



BOARD OF ADJUSTMENT

THERESA DOZIER
Chairman

DAVID PALMER
Vice-Chairman

BOARD OF ADJUSTMENT

C SHAY BALLANCE
DONNA MC CLOUD
MICHAEL PAINTER
VIVIAN SIMPSON
CAMERON TABOR

Currituck County
Board of Adjustment Agenda
Historic Currituck County Courthouse
March 13, 2014, 7:00 p.m.

7:00 p.m. **CALL TO ORDER**

Item 1 **ROLL CALL**

Item 2 A. Approval of Agenda
 B. Ask for Disqualifications
 C. Announce Quorum Being Met

Item 3 **Approval of January 9, 2014 minutes**

OLD BUSINESS:

NEW BUSINESS:

Item 4 **BOA 13-09 MICHAEL & MARIE LONG:** Appeal of administrator's decision that a proposed single-family detached dwelling located at 1441 Ocean Pearl Road, Carova, Tax Map 113A, Parcel 8, complies with the Currituck County Unified Development Ordinance.

Item 5 **ANNOUNCEMENTS**

Item 6 **ADJOINMENT**



**CURRITUCK COUNTY
BOARD OF ADJUSTMENT REGULAR MEETING
January 9, 2014**

REGULAR MEETING

The Currituck County Board of Adjustment met on January 9, 2014 at 7:00 p.m. in the Historic Currituck County Courthouse. The following members were present: David Palmer, Cameron Tabor, Vivian Simpson, C. Shay Balance, Michael Painter, and Theresa Dozier. Donna McCloud was not present. Brad Schuler, Planner; Stacey Smith, Code Enforcement Officer/Board of Adjustment Clerk; and Ben Gallop, Board of Adjustment Attorney; were also present.

Items 2: ELECTION OF OFFICERS

Cameron Tabor nominated Theresa Dozier for Chairman. Shay Balance 2nd that motion and the motion passed unanimously.

Vivian Simpson nominated David Palmer for Vice Chairman. Cameron Tabor 2nd that motion and the motion passed unanimously.

Theresa Dozier called the meeting to order and asked if there were any changes to the agenda.

Brad stated that item 5 emailed a request to continue the case, which we will discuss when we get to that item on the agenda.

Theresa Dozier announced a quorum have been met with five regular members and one alternate members.

Item 4: Approval of September 13, 2013 Minutes

David Palmer motioned to approve the September 13, 2013 minutes with correction of David Painter to David Palmer. Michael Painter 2nd the motion and the motion passed unanimously.

Item 5: DAVID & CATHERINE ZATLOUKAL: Variance request to allow property to be filled higher than the maximum permitted by the Unified Development Ordinance (UDO), and to not implement adequate stormwater practices as required. The property is located at 680 Wild Cherry Court, The Currituck Club in Corolla.

Brad Schuler stated that the applicant requested a continuance to have their proposal reviewed by the Currituck Club architectural review committee first; a copy of that request is in front of you. Staff is ok with the request.

Michael Painter asked if the golf course received notification regarding the meeting.

**Minutes are not official until approved by the board.*

Mr. Schuler stated that everyone within 200 feet of the property is notified.

Michael Painter motioned to approve the continuance request. Cameron Tabor 2nd the motion and the motion passed unanimously.

ANNOUCEMENTS

There are no announcements at this time.

ADJOURNMENT

There being no further business to discuss, Cameron Tabor motioned for adjournment. Vivian Simpson 2nd the motion and the motion passed unanimously. The meeting adjourned at 7:10 pm

Respectfully Submitted,

Stacey Smith

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

To: Board of Adjustment
From: Planning Staff
Date: December 23, 2013
Subject: BOA 13-09 Mancuso Letter of Determination

Michael and Marie Long are appealing the Planning Director's determination that a proposed single-family detached dwelling located at 1441 Ocean Pearl Road complies with the Currituck County Unified Development Ordinance (UDO). The determination concluded that buildings connected using conditioned hallways that allow unrestricted owner or renter passage between cooking, sleeping, and sanitary facilities establish a single principal structure for permitting purposes. The letter of determination was issued on November 22, 2013 using building plans dated October 10, 2013 prepared by Beacon Architecture + Design, PLLC and House Engineering, P.C.

As stated in the appeal application, the grounds for appeal include, but are not limited to the following: the project as submitted does not fall within the UDO definition of a Dwelling, Single-Family Detached, but is instead three structurally independent buildings; and, the same building plans have been submitted to the Division of Coastal Management, a state agency, as three structurally independent buildings.

The county submits the following attachments:

- Attachment 1: Letter of determination dated November 22, 2013.
- Attachment 2: Referenced building plans.
- Attachment 3: 2012 North Carolina Residential Code, Definitions.
- Attachment 4: Appeal application.
- Attachment 5: Letter of determination dated April 12, 2013 and referenced site plan – this determination was not appealed.



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

LETTER OF DETERMINATION

November 22, 2013

Mr. Bernie Mancuso
Mancuso Development Inc.
608 Cottage Lane
Corolla, NC 27927

RE: 1441 Ocean Pearl Road; Ocean Beach Subdivision; Corolla, North Carolina

Dear Mr. Mancuso:

This letter is in response to an October, 14, 2013 letter from Mr. Gregory E. Wills requesting a determination regarding the use of the property and proposed structures located at 1441 Ocean Pearl Road, Corolla, North Carolina. The letter was accompanied by building plans dated October 10, 2013, prepared by Beacon Architecture + Design, PLLC and House Engineering, P.C. (Enclosed).

A letter of determination was previously issued for this project on April 12, 2013 specifying that decking does not constitute attachment of buildings for purposes of permitting a single family detached dwelling and therefore the project as proposed did not comply with the Currituck County Unified Development Ordinance (Enclosed). Following multiple meetings between Mancuso Development, Inc. and county staff, the above referenced building plans were submitted for a determination as a single family detached dwelling. The following definitions included in the Unified Development Ordinance (UDO) or 2012 North Carolina Residential Code are used in making the requested determination:

1. *Dwelling, Single Family Detached*: A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure (UDO Section 10.5).
2. *Building* (See "Structure"): Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or moveable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction (UDO Section 10.5).
3. *Dwelling Unit*: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and sanitary facilities (UDO Section 10.5).

4. *Conditioned Space*: An area or room within a building being heated or cooled, containing uninsulated ducts, or with a fixed opening directly into an adjacent conditioned space (2012 North Carolina Residential Code).

In making this determination I reviewed the above referenced building plans. The plans indicate a three-story main building that includes cooking, sleeping, and sanitary facilities; as well as two-story side buildings that include sleeping and sanitary facilities. The building plans also show two conditioned hallways connecting rooms within the proposed single family detached dwelling.

In the application of the UDO, a single family detached dwelling is a residential building (singular form), that contains not more than one dwelling unit and is not physically attached to any other principal structure. In reference to the enclosed building plans, the main building and side buildings are connected through conditioned hallways thereby establishing a single principal structure for permitting purposes. The conditioned hallways allow unrestricted owner or renter passage between cooking, sleeping, and sanitary facilities as is common in a single family detached dwelling. The proposed connection of rooms through conditioned space is also representative of an independent dwelling unit.

