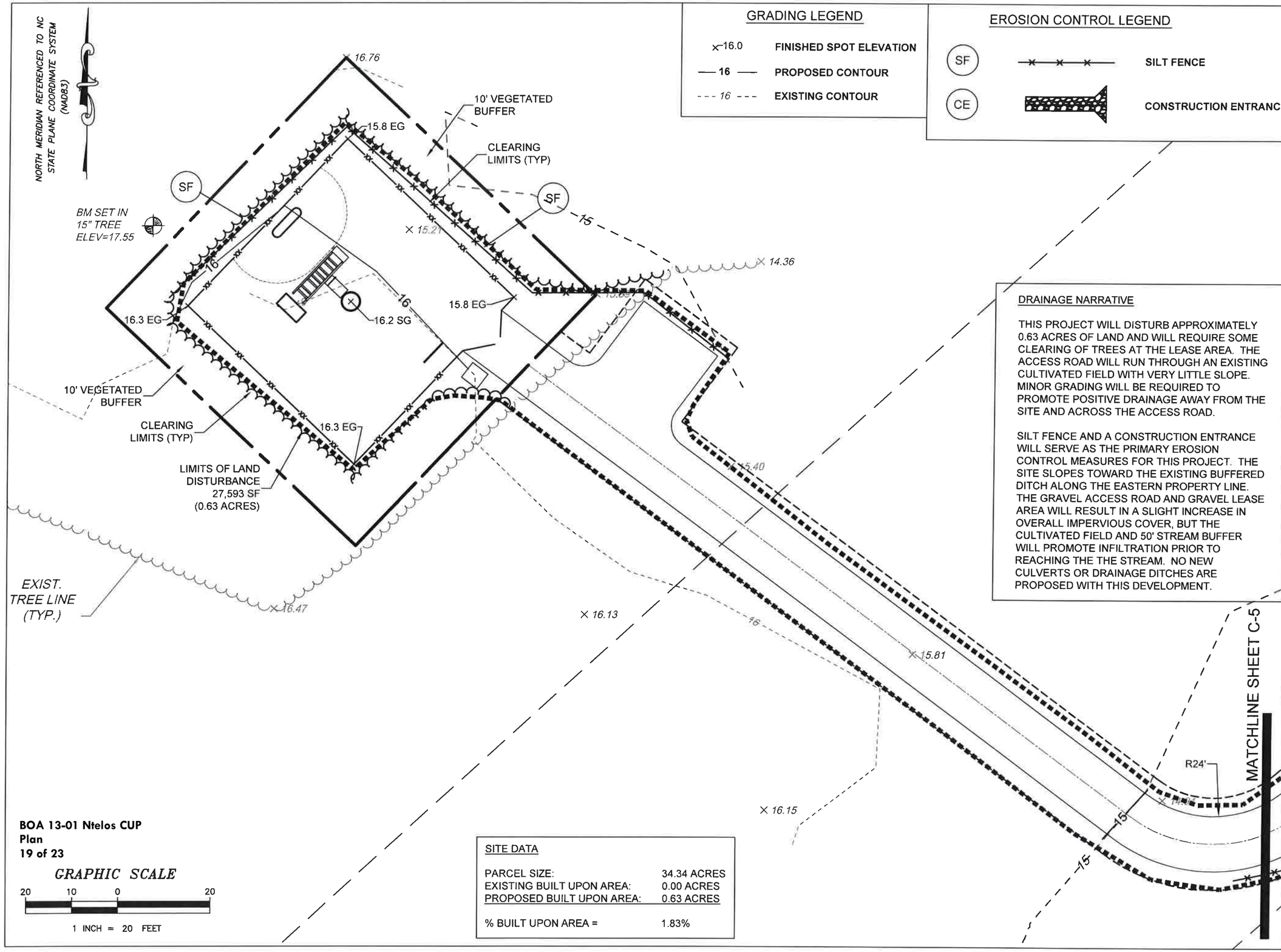
TG PROJECT # 32795

PROPOSED SITE PLAN

SHEET C-3




## GRADING LEGEND

| | |
|---|---|
| ×16.0 | FINISHED SPOT ELEVATION |
| —— 16 —— | PROPOSED CONTOUR |
| - - - 16 - - - | EXISTING CONTOUR |

## EROSION CONTROL LEGEND

| | |
|---|---|
| SF | SILT FENCE |
| CE | CONSTRUCTION ENTRANCE |

## DRAINAGE NARRATIVE

THIS PROJECT WILL DISTURB APPROXIMATELY 0.63 ACRES OF LAND AND WILL REQUIRE SOME CLEARING OF TREES AT THE LEASE AREA. THE ACCESS ROAD WILL RUN THROUGH AN EXISTING CULTIVATED FIELD WITH VERY LITTLE SLOPE. MINOR GRADING WILL BE REQUIRED TO PROMOTE POSITIVE DRAINAGE AWAY FROM THE SITE AND ACROSS THE ACCESS ROAD.

SILT FENCE AND A CONSTRUCTION ENTRANCE WILL SERVE AS THE PRIMARY EROSION CONTROL MEASURES FOR THIS PROJECT. THE SITE SLOPES TOWARD THE EXISTING BUFFERED DITCH ALONG THE EASTERN PROPERTY LINE. THE GRAVEL ACCESS ROAD AND GRAVEL LEASE AREA WILL RESULT IN A SLIGHT INCREASE IN OVERALL IMPERVIOUS COVER, BUT THE CULTIVATED FIELD AND 50' STREAM BUFFER WILL PROMOTE INFILTRATION PRIOR TO REACHING THE THE STREAM. NO NEW CULVERTS OR DRAINAGE DITCHES ARE PROPOSED WITH THIS DEVELOPMENT.

## SITE DATA

| | |
|---|---|
| PARCEL SIZE: | 34.34 ACRES |
| EXISTING BUILT UPON AREA: | 0.00 ACRES |
| PROPOSED BUILT UPON AREA: | 0.63 ACRES |
| % BUILT UPON AREA = | 1.83% |

**BOA 13-01 Ntelos CUP**
**Plan**
**19 of 23**

GRAPHIC SCALE

20 10 0 20

1 INCH = 20 FEET

nTelos

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NORTH CAROLINA PROFESSIONAL SEAL 34288 ENGINEER BRIAN V. CRUTCHFIELD
12-18-12

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TG PROJECT # 32795

GRADING & EROSION CONTROL PLAN

SHEET C-4

NORTH MERIDIAN REFERENCED TO NC STATE PLANE COORDINATE SYSTEM (NAD83)

MATCHLINE SHEET C-6

PROPOSED 20' ACCESS/UTILITY EASEMENT

12' GRAVEL ACCESS

199' TOWER SETBACK

LIMITS OF LAND DISTURBANCE 27,593 SF (0.63 AC)

SF

EXIST. DITCH LINE

EXIST. WETLANDS

4" PVC CONDUIT FOR POWER

50' STREAM BUFFER

EXISTING 30' EASEMENT

4" PVC CONDUIT FOR TELCO

MATCHLINE SHEET C-4

EXIST. 22" METAL PIPE INV IN=11.05 INV OUT=10.80

**BOA 13-01 Ntelos CUP Plan**
**20 of 23**

GRAPHIC SCALE

40 20 0 40

1 INCH = 40 FEET

GRADING LEGEND

| | |
|---|---|
| x 16.0 | FINISHED SPOT ELEVATION |
| —— 16 —— | PROPOSED CONTOUR |
| - - - 16 - - - | EXISTING CONTOUR |

EROSION CONTROL LEGEND

| | |
|---|---|
| SF | SILT FENCE |
| CE | CONSTRUCTION ENTRANCE |

nTelos

7501 BOULDER VIEW DR, SUITE 600
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ACCESS ROAD

SHEET C-5

NORTH MERIDIAN REFERENCED TO NC STATE PLANE COORDINATE SYSTEM (NAD83)

GRAPHIC SCALE

40 20 0 40

1 INCH = 40 FEET

PP #N0600E04

10' x 70' SIGHT TRIANGLE

EXISTING DRIVEWAY ENTRANCE

EXIST. 18" METAL PIPE INV IN=13.53 INV OUT=12.86

EXIST. CABLE GATE

EXIST. PP

EXIST. CULVERT

COORDINATE FINAL DESTINATION OF UTILITIES WITH PROVIDERS

10' x 70' SIGHT TRIANGLE

LIMITS OF LAND DISTURBANCE 27,593 SF (0.63 AC)

