

Currituck County
Board of Adjustment Agenda
Historic Currituck County Courthouse

Date: July 11, 2013
Time: 7:00 P.M.

- 7:00 p.m. Call to Order
- Item 1 Roll Call
- Item 2 Approval of June 13, 2013 minutes
- Item 3 **BOA 13-05 CHRISTOPHER SUSKO:** Appeal of administrator's determination that all vehicle maintenance associated with the non-accessory home occupation for a limousine/taxi service be behind the fence/gate. The property is located at 102 North Sea Breeze, Tax Map 76, Parcel 80B, Fruitville Township.
- Item 4 Old Business
- Item 5 Adjournment

**CURRITUCK COUNTY
BOARD OF ADJUSTMENT REGULAR MEETING
June 13, 2013**

REGULAR MEETING

The Currituck County Board of Adjustment met on June 13, 2013 at 7:00 p.m. in the Historic Currituck County Courthouse. The following members were present: David Palmer, Cameron Tabor, Michael Painter, Theresa Dozier, and C. Shay Balance. Vivian Simpson was absent. Brad Schuler, Planner; Stacey Smith, Code Enforcement Officer; and Ben Gallop, Board of Adjustment Attorney; were also present.

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

Item 2: Election of Vice Chairman

Shay Balance moved to nominate Theresa Dozier as Vice-Chairman. Cameron Tabor seconded the motion and the motion passed unanimously.

Item 3: Approval of March 14, 2013 Minutes

David Palmer motioned to approve the March 14, 2013 minutes with no changes. Theresa Dozier 2nd the motion and the motion passed unanimously.

Item 4: BOA 13-04 CURRITUCK ART COUNCIL: Appeal of administrator's decision that special event signage was located in areas prohibited in Chapter 5 of the Unified Development Ordinance and Special Event Permit 201300243.

Stacey Smith, Brad Schuler, Bryan Bass, Marion Dannert, Ginger Skyes, Peggy Landfall, John Murray, and Katy Marchello appeared in front of the board to be sworn in.

Stacey Smith reviewed the following memo and attachments to the board.

MEMORANDUM

To: Board of Adjustment

From: Planning Staff

Date: June 5, 2013

Re: BOA 13-04 Currituck Art Council

Marion Dannert with the Currituck Art Council is appealing the administrator's decision regarding signs located in areas prohibited in Chapter 5 of the Unified Development Ordinance (UDO) and Special Event Permit 201300243.

The UDO was recently amended to allow for additional signage for special events. However, all signage is prohibited within the sight distance triangle or public right of way. The UDO states:

"Section 5.12.2 Prohibited Signs

The following signs are expressly prohibited:

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

On March 4, 2013 the county received a written complaint regarding the Currituck Art Council's special event signs being located in the public right of ways throughout the county. After investigating the complaint, Stacey Smith, Code Enforcement Officer, contacted Marion Dannert, applicant of the special event permit, and advised her of the signs being located in the public right of way. At that time, Mrs. Dannert was giving a verbal warning to remove the signs out of the public right of way by Tuesday March 5, 2013. After further inspection on Wednesday, March 6, 2013 Ms. Smith determined the Currituck Art Council signs were still located in the public right of ways throughout the county and the Notice of Violation was issued.

The County submits the following attachments:

- Attachment 1: Appeal application submitted March 14, 2013 by Marion Dannert, Currituck Art Council.
- Attachment 2: Notice of violation sent March 6, 2013 from Stacey Smith, Code Enforcement Officer.
- Attachment 3: Special Event Permit #201300243 issued on March 1, 2013

DISCUSSION

Mr. Tabor asked Mrs. Smith that when she went back out the second time, where the signs in the same place or had they been moved.

Mrs. Smith stated that some signs had been relocated and some removed. We send one notice of violation for all the signs instead of one violation for every sign. All it takes is one sign to be in the right of way to be a violation.

Mr. Palmer asked for a review of the timeline for the violation.

Mrs. Smith reviewed the timeline of events.

Mr. Painter asked if Mrs. Smith was easily contactable if there were questions regarding the placement of signs.

Mrs. Smith stated that she is contactable for any questions.

Mr. Tabor asked if Mrs. Smith had any indication on how they were going to handle the verbal warning.

