BOARD OF ADJUSTMENT

THERESA DOZIER
Chairman

DAVID PALMER
Vice-Chairman

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

BOARD OF ADJUSTMENT

C SHAY BALLANCE
DONNA MCCLOUD
MICHAEL PAINTER
VIVIAN SIMPSON
CAMERON TABOR

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 July 10, 2014 minutes**

OLD BUSINESS:

NEW BUSINESS:

Item 4 **BOA 14-02 THE CURRITUCK SHOOTING CLUB, INC.:** Appeal of administrator's decision that an outdoor shooting range is being operated without permits, located at 913 Caratoke Hwy, Tax Map 0015, Parcel 31, Moyock Township.

Item 5 **ANNOUCEMENTS**

Item 6 **ADJOINMENT**

CURRITUCK COUNTY
BOARD OF ADJUSTMENT REGULAR MEETING
July 10, 2014

REGULAR MEETING
The Currituck County Board of Adjustment met on July 10, 2014 at 7:00 p.m. in the Historic Currituck County Courthouse. The following members were present: Cameron Tabor, Vivian Simpson, C. Shay Balance, Donna McCloud, and Theresa Dozier. Michael Painter and David Palmer were not present. Brad Schuler, Planner; Stacey Smith, Code Enforcement Officer/Board of Adjustment Clerk; and Ben Gallop, Board of Adjustment Attorney; were also present.

A quorum has been met with 3 regular members and 2 alternate members.

Item 3: DAVID & CATHERINE ZATLOUKAL: Variance request to allow for 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, Mike Strader, and Catherine Zatloukal appeared in front of the board to be sworn in.

Brad Schuler, Planner presented the following case:

To: Board of Adjustment

From: Brad Schuler, Planner I

Date: December 31, 2013

Subject: BOA 13- Zatloukal - Variance

David & Catherine Zatloukal are requesting a variance to allow for 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.

Section 7.3.4.C, Fill and Other Land Disturbance Requirements, states:

> "3. *A lot shall be not be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property. Through approval of an alternative stormwater plan in accordance with Section 7.3.5.B.3, Additional Fill or Land Disturbance Activities, the following exceptions are permitted:*

(c) *In the Outer Banks Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation, not to exceed a maximum of three feet."*

Section 7.3.5, Alternative Stormwater Plans, further states:

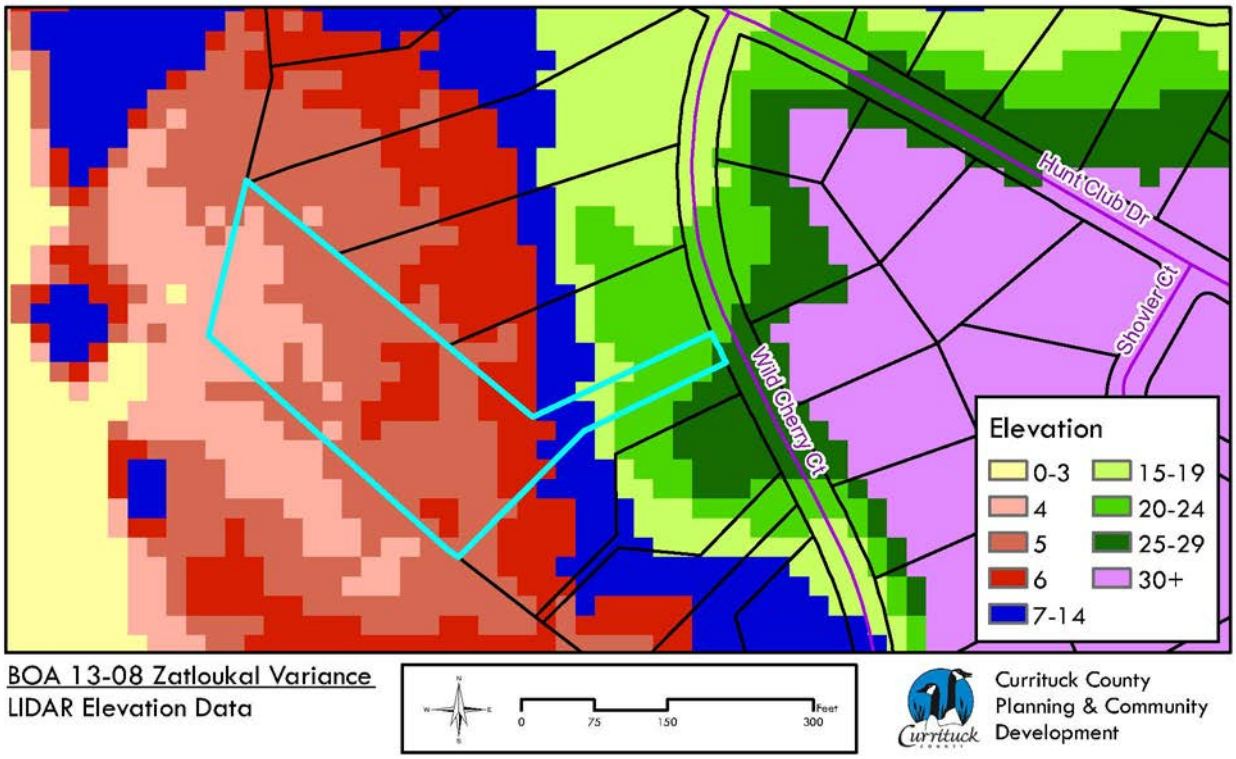
"B. *Allowable Deviations*

(3) *A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event."*

Background

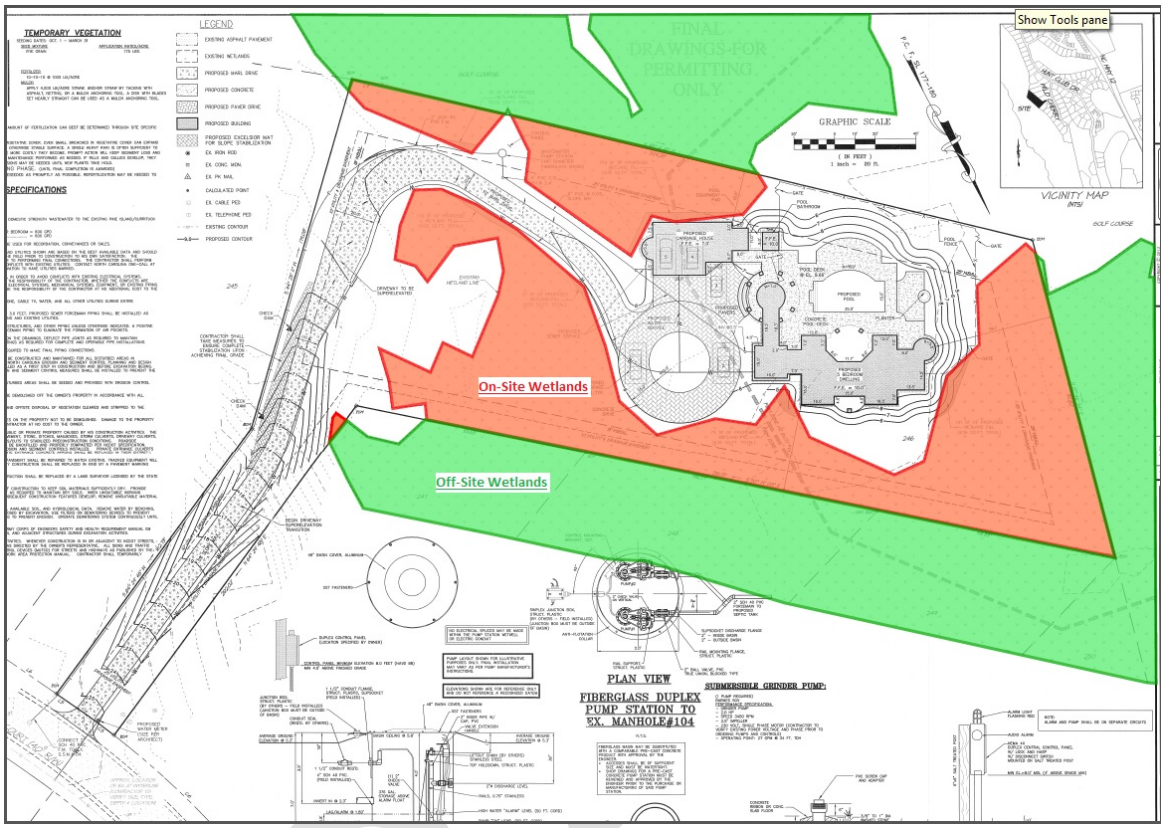
The buildable area of the Zatloukals' property is much lower than the surrounding lots. The existing grade at the proposed house foot print is approximately 5 to 6 feet (above mean sea level). The lot to the southeast contains a single family dwelling at an elevation of 9.5', and the vacant lots to the east contain buildable areas of around 20' in elevation.