4" PVC CONDUIT FOR TELCO

12' GRAVEL ACCESS

4" PVC CONDUIT FOR POWER

50' STREAM BUFFER

EXISTING 30' EASEMENT

EXIST. DITCH LINE

EXIST. WETLANDS

CE

SF

MATCHLINE SHEET C-5

**BOA 13-01 Ntelos CUP**
**Plan**
**21 of 23**

## GRADING LEGEND

| | |
|---|---|
| x 16.0 | FINISHED SPOT ELEVATION |
| — 16 — | PROPOSED CONTOUR |
| - - - 16 - - - | EXISTING CONTOUR |

## EROSION CONTROL LEGEND

| | | |
|---|---|---|
| SF | —x—x—x— | SILT FENCE |
| CE | | CONSTRUCTION ENTRANCE |

nTelos

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12-18-12

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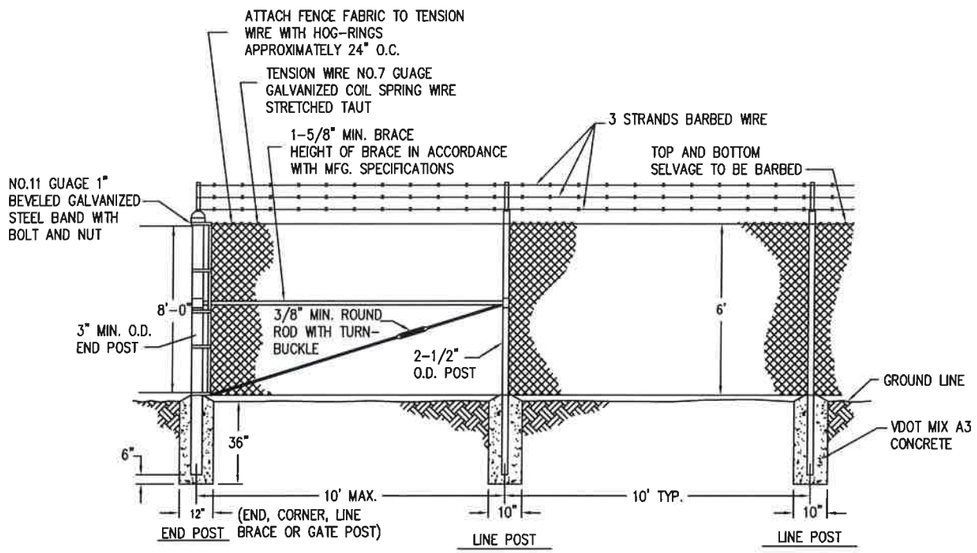
ACCESS ROAD

SHEET C-6

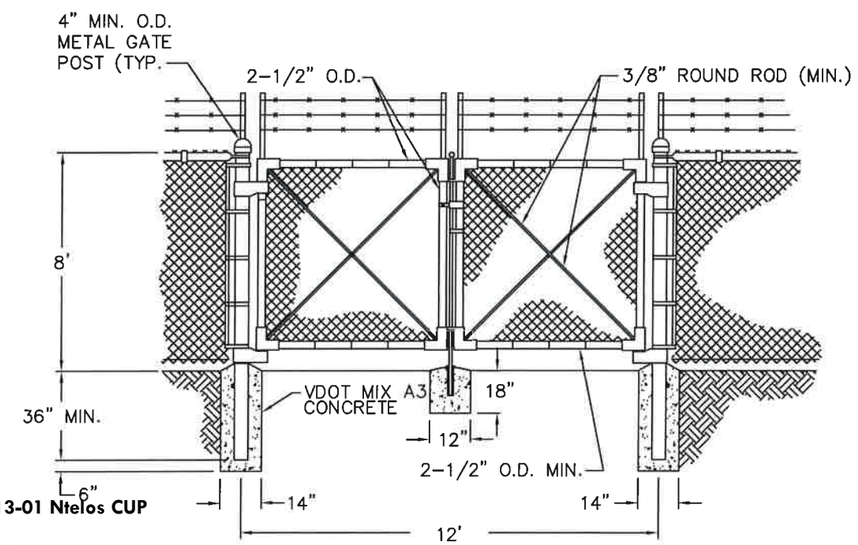
**NOTE:**
*CONTRACTOR TO VERIFY ANTENNA INFORMATION 48 HOURS PRIOR TO INSTALLATION.*




STANDARD CHAIN LINK FENCE

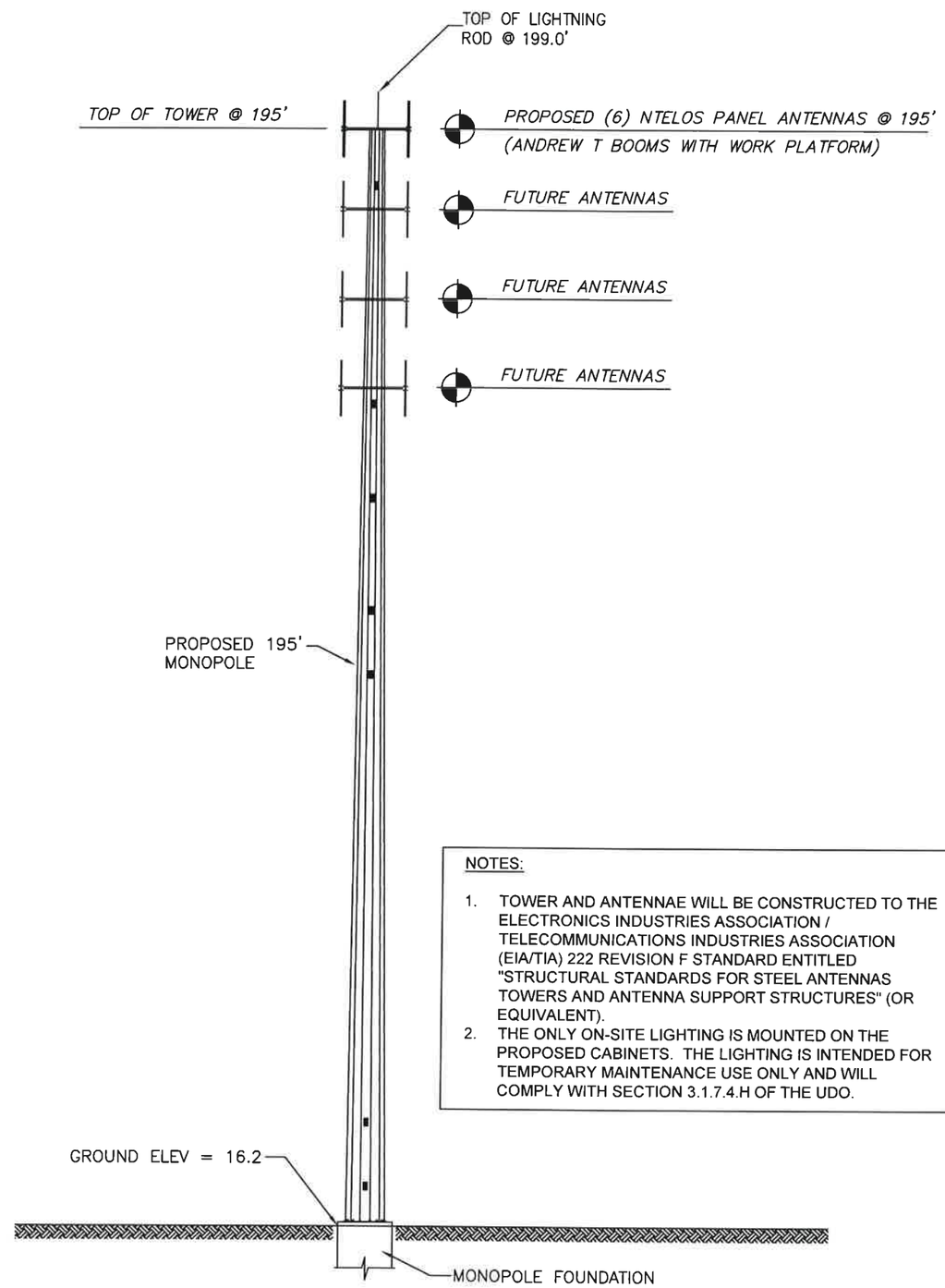
NO SCALE

NOTE:
A MOISTURE-EXCLUDING CAP IS REQUIRED ON ALL LINE POSTS. TUBULAR METAL MATERIAL FOR CAP SHALL CONFORM TO THE ALLOWABLE TYPES FOR OTHER LISTED FITTINGS.




DOUBLE SWING GATE

NTS




TOWER ELEVATION

*NOT TO SCALE*

NOTES:

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12-18-12

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TG PROJECT # 32795

TOWER ELEVATION

SHEET C-7

1. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES.

2. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND AT HIS EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.

3. CONTRACTOR SHALL NOTIFY THE COUNTY ENGINEER 24 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION.

4. LOCATION OF EXISTING SEWER, WATER OR GAS LINES, CONDUITS OR OTHER STRUCTURES ACROSS, UNDERNEATH, OR OTHERWISE ALONG THE LINE OF PROPOSED WORK ARE NOT NECESSARILY SHOWN ON THE PLANS, AND IF SHOWN ARE ONLY APPROXIMATELY CORRECT. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES (INCLUDING TEST PITS BY HAND IF NECESSARY) IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON PLANS. IF THERE APPEARS TO BE A CONFLICT, OR UPON THE DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS. FOR ASSISTANCE CALL "MISS UTILITY".

5. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY THE CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO LIKE-NEW CONDITION. AT THE CONTRACTOR'S EXPENSE.

6. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER, THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURES IN OPERABLE CONDITION.

7. THE CONTRACTOR SHALL COORDINATE WITH NTELOS THE REQUIREMENTS FOR AND LIMITS OF OVERHEAD AND/OR UNDERGROUND ELECTRICAL SERVICE.

8. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTEED FOR ONE (1) FULL YEAR FROM THE DATE OF ACCEPTANCE.