For the foregoing reasons, it is my determination that the proposed single family detached dwelling located at 1441 Ocean Pearl Road, Corolla, North Carolina as represented by building plans dated October 10, 2013, prepared by Beacon Architecture + Design, PLLC and House Engineering, P.C. complies with the county's UDO. More specifically:

- The main building and side buildings are connected using conditioned hallways that allow unrestricted owner or renter passage between cooking, sleeping, and sanitary facilities thereby establishing a single principal structure for permitting purposes.
- The use of conditioned space must be consistent with the requirements of the 2012 North Carolina Residential Code and must include fixed openings from the connecting hallways directly into adjacent conditioned spaces.

If you or an aggrieved party believes this determination represents an error in the application of the UDO, an appeal may be filed with the Currituck County Board of Adjustment. The appeal must be filed with my office within 30 days of the date of this determination. You may obtain a copy of the required appeal application from the Clerk for the Board of Adjustment, Stacey Smith, by calling 232-3055.

Sincerely yours,



Ben E. Woody, AICP
Planning Director

cc: Mr. Michael P. Long
Ms. Elizabeth Letendre
Mr. Ronald Renaldi, Division of Coastal Management
Mr. Ike McRee, County Attorney
Planning File

BEACON
 ARCHITECTURE + DESIGN, P.L.L.C.
 P.O. BOX 1827
 KITTY HAWK, NC 27949
 PH: (252) 441-6767, FAX (252) 261-6045

STRUCTURAL ENGINEERING:
HOUSE ENGINEERING, P.C.
 P.O. BOX 465
 KITTY HAWK, N.C. 27949
 OFFICE: 252-261-9253 FAX: 252-261-5883
ENGINEER'S SEAL APPLIES ONLY TO STRUCTURAL COMPONENTS. CONTRACTOR MAKES DECISIONS ON PLANS NOT TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF HOUSE ENGINEERING, P.C. FAILURE TO DO SO WILL VOID HOUSE ENGINEERING, P.C.'S LIABILITY.

PROJECT NAME:
LETENDRE RESIDENCE
 "THE CHESAPEAKE"
 LOT 8, OCEAN BEACH
 CAROVA, NC

REVISIONS:	DATE:
COUNTY REVIEW MTG	4 / 18 /13
TRUSS MFG REVIEW	5 / 11 /13
CAMA REVIEW	5 / 30 /13
CAMA REVISION	6 / 18 /13
COUNTY REVIEW	7 / 30 /13
ROOF DETAIL	8 / 28 /13
CONNECTION DETAIL	10 / 10 /13

MAIN BUILDING PLAN

COUNTY COORDINATION DRAWINGS:
 NOT FOR CONSTRUCTION

DRAWN BY: CN

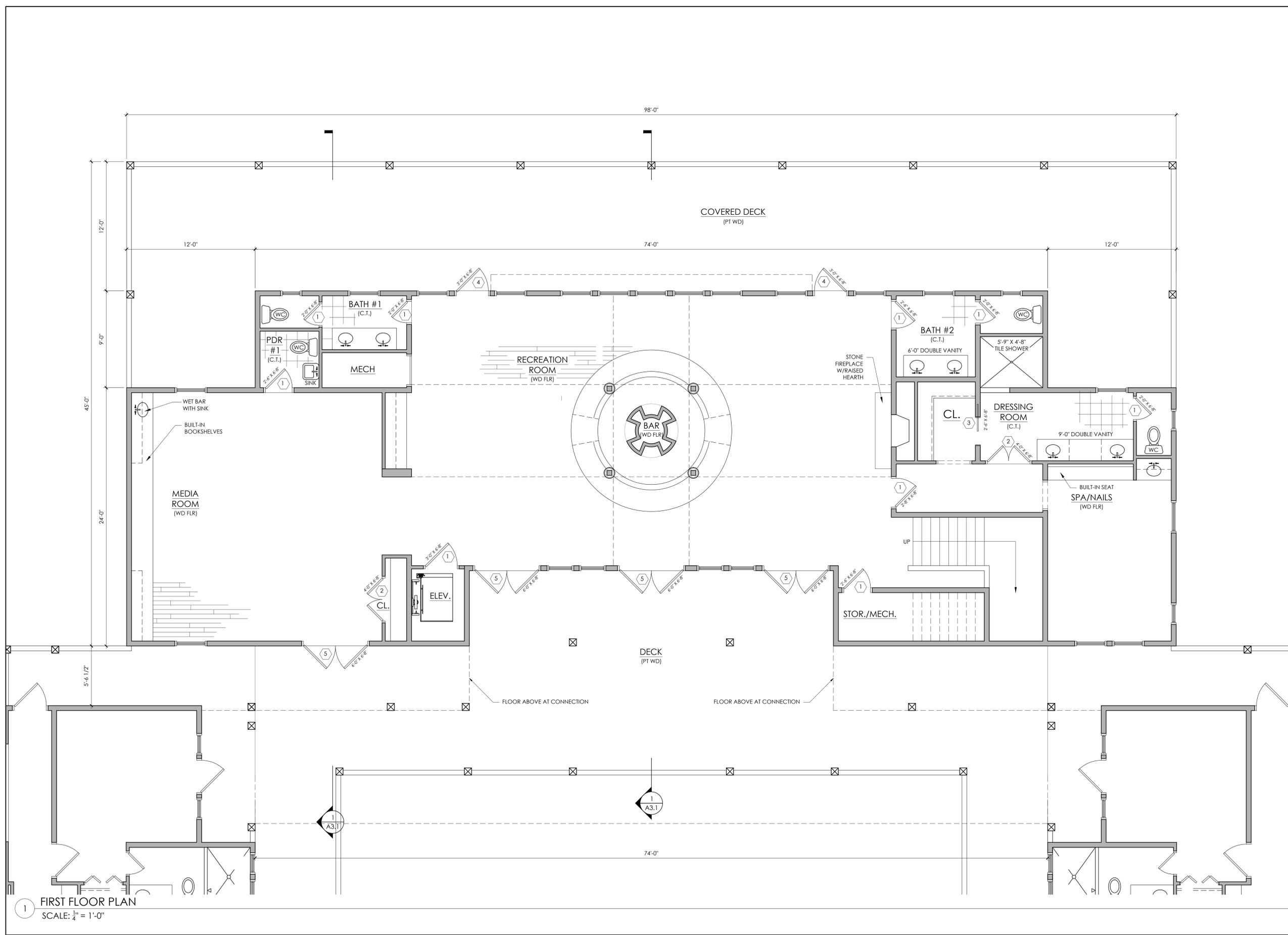
DATE: 10 / 10 /13

SCALE: -

STAMP:

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SHEET:
A1.1



1 FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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ROOF DETAIL	8 / 28 /13
CONNECTION DETAIL	10 / 10 /13