Below is a map showing LIDAR elevations of the area. LIDAR, similar to radar, uses light to measure to elevations. The data shown in the map was obtained in the mid-2000s and shows approximate elevations.



There are also a good portion of wetlands in and around the property. Specifically, the property contains 26,111 square feet of wetlands, or 40% of the lot area. In the buildable area (the area

not containing the "pole" or "pan handle" of the property), the percentage of wetlands is approximately 45%. Below is a site plan highlighting the wetlands in and around the property:



Finally, the proposed single family dwelling is located within the AE flood zone with a Base Flood Elevation (BFE) of 5' and a regulatory flood elevation of 6'. The UDO allows for the lot to be filled to 6' through an alternative stormwater plan. The alternative stormwater plan would require adequate stormwater practices be implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.

Please note the application and memo from the county engineer incorrectly state AE 6' and regulatory flood elevation of 7'.

<u>Zatloukals' Request</u>

The Zatloukals' are requesting a variance from Section 7.3.4, Stormwater Management Standards, and Section 7.3.5, Alternative Stormwater Plans, to allow for the property to filled higher than the 6' maximum the UDO allows, and to do so without providing adequate stormwater practices. The proposed fill would establish a finished floor elevation (FFE) of the dwelling to be at 10'.

The application states that the existing conditions, very low surroundings, and amount of wetlands within the buildable area warrant raising the FFE further to prevent potential flooding. Also, the applicant's engineer, Michael Strader, states that the existing wetlands serve as a recharge area and flood mitigation measure, and that they already provide for stromwater management and

treatment of runoff naturally. Therefore, grading of infiltration basins to treat a four inch rain event would be unnecessary land disturbance.

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) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;
(2) The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances;
(3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
(4) The hardship is not the result of the applicant's own actions; and
(5) The variance will not authorize the initiation of a nonconforming use of land.

The following factors do not constitute sufficient grounds for approval of a variance:

(1) A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
(2) Hardships resulting from factors other than application of standards of this Ordinance;
(3) The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
(4) The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or
(5) Financial hardship.

Staff Recommendation

Below are staff's suggested findings and recommendation.

(1) 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 allows for the property to be filled to a maximum of 6' provided adequate stormwater practices are implemented.

(2) The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances;

Suggested finding: The hardship **does** relate to the applicant's land, specifically with the location/amount of wetlands, and low grade compared to surrounding properties.

(3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
Suggested finding: The hardship **is** unique, or nearly so, rather than one shard by many surrounding properties. The amount/location of wetlands, and low grade of the property compared to the surrounding lots is unique.

(4) The hardship is not the result of the applicant's own actions; and
Suggested finding: The hardship is **not** the result of the applicant's own actions. The applicant has not knowingly or unknowingly violated the ordinance.

(6) The variance will not authorize the initiation of a nonconforming use of land.
Suggested finding: The variance will **not** authorize the initiation of a nonconforming use of land.

The County Engineer, Eric Weatherly, also reviewed the variance application and provided his comments in an attached memo. Mr. Weatherly finds the variance application acceptable based on the following conclusions:

1. The proposed fill will not have a flooding impact to the neighbors with possible exception of the fairway to the south. The lost to the east is greater than 100' from the proposed fill in question and is at the same relative elevation as the proposed lot fill. All other neighbors are much higher than the proposed fill.
2. Requiring the lot to manage a 4" rain event to capture runoff from the fill will not provide any benefits. Runoff from the fill area will drain to existing wetlands which serve as a recharge area and flood mitigation measure. I would not recommend disturbance to these areas. Any runoff from the lot is directed across the driveway toward the fairway to the south.
3. The engineers have made modifications to the proposed driveway to prevent runoff from the driveway onto the neighbor and erosion control measures were added to provide additional stabilization due to concerns of the steep grades.

Staff is recommending **approval** of this application with the following conditions:

1. The property may be filled to establish a building pad at a maximum elevation of 9.5' (NAVD 1988).
2. The site must be built in accordance with the plans included in the variance application. Minor deviations may be permitted by staff that do not substantially modify the amount of fill, impervious surface, or stormwater/erosion control measures.

The County submits the following attachments:

1. Attachment 1: Variance application including:
    a. Attachment 2: 36" x 24" site plan of the proposed development.
    b. Attachment 3: Elevations of the proposed single-family dwelling.

DRAFT

2. Attachment 4: Memo from Eric Weatherly, County Engineer.
3. Attachment 5: Sections 7.3.4, Stormwater Management Standards, & 7.3.5, Alternative Stormwater Plans, of the UDO.

DISCUSSION

Mr. Tabor asked if the wetlands would be affected.

Mr. Schuler stated they have obtained the permits from the state to fill the wetlands.

Mrs. Zatloukal stated the they understand that we need to be a good neighbor and we have been working with our neighbors and The Currituck Club Golf Course and the HOA and they are comfortable with what we are doing as we are taking the run off to the north to the wetlands.

Mrs. Dozier asked if she had written documentation stated that the HOA had approved their site and construction plans.

Mrs. Zatloukal state that they had just met with the HOA and didn't have anything in writing at this time.

Mr. Michael Strader stated that he was here to answer any technical questions the board may have.

Mr. Gallop asked Mr. Strader if he prepared the plans, and if he is licensed in the state of North Carolina.

Mr. Strader stated he did prepare the plans and he is licensed by the state of North Carolina.

Mr. Dozier closed the public hearing.

ACTION

Mr. Tabor motioned to approve with the condition by the county and the findings of fact, Mr. Balance 2nd the motion and the motion passed unanimously.

ANNOUCEMENTS

Mr. Schuler stated that there are no announcements at this time.

ADJOURNMENT

There being no further business to discuss, Mr. Tabor motioned for adjournment. Mrs. McCloud 2nd the motion and the motion passed unanimously. The meeting adjourned at 7:18 pm.

Respectfully Submitted,
Stacey Smith

Stacey Smith
Code Enforcement Officer/BOA Clerk

Minutes are not official until approved by the board.

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

To: Board of Adjustment

From: Brad Schuler, Planner I

Date: November 5, 2014

Subject: BOA 14-02: The Currituck Shooting Club, Inc. Appeal

The Currituck Shooting Club, Inc., is appealing staff's notice of violation that an outdoor shooting range is being operated on property located at 913 Caratoke Highway without proper permits. Below are details on the background of the case, nature of the violation, and staff's response to the statements made in the application.

Background

In early 2013, the county began receiving numerous complaints from residents of the Shingle Landing Subdivision in Moyock that an outdoor shooting range was being operated nearby. During this time, outdoor shooting ranges were prohibited in the county. After an investigation, a notice of violation was sent to CASP, Inc. on March 8, 2013 for operating an outdoor shooting range on property located off Inventors Drive in Moyock, adjacent to the Shingle Landing Subdivision. Troy Moser, owner of TEM Tactical Equipment, a local gun and pawn shop, contacted staff in regard to the violation and indicated the range was built to NRA standards and that he was given permission from the Planning Department. No one in Planning issued a permit or authorized an outdoor shooting range. Mr. Moser was informed that outdoor shooting ranges were not a permitted use of land and he would need to file a text amendment to the Unified Development Ordinance (UDO). Afterward, the shooting activity ceased at the location.