9. THE CONTRACTOR SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHEN WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY COUNTY INSPECTORS. CONTRACTOR SHALL BE ON SITE FOR ALL INSPECTIONS.

10. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE IN WHICH IT IS TO BE PERFORMED.

UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.

11. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.

12. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO INSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.

13. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY MATERIAL ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNERS ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES.

14. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD WORKING QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.

16. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE LOCAL BUILDING CODE.

17. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE RESIDENT LEASING AGENT FOR APPROVAL.

18. ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES OR ORDINANCES. THE MOST STRINGENT CODE WILL APPLY IN THE CASE OF DISCREPANCIES OR DIFFERENCES IN THE CODE REQUIREMENTS.

19. ANY DAMAGE TO ADJACENT PROPERTIES WILL BE CORRECTED AT THE CONTRACTORS EXPENSE.

20. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES WITHIN CONSTRUCTION LIMITS PRIOR TO CONSTRUCTION.

21. THE ELECTRICAL AND RF STANDARDS AND SPECIFICATIONS SHOWN ON THESE PLANS HAVE BEEN PROVIDED BY THE CLIENT. RPM ENGINEERS HAS NOT PREPARED AN ANALYSIS OF THE STANDARDS AND SPECIFICATIONS. THEY HAVE BEEN PROVIDED FOR CONVENIENCE.

22. RECORD DRAWINGS: MAINTAIN A RECORD OF ALL CHANGES, SUBSTITUTIONS BETWEEN WORK AS SPECIFIED AND INSTALLED. RECORD CHANGES ON A CLEAN SET OF CONTRACT DRAWINGS WHICH SHALL BE TURNED OVER TO THE CONSTRUCTION MANAGER UPON COMPLETION OF PROJECT.

23. COORDINATE THE CONSTRUCTION STAGING AREA WITH THE PROPERTY OWNER AND THE PROPERTY MANAGER WELL IN ADVANCE OF THE CONSTRUCTION START DATE.

24. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND PLAN DIMENSIONS, AND NOTIFY THE ARCHITECT AND ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

25. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE WORK SITE ON A DAILY BASIS.



nTelos

7501 BOULDER VIEW DR, SUITE 600
RICHMOND, VA 23225

SITE NAME: BACKWOODS ROAD

SITE NUMBER: NR-7311

SITE ADDRESS:
702 NW BACKWOODS ROAD
MOYOCK, NC 27958

AREA:
LEASE AREA = 5,625 SQ. FT.

PROPERTY OWNER:
VERNON PAUL GARRETT, III
DEED BOOK 1183, PG 338
34.34 ACRES
PID: 0003000001A0000

COUNTY: CURRITUCK

LATITUDE: 36° 31' 07.59" N

LONGITUDE: 76° 14' 48.32" W

| NO. | REVISION/ISSUE | DATE |
|---|---|---|
| 1 | ZONING DRAWINGS | 11/16/12 |
| 2 | COUNTY COMMENTS | 12/18/12 |
| | | |
| | | |
| | | |

NORTH CAROLINA PROFESSIONAL SEAL 34288 ENGINEER BRIAN V. CRUTCHFIELD
12-18-12

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
VIRGINIA | NORTH CAROLINA
THIS DRAWING PREPARED AT THE
TRI-CITIES OFFICE
4701 OWENS WAY, SUITE 900
Prince George, VA 23875
TEL 804.541.6600
FAX 804.458.1511
www.timmons.com
Site Development | Residential | Infrastructure | Technology
32795

TG PROJECT # 32795

GENERAL NOTES

SHEET D-1

# BOARD OF ADJUSTMENT CASE ANALYSIS

| | |
|---|---|
| Meeting Date: | January 10, 2013 |
| Case Number: | BOA 13-02 |
| Applicant: | World Motors, LLC |
| Property Owner: | Judsky, Inc. |
| PIN: | 0023-000-0010-0000 |
| Address: | 1383 Caratoke Highway |
| Zoning District: | General Business (GB) |
| Township: | Moyock |

**Request**

Conditional use permit to allow a auto sales and rental in the General Business (GB) zoning district, pursuant to the Table of Permissible Uses of the Currituck County Unified Development Ordinance.

**Application reviewed under the Unified Development Ordinance adopted and effective on September 4, 2007 (1989 UDO), and amended through the date of application, November 20, 2012.*

**Narrative**

1. The operation will use an existing building on the property. Additional asphalt will be added to the vehicular area in compliance with the standards of the UDO.

2. The proposed hours of operation are 9am to 7pm, Monday to Saturday. Sundays would be by appointment only.

**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. The conditions proposed 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 within a commercial and industrial zoned area. The use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.

2. The surrounding land uses include:

| | | | |
|---|---|---|---|
| a. | North: | Office Building | Zoning District: GB |
| b. | South: | Undeveloped | Zoning District: HM |
| c. | East: | Undeveloped | Zoning District: HM |
| d. | West: | Undeveloped | |
| | | Rail Road R/W | Zoning District: GB/HM |

**(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 Rural within the Moyock subarea. The Rural classification emphasizes low-density development and preservation of agricultural areas. Land Use Plan policies that are 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.

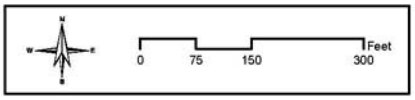
**(g) The conditional use will not exceed the county's ability to provide adequate public facilities.**

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

**TRC/Staff Recommendation:**

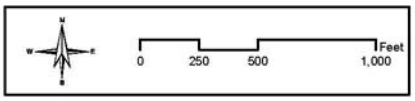
The Technical Review Committee and staff recommend **approval** of this request subject to the findings of fact as presented above.

BOA 13-02
World Motors LLC - CUP
Zoning




Currituck County
Planning & Community
Development

BOA 13-02
World Motors LLC - CUP
LUP




Currituck County
Planning & Community
Development

# Conditional Use Permit
## Application

OFFICIAL USE ONLY:
Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

### Contact Information

**APPLICANT:**

Name: World Motors llc
Address: 1383 Caratoke Hwy
Moyock, NC 27958
Telephone: 757 714-8931 or 206 551-8979
Fax Number:
E-Mail Address: BrsTar@AOL.COM

**PROPERTY OWNER:** Judsky Inc

Name: Kenneth Sisino
Address:
Telephone: 757 391-4396
Fax Number:
E-Mail Address: SINOSINO30@GMail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Tenant

### Property Information

Physical Street Address: 1383 Caratoke Hwy Moyock
? Location:
→ Parcel Identification Number(s): PIN # 0023000000100000
? Total Parcel(s) Acreage:
Existing Land Use of Property: Beauty Parlor Was used car lot

### Request

Proposed Use of the Property: Car dealership
Total square footage of land disturbance activity: ≈ 3600 □FT Paving existing parking
Total lot coverage: Lot size 1.46 Acre
Total vehicular area: About 7,000 □ *
Existing gross floor area: 2,449 □
Proposed gross floor area: No change
* Cross Run + existing concrete paving

Purpose of Conditional Use Permit and Project Narrative:

A. The use will not materially endanger the public health or safety.

**Our use will not endanger public health or safety. We will comply with all health and safety related codes.**

B. The use will not substantially injure the value of adjoining or abutting property.

**I believe our use will enhance the adjoining properties. The foresaid property is currently abandoned and in disrepair. It is subject to vandalism and vagrants. Our use will give the neighborhood a more lived in look and feel.** _____

___

C. The use will be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible).

**Yes we will be in harmony with the surrounding look and feel of the neighbors**

D. The use will be in general conformity with the Land Use Plan or other plan officially adopted by the board.

**We will be in compliance with the zoning and usages anticipated for this location**

E. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, and law enforcement.

**We anticipate no significant increase in the usage of public services. Because of the current condition of the property we will be improving its public safety.**

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.

Narrative for Currituck County 11-19-12

1) A narrative

World Motors, Llc will be using the property as a car dealership. The property was formally used as a car dealership in the not to distance past. We do not intend to do any repairs of cars on the property, just simple cleaning and prepping for sales. It is anticipated at this time to have most of the work done off site. We are lining up an independent detailer for the majority of the perpetration. We plan to have 4-5 workers. We will be using an outside cleaning service.

The plan hours would be 9am to 7pm, a normal business day of operation 6 days a week. Sundays would be appointment only.

# Conditional Use Permit

## Review Process

### Contact Information

Currituck County
Planning Department
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026
Website: http://www.co.currituck.nc.us/Planning.cfm

### Step 1 Pre-application Meeting

The applicant must schedule a pre-submittal meeting with county staff to discuss the use, preliminary assessments regarding the proposed use and the adopted ordinance and plans, and process.