MAIN BUILDING PLAN

COUNTY COORDINATION DRAWINGS:
 NOT FOR CONSTRUCTION

DRAWN BY: CN

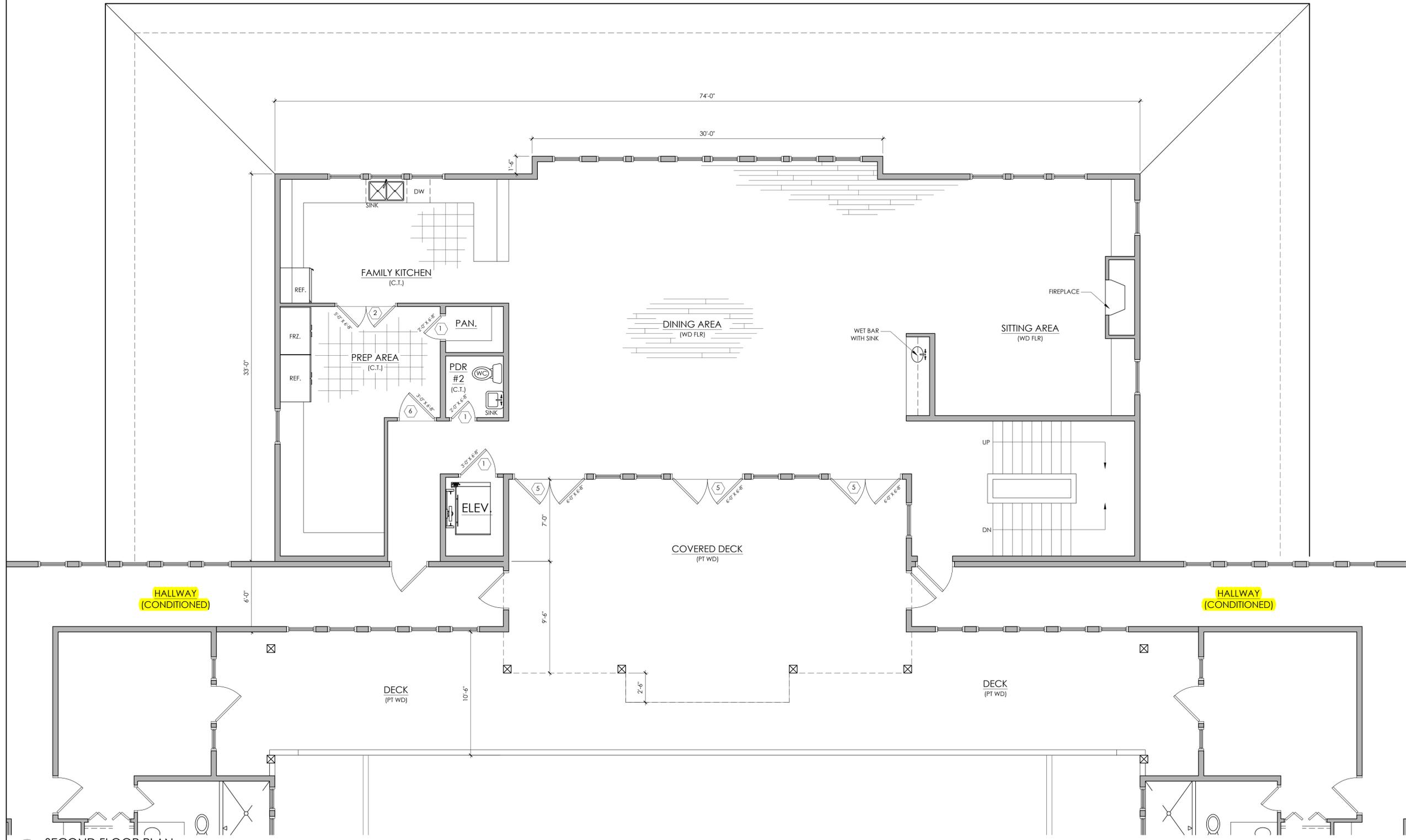
DATE: 10 / 10 /13

SCALE: -

STAMP:

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SHEET:
A1.2



1 SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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PROJECT NAME:
LETENDRE RESIDENCE
 "THE CHESAPEAKE"
 LOT 8, OCEAN BEACH CAROVA, NC

REVISIONS:	DATE:
COUNTY REVIEW MTG	4 / 18 /13
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COUNTY REVIEW	7 / 30 /13
ROOF DETAIL	8 / 28 /13
CONNECTION DETAIL	10 / 10 /13

MAIN BUILDING PLAN

COUNTY COORDINATION DRAWINGS:
 NOT FOR CONSTRUCTION

DRAWN BY: CN

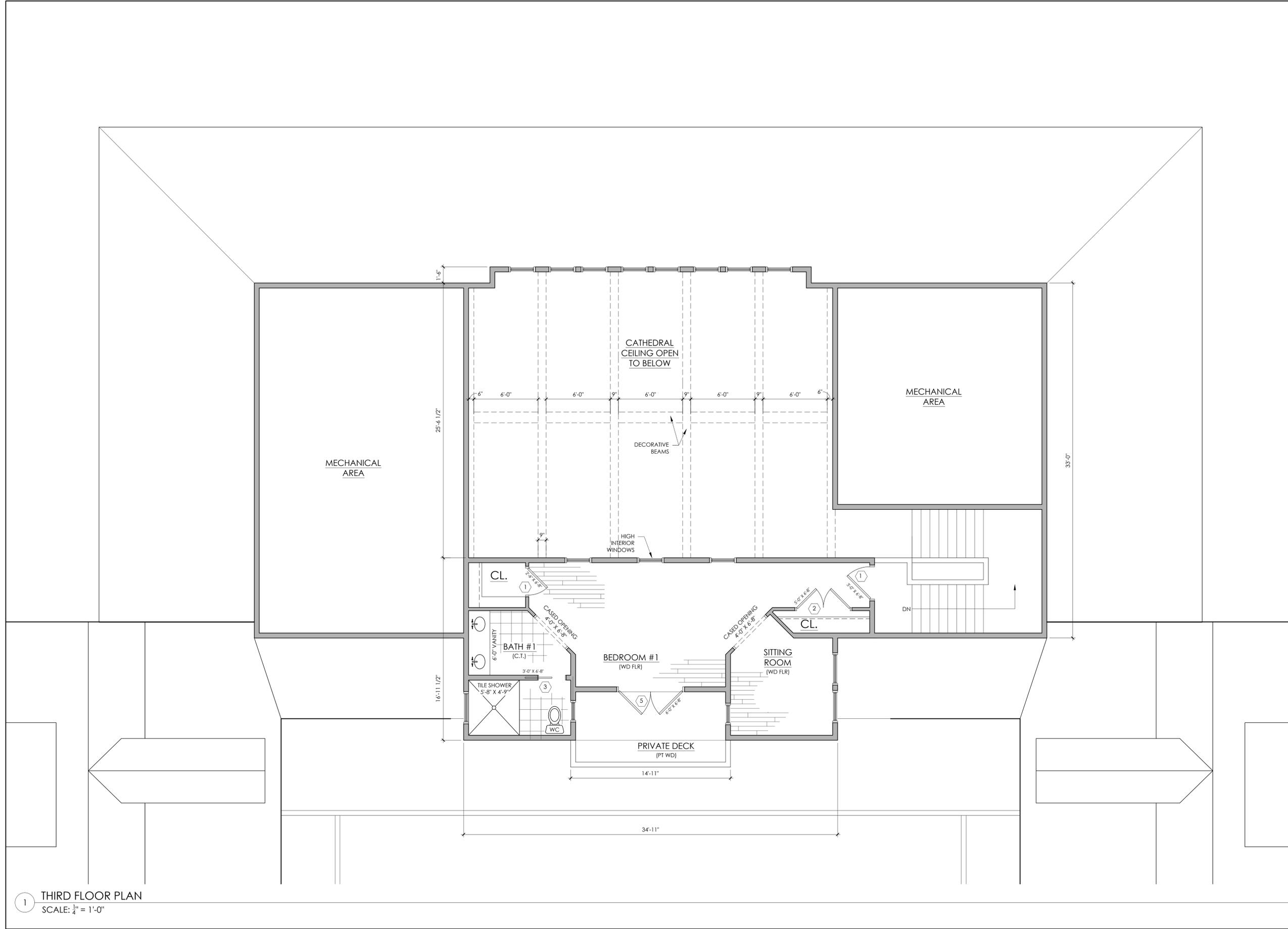
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SCALE: -