On January 8, 2014, the county received an inquiry from the Daily Advance that Mr. Moser was operating an outdoor shooting range at the Spruill Mine in Moyock. Later, an email was sent to Mr. Moser informing him that outdoor shooting ranges were not a permitted use of land. Staff suggested a meeting to discuss what is required to be in compliance with the UDO. Mr. Moser stated in an email response that The Currituck Shooting Club Inc. is a member only private club that charges no fees and is operated similar to a hunt club. He indicated he is fully aware of the county requirements for shooting ranges and encouraged the membership to contact county officials. The county sent Mr. Moser a text amendment application and requested he submit in order to operate an outdoor shooting range.

In February 2014, staff was directed by the Board of Commissioners to prepare a text amendment application to allow outdoor shooting ranges in Currituck County. Mr. Moser was

sent the draft text amendment for review and comment prior to the Planning Board meeting. Staff addressed the three comments received from Mr. Moser, and he spoke in favor of the amendment at two Board of Commissioner's meetings. The amendment was approved on June 16, 2014, which allowed outdoor shooting ranges subject to development standards and an approved use permit.

From May to August 2014, the county received complaints that an outdoor shooting range was operating at the Spruill Mine. On August 13, 2014, a notice of violation was issued to The Currituck Shooting Club Inc. and William H. Spruill (land owner). Mr. Moser appealed the notice of violation.

The county continued to receive complaints that an outdoor shooting range was operating at the Spruill Mine. On September 19, 2014, and October 30, 2014 staff investigated and determined organized shooting activities were occurring at the location. Civil citations were issued to The Currituck Shooting Club Inc. and William H. Spruill.

Violation

Stacy Smith, Code Enforcement Officer, issued a notice of violation on August 13, 2014 to The Currituck Shooting Club Inc. and William H. Spruill for operating an outdoor shooting range at 913 Caratoke Highway without proper permits. In making the violation determination, past events, complaints, and the website Facebook, were taken into consideration.

As stated in the above background, this notice of violation was not the first time the county had to work with Mr. Moser regarding enforcement of the outdoor shooting range standards of the UDO. The county previously sent a notice of violation to CASP, Inc., owner of land adjacent to Shingle Landing Subdivision, for Mr. Moser operating an outdoor shooting range on the property, which at that time was prohibited in the county.

The shooting eventually ceased at that property, but afterward the county was notified that the operation had moved to the Spruill Mine. From May to August 2014, complaints were made regarding the shooting activity taking place at the mine.

<u>Facebook Pages</u>
The Currituck Shooting Club Inc. and TEM Tactical Equipment LLC (Troy Moser's gun and pawn shop) both use the website Facebook, in which each business has its own "Facebook page" that is accessible to anyone with internet access. Both pages advertise and promote The Currituck Shooting Club Inc.

Attached as an appendix to this memo are graphics taken from both Facebook pages that indicate the shooting range is in operation. Specifically, the graphics show that:

1. Target practice, shooting competitions, and instructional classes are offered at the range;
2. The range is being promoted to the general public;
3. People have recently used the range; and
4. Mr. Moser had knowledge of the county's regulations of outdoor shooting ranges and recognized that they applied to The Currituck Shooting Club Inc.

Shooting Log

As part of The Currituck Shooting Club Inc.'s appeal application, he submitted a membership log for the month of August. The log shows who was shooting and at what times, and that an outdoor shooting range is being operated at the property.

Site Visits

On September 19, 2014, the county received a complaint that an outdoor shooting range was operating at the Spruill Mine. Staff investigated and upon arrival, heard 3-4 gun shots during a 5-10 minute period coming from the area of the mine. Mr. Moser arrived shortly after at the site and invited staff into the range. It was observed three gentlemen with multiple firearms. Two of which were Mr. Moser's sons, the other was a customer trying out a muzzleloader. One gentleman held a paper target with bullet holes in it to show Mr. Moser.

The range itself contains multiple targets (30+). Mr. Moser showed how the pistol targets contained the lead bullets and allowed him to collect them for recycling. He picked up a handful of bullets that were previously shot at the target.

After the site visit, staff immediately went to the Military Surplus business located on Caratoke Highway to determine if any shooting was occurring there. After talking to the business owner of the adjoining lawnmower repair business, Justin Snow, it was determined that no shooting activities had been taking place on the property that day. During the conversation with Mr. Snow, staff observed that gun fire resumed coming from the area of the mine.

On September 19, 2014, a civil citation in the amount of $500 was issued to The Currituck Shooting Club Inc. and William H. Spruill.

On October 30, 2014, the county received a complaint that the range was again in operation at the Spruill Mine. Staff investigated and upon arrival, met William H. Spruill. Mr. Spruill stated that shooting was occurring on the property. Mr. Moser arrived shortly after at the site. At the range, staff observed two gentlemen with multiple firearms. The gentlemen, Jon Schultz and Mike Matheson, introduced themselves as employees of Mr. Moser, and stated they were there to sight a customer's gun and a couple personal guns.

On November 3, 2014, a civil citation in the amount of $500 was issued to The Currituck Shooting Club Inc. and William H. Spruill.

Letter of Determination

The Currituck Shooting Club Inc.'s appeal application states a "use permit is not required because the facility is not open to the public." This is incorrect. In response to a letter sent from The Currituck Shooting Club Inc. to the county, in which Mr. Moser made similar statements, the county issued a letter of determination (attached). In the letter the following determinations were made:

1. Outdoor shooting ranges which operate as a private club are subject to the standards of the UDO.
2. Uses located on private property are not exempted from the standards of the UDO.

3. An outdoor shooting range, operating as a private club, which offers target practice, skeet and trap shooting, competitions, or instructional classes, will be classified as an outdoor shooting range as listed in Table 4.1.1, Summary Use Table and is subject to all the applicable standards of the UDO.
4. An outdoor shooting range, used for personal use, is not subject to the standards of the UDO.

Letter of determinations are binding, and can be appealed to the Board of Adjustment within 30 days of the date of the letter. The Currituck Shooting Club Inc. did not appeal the letter of determination within the allotted timeframe, and therefore the determinations are final.

In conclusion:

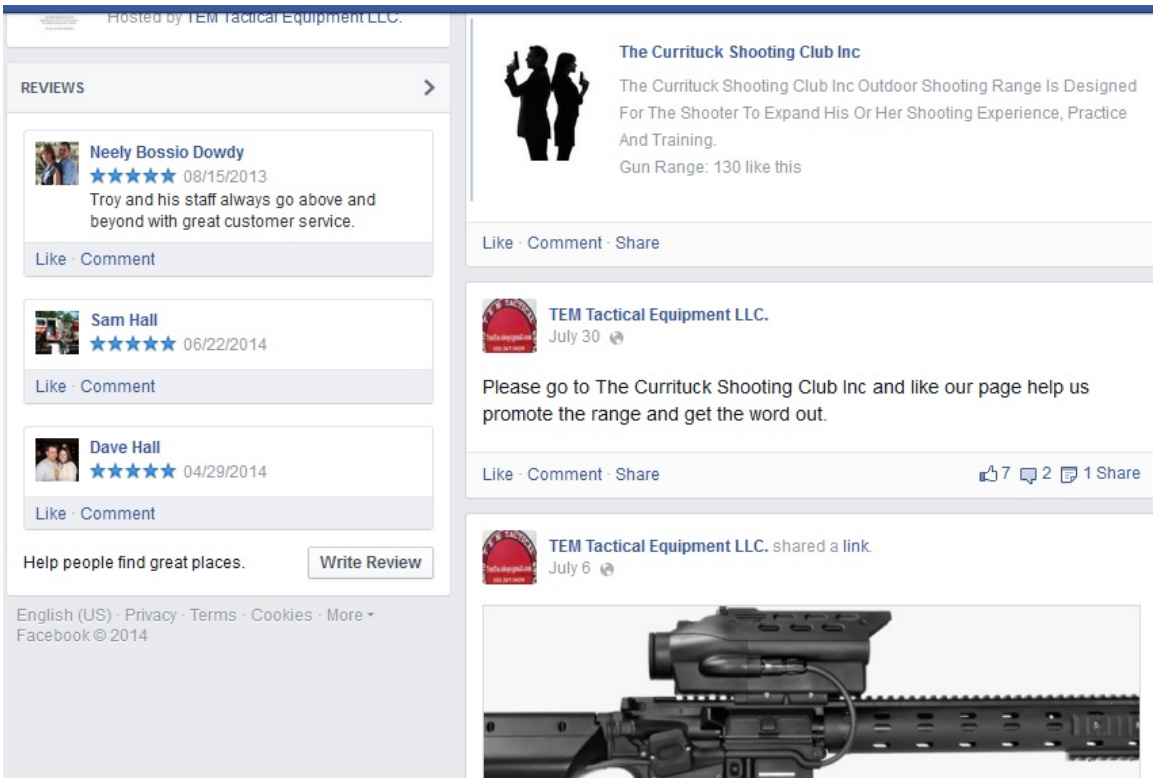
There is sufficient evidence to determine that an outdoor shooting range is being operated at 913 Caratoke Highway. The complaints, Facebook page, submitted range log, and site visits, show that not only is an outdoor range in operation at the property, but it is also not used exclusively for personal use. As stated in the letter of determination, outdoor shooting ranges must obtain a use permit in order to operate in the county.