### Step 2 Application Submittal

The applicant must submit a complete application packet on or before the application submittal date. A complete application packet consists of the following:

- Completed Currituck County Conditional Use Permit Application.
- Application Fee ($150).
- A narrative explaining the proposed use, description of any processes to be utilized, equipment used as part of the operation, proposed days/hours of operation, and any information which will be useful in considering this application.
- An accurate site plan of the property drawn to scale (1"=50') in a professional like manner, unless waived by the administrator. The site plan shall include the following:
  - General information including, but not limited to: vicinity sketch; north arrow; engineering scale ratio; acreage; title of the development; date of the plan; gross floor area of all buildings; name and address of owner/developer and person or firm preparing the plan; and zoning setback lines.
  - Location(s), dimension(s), and arrangement of all: vehicular entrances, exits, drives and fire lanes; automobile parking spaces, width of aisles and bays, angle of parking and number of spaces; truck unloading docks, ramps and spaces; refuse collection (dumpster) container space(s); building(s) with exterior dimensions; fences, walls, docks, ramps, pools, patios, and surface areas; water tap(s) denoting size(s) of line(s) or well area; sewer tap(s) denoting size(s) of lines or septic system location, including repair area; electrical service connection(s); existing and proposed fire hydrant; easements and rights-of-way; size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public rights-of-way and easements.
  - Drainage plan, including a drainage narrative with calculations, site surface drainage, pipe size, yard drains, catch basins, curb inlets, and topographic plan that indicates location and elevation changes above or below natural grade (shown in one foot intervals) within the past six months and contains the following certificate:

X [signature] owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede

The applicant shall provide a response to the each one of the following issues. The Board of Adjustment must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Adjustment to issue the conditional use permit.

A. The use will not materially endanger the public health or safety

B. The use will not substantially injure the value of adjoining or abutting property.

C. The use will be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible).

D. The use will be in general conformity with the Land Use Plan or other plan officially adopted by the board.

E. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, and low enforcement.

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.

X Kenneth Sisini
Owner

Applicant

# Conditional Use Permit

## Hearing Dates and Procedure for Continued Requests

Request: WORLD MOTORS

Application Submittal Date: 11/20/2012

Technical Review Committee Meeting Date: N/A

Board of Adjustment Meeting Date: 1/10/2013

**Procedure for Delayed Request**

*Please initial each statement.*

JH If you wish to continue your request to a later date, you must appear before the appropriate committee/board on the scheduled meeting date, state the reason for continuance, and the meeting date you wish the request to be heard.

JH There is a $100 processing fee for each delayed request. This must be paid prior the delayed meeting date.

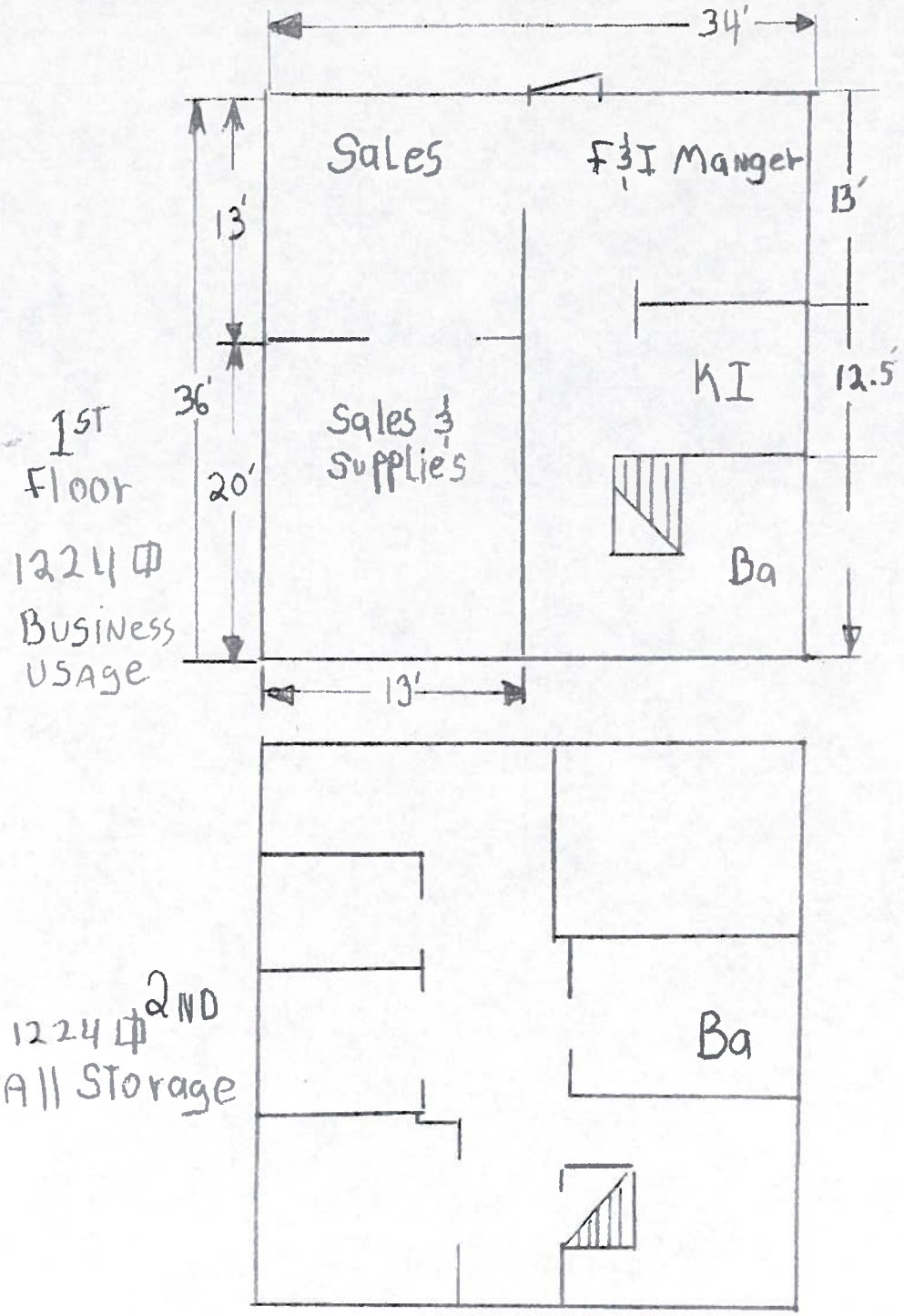
JH If you wish to delay your request at a Board of Adjustment meeting, you are responsible for re-advertising your request in a newspaper of general circulation in Currituck County for the approved date. The notice shall include the date, time, place, and nature of the application and shall be advertised at least 10 days, but not more than 25 days, prior to the hearing. You must provide the Planning Department with a copy of the newspaper in which that advertisement occurred and an affidavit of publication provided by the newspaper listing the advertisement and advertisement date(s) prior to the Board of Adjustment meeting.

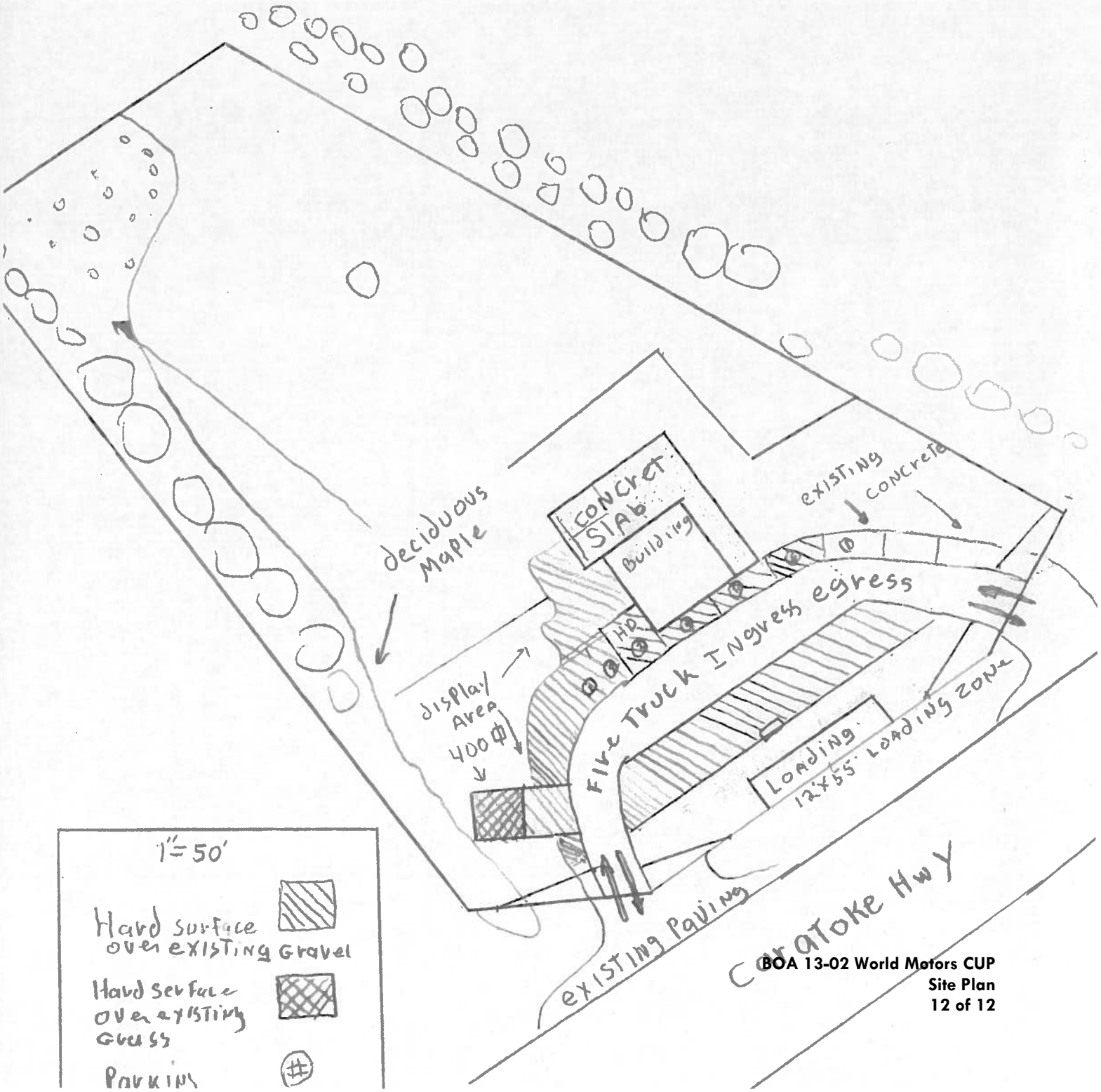
JH A request may only be continued by an applicant a total of two times during the entire review process. If the request is not acted upon by the appropriate committee/board at the second delayed meeting date because of the applicant's request for continuance, the application will be voided and returned to the applicant. A new submittal, including submittal fees, will be required to place the item on an agenda. The request will process as a new submittal as if it has not been reviewed by any committees/boards. *Note: In the event of an emergency, the administrator may process the continuance without it being counted toward the maximum number of two continuances allowed.*

