



**CURRITUCK COUNTY
NORTH CAROLINA**

October 15, 2020

Minutes – Special Meeting of the Board of Adjustment

CALL TO ORDER

The Board of Adjustment met for a special meeting at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Troy Breathwaite	Chairman	Present	
Steven Craddock	Vice Chairman	Present	
Carol Bell	Board Member	Absent	
Cathy Bontemps	Board Member	Present	
Lynn L. Hicks	Board Member	Present	
Ike McRee	County Attorney	Present	
Lauren Arizaga-Womble	Board of Adjustment Attorney	Present	
Laurie LoCicero	Planning Director	Present	
Rachael Anderson	Code Enforcement Officer	Present	
Jennie Turner	Planner II - Acting Clerk to the Board	Present	
Justin Old	Applicant/Appellant	Present	
Steven D. Weber	Applicant's Attorney	Present	
Ben Stikeleather	County Manager	Present	

Chairman Breathwaite called the meeting to order at 7:00 PM and asked the acting Clerk to the Board, Jennie Turner, to call the roll.

A Announce Quorum Being Met

Chairman Breathwaite announced a quorum with four board members present.

B. Approval of Agenda

Chairman Breathwaite asked if there were any changes to the agenda. Vice Chairman Craddock motioned to approve as presented. Mr. Hicks seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Craddock, Vice Chairman
SECONDER:	Lynn L. Hicks, Board Member
AYES:	Troy Breathwaite, Chairman, Steven Craddock, Vice Chairman, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member
ABSENT:	Carol Bell, Board Member

C Approval of Minutes for August 13, 2020

Chairman Breathwaite asked if there were any changes needed for the August 13, 2020 meeting minutes. Vice Chairman Craddock motioned to approve as presented. Ms. Bontemps seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steven Craddock, Vice Chairman
SECONDER:	Cathy Bontemps, Board Member
AYES:	Troy Breathwaite, Chairman, Steven Craddock, Vice Chairman, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member
ABSENT:	Carol Bell, Board Member

1. BOA Minutes - August 13, 2020

D Ask for Disqualifications

Chairman Breathwaite referenced the State Government Ethics Act and asked if there were any board members having a known conflict of interest with respect to the matter coming before the board tonight. There were no known conflicts noted.

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 19-08 Justin Old - Glenmoor Ridge Dewatering Violations: Appeal of violation #1197 and violation #1198 for improperly pumping excess water not in accordance with the rules of the Unified Development Ordinance for property located on Campus Drive, Tax Map 22, Parcels 78A & 78B, Moyock Township.

Ben Stikeleather, Mark Bissell, Clay Cartwright, Justin Old, Laurie LoCicero, Rachael Anderson, Mike Hall, Denise Hall, Jamie Coolman, and Karen Coolman were sworn in.

The County Attorney, Ike McRee, gave his opening statement and began his direct examination of Ms. LoCicero. It was noted that Attachment 2B was inadvertently left out of the agenda packet.

Mr. McRee asked about the original complaint received concerning the flooding of the properties. Ms. LoCicero gave the following account leading up to the violation: Commissioner Etheridge came to the Historic Courthouse with a map and discussion was held with the County Manager, Ben Stikeleather. Mr. Stikeleather then directed Ms.

LoCicero to have her staff do an investigation. Ms. LoCicero briefed the Code Enforcement Officer, Rachael Anderson, with the construction drawings and files concerning Glenmoor Ridge dewatering. Ms. Anderson went to the location of the alleged violation to investigate and take pictures.

Mr. McRee asked if there were any unusual weather events and Ms. LoCicero said there was significant rainfall the previous weekend from Hurricane Dorian. Ms. LoCicero said she directed Ms. Anderson to investigate on information received September 9, 2019.

Steven Weber, attorney to Justin Old, began his cross examination of Ms. LoCicero.

Mr. Weber asked if Ms. LoCicero had visited Glenmoor Ridge. Ms. LoCicero said she visited the first Tuesday after the violation and then again the following week with the Code Enforcement Officer and the County Engineer.

Mr. Weber asked Ms. LoCicero how often she visited the site and Ms. LoCicero said about a dozen times.

Mr. McRee objected to Mr. Weber presenting a video of the Board of Commissioners speaking about the Glenmoor Ridge dewatering violations. Ms. Womble, Board of Adjustment Attorney, assessed the objection before the video could be played.

Chairman Breathwaite asked Mr. Weber to explain the clips.

Ms. Womble said in terms of a County statement by a party opponent - it is not a formal action by the Board or the County itself. County position is by action a cohesive board and we are here on staff's determination. The Commissioner's statements are not relevant. The Board of Adjustment is an independent body which is a sitting judicial board and the Board of Commissioners does not instruct the Board of Adjustment. The violation was done on staff's determination and not on an individual Commissioner's statement.