In reference the information above, the county submits the following:

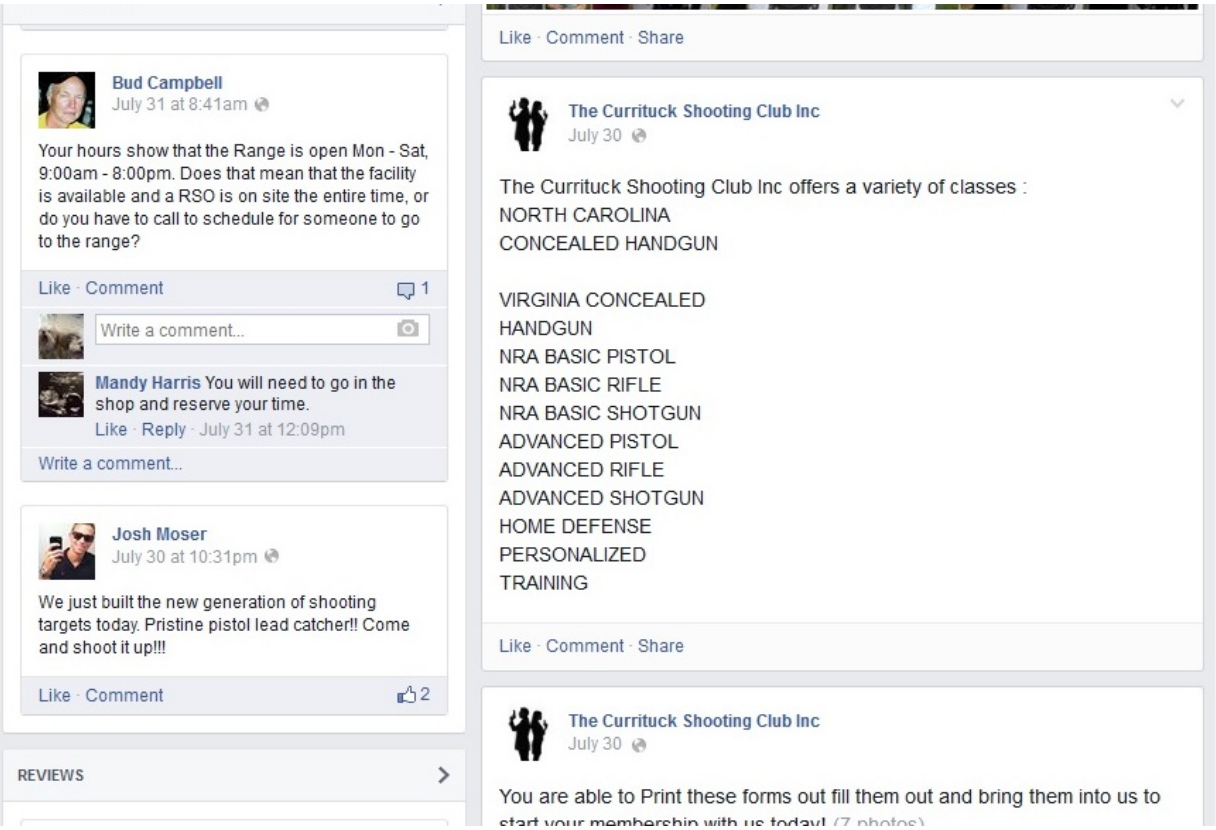
1. Attachment 1: Notice of Violation dated August 13, 2014.
2. Attachment 2: Appeal Application including shooting log.
3. Attachment 3: Letter of Determination dated September 30, 2014.
4. Attachment 4: The Currituck Shooting Club Inc.'s letter withdrawing their use permit application.

Appendix

<u>Graphic 1: TEM Tactical Equipment LLC.</u> In this graphic, TEM Tactical Equipment LLC promotes The Currituck Shooting Club. It also shows a post describing the Currituck Shooting Club as an outdoor shooting range which is "designed for the shooter to expand his or her shooting experience, practice and training."



Graphic 2: The Currituck Shooting Clubs Inc. In this graphic, The Currituck Shooting Club posts the variety of classes they offer. It also shows a person (Bud Campbell) asking about the hours of operation of the range. Josh Moser states that new targets were recently built which people could "come and shoot it up".



Bud Campbell
July 31 at 8:41am

Your hours show that the Range is open Mon - Sat, 9:00am - 8:00pm. Does that mean that the facility is available and a RSO is on site the entire time, or do you have to call to schedule for someone to go to the range?

Like · Comment 1

Write a comment...

Mandy Harris You will need to go in the shop and reserve your time.
Like · Reply · July 31 at 12:09pm

Write a comment...

Josh Moser
July 30 at 10:31pm

We just built the new generation of shooting targets today. Pristine pistol lead catcher!! Come and shoot it up!!!

Like · Comment 2

REVIEWS

Like · Comment · Share

The Currituck Shooting Club Inc
July 30

The Currituck Shooting Club Inc offers a variety of classes :
NORTH CAROLINA
CONCEALED HANDGUN