I, JOSEPH HELLSTERN FOR WORLD MOTORS LLC, acknowledge the meeting dates listed above and that I or my authorized representative must be present at each meeting. If I wish to continue my request, I must follow the procedures listed above.

Property Owner/Authorized Agent

# BUILDING FLOOR PLAN






**BOA 13-02 World Motors CUP**
**Site Plan**
**12 of 12**

**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: Planning Staff

Date: January 2, 2012

Subject: PB 13-03 Coulter - Variance

Richard Coulter is requesting a variance from Sections 3.4.4.F and 10.3.3.B.6 of the new Unified Development Ordinance (UDO) for parcel 101B-000-0008-0000 in order to establish it as a buildable lot.

**Background**

Local governments regulate land use through zoning and subdivision ordinances. Zoning ordinances establish zoning districts with standards such as permitted uses, minimum lot size, and setbacks, etc. Subdivision ordinances establish standards all subdivisions (the division of a parcel into two or more lots) must meet including open space and street requirements. Since 1989, Currituck County has combined its zoning and subdivision ordinances into one document: the Unified Development Ordinance.

All new subdivisions proposed in the county must be reviewed by staff for compliance with the standards of the UDO prior to being approved. Lots that have been reviewed and approved through the subdivision process established in the UDO are called a "lot of record". The UDO defines "lot of record" as the following:

> ***"EXISTING LOT (LOT OF RECORD)***
> *A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds, the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to August 2, 1965; a lot upon which an existing structure is located provided a valid building permit was obtained for the construction; or, a lot which at the time of creation met all subdivision and zoning requirements provided a plat is approved by the administrator and recorded with the Register of Deeds containing a certification as to having met the then existing regulations in effect."*

Sometimes, lots are created that are not reviewed for compliance with, nor meet the requirements of the UDO. These lots are typically created by a court order or by deed. Lots created that do not meet the standards of the ordinances at the time of its creation are not considered to be a "lot of record". In order to ensure proper implementation of the UDO, Currituck County, pursuant to the North Carolina General Statutes, does not issue any building permits to lots not considered to be a "lot of record".

**Coulter Request**

Mr. Coulter owns a lot in the off-road area of the Outer Banks; zoned Single-Family Residential-Outer Banks Remote (SFR). The lot was created in 1977 when a larger piece of property was divided by a court order, in accordance with a will, to 11 heirs. At that time, Currituck County had both a zoning and subdivision ordinance. The lot in question did not meet all of the applicable requirements of the subdivision ordinance. Therefore the lot is not considered to be a "lot of record" and a building permit can not be issued for any development proposed on it.

Mr. Coulter is seeking a variance from the standards of the UDO that are preventing the lot from being approved through the subdivision process and thus being considered a "lot of record". Those standards involve lot size, lot width, and lot access. Specifically:

Chapter 3: Zoning Districts - Section 3.4.4.F Dimensional Standards

Requires lots in the SFR district to have a minimum lot area of 120,000 square feet and a minimum width of 125 feet. According to a survey prepared by Coastal Engineering & Surveying, Inc. in 2006, the lot has an area of 20,003 square feet and a width of 118.32 feet.

| F. DIMENSIONAL STANDARDS | | | | | |
|---|---|---|---|---|---|
| Max. Gross Density (du/ac) | N/A | | Min. Side Setback (ft) | 10 | 4 |
| Max. FAR (%) | N/A | | Min. Rear Setback (ft) [4] | 25 | 5 |
| Min. Lot Area (sq ft) [1] | 120,000 | | Min. Agricultural Setback (ft) [6] | N/A | |
| Max. Lot Area (sq ft) | N/A | | Min. Accessory Use Setback (ft) [5] | 10 | 6 |
| Min. Lot Width, Interior Lot (ft) | 125 | 1 | Min. Driveway/Parking Setback (ft) | N/A | |
| Min Lot Width, Corner Lot (ft) | 125 | | Min. Fill Setback from all Lot Lines (ft) | N/A | |
| Max. Lot Depth (ft) | [2] | | Min. Wetland/Riparian Buffer (ft) [6] | 50 | 7 |
| Max. Lot Coverage (%) | 30 [3] | | Max. Building Height (ft) | 35 | 8 |
| Min. Front Setback (ft) | 20 | 2 | Min. Spacing Between Buildings (ft) | 10 | 9 |
| Min. Corner Side Setback (ft) | 20 | 3 | Min. Public Vehicular Accessway Width (ft) | 20 | 10 |
| Min. Major Arterial Street Setback (ft) | N/A | | | | |

[1] Applies to family subdivision lots
[2] Lot depth shall not exceed seven times the lot width on beachfront lots
[3] 35% for platted lots of 19,000 sf in area or less
[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements
[5] Structures prohibited in front of principal building when principal building is less than 300 feet from accessway
[6] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Chapter 10: Definitions and Measurement – Section 10.3.4.B.6: Lot Access

Requires lots to abut a public or private right-of-way. The lot does not abut a right-of-way. The plat creating the lot in 1977 illustrates a 15 foot easement for access.

> *"(6) **Lot Access***
>
> *(a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.*
>
> *(b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles."*

In 2007, Mr. Coulter requested a variance from lot size, lot width, and right-of-way requirements for the same lot in question. The Board of Adjustment denied the request, finding that the hardship was shared by the applicant and neighbors, therefore not meeting the criteria necessary to grant a variance.

**Variance Criteria**

The purpose of a variance is to allow certain deviations from the dimensional standards of the UDO (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

(1) Strict compliance with the provisions of the Ordinance results in no reasonable use of the land;
(2) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;
(3) The hardship relates to the applicant's land, rather than personal circumstances;
(4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
(5) The hardship is not the result of the applicant's own actions; and
(6) The variance will neither result in the extension of a nonconformity nor authorize the initiation of a nonconforming use of land.

**Staff Recommendation**

Below are staff's suggested findings and recommendation.

(1) Strict compliance with the provisions of the Ordinance results in no reasonable use of the land;
**Suggested finding:** Strict compliance with the provisions of the Ordinance **does** result in no reasonable use of the land as a building permit can not be issued.

(2) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;
**Suggested finding:** The alleged hardship is suffered by the applicant **is** a result of the application of this Ordinance. The UDO considers this lot not be a "lot or record" and therefore can not be issued a building permit.

(3) The hardship relates to the applicant's land, rather than personal circumstances;
**Suggested finding:** The hardship **does** relate to the applicant's land, specifically its size, width, and access.

(4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
**Suggested finding:** The hardship is **not** unique, or nearly so, rather than one shard by many surrounding properties. All lots in the county not considered to be a "lot of record" can be denied building permits pursuant to North Carolina General Statute §153A-334, including the other adjacent vacant lots created by the court order with the lot in question in 1977.

(5) The hardship is not the result of the applicant's own actions; and
**Suggested finding:** The hardship **is** the result of the applicant's own actions. The property was divided by court order when the county had a zoning and subdivision ordinance

regulating the property. The original property could have been legally subdivided through the subdivision process.

(6) The variance will neither result in the extension of a nonconformity nor authorize the initiation of a nonconforming use of land.
**Suggested finding:** The variance will **not** result in the extension of a nonconformity nor authorize the initiation of a nonconforming use of land. The applicant is requesting relief from the existing nonconformities of the lot and will not increase any of the existing nonconformities.

Staff is recommending **denial** of this request as it does not meet all six criteria needed to be granted.

The County submits the following attachments:

1. Attachment 1: Variance application submitted December 7, 2012.
2. Attachment 2: Sections 3.4.4: SFR District and 10.3.4.B.6: Lot Access of the UDO.
3. Attachment 3: Plat Cabinet A, Page 106, recorded in the Currituck County Registered of Deeds office.
4. Attachment 4: Survey prepared by Coastal Engineering & Surveying, Inc. on February 3, 2006.