STAMP:

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SHEET:
A1.3



1 THIRD FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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PROJECT NAME:
LETENDRE RESIDENCE
 'THE CHESAPEAKE'
 LOT 8, OCEAN BEACH CAROVA, NC

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COUNTY REVIEW MTG	4 / 18 /13
TRUSS MFG REVIEW	5 / 11 /13
CAMA REVIEW	5 / 30 /13
CAMA REVISION	6 / 18 /13
COUNTY REVIEW	7 / 30 /13
ROOF DETAIL	8 / 28 /13
CONNECTION DETAIL	10 / 10 /13

SIDE BUILDING PLANS

COUNTY COORDINATION DRAWINGS:
 NOT FOR CONSTRUCTION

DRAWN BY: CN

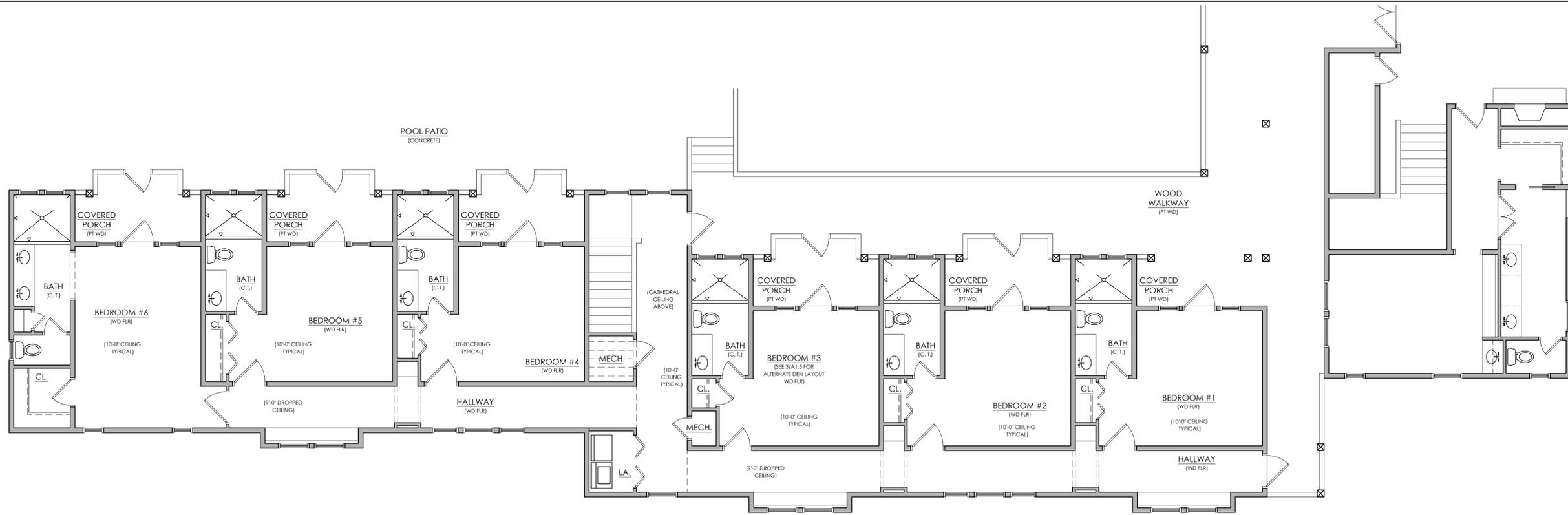
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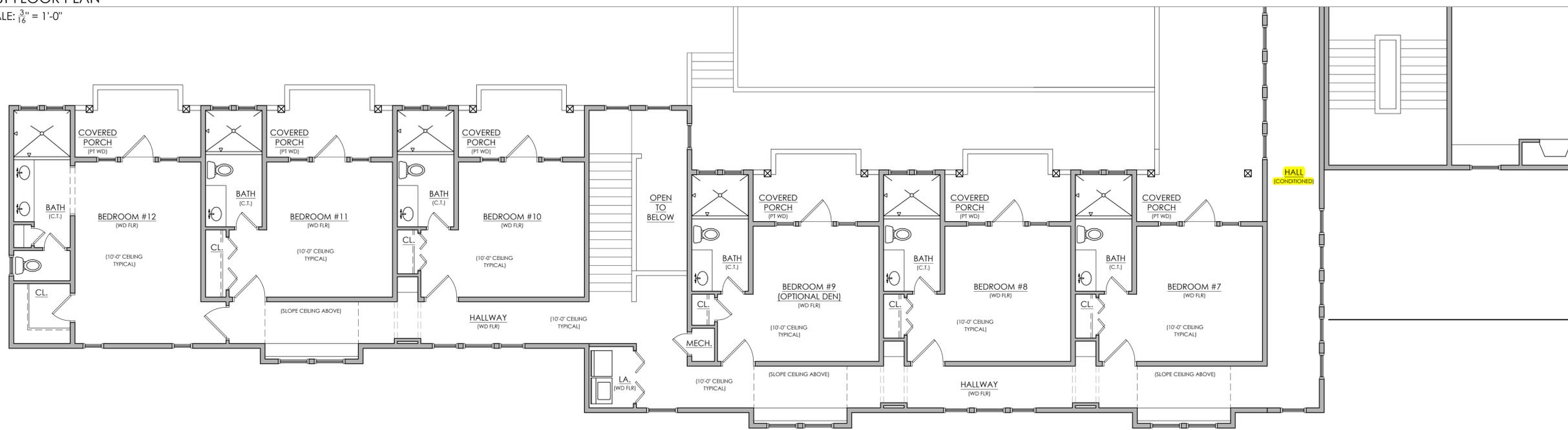
STAMP:

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SHEET:
A1.5



1 FIRST FLOOR PLAN
 SCALE: 3/16" = 1'-0"



2 SECOND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

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STRUCTURAL ENGINEERING:

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 TO THE IMMEDIATE ATTENTION OF HOUSE ENGINEERING, P.C. FAILURE
 TO DO SO WILL VOID HOUSE ENGINEERING, P.C.'S LIABILITY.