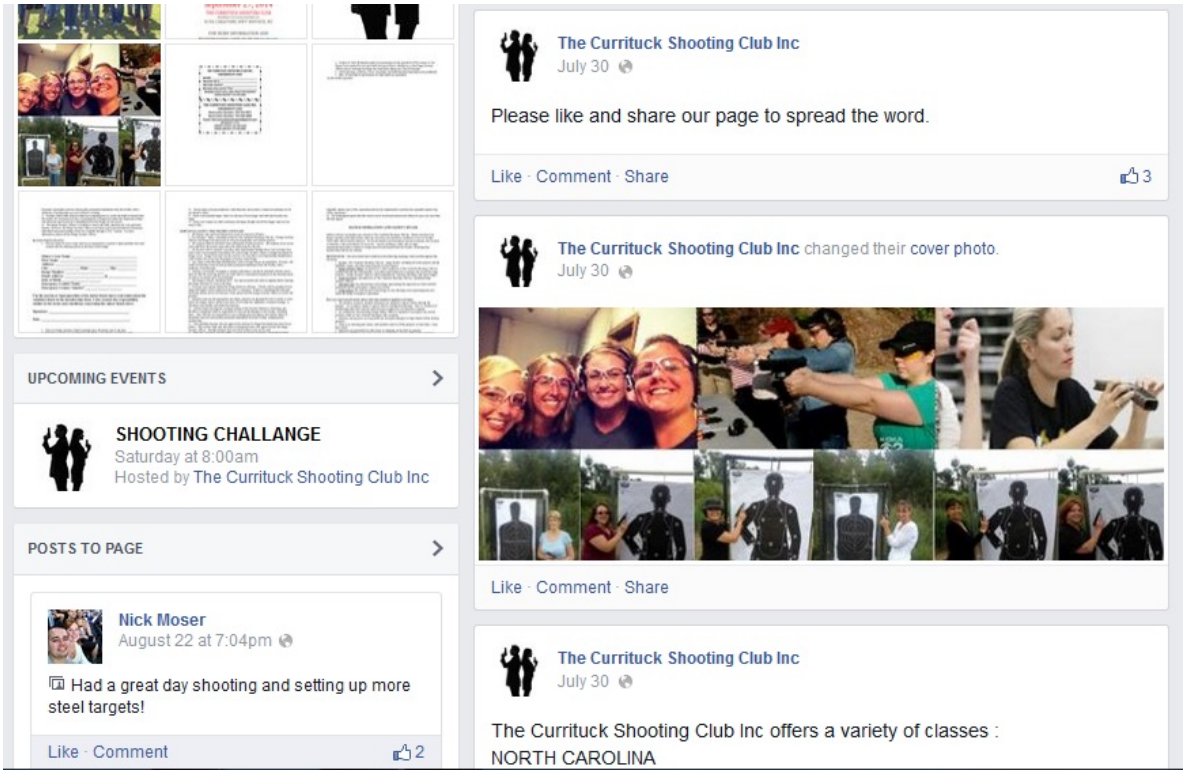
VIRGINIA CONCEALED
HANDGUN
NRA BASIC PISTOL
NRA BASIC RIFLE
NRA BASIC SHOTGUN
ADVANCED PISTOL
ADVANCED RIFLE
ADVANCED SHOTGUN
HOME DEFENSE
PERSONALIZED
TRAINING

Like · Comment · Share

The Currituck Shooting Club Inc
July 30

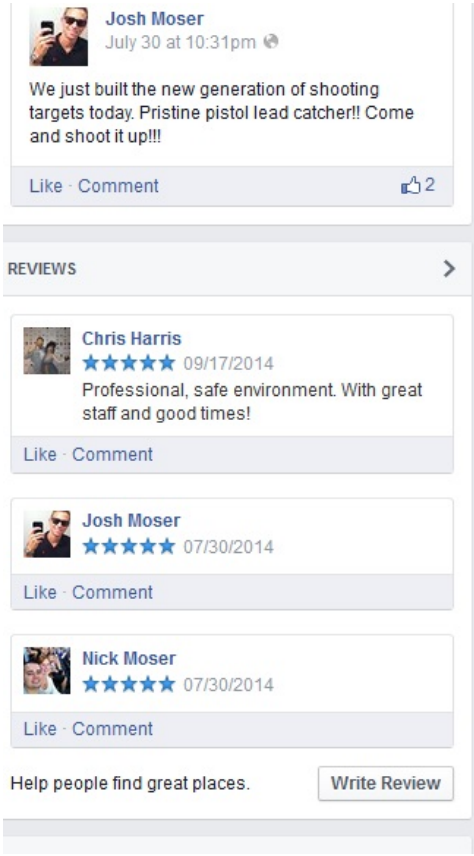
You are able to Print these forms out fill them out and bring them into us to start your membership with us today!

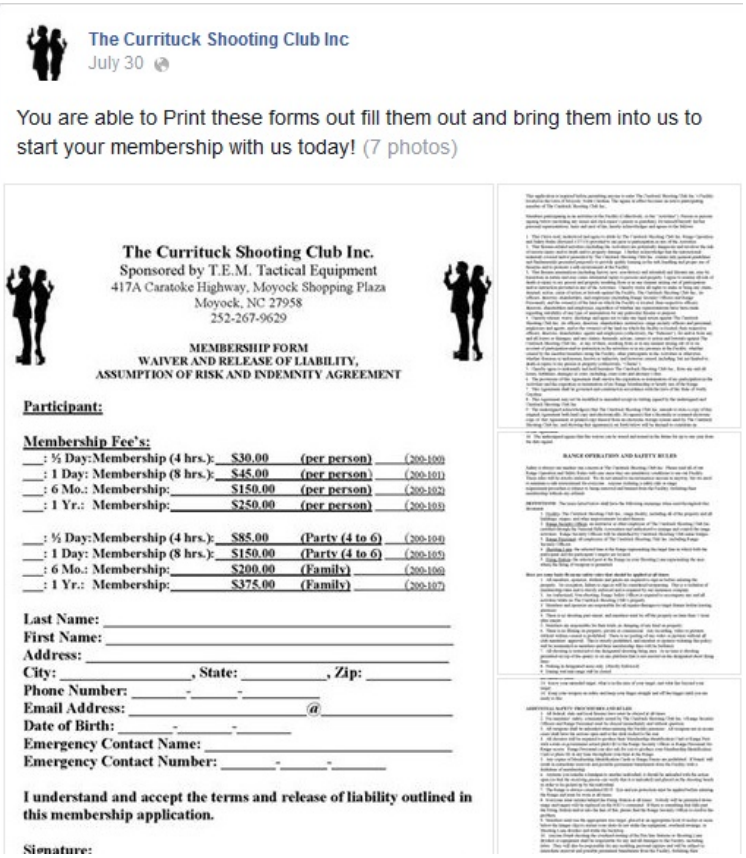
Graphic 3: The Currituck Shooting Club Inc. In this graphic, the club asks for people to spread the word about the range, and also advertises a shooting challenge event (this event was later canceled).



Graphic 4: TEM Tactical Equipment LLC. In this graphic, Mr. Moser posts about the amendment to the UDO permitting outdoor shooting ranges, stating "Now that the county has approved Outdoor Commercial Ranges, we have restructured the Bi-Laws to accept ½ day and full day memberships. This will have a dramatic effect and greatly needed boost to increase revenue and help develop our facilities, i.e. construction required to meet county regulation…"

Graphic 5: The Currituck Shooting Club Inc. In this graphic, The Currituck Shooting Club Inc. posts their membership form which includes ½ day (4 hours) and 1 day (8 hour) memberships.





The Currituck Shooting Club Inc
July 30

You are able to Print these forms out fill them out and bring them into us to start your membership with us today! (7 photos)

The Currituck Shooting Club Inc.
Sponsored by T.E.M. Tactical Equipment
417A Caratoke Highway, Moyock Shopping Plaza
Moyock, NC 27958
252-267-9629

MEMBERSHIP FORM
WAIVER AND RELEASE OF LIABILITY,
ASSUMPTION OF RISK AND INDEMNITY AGREEMENT

Participant:

Membership Fee's:

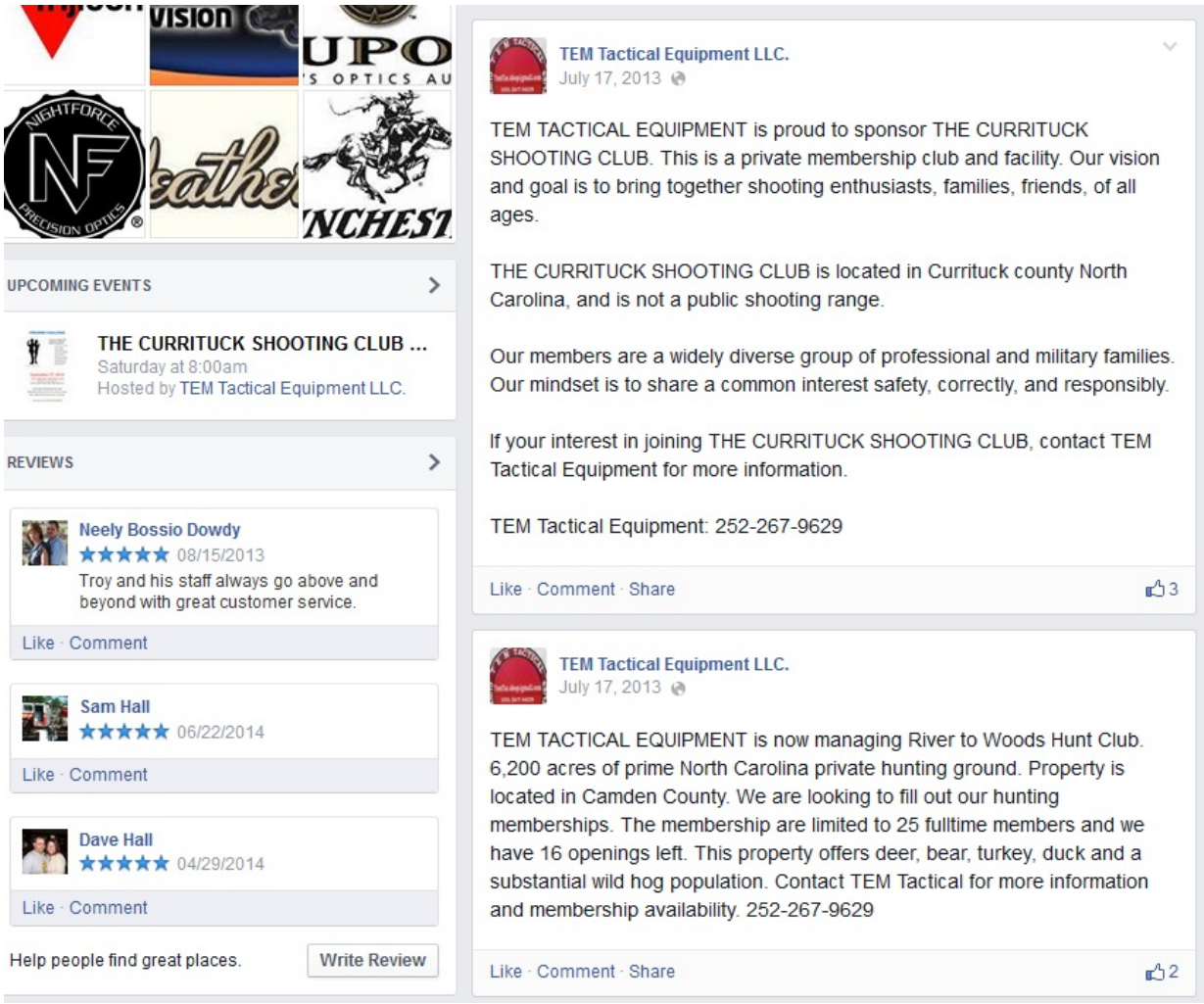
___: ½ Day:Membership (4 hrs.):	$30.00	(per person)	(200-100)
___: 1 Day: Membership (8 hrs.):	$45.00	(per person)	(200-101)
___: 6 Mo.: Membership:	$150.00	(per person)	(200-102)
___: 1 Yr.: Membership:	$250.00	(per person)	(200-103)
___: ½ Day:Membership (4 hrs.):	$85.00	(Party (4 to 6)	(200-104)
___: 1 Day: Membership (8 hrs.):	$150.00	(Party (4 to 6)	(200-105)
___: 6 Mo.: Membership:	$200.00	(Family)	(200-106)
___: 1 Yr.: Membership:	$375.00	(Family)	(200-107)

Last Name: _____
First Name: _____
Address: _____
City: _____, **State:** _____, **Zip:** _____
Phone Number: _____-_____-_____
Email Address: _____@_____
Date of Birth: _____-_____-_____
Emergency Contact Name: _____
Emergency Contact Number: _____-_____-_____

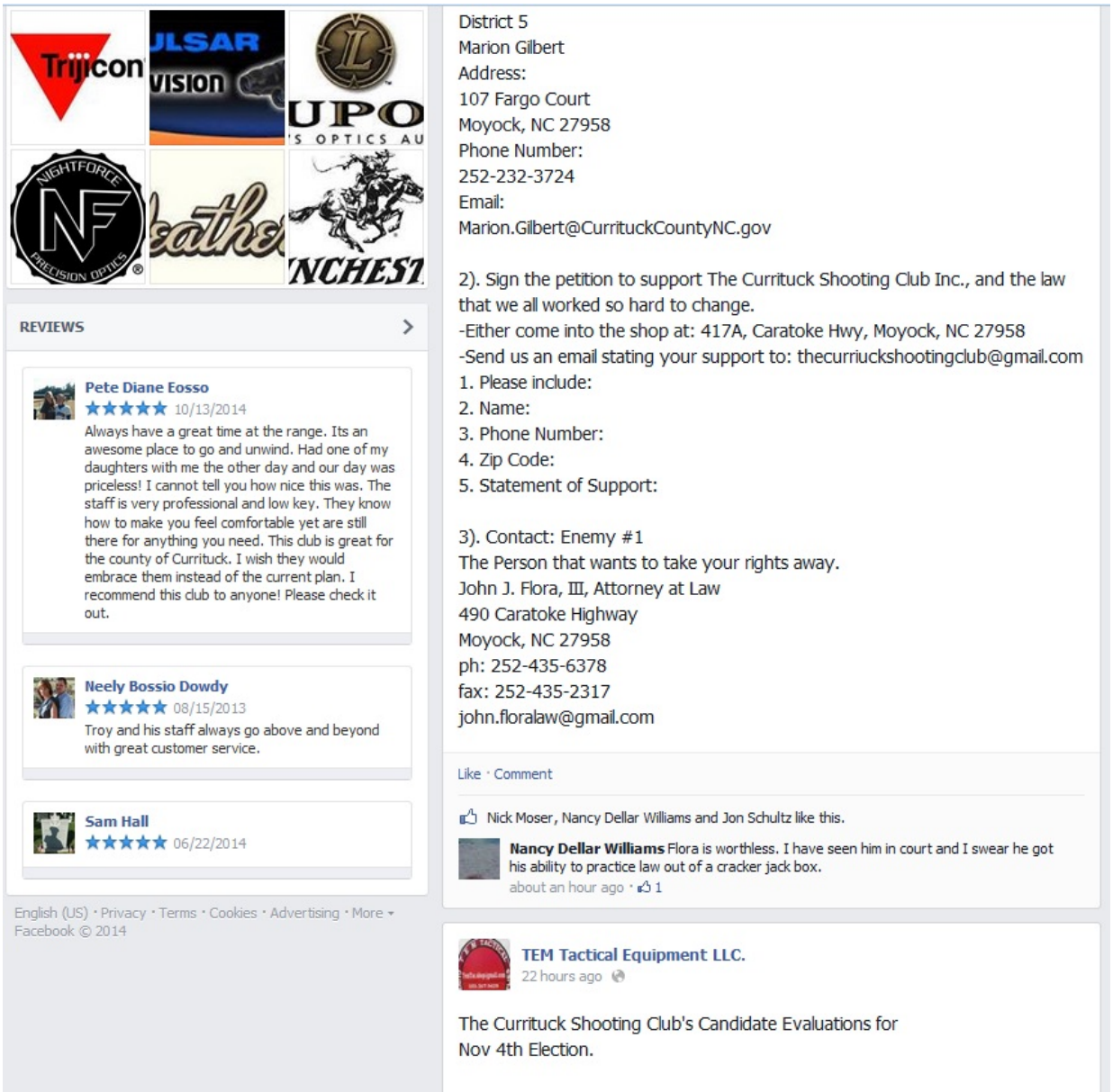
I understand and accept the terms and release of liability outlined in this membership application.

Signature:

Graphic 6: TEM Tactical Equipment LLC. In this graphic, TEM Tactical Equipment LLC advertises The Currituck Shooting Club.



Graphic 7: TEM Tactical Equipment LLC. In this graphic, Pete Diane Eosso reviews the business, stating "Always have a great time at the range."