# Variance
Application

OFFICIAL USE ONLY:
Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

## Contact Information

| APPLICANT: | | PROPERTY OWNER: | |
|---|---|---|---|
| Name: | Richard M. Coultier | Name: | |
| Address: | Corolla, NC | Address: | |
| | | | |
| Telephone: | 252-619-0443 | Telephone: | |
| Fax Number: | | Fax Number: | |
| E-Mail Address: | nccolt45@hotmail.com | E-Mail Address: | |

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

## Property Information

Physical Street Address: None

Location: Currituck County, RO-2 Zoning

Parcel Identification Number: 101-B-000-0008-0000

## Request

I, Richard M Coultier, hereby request a variance from Section(s) 10.3.3.B.6 Lot Access 1971 Ordinance (lot standards)

Section 3.4.4.F Dimensional Standards
Establishes minimum lot area and minimum lot width for the SFR district.

Section 10.3.4.6 Lot Access
Requires lots to be established on a public or private right-of-way.

Provide a narrative of why the variance is needed and what circumstances have lead to the need for a variance:

The Variance is needed in order to get a building permit. Previously, several years when the attempt was made to obtain a variance, the primary reason for denial focused around the inability to get emergency vehicles around a 15' easement. This is no longer the case since the Carova Beach Fire and Rescue has purchased the adjacent property, and recognizes that they may simply access the property requesting

the variance by simply driving through their own property. In addition, the lot met the minimum lot size requirement, but simply did not have an adequate length of 200' only having 175', while the county accepted the subdivision plat for recording in 1977, has collected taxes on the lot, and that the lot has been bought and sold several times since 1977.

## Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed written findings that:

A. Strict compliance with the provisions of the Ordinance results in no reasonable use of the land. (*It is not sufficient that failure to grant the variance simply makes the property less valuable. Ordinarily some physical problem preventing development of the property in an authorized manner should be shown*).
There is no other use

B. The alleged hardship is suffered by the applicant as a result of the application of the Ordinance, and the same hardship is not shared by neighbors or the general public. *(Variances can not be granted if the hardship is the result of restrictions other than those of the ordinance; restrictive covenants are an example. Also, if other property owners in the area suffer from the same hardship then the proper action would be to seek relief through an amendment to the ordinance).*
The hardship is unique to this parcel, since the new ordinance language would allow for a shared Driveway or use between two property owners; in this case, the adjacent property owner is the Fire and Rescue Dept. A condition stating that the Fire and Rescue dept. will use their own property to access the Property owned by applicant would be a unique situation not shared by anyone else, nor is anyone adjacent sharing the same circumstances.

C. The hardship is unique, or nearly so, rather than personal circumstances. *(Hardships suffered by the applicant should relate to the applicant's land and not result from the ordinance regulations).*
This Hardship is not related to personal circumstances.

D. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. (*Hardships suffered by the applicant in common with neighbors does not justify a variance, the proper remedy is not a variance, but rather an amendment of the ordinance. Courts have held that a board's granting a variance based on such factors amounts to an attempted usurpation of legislative power.*
The other property owners nearby are not adjacent to the new Fire and Rescue site, and do not share this unique circumstance.

E. The hardship is not the result of the applicant's own actions. *(Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot cite expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self imposed).*

The hardship is not the result of the applicant. Currituck County had previously granted 3 different Building permits on adjacent properties, (On tract 7) with structures built on two of the three permitted areas. The first permit was issued in 1979, and the other two were issued in 1980 and a later year unknown.

F. The variance will neither result in the extension of a nonconformity nor authorize the initiation of a nonconforming use of land. *(State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted will not create a new nonconformity).*

The variance application is for a residential use, and the variance if granted will not create a new Non conformity. Of the original 10 divisions of the Lewark tract, only two are "locked" inside and thus need some relief from the Court ordered division from 1977. The variance requested here is the only viable way to gain any use of the land, and is the minimum requirements specified by the UDO for obtaining residential usage is kept to the absolute minimum within the stated request.

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.

Property Owner(s)/Applicant* Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

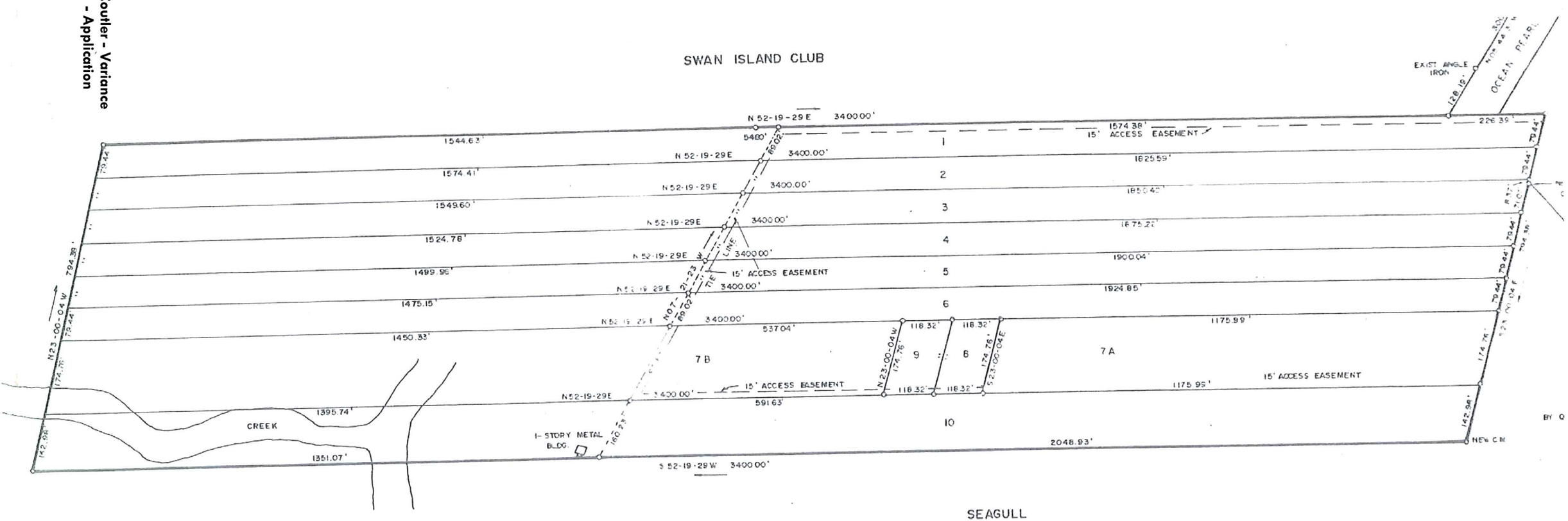
## Owner Verification

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 _____.

I hereby authorize _____ to appear with my consent before the Board of Adjustment in order to request a variance at the




NOTES:
1. O REPRESENTS NEW IRON UNLESS OTHERWI

PLAT OF 11 PARCELS OF LAND ( BEING THE DIVISION OF THE JOHN LEWARK TRACT ) CONTAINING A TOTAL OF 59.981 ACRES ; LOCATED IN THE FRUITVILLE TOWNSHIP OF CURRITUCK COUNTY, NORTH CAROLINA.

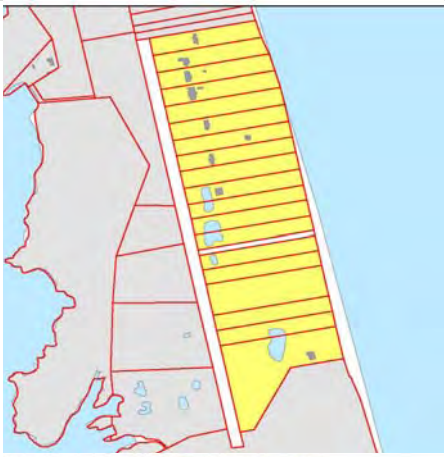
## 3.4.4. Single-Family Residential-Outer Banks Remote (SFR) District

# SFR
## SINGLE-FAMILY RESIDENTIAL OUTER BANKS REMOTE

### A. District Purpose

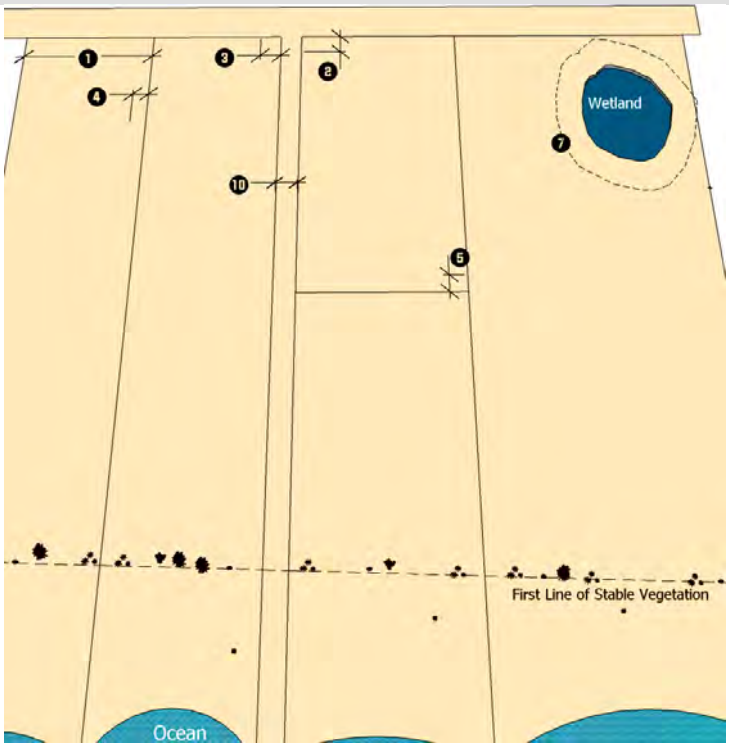
The Single-Family Residential-Outer Banks Remote (SFR) district is established to accommodate very low density residential development on the portion of the outer banks north of Currituck Milepost 13. The district is intended to accommodate limited amounts of development in a manner that preserves sensitive natural resources, protects wildlife habitat, recognizes the inherent limitations on development due to the lack of infrastructure, and seeks to minimize damage from flooding and catastrophic weather events. The district accommodates single-family detached homes on lots platted prior to April 2, 1989, even in cases where the lot does not meet the minimum lot area requirement for the district. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Public safety and utility uses are allowed, while commercial, office, and industrial uses are prohibited.