Mrs. Smith stated that Mrs. Dannert advised me that they would go out and re locate the signs out of the right of way.

Mr. Palmer asked if there was anywhere in the paperwork where it stated 5 foot from pavement was acceptable.

Mrs. Smith stated that nowhere in the paperwork does it mention 5 foot from pavement.

Mr. Painter asked if the violation was just one day.

Mrs. Smith stated that the original violation was a verbal warning given on March 5th, after further inspection on March 6th it was determined that the signs were still in the right of way and the written notice of violation was sent.

Bryan Bass passed out evidence for the Art Council's appeal case. Mr. Bass called up Ms. Dannert.

Mr. Gallop advised the board on ethics opinion regarding Mr. Bass's relationship to the Art Council and him advocating on behalf of the Art Council, as he is not an attorney.

Mr. Tabor asked if they want legal representation.

Mrs. Dannert replied they would not.

Mr. Tabor stated he sees no reason not to allow Mr. Bass to present the case.

Mr. Bass explains the timeline of the occurred events.

Mrs. Dannert discussed the new requirements of the UDO in regards to special events and signage. She stated Ms. Smith informed her that a NOV would be issued if the signs were placed in prohibited areas. She further discussed how the Arts Council placed the signs.

Mr. Bass went over the emails between the complaining witness and the county.

Mr. Palmer asks if the complaining witness was a county employee, and does he have any authority to issue a citation or violation.

Mr. Bass stated that the complaining witness was not a county employee and the reason we bring this up is he emailed the complaint and did not fill out the form.

Mr. Palmer asked if the county has to have a written complaint before it can act on a violation.

Mr. Gallop stated the typically no, if the code enforcement officer sees a violation they can act.

Mrs. Smith states that as the code enforcement officer I can act on a violation however, we are complaint driven. We take complaints in several different forms such as anonymous complaints by callers who are worried for any repercussions from the neighbor, a citizen complaint form, emails, and complaints from staff.

Mr. Bass questioned the Freedom of Information Act as he was concerned with the emails begin forwarded to the complaining witness.

Mr. Palmer is this question before us tonight. In addition, does this information have anything to do with placement of signs?

Mr. Bass stated that it does not however we just wanted to make you aware of the information given.

Mrs. Dannert gave an overview of the phone call she received from the complaining witness.

Mr. Palmer asked if the Art Council had a group that put out the signs and were they given information about the where to place the signs.

Mrs. Dannert stated that they have a group that puts the signs out and she gave them written and verbal instructions.

Katy Marchello stated she is a licensed surveyor and code enforcement officer for the City of Chesapeake in Virginia. She discussed how right of ways have plats and they vary by location and are subjective and have no certain distance. She gave an overview of how the City of Chesapeake handles signage.

Mrs. Dozier asked if the county exhibit #1 was recorded in the registered of deeds office.

Mrs. Smith stated that DOT is required to file these maps with the county and they are located in the register of deeds office.

Mr. Palmer asked Mrs. Marchello if she had studied the Currituck County codes regarding signs

Mrs. Marchello stated that she is no sure what the sign code is for Currituck County however, I do know what a right of way is.

Mr. Tabor asked if there is any difference between the old and new UDO regarding signs.

Mrs. Smith stated that in the matter of the signs begin placed in the right of way no that has always been in the UDO.

Mrs. Dannert stated that she advised her volunteers that if there were no poles to go by place the sign 5 feet from the pavement.

Mr. Tabor gave an overview of the evidence that had been presented to the board so far.

Mr. Painter asked how many signs you put out total.

Mrs. Dannert stated that they had put out about 30 signs.

Mr. Painter wanted clarification that of those signs, 17 were noted to be in violation in which you removed 10 and relocated seven signs in which were still in violation.

Mrs. Dannert yes and after we received the notice of violation we decided to remove all the signs.

Mr. Bass noted that the notice of violation date given was immediately, and immediately is not a date. Secondly, the violation description did not specify the exact location of the signs in violation it stated multiple signs. Mr. Bass spoke about the weather in which they had to remove the signs.

Mr. Tabor asked if they had requested more time to remove the signs due to the weather would we have allowed it.

Mrs. Smith stated that if we get a request for more time we normally grant such requests.

