Currituck County
Board of Adjustment Agenda

Historic Currituck County Courthouse

Date: **June 13, 2013**
Time: **7:00 P.M.**

7:00 p.m.	Call to Order
Item 1	Roll Call
Item 2	Election of Vice Chairman
Item 3	Approval of March 14, 2013 minutes
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.
Item 5	Old Business
Item 6	Adjournment

CURRITUCK COUNTY
BOARD OF ADJUSTMENT REGULAR MEETING
March 14, 2013

REGULAR MEETING

The Currituck County Board of Adjustment met on March 14, 2013 at 7:30 p.m. in the Historic Currituck County Courthouse. The following members were present: David Palmer, Cameron Tabor, Michael Painter, Theresa Dozier, C. Shay Balance, and Vivian Simpson. Christian Conner was absent. Brad Schuler, Planner; Stacey Smith, Code Enforcement Officer; and Ben Gallop, Board of Adjustment Attorney; were also present.

Mr. Tabor asked if there were any changes to the agenda. Mr. Schuler stated the items 4,5,6,7 on the agenda have been removed.

Mr. Tabor called the meeting to order and announced a quorum have been met with 4 regular members and 1 alternate member.

Item 2: Update to Rules of Procedure

Brad Schuler reviewed the changes to the Rules and Procedures

David Palmer motion to approve the update to the rules of procedure and change the time of the meeting to 7:00pm. Theresa Dozier 2nd the motion and the motion passed unanimously.

Item 3: Approval of January 10, 2013 Minutes

David Palmer motioned to approve the January 10, 2013 minutes with no changes. Theresa Dozier 2nd the motion and the motion passed unanimously.

Item 8: BOA 12-09 THOMAS HANSON: Currituck County's motion to dismiss the petitioner's appeal request that the administrator's decision that internet sweepstakes are not a permitted use. The property is located at 109E Forbes Loop, Tax Map 107D, Parcel 1B, Poplar Branch Township.

DISCUSSION

Ike McRee gave some background on the appeal case, and the reasoning to file for the motion to dismiss the petittioner's appeal request.

David Palmer asked if the county is asking to dismiss the appellants appeal.

Mr. McRee stated that was correct. If the appeal is dismissed, then the notice of violation will stand and this case has no civil citations.

Mr. Palmer asks if the fee was refundable.

Mr. McRee stated that the fee was not refundable due to the cost of the staff and the board time.

Mr. Tabor asks if we choice to dismiss the appeal what happens next.

Mr. McRee in my opinion the notice of violation will stand.

Mr. Gallop stated that if you dismiss the case the applicant still has the right to appeal to the higher courts.

Mr. Tabor asks if the county had heard from the applicant.

Mr. McRee stated that the county had not heard from the applicant regarding the dismissal.

ACTION

David Palmer motioned to dismiss as the applicant isn't here. Michael Painter 2nd that motion. Motion carried unanimously.

Item 9: BOA 12-13 BINGO EQUIPMENT SERVICES INC.: Currituck County's motion to dismiss the petitioner's appeal request that the administrator's decision that internet sweepstakes are not a permitted use. The property is located at 134 Caratoke Hwy., Tax Map 8, Parcel 5, Moyock Township.

DISCUSSION

Mr. McRee stated that this case is similar to the one we just went over however, Bingo Equipment Services Inc. is a Alabama corporation and is not registered with the state of North Carolina and this board is without jurisdiction to hear this case.

Mr. Tabor asked Mr. McRee for clarification that this case is the same except the part about the corporation.

Mr. McRee stated that is correct.

Mr. Palmer asked Mr. Gallop to affirm what was stated.

Mr. Gallop stated that the board of adjustment is deemed a lower court as a quad board much like a superior court.

ACTION

David Palmer motioned to dismiss with the findings and applicant not present. Theresa Dozier 2nd that motion. Motion carried unanimously.

Item 10: BOA 12-14 SPIN N WIN: Currituck County's motion to dismiss the petitioner's appeal request that the administrator's decision that internet sweepstakes are not a permitted use. The property is located at 385 Caratoke Hwy., Tax Map 9, Parcel 34, Moyock Township.

DISCUSSION

Mr. McRee stated that this case is similar to the ones we just went over however the difference here is the applicant Spin N Win is a Virginia Corporation and is not registered with the State of North Carolina.

ACTION

Theresa Dozier motioned to dismiss the case. Vivian Simpson 2nd that motion. Motion carried unanimously.

ADJOURNMENT

There being no further business to discuss Cameron Tabor motioned for adjournment. Theresa Dozier 2nd the motion and the motion passed unanimously. The meeting adjourned at 8:00pm

Respectfully Submitted,

Stacey Smith
Code Enforcement Officer

DRAFT

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

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 compliant regarding the Currituck Art Councils 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

Appeal
Application

OFFICIAL USE ONLY:
Case Number: BOA 13-04
Date Filed: 3-14-13
Gate Keeper: SDS
Amount Paid: $150.00

(May 9, 2013 BOA)

Contact Information

APPLICANT:
Name: Currituck County Arts Council
Address: 102 Teal Drive
Currituck, NC 27929
Telephone: (252) 232-2634
E-Mail Address: dannent@mchsi.com

PROPERTY OWNER:
Name: N/A
Address:
Telephone:
E-Mail Address:

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: N/A

Property Information

Physical Street Address:

Location:

Parcel Identification Number(s):

Statement of Error, or Improper Decision or Interpretation

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

The determination being dated ___/___/___.