Chairman Breathwaite said the statements of the Commissioner were not relevant and we need to stick with facts.

Mr. Weber wanted to call Mr. Stikeleather to the stand in order to show the video. Mr. Weber asked to enter the video clips into the hearing as an exhibit but not asking for them to be shown.

The following exhibits were entered as evidence:

County 1 - Agenda Packet
Appellant 1 - Binder/Notebook
Appellant 3 - Copy of Agenda
Appellant 4 - Copy of Unified Development Ordinance
Coolman 1 - Set of Photographs

The following was entered as record, but not as evidence:

Appellant 2 - 4 Video Clips

Mr. McRee clarified with Ms. Womble the videos are not being entered as evidence and she concurred.

Chairman Breathwaite asked if the board had any questions for staff.

Vice Chairman Craddock asked for a clarification concerning removing substantial damage part of the sentence.

Ms. LoCicero stated it could be removed.

Chairman Breathwaite said regulations can be tricky to make sure you have clear intent and it appears substantial damage portion is an integral part of it. Location could play a roll or volume could play a roll in causing substantial damage. It is Hard to see how the substantial damage part of the sentence could be removed and maintain the same meaning.

Ms. Bontemps agreed that it references the damages.

Chairman Breathwaite asked if the relationship between the approved site plan and the stormwater activities was reference in section 2.8 and Ms. LoCicero said it was a reference in that section.

Chairman Breathwaite asked if under SW regulations the activity of pumping the pond in and of itself with no flooding to an interior farm ditch is permitted and Ms. LoCicero said it is an allowable activity during construction. She said, typically, it adheres to the approved construction plan.

Chairman Breathwaite asked if Ms. LoCicero found flooding in the adjacent corn field when she visited on September 9th. Ms. LoCicero said she visited the back of the property and did not go to the cornfield; there was an elevation difference between the corn field and the pump locations.

Chairman Breathwaite asked if the pump was directed to one of the ditches and Ms. LoCicero said no. She said this would be answered better with Ms. Anderson's pictures and video on where it was pumping to.

Chairman Breathwaite said the LIDAR graphic prior to construction has a good chance for the corn field being lower.

Vice Chairman Craddock asked, in your opinion, do you believe that LIDAR is more accurate than on site measurements done by a surveyor.

Ms. LoCicero said the LIDAR can give a general overview and a general lay of the land. A surveyor would be more accurate.

Mr. McRee called Rachael Anderson, Currituck County Code Enforcement Officer, to the stand. She introduced herself and said she has been with the County for two years tomorrow.

Ms. Anderson said Laurie LoCicero asked her to go to the property and Deputy Sheriff Corbell was there, as well.

Mr. McRee asked what she was told to inspect. Ms. Anderson said a pump pumping water. She was given a general direction and given a hand drawn map. She said she found the pump and walked to where the pump was located.

Mr. McRee asked what time she left the Courthouse and Ms. Anderson said around 11:00 AM. She said her time is backed up by time stamped/dated pictures.

Mr. McRee asked what Ms. Anderson did upon arriving at the site.

Mr. Weber objected to the question - 8:57 PM.

Chairman Breathwaite conferred with Ms. Womble. Ms. Womble said it can be admissible for the purpose of why she was going back to the site.

Ms. Anderson said she went to a meeting at Karen Coolman's house, a homeowner on Old Jury Road, with Justin Old, Kim Old, Mike Hall, Ron Schaecher, and Laurie LoCicero. There were others present, but she did not know their names.

Ms. Anderson said she was only briefly at the meeting. She spoke to Mr. Old about the breach ditch and silt fence. We did not speak about the pumping violation.

Mr. McRee asked if at some point did you determine that the pumping had stopped and or had been removed from the SW pond. Ms. Anderson said yes, the pump was removed from pond 7 and relocated.

Mr. McRee asked if she determined the Notice of Violation was complied with and Ms. Anderson said yes.

Mr. McRee asked when compliant what did you do and Ms. Anderson said she went back to Glenmoor Ridge for the purpose to recheck the silt fence was fixed on September 17, 2019.

Mr. Weber objected and moved to strike compliance with breach ditch.

Ms. Womble concurred that the objection should be allowed for the silt fence.

Chairman Breathwaite allowed the objection.

Mr. McRee asked Ms. Anderson if she went back again and Ms. Anderson said yes, on September 18th, 2019.

Ms. Anderson said she was asked to go back; she took pictures and made notes concerning the farm field where the water was originally going.

Mr. McRee asked if there were any further reports or complaints received or acted upon at the location contrary to construction plans and Ms. Anderson said no.