PROJECT NAME:

**LETENDRE
 RESIDENCE**

"THE CHESAPEAKE"
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ROOF DETAIL	8 / 28 /13
CONNECTION DETAIL	10 / 10 /13

**SIDE BUILDING
 PLANS**

COUNTY COORDINATION
 DRAWINGS:
 NOT FOR CONSTRUCTION

DRAWN BY: CN

DATE: 10 / 10 /13

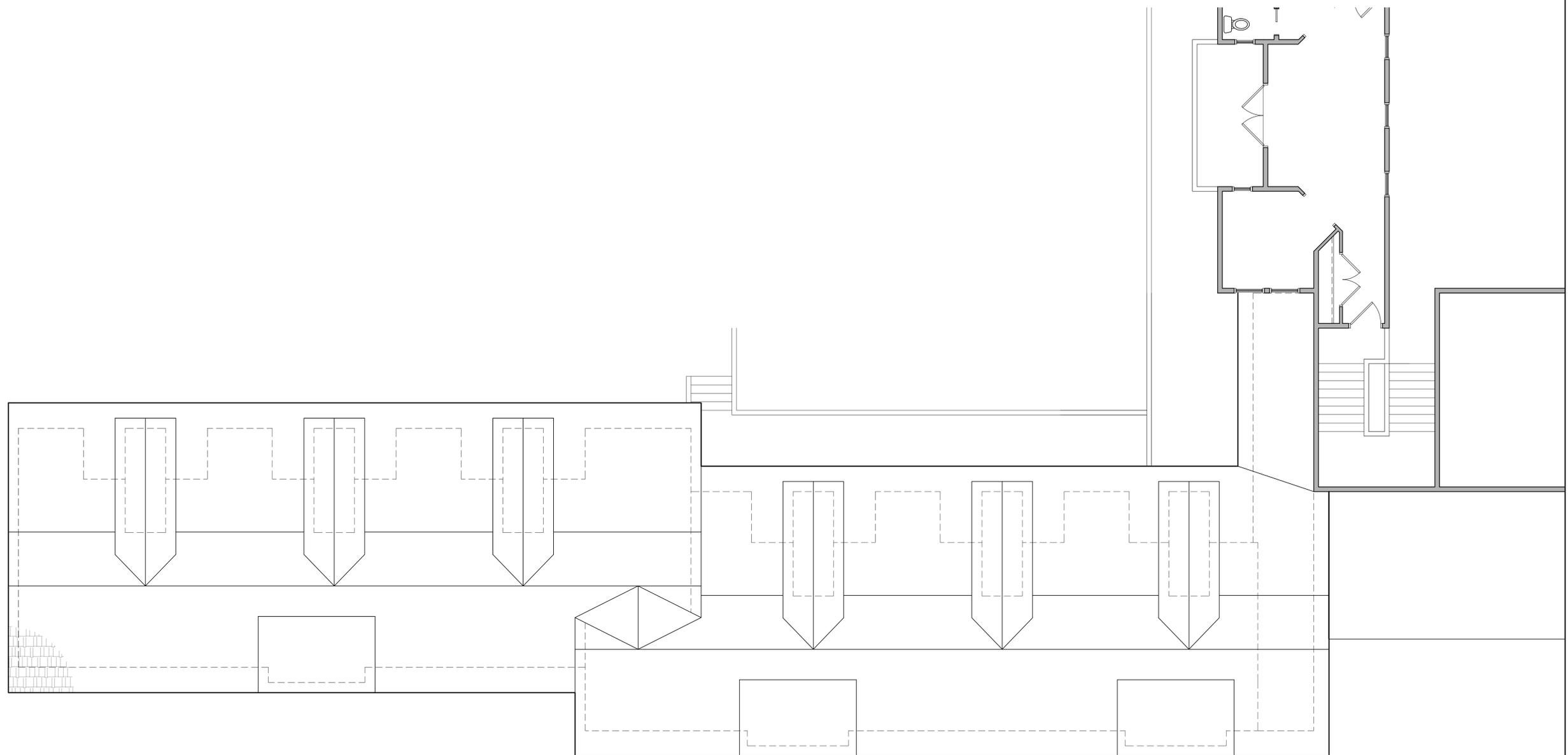
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SHEET:

A1.6



1 ROOF PLAN
 SCALE: 3/8" = 1'-0"

CLOSET. A small room or chamber used for storage.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

COMBINATION WASTE AND VENT SYSTEM. A specially designed system of waste piping embodying the horizontal wet venting of one or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

COMBUSTIBLE MATERIAL. Any material not defined as noncombustible.

COMBUSTION AIR. The air provided to fuel-burning *equipment* including air for fuel combustion, draft hood dilution and ventilation of the *equipment* enclosure.

COMMON VENT. A single pipe venting two trap arms within the same *branch interval*, either back-to-back or one above the other.

CONDENSATE. The liquid that separates from a gas due to a reduction in temperature, e.g., water that condenses from flue gases and water that condenses from air circulating through the cooling coil in air conditioning *equipment*.

CONDENSING APPLIANCE. An *appliance* that condenses water generated by the burning of fuels.

CONDITIONED AIR. Air treated to control its temperature, relative humidity or quality.

CONDITIONED AREA. That area within a building provided with heating and/or cooling systems or *appliances* capable of maintaining, through design or heat loss/gain, 68°F (20°C) during the heating season and/or 80°F (27°C) during the cooling season, or has a fixed opening directly adjacent to a conditioned area.

CONDITIONED CRAWL SPACE. A conditioned crawl space is a foundation without wall vents that encloses an intentionally heated or cooled space. Insulation is located at the exterior walls.

CONDITIONED FLOOR AREA. The horizontal projection of the floors associated with the *conditioned space*.

CONDITIONED SPACE. An area or room within a building being heated or cooled, containing uninsulated ducts, or with a fixed opening directly into an adjacent conditioned space.

CONSTRUCTION DOCUMENTS. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building *permit*. Construction drawings shall be drawn to an appropriate scale.

CONTAMINATION. An impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste.

CONTINUOUS WASTE. A drain from two or more similar adjacent fixtures connected to a single trap.

CONTROL, LIMIT. An automatic control responsive to changes in liquid flow or level, pressure, or temperature for limiting the operation of an *appliance*.

CONTROL, PRIMARY SAFETY. A safety control responsive directly to flame properties that senses the presence or absence of flame and, in event of ignition failure or unintentional flame extinguishment, automatically causes shutdown of mechanical equipment.

CONVECTOR. A system-incorporating heating element in an enclosure in which air enters an opening below the heating element, is heated and leaves the enclosure through an opening located above the heating element.