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.

see attached

Please include all related support materials with the application. Expert Testimony at BOA meeting

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.

X Marion Danner 3/14/13
Appellant/Applicant Date

1. Prima Facie Evidence as detailed in Notice of Violation #V13-4

The location of a "right of way" as Defined by the Currituck Planning Department can be incorrect, inconsistent, and inconclusive.

2. Prima Facie Evidence as detailed in Notice of Violation #V13-4

The phrasing "multiple sign" is not descriptive as to the location and specifics of said violation{s}.

3. Prima Facie Evidence as detailed in Notice of Violation #V13-4

The Notice of Violation Required Compliance Date is not date specific.

4. Undue Influence by the "Complaining Witness" as a result of information released to said witness by The Currituck Planning Department and exempt from such release under Section 132-1.4 of The General Statutes of North Carolina.

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

NOTICE OF VIOLATION #
V13-4

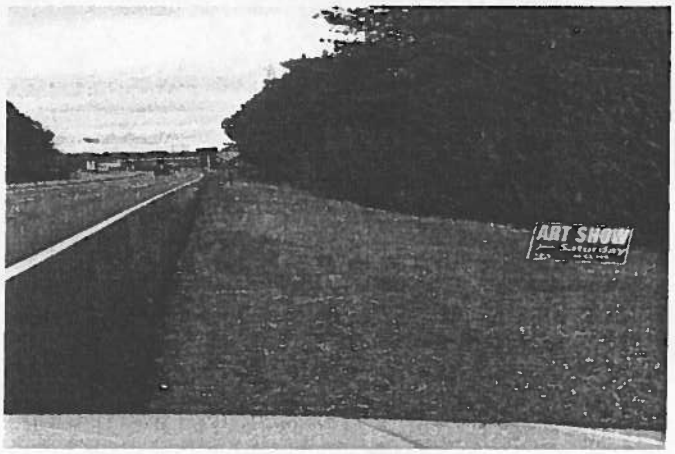
Currituck County Arts Council
c/o Marion Dannert
102 Teal Drive
Currituck, NC 27929

Violation Date:	**Inspection Date:**
March 6, 2013	March 6, 2013
Property Address:	**PIN #:**

Violation Description:

You were previously warned on March 4, 2013 that signs had been placed in the sight distance triangles and right of ways throughout the county. As of today, multiple sign are still located in the right of ways throughout the county therefore you are in violation of your temporary use permit as well as county ordinances.

Compliance Request:	**UDO Code Reference:**
	Special Event Permit 201300243 and Chapter 5, Subsection 5.12.2 Prohibited Signs
Remove all signs out of the right of ways	**Required Compliance Date:**
	Immediately



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

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

County of Currituck
Project Approval

Application #: 201300243

Property Owner: CURRITUCK CO. BOARD OF EDUCATION

Location: 4203 CARATOKE HWY

Parcel ID: 0070000049B0000

Project Description: SPECIAL EVENT

Issued Date: 03/01/13

Expiration Date: ~~03/01/14~~ sds

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

CONDITIONS OF APPROVAL:

MARCH 9, 2013 CURRITUCK ART COUNCIL EXTRAVAGANZA SHOW & SALE **ZONING PROPOSED 40 SMALL TEMPORARY SIGNS, EACH SIGN WITH A MAX AREA OF 6 SQUARE FEET. SIGNS MAY NOT BE LOCATED WITHIN THE SIGHT DISTANCE TRAINGLE OR PUBLIC RIGHT OF WAYS. SIGNS SHALL BE REMOVED WITHIN 8 DAYS AFTER THE EVENT. **FIRE MARSHAL AT NO TIME MAY THE FIRE LANE BE IMPEDED, NOR THE FULL WIDTH OF MARKED EXISTS AND EXIT WAYS. **ENVIRONMENTAL HEALTH BOY SCOUT TROOP MAY SERVE FOOD AS LONG AS THEY DONT SERVE FOOD MORE THAN 2 CONSECUTIVE DAYS IN A MONTH. PLEASE HAVE SCOUT MASTER CONSULT WITH HEALTH DEPT (252)232-6603

Z 6451	BUILDING PERMIT		.00
		TOTAL FEE	.00

I have read and understand the above conditions of approval.