Ms. Anderson said she deemed the matter compliant.

Mr. Weber began his cross examination of Ms. Anderson at 9:06 PM.

She said the pump operated a total of two hours.

Mr. Weber asked if Ms. Anderson visited the property at any time earlier than 11 and she said no.

Mr. Hicks asked what time the County Commissioner came to the office with the paper.

Discussion was held on how long the pump was running. The board asked Ms. Anderson various questions concerning the video, the pump, how long the pump was running and where the water was discharging to.

Vice Chairman Craddock asked if Ms. Anderson helped prepare the staff report packet and she said yes.

Vice Chairman Craddock asked about the exact amount of rainfall received from Hurricane Dorian. Ms. Anderson said she received it from Steven Pyle and it was on Page 49 of the packet..

9:23 PM - Rachael Anderson's testimony completed.

Mr. Weber gave his opening and started calling his witness's to the stand.

Justin Old took the stand to give his testimony and provided information on three photos:

1st photo - Sept. 10, 2019

2nd photo - Sept 10, 2019

3rd - Oct 13, 2020

9:38 PM - Clay Cartwright took the stand to provide his testimony.

9:56 - Mark Bissell took the stand to provide his testimony.

Mr. McRee started his cross examination.

10:10 PM - He asked Mr. Bissell when elevation points were measured and he said prior to September 9, 2019

Vice Chairman Craddock asked questions concerning the ditch capacity.

Chairman Breathwaite called for a break.

Mr. Weber confirmed his evidence into record for Appellate 1 - the notebook, A - Copy of Agenda Packet, and Appellant 4 - Copy of Unified Development Ordinance.

Mr. Weber rested his case, but reserved the right to call rebuttal witnesses.

Chairman Breathwaite opened the Public Comment portion at 10:28 PM.

Jamie Coolman and Karen Coolman of 172 Old Jury Road came before the board. They talked about the flooding that occurred on Sept. 6th through Sept. 7th of 2019. The Coolman's provided a set of photographs and the photographs were entered as evidence.

Coolman 1 - Set of Photographs

Mike Hall came before the board to make his public comments concerning the flooding.

Mr. Weber asked Mr. Hall about his statements.

Deborah Coble of 201 Green View Road, Eagle Creek Subdivision came before the board and asked the board to table this issue.

Justin Old made additional comments.

Clay Cartwright made additional comments.

Chairman Breathwaite closed the public hearing

The board had discussion.

Mr. Weber made his closing argument.

The board had additional discussion.

Vice Chairman Craddock made a motion to reverse the County's decision on the two Notice of Violations that were issued to the Appellant. He said the County made errors in determining whether a standard was met, also the County made an error in applying a measuring standard; The County has made errors in ways of notification to the Appellant on the fact that they did have Notice of Violations and the County did not provide enough evidence to support all of their Findings of Fact.

Vice Chairman Craddock said he was referencing the original Notice of Violations and the Amendment to them.

Ms. Bontemps seconded the motion and the motion carried unanimously with a 4-0 vote.

RESULT:	REVERSED STAFF'S DECISION [UNANIMOUS]
MOVER:	Steven Craddock, Vice Chairman
SECONDER:	Cathy Bontemps, Board Member
AYES:	Troy Breathwaite, Chairman, Steven Craddock, Vice Chairman, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member
ABSENT:	Carol Bell, Board Member

ANNOUNCEMENTS

There were no announcement made.

ADJOURNMENT

Mr. Hicks motioned to adjourn the meeting. Ms. Bontemps seconded the motion and the meeting adjourned at approximately 11:30 PM.



**CURRITUCK COUNTY
NORTH CAROLINA**

August 13, 2020
Minutes – Regular Meeting of the Board of Adjustment

CALL TO ORDER

The Board of Adjustment met for their regular meeting at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Troy Breathwaite	Chairman	Present	
Steven Craddock	Vice Chairman	Present	
Carol Bell	Board Member	Present	
Cathy Bontemps	Board Member	Present	
Lynn L. Hicks	Board Member	Present	
Lauren Arizaga-Womble	Board of Adjustment Attorney	Present	
Ike McRee	County Attorney	Present	
Laurie LoCicero	Planning Director	Present	
Cheri Elliott	Clerk to the Board	Present	
William (Bill) Brumsey IV	Attorney for Applicant	Present	
Joseph Edwards	Applicant	Present	

Chairman Breathwaite called the meeting to order at 7:08 PM and asked the Clerk to the Board, Cheri Elliott, to call roll.

A Announce Quorum Being Met

Chairman Breathwaite announced a quorum met with five board members present.

B Election of Chairman & Vice-Chairman

Chairman Breathwaite asked the Clerk to the Board to proceed with this agenda item.