CORE. The light-weight middle section of the structural insulated panel composed of foam plastic insulation, which provides the link between the two facing shells.

CORROSION RESISTANCE. The ability of a material to withstand deterioration of its surface or its properties when exposed to its environment.

COURT. A space, open and unobstructed to the sky, located at or above *grade* level on a *lot* and bounded on three or more sides by walls or a building.

CRIPPLE WALL. A framed wall extending from the top of the foundation to the underside of the floor framing of the first *story above grade plane*.

CROSS CONNECTION. Any connection between two otherwise separate piping systems whereby there may be a flow from one system to the other.

DALLE GLASS. A decorative composite glazing material made of individual pieces of glass that are embedded in a cast matrix of concrete or epoxy.

DAMPER, VOLUME. A device that will restrict, retard or direct the flow of air in any duct, or the products of combustion of heat-producing *equipment*, vent connector, vent or chimney.

DAMPPROOFING. A coating or the application of coatings applied to retard the penetration of water vapor and moisture through or into walls or into interior spaces.

DEAD END. A branch leading from a DWV system terminating at a *developed length* of 2 feet (610 mm) or more. Dead ends shall be prohibited except as an *approved* part of a rough-in for future connection.

DEAD LOADS. The weight of all materials of construction incorporated into the building, including but not limited to walls, floors, roofs, ceilings, stairways, built-in partitions, finishes, cladding, and other similarly incorporated architectural and structural items, and fixed service *equipment*.

DECK. An exterior floor system supported on at least two opposing sides by an adjoining structure or posts, piers, or other independent supports.

DECORATIVE GLASS. A carved, leaded or Dalle glass or glazing material whose purpose is decorative or artistic, not functional; whose coloring, texture or other design qualities or components cannot be removed without destroying the glazing material; and whose surface, or assembly into which it is incorporated, is divided into segments.

DESIGN PROFESSIONAL. See "*Registered design professional*."



Appeal Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

SEND MAIL
 COURTESY ROOM

APPLICANT:

Name: Michael + Marie Long
 Address: 132 Tolers Rd.
Williamsburg, VA 23185
 Telephone: 757-229-2992
 E-Mail Address: Lfelas@aol.com
757-869-3009 cell

PROPERTY OWNER:

Name: Michael + Marie Long
 Address: 1437 Ocean Pearl Rd.
Corolla, NC 27927
 Telephone: 252-457-0865
 E-Mail Address: Lfelas@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same

Property Information (PROPERTY REFERENCED IN DETERMINATION)

Physical Street Address: 1441 Ocean Pearl Rd. Corolla, NC 27927
 Location: Ocean Beach Lot 8 (off-road-Corolla, NC)
 Parcel Identification Number(s): 113A00000080000

Statement of Error, or Improper Decision or Interpretation

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

The determination being dated 11/22/13.

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.

*Please see attached statement for Grounds for Appeal.

Attorney Robin Currin will be representing us at the BOA appeal hearing. We request that she be copied on all correspondence on this appeal.

Contact info: Robin Currin - PO Box 86, Raleigh, NC 27602 (127 W. Hargett St.

Suite 500, Raleigh, NC 27601) Phone 919-833-1515, Fax 919-836-8484

Email: robin.currin@aol.com ← SEND PACKET / CORRESPONDENCE

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.

Michael P. Long 12/16/13
Marie C. Long 12/16/13

Appellant/Applicant

Date

We are appealing the decision made in Ben Woody's letter dated November 22, 2013 regarding a project proposed at 1441 Ocean Pearl Road. A copy of that letter is attached hereto and incorporated herein by reference. We are the adjacent homeowners at 1437 Ocean Pearl Rd. It is our position that the determination that the 3 buildings involved in this project meet the definition of a Single Family Dwelling as per the County UDO, as well as defining conditioned hallway connections as the criteria for a Single Family Dwelling, are in error for a number of reasons, which will be argued and discussed in detail at the hearing on this appeal before the Board of Adjustment. The reasons for our appeal include, but are not limited to the following: The definition of a Dwelling, Single Family Detached is "A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure". The project as submitted does not fall within this definition, but is instead 3 structurally independent buildings. In addition, the same plan has been submitted to CAMA, a state agency, as 3 structurally independent buildings, for setback purposes and is considered 3 buildings by CAMA. The project is not otherwise permitted by any UDO provisions and the decision of the Zoning Administrator should be reversed.



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

LETTER OF DETERMINATION

April 12, 2013

Mr. Michael P. Long
1437 Ocean Pearl Road
Corolla, NC 27927

RE: 1441 Ocean Pearl Road; Ocean Beach Subdivision; Corolla, North Carolina

Dear Mr. Long:

This letter is in response to your September 27, 2012 email request for a determination regarding the use of the property and proposed structures located at 1441 Ocean Pearl Road, Corolla, North Carolina which is located in the Single Family Remote (SFR) Zoning District. Following your review of plans attached to a CAMA minor permit application for the subject property, you asked if the proposed "project is a single family dwelling and meets the definition of a single family dwelling as per the county's UDO" [September 27, 2012 email from Michael P. Long]. The following definitions are included in the Unified Development Ordinance (UDO) and will be used in making the requested determination:

1. *Dwelling, Single Family Detached*: A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure.
2. *Building (See "Structure")*: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or moveable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.
3. *Dwelling Unit*: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and sanitary facilities.
4. *Deck*: A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade.

5. *Accessory Structure*: A structure that is subordinate in use and square footage to a principal structure or permitted use.

In making this determination I reviewed a site development plan dated June 24, 2012, prepared by Creative Engineering Solutions, PLLC and building plans dated April 26, 2012, prepared by Beacon Architecture + Design, PLLC (Enclosed). The site development plan indicates four separate buildings. The common area located between the buildings includes uncovered decking and a swimming pool. Associated parking and wastewater disposal areas are located westward of the buildings. The building plans indicate that buildings #1 and #3 are two stories in height and include sleeping and sanitary facilities. Building #2 is three stories in height and includes cooking, sleeping, and sanitary facilities. Building #4 is a pavilion that includes cooking and sanitary facilities.

In the application of the UDO, a single family detached dwelling is a residential building (singular form), that contains not more than one dwelling unit and is not physically attached to any other principal structure. In reference to the enclosed site plan, there are four buildings that are not physically attached to any other principal structure. The buildings are attached by uncovered decking; however, a deck is defined as structure, without a roof, that is directly adjacent to a principal building. Therefore, uncovered decking is not considered part of a principal building and is ancillary in nature.

A property located in the SFR Zoning District is limited to residential use classifications of a single family detached dwelling and family care home. No other residential use classifications are permitted. In reference to the enclosed site plan, one of the four detached buildings must serve as the single family detached dwelling and include not more than one dwelling unit. Building #2 appears to meet this requirement as it includes independent cooking, sleeping, and sanitary facilities. If one of the other detached buildings is modified to also include independent cooking, sleeping, and sanitary facilities, it would then meet the definition of a dwelling unit and the development proposed for the property would no longer qualify as an allowable use in the SFR Zoning District. The single family detached dwelling use is limited to a residential building (singular form), that contains not more than one dwelling unit and is not physically attached to any other principal structure.