Ike McRee, County Attorney stated that the board understands the issue before you is whether under the UDO that there were signs or a sign that was located in the right of way is in violation of the UDO and the in violation of the permit that was issued to the Arts Council. The evidence is substantial that indeed that is the case and the other evidence presented to you is not relevant to the case. I would submit to you that this board should affirm the code enforcement officer's determination.

Ginger Sykes with the Animal Lovers League gave an overview of how the non-profit groups are a good thing for the county and how we use to place signs where they were visible and we need to re examine our county ordinances.

Mr. Tabor advised that the board of adjustment is not a legislative body nor Mrs. Smith's as she was just doing her job.

Mrs. Sykes stated as volunteers we need to know where the violations are and we have worked with Mrs. Smith in making sure we place the signs in compliance.

Mr. John Murray stated that he was on the community that helped write the ordinance and we need to be able to get the signs out there.

Mrs. Peggy Landlaw with the Master Gardeners stated that she feels that the county should not limit us with signage.

Mr. Tabor closed the public hearing.

Mr. Painter stated that he thinks there could be a number of things learned from this however with the evidence presented I see where there were signs in violation.

Mr. Palmer concluded that as a general understanding that anything within the roadside of the power lines or ditch be considered the right of way. In exhibits one and two, it clearly shows signs roadside of the power lines and ditch and it only takes one sign to be in violation.

ACTION

David Palmer motioned to uphold the Code Enforcement Officers decision. Michael Painter 2nd that motion. Motion carried unanimously.

ADJOURNMENT

There being no further business to discuss Theresa Dozier motioned for adjournment. David Palmer 2nd the motion and the motion passed unanimously. The meeting adjourned at 8:55 pm

Respectfully Submitted,

Stacey Smith
Code Enforcement Officer/BOA Clerk



Currituck County

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

MEMORANDUM

To: Board of Adjustment
From: Planning Staff
Date: July 3, 2013
Re: BOA 13-05 Susko Appeal

Chris Susko is appealing the administrator determination that all vehicle maintenance associated with his non-accessory home occupation for a limousine/taxi service must be behind the fence/gate shown on the approved site plan.

The Board of Adjustment issued a conditional use permit to Mr. Susko on April 11, 2011 to operate a limousine/taxi service at his residence at 102 Seabreeze Lane N in Knotts Island. Additional conditions were placed on the permit including:

“6. The two vehicles associated with the business shall be stored in the back yard as indicated on the site plan.”

Originally staff interpreted this condition to allow for minor maintenance to be conducted outside of the fenced/gated area due to it being short term in nature. However, that interpretation changed after reviewing the audio recording from the August 11, 2011 BOA meeting as requested by an adjoining property owner. At the August 11, 2011 meeting, Mr. Susko requested modifications to his conditional use permit including to not install the fence/gate from his house to the fence along the property line.

In the audio recording of the meeting, Richard Black of 108 Seabreeze Lane N stated his concerns regarding maintenance of the vehicles and that the vehicle should be maintained behind the fence and gate. Mr. Bryan Bass, Chairman of the BOA, also stated the concern of a neighboring property owner was the visible maintenance of the vehicles including changing oil and washing and that it should adhere to the original condition of storing the vehicles in the back yard. Staff believes it was the intent of the Board to have all maintenance occur behind the fence/gate in the area designated for the limo parking as shown on the approved site plan.

The County submits the following attachments:

- Attachment 1: Letter of Determination dated May 21, 2013 from Brad Schuler, Planner I.
- Attachment 2: Appeal application.
- Attachment 3: Approved site plan.
- Attachment 4: Conditional use permit issued April 11, 2011.
- Attachment 5: The minutes of the modification request from the August 11, 2011 BOA meeting.
- Attachment 6: CD of audio recording:
 - Track 1: Beginning of agenda items.
 - Track 2: Richard Black concerns over maintenance of vehicles.
 - Track 3: Bryan Bass' summary.



COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
Telephone (252) 232-3055 / Fax (252) 232-3026

May 21, 2013

Todd Whitehead
104 Sea Breeze North
Knotts Island, NC 27950

Christopher Susko
102 Sea Breeze North
Knotts Island, NC 27950

Re: Letter of Determination

Dear Mr. Whitehead and Mr. Susko,

After further review of the audio file of August 11, 2011 Board of Adjustment (BOA) meeting per Mr. Whitehead's request, we make the following determinations regarding Conditional Use Permit BOA 11-05 issued to Christopher Susko to allow a non-accessory home occupation for a limousine/taxi service:

- All maintenance including service and washing of the two vehicles associated with the limousine/taxi service shall be performed behind the fence/gate in the area designated for the limo parking as shown on the approved site plan.
- The fence in question meets the fencing maintenance standards in Section 5.3.8 of the Unified Development Ordinance (UDO). The fence is not leaning more than ten degrees.
- Any future landscaping that needs to be replaced must meet the current standards of the UDO including a minimum planting size of two caliper inches or height of eight feet for canopy trees.

Mr. Bryan Bass, Chairman of the BOA at the time of the meeting, in speaking about the proposed amendments to the conditional use permit as requested by Mr. Susko, stated that the concern of a neighboring property owner was the visible maintenance of the vehicles including changing oil and washing and that it should adhere to the original condition of storing the vehicles in the back yard. Staff believes it was the intent of the Board to have all maintenance occur behind the fence/gate in the area designated for the limo parking as shown on the approved site plan.

Again, staff will continue to work with Mr. Susko as he replaces the dead landscaping and gate. Shall he not complete the work within a reasonable time frame, we will seek alternate enforcement measures. It is our ultimate goal to achieve compliance with the UDO and conditional use permit.

The above determinations can be appealed to the Board of Adjustment within 30 days of receipt of this letter.

Please let me know if you have any questions and/or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Schuler". The signature is written in a cursive style with a large initial "B" and "S".

Brad Schuler
Planner I



Appeal Application

OFFICIAL USE ONLY:
 Case Number: 13-05
 Date Filed: 6-6-13
 Gate Keeper: Sds
 Amount Paid: \$150.00

Contact Information

APPLICANT: Christopher Susko PROPERTY OWNER: SAME
 Name: Christopher Susko Name: SAME
 Address: 102 Sea Breeze N Address: _____
 Telephone: (757) - 647-7000 Telephone: _____
 E-Mail Address: eroticstylelimos@cox.net E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: 102 Sea Breeze N
 Location: Knotts Island
 Parcel Identification Number(s): 0076-000-080B-1000

Statement of Error, or Improper Decision or Interpretation

I wish to appeal a: Decision or Interpretation Notice of Violation

The determination being dated 05/21/2013

Grounds for appeal

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

I was believed that I could wash the vehicles
associated with the business on my drive pad and
not behind the gate It is impossible to wash a
vehicle that is parked next to another. I would
understand if only one vehicle could be cleaned at a time.

Please include all related support materials with the application.

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. All information submitted and required as part of this application process shall become public record.

Christopher J Susko 05/21/13
 Appellant/Applicant Date



COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
Telephone (252) 232-3055 / Fax (252) 232-3026

May 15, 2013

Todd Whitehead
104 Sea Breeze North
Knotts Island, NC 27950

Re: Citizen Complaint

Dear Mr. Whitehead,

On May 14, 2013 the county inspected the property at 102 Sea Breeze North, Knotts Island. After further review of the Conditional Use Permit BOA 11-05 issued to Christopher Susko to allow a non-accessory home occupation for a limousine/taxi service we have determined the following:

- The fence in question meets the fencing maintenance standards in Section 5.3.8 of the Unified Development Ordinance (UDO). The fence is not leaning more than ten degrees.
- The two vehicles associated with the business shall be stored in the back yard as indicated on the approved site plan; however, temporary washing and servicing of such vehicles are not required to be performed behind the gate.
- Any future landscaping that needs to be replaced must meet the current standards of the UDO including a minimum planting size of 2 caliper inches for canopy trees.

Further, Mr. Susko indicated that the gate is going to be replaced with a lighter PVC fence in the near future. Mr. Susko will inform us of the construction period and we will allow him a reasonable amount of time for construction.

In conclusion we find no current violation(s) and will continue to work with Mr. Susko as we do with all businesses/citizens of Currituck County to ensure compliance with the UDO.