REVIEWS

Pete Diane Eosso
★★★★★ 10/13/2014
Always have a great time at the range. Its an awesome place to go and unwind. Had one of my daughters with me the other day and our day was priceless! I cannot tell you how nice this was. The staff is very professional and low key. They know how to make you feel comfortable yet are still there for anything you need. This club is great for the county of Currituck. I wish they would embrace them instead of the current plan. I recommend this club to anyone! Please check it out.

Neely Bossio Dowdy
★★★★★ 08/15/2013
Troy and his staff always go above and beyond with great customer service.

Sam Hall
★★★★★ 06/22/2014

English (US) · Privacy · Terms · Cookies · Advertising · More
Facebook © 2014

District 5
Marion Gilbert
Address:
107 Fargo Court
Moyock, NC 27958
Phone Number:
252-232-3724
Email:
Marion.Gilbert@CurrituckCountyNC.gov

2). Sign the petition to support The Currituck Shooting Club Inc., and the law that we all worked so hard to change.
-Either come into the shop at: 417A, Caratoke Hwy, Moyock, NC 27958
-Send us an email stating your support to: thecurriuckshootingclub@gmail.com
1. Please include:
2. Name:
3. Phone Number:
4. Zip Code:
5. Statement of Support:

3). Contact: Enemy #1
The Person that wants to take your rights away.
John J. Flora, III, Attorney at Law
490 Caratoke Highway
Moyock, NC 27958
ph: 252-435-6378
fax: 252-435-2317
john.floralaw@gmail.com

Like · Comment

Nick Moser, Nancy Dellar Williams and Jon Schultz like this.

Nancy Dellar Williams Flora is worthless. I have seen him in court and I swear he got his ability to practice law out of a cracker jack box.
about an hour ago · 1

TEM Tactical Equipment LLC.
22 hours ago

The Currituck Shooting Club's Candidate Evaluations for Nov 4th Election.

Graphic 8: The Currituck Shooting Club Inc. In this graphic, Fluette Joanii reviews the business, stating "The facility was great..."

Had a great day shooting and setting up more steel targets!

Like · Comment · Share 2

Bud Campbell
July 31 at 5:41am

Your hours show that the Range is open Mon - Sat, 9:00am - 8:00pm. D... See More

Like · Comment · Share 1

REVIEWS

Fluette Joanii
★★★★★ 10/13/2014
Joined today with Jerry. The facility was great and everyone was friendly and full of helpful advice. I felt at home and at ease....can't wait to go back!

Chris Harris
★★★★★ 09/17/2014
Professional, safe environment. With great staff and good times!

Nick Moser
★★★★★ 07/30/2014

LIKED BY THIS PAGE

TEM Tactical Equipment LLC.

English (US) · Privacy · Terms · Cookies · Advertising · More ·
Facebook © 2014

A local attorney: John J. Flora, III, Attorney at Law has filed a text amendment to repeal in its entirety the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definition... See More

Like · Comment

The Currituck Shooting Club Inc
October 29

The Currituck Shooting Club's Candidate Evaluations for Nov 4th Election.

We just finished interviewing the candidate running for Currituck Offices, here is our findings.

A local guide to candidates' views on firearms, your 2nd Amendment rights, and support for The Currituck Shooting Club, Inc.'s efforts in supporting local firearms owners.

Please Note: All of the candidates stated that they ar... See More

Like · Comment

Shane Snedecor likes this.

The Currituck Shooting Club Inc
August 22

Graphic 9: The Currituck Shooting Club Inc. A picture of the range obtained from The Currituck Shooting Club's Facebook page.

Currituck County
Planning and Community Development Department
Code Enforcement Program
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-6027 FAX 252-232-3026

August 13, 2014

NOTICE OF VIOLATION
V14-48

William H. Spruill, Property Owner
PO Box 146
Moyock, NC 27958

The Currituck Shooting Club, Inc.
417A Caratoke Hwy
Moyock, NC 27958

Troy Mosser, Registered Agent
417A Caratoke Hwy
Moyock, NC 27958

RE: Outdoor Shooting Range, Parcel 0015-000-0031-0000

Dear Mr. Spruill,

It has been brought to my attention that an Outdoor Shooting Range is being operated on the property at 913 Caratoke Hwy without proper permits. A Use Permit is required per Chapter 4, Subsection 4.1.2: Use Table of the Unified Development Ordinance for any Outdoor Shooting Ranges. Further, one of the conditions for an Outdoor Shooting Range is that the discharge of weapons or shooting activities shall not occur on Sunday.

The Planning and Community Development Department would like to solicit your cooperation and community spirit in correcting the above mentioned by September 2, 2014 by stopping all Outdoor Shooting Range activities until such time a use permit has been obtained from the county. These actions must be taken in order to avoid civil penalties from the County in the amount of up to five hundred dollars ($500.00) per day per violation for each day that the violation exists. Failure to institute corrective action as required will result in this case to be remanded over to the County Attorney for legal action. Your immediate attention in this matter is requested.

If you wish to appeal this decision, you have thirty (30) days from the receipt of this notice in which to appeal this decision to the Board of Adjustments or this decision shall be final. Applications can be obtained and submitted in the Planning and Community Department.

Thanking you in advance for your cooperation. If you have any questions regarding this matter please contact me at (252) 232-6027.

Sincerely,

Stacey Smith

Stacey Smith
Code Enforcement Officer

Appeal
Application

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

Contact Information

APPLICANT:
Name: The Currituck Shooting Club INC
Address: 417A Currituck Hwy.
Moyock, NC 27958
Telephone: 252-232-9071
E-Mail Address: Thecurrituck.shootingclub@gmail.com

PROPERTY OWNER:
Name: William H. Sprull
Address: P.O. Box 1416
Moyock, NC 27958
Telephone: 252-207-5815
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lease Property Tenant.

Property Information

Physical Street Address: 913 Caratoke Hwy
Location: Moyock, NC 27958
Parcel Identification Number(s): 0015-000-0031-0000

Appeal Information

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.

Please see attached Document.
(Grounds for Appeal

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.

Appellant/Applicant _____ Date 9/15/2014

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 913 Caratoke Hwy, Moyock, NC 27958

I hereby authorize THE Currituck Shooting Club Inc.
to appear with my consent before the Board of Adjustment in order to request an appeal or interpretation at the above location. I authorize you to advertise and present this matter in my name as the owner of the property.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance.

If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

Respectfully yours,

Owner 9-15-14 Date

Sworn to and subscribed before me, this the 15 day of September, 2014.

Notary Public

My commission expires: 4-24-19

CHRISTOPHER WISZ
NOTARY
MY
COMMISSION EXPIRES
4/24/2019
PUBLIC
PASQUOTANK COUNTY, NC

Appeal Application

Grounds for appeal:

1. Use permit is not required because facility is not open to the public.
2. The Currituck Shooting Club Inc. is a private members only organization, deemed private by a North Carolina Corporation.
3. The Corporation (The Currituck Shooting Club Inc.) has leased the property in question for club member activities and purposes.
4. Property is posted, No Trespassing and violators are subject to arrest.
5. Property is only allowed by appointment to club members.
6. There is no advertising signage posted on the property, which would indicate to the public of the activities engaged on the premises.
7. Membership is granted at the discretion of The Currituck Shooting Club Inc.
8. There are no fee's attached to members utilizing the property. Members are required to complete an application and only pay a membership dues.
9. Sunday operations are forbidden.
    a. Calendar Membership log is attached.
    b. Violation stated was not the Currituck Shooting Club Inc. or any members associated with the club.
    c. Sheriff has no record of complaint.
    d. Violation was never investigated.

Stacey Smith

From: Troy Moser <thecurrituckshootingclub@gmail.com>
Sent: Monday, September 15, 2014 1:39 PM
To: Stacey Smith
Subject: Club Calendar for August
Attachments: THE CURRITUCK SHOOTING CLUB INC August Calendar page 1.pdf; THE CURRITUCK SHOOTING CLUB INC August Calendar page 2.pdf

Stacey,

Attached is the Club Calendar for August.

Please attach to Appeal.