Applicant: Gloria Downey

County of Currituck

Project Type: SPECIAL EVENT

Application Number:

201300243

Location: 4203 CARATOKE HWY

Parcel ID: 0070000049B0000

Property Owner: CURRITUCK CO. BOARD OF EDUCATION

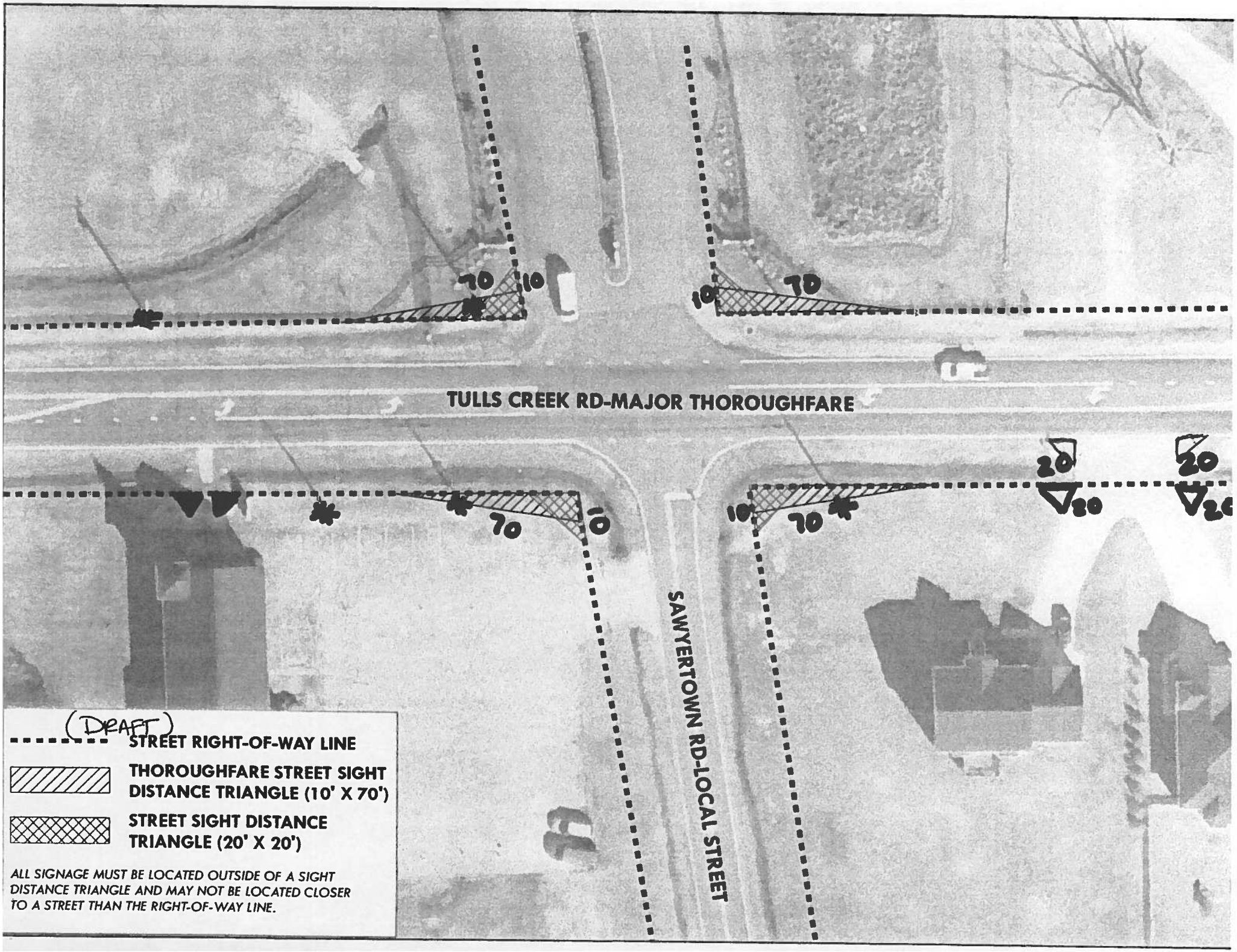
This permit must be displayed where it is plainly visible from the street.
Failure to display permit could result in inspections not being performed.

Date Issued: 03/01/13

Issued By: Stacey Smith ~~Spence Castello~~

~~Director of Inspections~~

Code Enforcement


TULLS CREEK RD-MAJOR THOROUGHFARE
SAWYERTOWN RD-LOCAL STREET
70
10
10
70
70
10
10
70
20
20
20
20
(DRAFT)
STREET RIGHT-OF-WAY LINE
THOROUGHFARE STREET SIGHT DISTANCE TRIANGLE (10' X 70')
STREET SIGHT DISTANCE TRIANGLE (20' X 20')
ALL SIGNAGE MUST BE LOCATED OUTSIDE OF A SIGHT DISTANCE TRIANGLE AND MAY NOT BE LOCATED CLOSER TO A STREET THAN THE RIGHT-OF-WAY LINE.

For General Reference
Use:

- Telephone poles
- ditches

* No Signs @ intersections (streets / driveway)

* No Signs between Pavement and telephone (again general reference)

232-6027
Stacey Smith