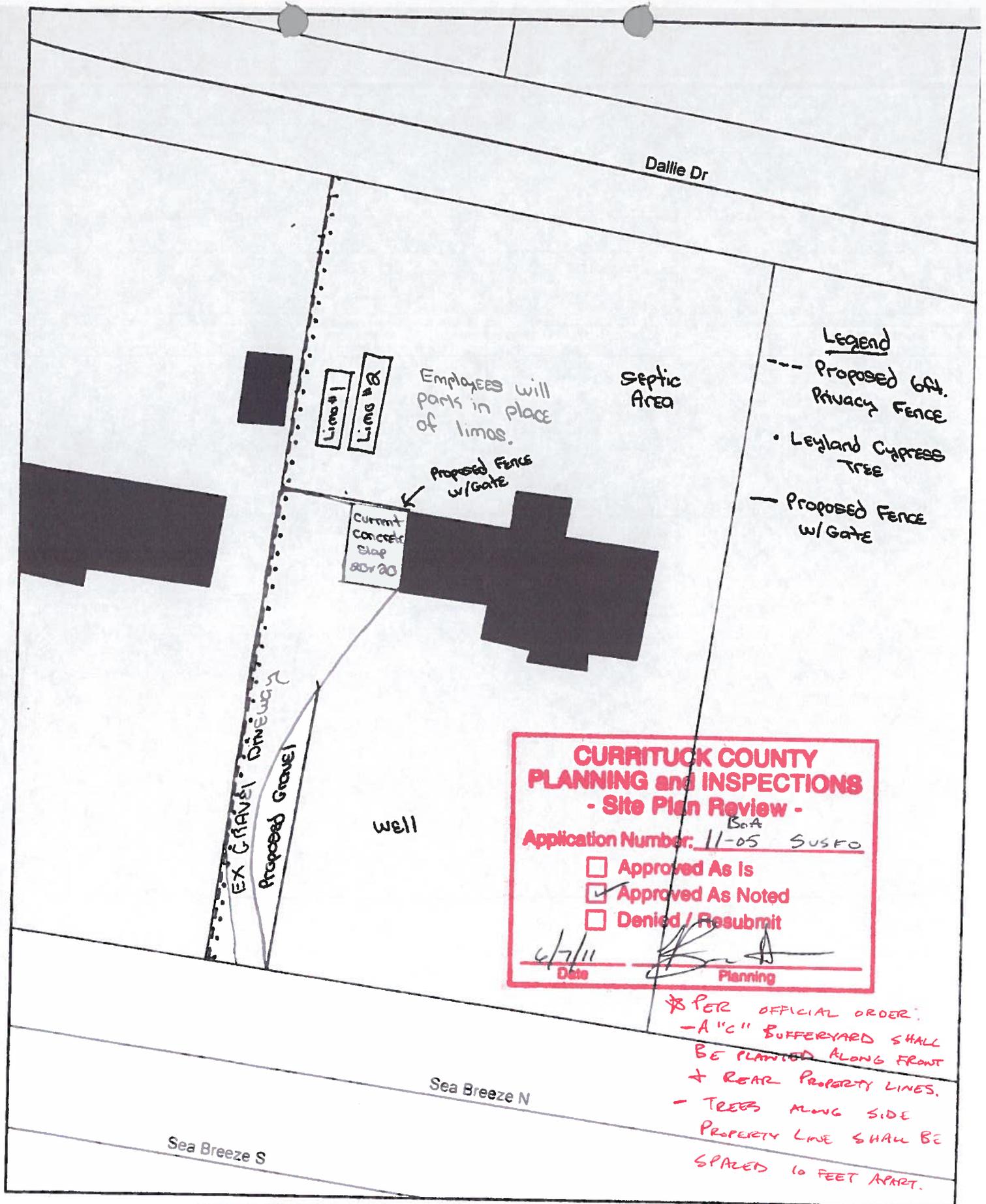
Please let me know if you have any questions and/or concerns regarding this matter.