### B. Lot Patterns



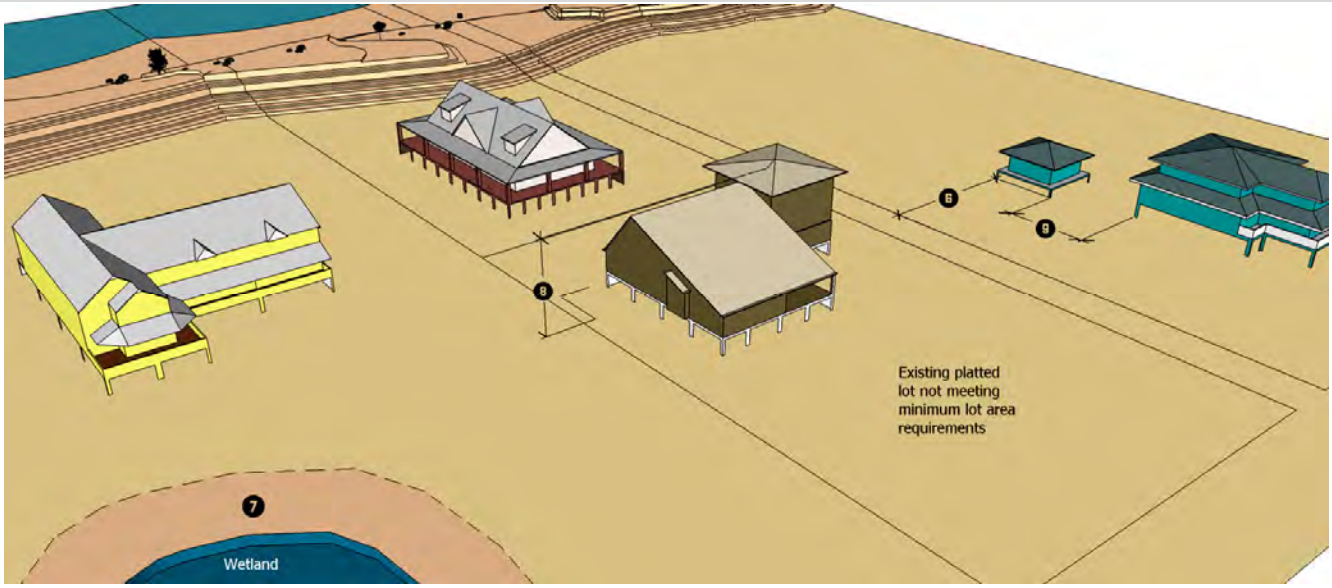
Vacant nonconforming lots in the SFR district shall comply with Section 8.4.3, Development on Vacant Nonconforming Lots.

### C. Lot Configuration



## D. Typical Building Forms

## E. Building Configuration




## F. Dimensional Standards

| | | | | | |
|---|---|---|---|---|---|
| Max. Gross Density (du/ac) | N/A | | Min. Side Setback (ft) | 10 | 4 |
| Max. FAR (%) | N/A | | Min. Rear Setback (ft) [4] | 25 | 5 |
| Min. Lot Area (sq ft) [1] | 120,000 | | Min. Agricultural Setback (ft) [6] | N/A | |
| Max. Lot Area (sq ft) | N/A | | Min. Accessory Use Setback (ft) [5] | 10 | 6 |
| Min. Lot Width, Interior Lot (ft) | 125 | 1 | Min. Driveway/Parking Setback (ft) | N/A | |
| Min Lot Width, Corner Lot (ft) | 125 | | Min. Fill Setback from all Lot Lines (ft) | N/A | |
| Max. Lot Depth (ft) | [2] | | Min. Wetland/Riparian Buffer (ft) [6] | 50 | 7 |
| Max. Lot Coverage (%) | 30 [3] | | Max. Building Height (ft) | 35 | 8 |
| Min. Front Setback (ft) | 20 | 2 | Min. Spacing Between Buildings (ft) | 10 | 9 |
| Min. Corner Side Setback (ft) | 20 | 3 | Min. Public Vehicular Accessway Width (ft) | 20 | 10 |
| Min. Major Arterial Street Setback (ft) | N/A | | | | |

[1] Applies to family subdivision lots
[2] Lot depth shall not exceed seven times the lot width on beachfront lots
[3] 35% for platted lots of 19,000 sf in area or less
[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements
[5] Structures prohibited in front of principal building when principal building is less than 300 feet from accessway
[6] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

**(4) Family Subdivision Lots**

**(a)** Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).

**(b)** Family subdivision lots are not required to front onto a public or private street.

**(5) Flag Lots**

**(a)** Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.

**(b)** In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.

**(6) Lot Access**

**(a)** No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.

**(b)** Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles.

**(7) Lot Boundaries**

**(a)** Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.

**(b)** Lot lines shall be at, or near, right angles or radial to streets.

**(c)** Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

**(8) Lot Coverage in Estuarine Shoreline Areas of Environmental Concern**

Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

## 10.3.4. Required Setbacks

### A. Definitions/Measurement

**(1) Accessory Use Setback**

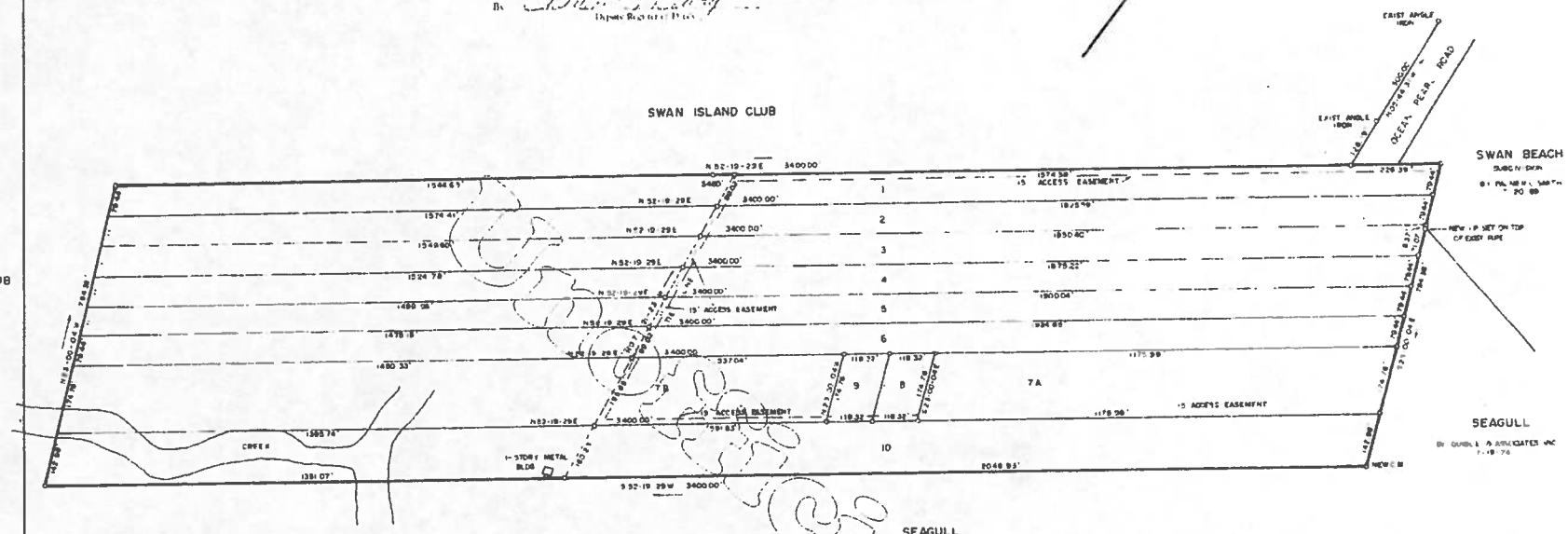
The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure10.3.4.A, Required Setbacks). Accessory structures or uses are not permitted closer to a street than a principal building.