In reference to the enclosed site plan, buildings #1, #3, and #4 are not attached to a principal structure and are not permitted as part of a single family detached dwelling. The UDO permits accessory uses and accessory structures. However, the proposed buildings do not meet the definition of an accessory structure or the general Accessory Use Standards (UDO Section 4.3.2.B – Enclosed). In order to be permitted as accessory structures (plural form), the buildings must be customarily accessory and clearly incidental and subordinate to the principal use or structure; and be subordinate in area, extent, and purpose to the principal use or structure. The dining area, meeting area, and other assembly areas included in building #2 cannot be reasonably supported by the single bedroom included in the structure. The scale and number of bedrooms included in buildings #1 and #3 are therefore necessary to support the assembly areas in building #2, and for this reason, buildings #1 and #3 are not incidental and subordinate in area, extent, and purpose to building #2.

For the foregoing reasons, it is my determination that the proposed structures and use of the property located at 1441 Ocean Pearl Road, Corolla, North Carolina does not comply with the county's UDO. More specifically:

- The proposed decking does not constitute attachment of buildings for purposes of permitting a single family detached dwelling. One of the four detached buildings must serve as the principal structure, and the remaining detached buildings as accessory structures.
- The proposed accessory structures are not customarily accessory and clearly incidental and subordinate to the principal use or structure; and are not subordinate in area, extent, and purpose to the principal use or structure.

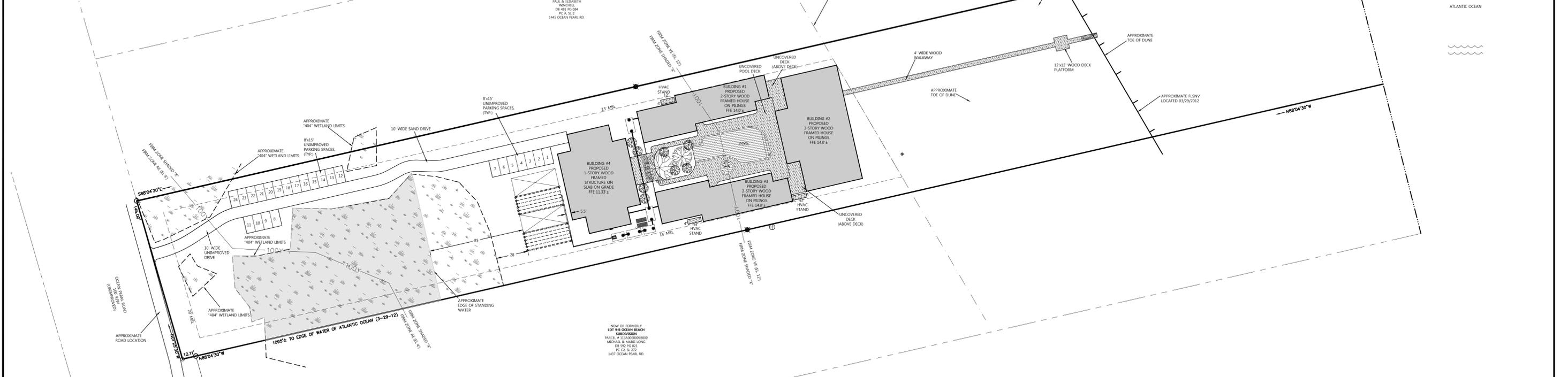
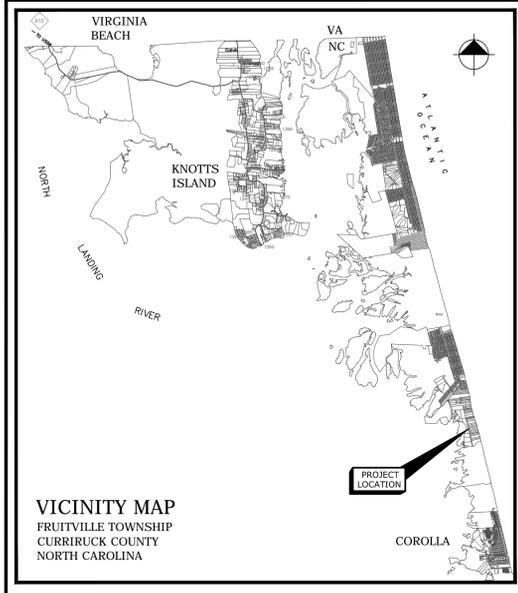
If you or an aggrieved party believes this determination represents an error in the application of the UDO, an appeal may be filed with the Currituck County Board of Adjustment. The appeal must be filed with my office within 30 days of the date of this determination. You may obtain a copy of the required appeal application from the Clerk for the Board of Adjustment, Stacey Smith, by calling 232-3055.

Sincerely yours,



Ben E. Woody, AICP
Planning Director

cc: Ms. Elizabeth Letendre
Mr. Bernie Mancuso, Mancuso Development
Mr. Ronald Renaldi, Division of Coastal Management
Mr. Ike McRee, County Attorney
Planning File



LEGEND

SYMBOL	DESCRIPTION	SURFACE FEATURES
○	- EX. IRON PIPE	CONCRETE SURFACE
○	- EX. IRON ROD	GRAVEL SURFACE
○	- SET IRON ROD	WOOD SURFACE
○	- EX. CONC. MON.	PROPOSED DWELLING
○	- CALCULATED POINT	APPROXIMATE WETLANDS
○	- EX. CONTROL CORNER	
○	- WATER METER	
○	- PHONE PEDESTAL	
○	- CATV	
○	- UTILITY POLE	
○	- GUY WIRE	
○	- FIRE HYDRANT	
○	- ELECT. TRANS.	
○	- WATER VALVE	

LINETYPE:

---	CENTERLINE (EXISTING)
---	BUILDING SETBACK LINE
---	CONTOUR (INDEX)
---	EASEMENT
---	PROPERTY LINE (EXISTING)
---	RIGHT-OF-WAY (CURRENT)
---	BOUNDARY LINE
---	FLOOD ZONE
---	CAMA SETBACK/AEC
---	FLSNV
---	SHORELINE

ABBREVIATIONS

APPROX.	APPROXIMATELY	MON	MONUMENT
AVG	AVERAGE	N	NORTH
BLDG	BUILDING	NO	NUMBER
BRG	BEARING	NTS	NOT TO SCALE
CATV	CABLE TV	#	PROPERTY LINE
Q	CENTERLINE	PP	POWER POLE
CONC	CONCRETE	RD	ROAD
CONST	CONSTRUCTION	REQ'D	REQUIRED
E	EAST, ELECTRICAL	R/W	RIGHT-OF-WAY
EA	EACH	SF	SQUARE FEET/FOOT
EL	ELEVATION	ST	STREET
ELEC	ELECTRICAL	T	TELEPHONE, TANGENT, TON
EOP	EDGE OF PAVEMENT	TEMP	TEMPORARY
EXIST	EXISTING	TYP	TYPICAL
FH	FIRE HYDRANT	UG	UNDERGROUND
FT	FEET/FOOT	VC	VERTICAL CURVE
HORIZ	HORIZONTAL	VERT.	VERTICAL
HT	HEIGHT	WM	WATER METER
LF	LINEAL FOOT/FEET	W/O	WITHOUT
MIN	MINIMUM	&	AND
MISC	MISCELLANEOUS		