Sincerely,

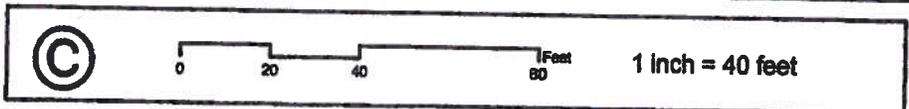
Stacey Smith
Code Enforcement Officer

CC: Christopher Susko

Attachment #2
6 of 13



Attachment #3
7 of 13



* 9/7/11 - APPLICANT INSTALLING 7-8 OAKS ALONG WESTERN PROPERTY LINE INSTEAD OF BUFFERING (w/fence) ^{SHOULD NOT HAVE BEEN}

**CURRITUCK COUNTY BOARD OF ADJUSTMENT
CONDITIONAL USE PERMIT GRANTED**

Date Filed June 17, 2011

The Board of Adjustment met on April 14, 2011 to consider BOA 11-05
CHRISTOPHER SUSKO: Conditional use permit to allow a non-accessory home
occupation for a limousine/taxi service located at 102 Seabreeze Lane N in Knotts
Island, 0076-000-080B-0000, Fruitville Township.

Having heard all of the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACTS and CONCLUSIONS with regard to the criteria contained in the Currituck County UDO for considering the applicant's Conditional Use permit application:

- (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. Section 3.5.9 B of the UDO places special requirements on Taxi Services located in the A District. One of those requirements is that the use does not disturb or intrude on the residential character of the surrounding neighborhood. The use can meet this requirement with the required buffering and if certain conditions are placed on the permit limiting the hours of operation of the business.

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

- (e) **The conditional use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.**
 - 1. The property is located on a 0.92 acre lot in a small subdivision off Woodleigh Road in Knotts Island. There are residential lots surrounding the property with single family dwellings to the north, west, and south. Proper conditions need to be placed on the permit, including buffering of the vehicles from adjacent single family dwellings, and limiting the hours of operation, in order for the business to be in harmony in the residential area it is located.

2. The surrounding land uses include:
 - a. North: SFD/vacant lot Zone: A
 - b. South: SFD Zone: A
 - c. East: Vacant lot Zone: A
 - d. West: SFD Zone: A

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

1. The 2006 Land Use Plan classifies this property as Limited Service within the Knotts Island – Gibbs Woods Area subarea. The purpose of the Limited Services Area is to provide for primarily residential development at low densities. Efforts should be made in these areas to protect farmland, preserve open space, and to provide for a sense of “community”. Commercial development should also protect and preserve the community in scale, architectural style, materials, landscaping, and site design.

(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.

THEREFORE, IT IS ORDERED that the applicant’s Conditional Use Permit is hereby GRANTED with the following reasonable conditions:

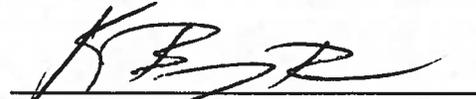
1. The business shall have hours of operation from 8am to 9pm.
2. A “C” bufferyard shall be planted along the front and rear property lines.
3. The fencing proposed along the western property line can be shortened as to not extend into the front or side yard of the property and the proposed buffering along the western property can be reduced to a “C” bufferyard provided an affidavit with the adjoining neighbor is signed and notarized. If the affidavit can not be signed, the proposed fence shall be installed as illustrated on the site plan with the trees being spaced 10 feet apart.
4. Any office/business indoor space must be less than 10% of the total square footage of the residence.
5. No handling, including storage, of flammable and/or combustible fuels for commercial operations may occur on site.
6. The two vehicles associated with the business shall be stored in the back yard as indicated on the site plan.
7. The site plan shall be updated to show employee parking.
8. All improvements to the site shall be installed within 60 days.

Currituck County has caused this permit to be issued in its name and the property owner(s) of the property above described. This conditional use permit together with all its conditions is binding on the current owner(s) and their successors in interest. No work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

COUNTY OF CURRITUCK
Ordered this 14th day of April, 2011



Staff to the Board



Board of Adjustment Chairman

Mr. Bass asked how long would it take him to complete the work that was required when the original conditional use permit was granted.

Mr. Susko stated he could provide a bond for the trees within a week if necessary.

Mr. Bass questioned the time frame for the completion of the fence.

Mr. Susko said it would take 30 days.

Mr. Palmer asked about the requirement for the trees and there location.

Mr. Schuler stated the trees weren't to serve as a buffer for the fence and there was no requirement in the ordinance for which side the trees should go on.

Mr. Bass asked if the violations were corrected would the appellant then be in compliance with the original conditional use permit.