NORTH CAROLINA CURRITUCK COUNTY

The foregoing certificate of [illegible] is certified to be correct. This instrument was presented for registration at [illegible] o'clock [illegible] on [illegible] 19[illegible] and recorded in Book [illegible], Page [illegible]

[illegible]
Register of Deeds

By [illegible]
Deputy Register of Deeds




NOTES
1. O REPRESENTS NEW IRON UNLESS OTHERWISE NOTED

PLAT OF 11 PARCELS OF LAND (BEING THE DIVISION OF THE JOHN LEWARK TRACT) CONTAINING A TOTAL OF 59.981 ACRES, LOCATED IN THE FRUITVILLE TOWNSHIP OF CURRITUCK COUNTY, NORTH CAROLINA.

| PARCEL NO. | HEIRS | ACRES |
|---|---|---|
| 1 | ELWOOD PARKER | 5.998 |
| 2 | HELEN L. PARKER | 5.998 |
| 3 | LAURA LEWARK | 5.998 |
| 4 | WILLIAM T. & LONA A. GRIGGS, JR<br>ROY E. & TRACY GRIGGS | 5.998 |
| 5 | DON C. & JACKIE O'NEAL<br>HAZEL O'NEAL CARR & husband, LARRY W | 5.998 |
| 6 | CALIBORNE BRINSON & wife, IRENE | 5.998 |
| 7A | JAY BENDER | 4.564 |
| 7B | JAY BENDER | 7.714 |
| 8 | ADDIE LEWARK NOWICHE | 0.459 |
| 9 | NELLIE T. GUARD | 0.459 |
| 10 | MELVIN V. LEWARK & wife, HELEN P. | 10.797 |
| | TOTAL = | 59.981 |

I, F RICHARD QUIBLE, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES & DEPARTURES WAS 1:10,000, THAT IT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 15 DAY OF April, 1977

R.L.S. [illegible]

I, Rebecca H. Tillinger NOTARY PUBLIC OF MECKLENBURG COUNTY, VIRGINIA, DO HEREBY CERTIFY THAT F RICHARD QUIBLE, REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF SURVEYORS CERTIFICATE APPEARING ON THIS PLAT, BEARING DATE OF April 15, 1977

MY COMMISSION EXPIRES 6/24/78

Rebecca H. Tillinger
NOTARY PUBLIC

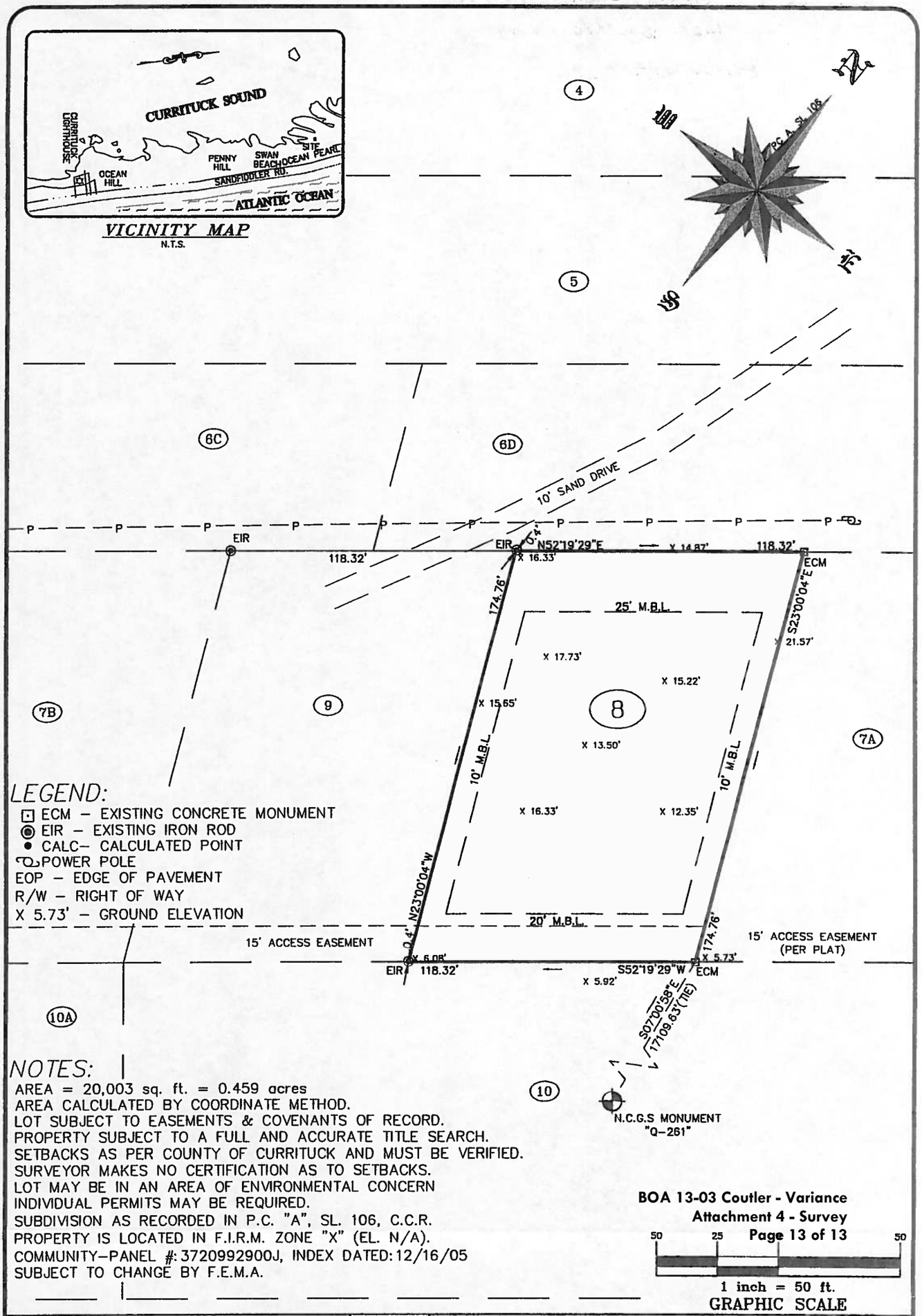
NOTARY PUBLIC SEAL

REVISED OCT 27, 1977
REVISED AUG 12, 1977
SURVEYED MARCH 21, 1977
DRAWN APRIL 14, 1977

DATE:
SCALE: 1" = 200'
FILE: U 9 04277 007 L

QUIBLE AND ASSOCIATES, INC.
Consulting Engineers & Land Surveyors
CHASE CITY, VIRGINIA

*VICINITY MAP*
N.T.S.




## LEGEND:

- ECM – EXISTING CONCRETE MONUMENT
- EIR – EXISTING IRON ROD
- CALC– CALCULATED POINT
- POWER POLE
- EOP – EDGE OF PAVEMENT
- R/W – RIGHT OF WAY
- X 5.73' – GROUND ELEVATION

## NOTES:

AREA = 20,003 sq. ft. = 0.459 acres
AREA CALCULATED BY COORDINATE METHOD.
LOT SUBJECT TO EASEMENTS & COVENANTS OF RECORD.
PROPERTY SUBJECT TO A FULL AND ACCURATE TITLE SEARCH.
SETBACKS AS PER COUNTY OF CURRITUCK AND MUST BE VERIFIED.
SURVEYOR MAKES NO CERTIFICATION AS TO SETBACKS.
LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN
INDIVIDUAL PERMITS MAY BE REQUIRED.
SUBDIVISION AS RECORDED IN P.C. "A", SL. 106, C.C.R.
PROPERTY IS LOCATED IN F.I.R.M. ZONE "X" (EL. N/A).
COMMUNITY–PANEL #: 3720992900J, INDEX DATED: 12/16/05
SUBJECT TO CHANGE BY F.E.M.A.

**BOA 13-03 Coutler - Variance**
**Attachment 4 - Survey**
**Page 13 of 13**

50 25 50
1 inch = 50 ft.
GRAPHIC SCALE

UPDATE:

I, *CARLOS F. GOMEZ*, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT ACTUALLY SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN EXISTING RECORDS; AND THAT THIS MAP WAS NOT PREPARED TO BE RECORDED. THE RATIO OF PRECISION IS 1:10000+ AS CALCULATED. WITNESS MY HAND AND SEAL THIS *6th* DAY OF *FEBRUARY*, 2006.

P.L.S. L–3241

| | |
|---|---|
| FILE NO. | *S1905.06* |
| SURVEY DATE. | *2/3/06* |
| CAD FILE. | *S1905VLS* |
| SCALE. | *1"= 50'* |
| DRAWN. | *ALC* |
| FIELD BOOK. | *66/27* |

SURVEY FOR:
*KEITH CUMMINGS*

*PARCEL 8*
*JOHN LEWARK PROPERTY*
*COROLLA*

FRUITVILLE TWSP. | CURRITUCK COUNTY | NORTH CAROLINA

Coastal
ENGINEERING & SURVEYING, INC.
Civil, Structural, Surveying & Site Development
934 WEST KITTY HAWK ROAD
P.O. Box 1129
Kitty Hawk, N.C. 27949
(252)–261–4151