Troy Moser
The Currituck Shooting Club Inc.
417A Caratoke Hwy.
Moyock, NC 27958
252-232-9629

august • 2014

sunday monday tuesday wednesday

3 — 4 Greg Rawlings 4:30 pm — 5 Adam Ansell 2:00 — 6

10 — 11 William Segura 10:00 — 12 — 13

17 — 18 William Segura Justin Coard 12:00 - 1:00 — 19 Brian Carter 9:30 AM — 20

24 — 25 — 26 — 27

31

CHP

Brian Easton 1:00
Justin 10:30
Joe 11:30
Dale Jones 10:30
Pete Rico 1:00

Larry O'Brien
Charles Lay
11:00

BASIC TRAINING
SAC INC

PPIH

Charles Lay
Drug Conviction
2:00

Tony Ross
Matthew Gray

COUNTY OF CURRITUCK

Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929-0070
Telephone (252) 232-3055 / Fax (252) 232-3026
www.currituckgovernment.com

September 30, 2014

Troy Moser
The Currituck Shooting Club, Inc.
417A Caratoke Highway
Moyock, NC 27958
VIA EMAIL: thecurrituckshootingclub@gmail.com

LETTER OF DETERMINATION

RE: Outdoor Shooting Range

Mr. Moser:

This letter is in response to your electronic mail on September 19, 2014 to which you attached your withdrawal of an application for a use permit to use certain property as an outdoor shooting range. In your notice you stated that as The Currituck Shooting Club, Inc. is a private club, "which facilities and activities are held on private property", and therefore The Currituck Shooting Club, Inc. is not required to comply with Section 4.1.2 of the Currituck County Unified Development Ordinance, (the "UDO"). As you know, the county recently amended the UDO to allow outdoor shooting ranges in certain zoning districts with a use permit. In response to your notice to withdraw your use permit application for an outdoor shooting range the following determinations with commentary is issued.

1. **Outdoor shooting ranges which operate as a private club are subject to the standards of the UDO.**

   - The UDO states in Section 1.4, Applicability and Jurisdiction, that:

     "This Ordinance applies to the development of all lands within the County of Currituck, unless land or development is expressly exempted by a specific section or subsection of this Ordinance."

     The UDO lists two exemptions: bona fide farms and court-ordered subdivisions of land that comply with state law and all relevant requirements of the UDO.

   - The UDO further states in Section 1.4.4, No Development Until Compliance with this Ordinance, that:

"No person shall use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of land or building under their control, except in accordance with this Ordinance."

- Further, the UDO defines development as *"the initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels."*

- Therefore, **the UDO does apply to private clubs.** For example, YMCA, a use that requires membership, still must comply with county and state regulations. Other examples include but are not limited to: Sam's Club, the Ruritan Club, and hunt clubs.

2. Uses located on private property are not exempted from the standards of the UDO.

- All land in the county is private unless it is owned by the Federal, State, or County Government. The majority of the land in Currituck is privately owned, and all the land in the county is zoned. For example, your gun and pawn shop is located on land owned by C A S P, Inc., a private company, and your pawn shop required a use permit in order to operate. Even citizens must obtain a building and zoning permit when constructing a single-family dwelling on their privately owned property.

- As explained above, **the UDO applies to all lands within the County of Currituck, regardless of being private or public.**

3. An outdoor shooting range, operating as a private club, which offers target practice, skeet and trap shooting, competitions, or instructional classes, will be classified as an outdoor shooting range as listed in Table 4.1.1, Summary Use Table and is subject to all the applicable standards of the UDO.

- It is the planning staff's responsibility to classify proposed uses of land with the most similar use listed in Table 4.1.1, Summary Use Table of the UDO. Section 4.1.1.J, Unlisted Uses, states ***"uses which are found to be unlisted and dissimilar to an already defined use type are prohibited".*** As you recall, this was the case when you originally sought to operate an outdoor shooting range in the county. The outcome of that matter was the amendment of the UDO to permit outdoor shooting ranges; a process in which you participated.

- The Currituck Shooting Club Inc. is a use that provides a range for target practice, shooting competitions, and instructional classes. The activities proposed are most similar to the outdoor shooting range use allowed by the UDO.

- Section 10.4.1.D, Interpretation of Unlisted Uses, states one characteristic to consider when determining a use is *"the amount and*

nature of any nuisance generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes." The outdoor shooting range standards in the UDO contain increased setback requirements and limits the hours in which the range can be in operation in order to mitigate the noise generated by the discharge of firearms.

- Should you feel the use to be truly dissimilar to the outdoor shooting range standards added to the UDO, then the use is prohibited, and another amendment must be proposed to establish it as a permissible use. Until such time, you cannot operate the use as it would not comply with the standards of the UDO.

4. **An outdoor shooting range, used for personal use, is not subject to the standards of the UDO.**

- When interpreting an ordinance, the basic rule is to ascertain and effectuate the intent of the legislative body. Unless a term is defined specifically within the ordinance in which it is referenced, it should be assigned its plain and ordinary meaning. In the absence of a contextual definition, the dictionary may be looked to in order to determine the ordinary meaning of words within an ordinance.

- The term "Personal", as defined by Merriam-Webster dictionary, means "*belonging or relating to a particular person.*"

- Generally, property owners that have an outdoor shooting range on their property and use it strictly for the enjoyment of their family and friends, and not part of any nonresidential activity (i.e. being associated with a club, customer target practice, having shooting competitions, or instructional classes, etc.), would be considered personal and not subject to the standards of the UDO. Personal ranges must still comply with the Currituck County Code of Ordinances.

- However, the intensity and operation of the personal range must also be taken into consideration. Personal uses should involve the owner or renter of the property and should be incidental in nature. Generally, personal uses do not contain contractual agreements between two or more individuals or companies.

For the foregoing reasons, the county determines that **The Currituck Shooting Club Inc. is subject to the standards of the UDO and must obtain a use permit for an outdoor shooting range to operate.**

In addition to the standards of the UDO, The Currituck Shooting Club Inc. is also subject to state laws. During the Technical Review Committee review, two state agencies noted additional site improvements and permitting that must be completed in order to comply with state laws.

Prior to operating the range for non-personal use, all permits, including local and state, must be obtained and all required site improvements must be completed. Any

operation of the range for non-personal use without obtaining all applicable permits or completing the required site improvements will be in violation of the UDO and can result in civil penalties of up to five hundred dollars ($500) per day for each day the range is in operation.

If you do not agree with the determinations made in this letter, you may appeal to the Board of Adjustment within 30 days from the date of this letter.

Please contact me at 252-232-6033 at your earliest convenience should you have any questions or concerns.

Sincerely,

Brad Schuler, AICP
Planner I

cc: Stacey Smith, Code Enforcement Officer
William Spruill

To: Currituck County

Topic: Withdraw of Use Permit

Summary: It is at this time that The Currituck Shooting Club's Inc., has changed our position to pursue a commercial application for a public shooting range and maintain our status as a private club, which facilities and activities are held on private property, and therefore The Currituck Shooting Club Inc., does not apply to the public/commercial regulation set forth in the amended UDO Section: 4.1.2.

Our determination which exempts our organization is outlined in the UDO's Section: 4.1.2 Item 5: which states: The commercial use of land for the discharging of firearms for the purposes of target practice, skeet and trap shooting, shooting competitions, or instructional classes. This does not include private ranges intended for personal non-commercial use or infrequent special events subject to a temporary use permit (See Section 2.4.11)

The Currituck Shooting Club Inc. requires that members and potential members complete a club application which is review by club members to become an active member. The club activities and facilities are free of charge to active members and guests. The purpose of the clubs facilities are intended for personal use and is not for commercial use.

The facility is posted with No Trespassing Signs, and is not open to the public. We do not have or intent to advertise publicly to promote a shooting range.

We are operating within state and local laws and will continue to operate within our legal rights.

Sincerely

Troy Moser
The Currituck Shooting Club Inc.
417A Caratoke Hwy.
Moyock, NC 27958
252-232-9071