Mr. Schuler stated yes.

Mr. Palmer questioned the appeal and amendments to the conditional use permit.

Mr. Gallop explained they were different cases to be heard separately.

Mr. Bass moved to close the public hearing. Ms. Dozier seconded the motion and the motion passed unanimously.

ACTION

Mr. Conner moved to uphold the administrator's decision that conditional use permit 11-05 was in violation. Mr. Ferebee seconded the motion and the motion passed unanimously.

OLD BUSINESS

BOA 11-05 CHRISTOPHER SUSKO: Conditional use permit to allow a non-accessory home occupation for a limousine/taxi service located at 102 Seabreeze Lane N in Knotts Island, 0076-000-080B-0000, Fruitville Township.

DISCUSSION

Ms. Susko stated he didn't not feel the gate was necessary since the bufferyard had been changed from a "C" to an "A".

Mr. Bass asked about the requirement for the gate.

Mr. Schuler said the original site plan that was approved showed a gate from the house to the fence and the limousines were to be parked behind the gate. He stated Mr. Susko was also asking to change his hours of operation.

Mr. Susko stated his ideal hours of operation from 6 am to Midnight. He also stated since he lives at the property he should be able to not be subject to those hours because there are times when he is no longer conducting business but will still be driving the limousine.

Mr. Bass questioned the current hours of operation. He asked what days would he like to extend the hours of operation as previously mentioned.

Mr. Susko stated 8 am to 9 pm every day of the week. He said he would like to have extended hours on Friday and Saturday with the other days of the week remaining the same as they were. He said that the only people that come to his house are the drivers, he does not have customers come to his house.

Mr. Palmer questioned the request for the change to the fence requirement.

Mr. Bass explained the changes that were being requested.

Mr. Schuler said there was also a request to park the limousines on the current driveway and not be required to park them behind a fence.

Mr. Palmer asked about the location of the trees.

Mr. Schuler stated they were required to be planted along the front and rear property line as well as on the side with the fence.

Mr. Gallop asked if the new site plan showed the tree alignment the same as the previous site plan.

Mr. Schuler stated since he was choosing to plant larger trees there were less trees than on the original plan but it still met the bufferyard requirement.

Mr. Whitehead stated his opinion in regards to the hours of operation. He said there was a parking pad required in addition to the gate on the fence.

Mr. Schuler stated a parking pad was not required. The use was a non-accessory home occupation and parking pads are not required for residential driveways.

Ms. Smith reviewed the minutes from the April 2011 meeting in regards to the parking pad.

Ms. Tammy Susko commented on the hours of operation. She stated that the limousines were no louder than a regular car. She said due to her work schedule she

doesn't get home until after 12 am and there would be no way to tell if it was her personal car or a limousine.

Ms. Penny Muller stated she was a driver for Mr. Susko. She stated she was opposed to the gate requirement because it was hard to get a limousine in and out of a small area.

Mr. Riggs stated his opinion about a parking pad and how that could create negative drainage onto the neighboring properties.

Mr. Richard Black stated he was three properties down from Mr. Susko's property. He explained his concerns with the limousine business in a residential neighborhood.

Mr. Susko stated that since the installation of the fence he has had more opposition from his neighbors about the fence rather than the business itself. He explained the reason for installing fence in the way it was installed. He questioned if Currituck County had a noise ordinance. He stated there were other vehicles in the neighborhood that were louder than his limousines.

Ms. Smith said a noise ordinance was implemented by the Sheriff's department.

Mr. Bass questioned if there was a requirement to which two vehicles could be on the property.

Mr. Schuler stated he was allowed to have two work related vehicles on his property and which two was not specified.

Mr. Bass moved to close the public hearing. Mr. Conner seconded the motion and the motion passed unanimously.

ACTION

Mr. Bass moved to amend the hours of operation for conditional use permit 11-05 to Sunday through Thursday 8 am to 9 pm, and Friday through Sat 7 am-11 pm while all the other original conditions remained unchanged. Mr. Conner seconded the motion and the motion passed unanimously.

The Board discussed the time frame for the work to be completed.

Mr. Conner moved to allow 30 days for all work to be completed. Mr. Ferebee seconded the motion and the motion passed unanimously.