<p>DRAWING SCALE: 1" = 40'</p> <p>PROJECT NO.: P1028</p> <p>DRAWING NO.: P102800B2-C3D</p> <p>DATE: 6-24-12</p> <p>DESIGNED: DMR</p> <p>CHECKED: DMR</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>NUM.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>UPDATED WETLAND INFOR, PARKING & SEPTIC LAYOUT</td> <td>8/20/12</td> </tr> </tbody> </table>	NUM.	REVISION	DATE	1	UPDATED WETLAND INFOR, PARKING & SEPTIC LAYOUT	8/20/12	<p>PROJECT DEVELOPMENT SUMMARY:</p> <p>12. LOT DEVELOPMENT COVERAGE:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>BUILDING #1 (ROOF OUTLINE)</td><td>3,311 SF</td></tr> <tr><td>BUILDING #2 (ROOF OUTLINE)</td><td>5,804 SF</td></tr> <tr><td>ELEVATED WOOD DECKS (OVER DECKING)</td><td>706 SF</td></tr> <tr><td>BUILDING #3 (ROOF OUTLINE)</td><td>3,311 SF</td></tr> <tr><td>BUILDING #4 (ROOF OUTLINE)</td><td>4,860 SF</td></tr> <tr><td>SWIMMING POOL/SPA</td><td>1,589 SF</td></tr> <tr><td>ELEVATED SWIMMING POOL DECK*</td><td>3,042 SF</td></tr> <tr><td>STAIRS/WALKWAYS</td><td>400 SF</td></tr> <tr><td>ELEVATED EQUIPMENT STANDS</td><td>144 SF</td></tr> <tr><td>ELEVATED DUNE WALKWAY/DECKS*</td><td>1,024 SF</td></tr> <tr><td>SAND PARKING & DRIVES</td><td>6,760 SF</td></tr> <tr><td>TOTAL DEVELOPMENT COVERAGE</td><td>31,031 SF</td></tr> <tr><td>TOTAL LOT COVERAGE</td><td>28,965 SF</td></tr> <tr><td>% LOT COVERAGE</td><td>10.69%</td></tr> </tbody> </table> <p>13. A.E.C. DEVELOPMENT COVERAGE:</p> <p>AEC AREA BETWEEN FLSNV & 100' OFFSET IMPERVIOUS COVERAGE WITHIN AEC</p> <p>14. BUILDING INFORMATION:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>BUILDING FINISHED FLOOR ELEV.</td><td>14' MSL</td></tr> <tr><td>POOL DECK FINISHED ELEV.</td><td>9' MSL</td></tr> </tbody> </table> <p>15. IMPERVIOUS SURFACE COVERAGE:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>BUILDING #1 (ROOF OUTLINE)</td><td>3,311 SF</td></tr> <tr><td>BUILDING #2 (ROOF OUTLINE)</td><td>5,804 SF</td></tr> <tr><td>ELEVATED WOOD DECKS (OVER DECKING)</td><td>706 SF</td></tr> <tr><td>BUILDING #3 (ROOF OUTLINE)</td><td>3,311 SF</td></tr> <tr><td>BUILDING #4 (ROOF OUTLINE)</td><td>4,860 SF</td></tr> <tr><td>STAIRS/WALKWAYS</td><td>400 SF</td></tr> <tr><td>ELEVATED EQUIPMENT STANDS</td><td>144 SF</td></tr> <tr><td>TOTAL IMPERVIOUS COVERAGE</td><td>18,636 SF</td></tr> </tbody> </table> <p>16. PARKING REQUIREMENTS:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td>(1) PARKING SPACE PER BEDROOM</td><td>34</td></tr> <tr><td># OF PROPOSED BEDROOMS</td><td>34</td></tr> <tr><td># OF PROPOSED PARKING SPACES</td><td>34</td></tr> </tbody> </table>	BUILDING #1 (ROOF OUTLINE)	3,311 SF	BUILDING #2 (ROOF OUTLINE)	5,804 SF	ELEVATED WOOD DECKS (OVER DECKING)	706 SF	BUILDING #3 (ROOF OUTLINE)	3,311 SF	BUILDING #4 (ROOF OUTLINE)	4,860 SF	SWIMMING POOL/SPA	1,589 SF	ELEVATED SWIMMING POOL DECK*	3,042 SF	STAIRS/WALKWAYS	400 SF	ELEVATED EQUIPMENT STANDS	144 SF	ELEVATED DUNE WALKWAY/DECKS*	1,024 SF	SAND PARKING & DRIVES	6,760 SF	TOTAL DEVELOPMENT COVERAGE	31,031 SF	TOTAL LOT COVERAGE	28,965 SF	% LOT COVERAGE	10.69%	BUILDING FINISHED FLOOR ELEV.	14' MSL	POOL DECK FINISHED ELEV.	9' MSL	BUILDING #1 (ROOF OUTLINE)	3,311 SF	BUILDING #2 (ROOF OUTLINE)	5,804 SF	ELEVATED WOOD DECKS (OVER DECKING)	706 SF	BUILDING #3 (ROOF OUTLINE)	3,311 SF	BUILDING #4 (ROOF OUTLINE)	4,860 SF	STAIRS/WALKWAYS	400 SF	ELEVATED EQUIPMENT STANDS	144 SF	TOTAL IMPERVIOUS COVERAGE	18,636 SF	(1) PARKING SPACE PER BEDROOM	34	# OF PROPOSED BEDROOMS	34	# OF PROPOSED PARKING SPACES	34	<p>CREATIVE ENGINEERING SOLUTIONS</p> <p>CREATIVE ENGINEERING SOLUTIONS, PLLC FIRM LICENSE: P-0970 262 MOTHER VINEYARD RD. MANTEO, N.C. 27954 dave@creativeengineeringobx.com www.creativeengineeringobx.com</p> <p>TEL/FAX: 252.473.5566 MOBILE: 252.475.0638</p>	<p>ENGINEER'S SEAL</p> <p>DAVE L. REAR</p> <p>"PRELIMINARY - DO NOT USE FOR CONSTRUCTION"</p>	<p>PROJECT NAME</p> <p style="text-align: center;">LOT 8 OCEAN BEACH SUBDIVISION MANCUSO DEVELOPMENT</p> <p style="text-align: center;">FRUITVILLE BEACH TOWNSHIP, CURRITUCK COUNTY, NC</p> <p>GRAPHIC SCALE: 1" = 40'</p>	<p>DRAWING TITLE</p> <p style="text-align: center;">PROPOSED SITE DEVELOPMENT PLAN</p> <p>DRAWING NUMBER: C-2</p> <p>SHEET NUMBER: 2 OF 3</p>
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