Ms. Elliott asked for nominations for the election of the Chairman. Mr. Craddock nominated Mr. Breathwaite to continue as the Chairman. Ms. Bontemps seconded the motion and the motion carried unanimously.

Ms. Elliott asked for nominations for the election of the Vice-Chairman. Chairman Breathwaite nominated Mr. Craddock. Ms. Bontemps seconded the motion of the motion carried unanimously.

C. Approval of Agenda

Chairman Breathwaite asked if there were any changes to the agenda. Mr. Craddock

Communication: BOA Minutes - August 13, 2020 (Approval of Minutes for August 13, 2020)

motioned to approve as presented. Ms. Bontemps seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Troy Breathwaite, Chairman, Steven Craddock, Vice Chairman, Carol Bell, Board Member, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member

D. Approval of Minutes for August 15, 2019

Chairman Breathwaite asked if there were any changes needed for the August 15, 2019 meeting minutes. Mr. Craddock motioned to approve as presented. Mr. Hicks seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Troy Breathwaite, Chairman, Steven Craddock, Vice Chairman, Carol Bell, Board Member, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member

1. BOA Meeting Minutes - August 15, 2019

E. Ask for Disqualifications

Chairman Breathwaite asked if there were any board members having a known conflict of interest with respect to the matter coming to the board tonight.

Chairman Breathwaite disclosed he has known the applicant, but will remain impartial.

No issues were noted from the Board of Adjustment Attorney, the County Attorney, and the Applicant's Attorney.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

A. BOA 19-08 Justin Old - Glenmore Ridge Dewatering Violations - Applicant has requested and was granted a continuance to the October 8th Board of Adjustment Meeting: Appeal of violation #1197 and violation #1198 for improperly pumping excess water not in accordance with the rules of the Unified Development Ordinance for property located on Campus Drive, Tax Map 22, Parcels 78A & 78B, Moyock Township.

*Update - This Appeal will be heard October 15th at 7:00 PM.

RESULT:	CONTINUED TO FUTURE MEETING	Next: 10/15/2020 7:00 PM
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B. BOA 20-01 Joey & Laurie Edwards - Variance Request: Variance request for property located at 436 Shawboro Road, Parcel Identification Number 0033-000-0002-0000, Crawford Township, due to the residential single-family dwelling encroaching on the 50 foot minimum setback.

Communication: BOA Minutes - August 13, 2020 (Approval of Minutes for August 13, 2020)

The Planning & Community Development Director, Laurie LoCicero, presented the staff report. She referenced page 13 of the agenda packet showing the aerial photo for Joey and Laurie Edwards property. Ms. LoCicero gave the history leading up to the variance request. On April 13, 2016, the County issued a demolition permit for the removal of an existing single family dwelling at 436 Shawboro Road. The house was removed and a final inspection was completed March 7, 2018. On December 17, 2019, the county issued a building permit to construct a single family dwelling that would utilize the existing septic system installed in 1982. Rackley Land Surveying prepared a site plan based on recorded information, but this was not a survey with them actually measuring on-site. Ms. LoCicero referenced page 36 of the agenda packet showing the site plan given to Zoning with a 66.60 ft. setback. After the house was constructed, a citizen called the County to report the house not meeting the required front setback. Upon inspection, the front porch of the house was found to be in the setback by 2.26 ft.

The County Attorney, Ike McRee, questioned Ms. LoCicero about the setback requirements and specifically which roads had the 50 ft setback. Ms. LoCicero said the main arterial roads such as US 158, NC-168, NC-34, and NC12 are required to have the 50 ft. setback.

Mr. McRee asked what was encroaching on the setback and how it could be fixed. Ms. LoCicero stated the front porch was encroaching and the porch would have to be cut off to meet compliance with the setback.

Discussion was held on what was allowed to encroach, such as structures that are not covered.

The applicant's attorney, Mr. Brumsey, cross examined Ms. LoCicero. He asked what was the purpose of the 50 ft. setback. Ms. LoCicero said to give extra space if a major arterial road needs to be expanded in width. Mr. Brumsey pointed out that allowing the brick foundation of the porch to encroach does not achieve that goal. Mr. Brumsey asked if this variance were allowed, would it be a threat to public safety. Ms. LoCicero said it would probably not be a threat to public safety. He asked Ms. LoCicero if she thought Mr. Edwards knew he was in the setback and Ms. LoCicero said no.

Board members asked Ms. LoCicero questions concerning granting the variance with the condition of not being able to enclose the porch in the future.

The Board of Adjustment Attorney, Lauren Womble, and Mr. Brumsey had discussion on whether variances could have conditions attached. Mr. Brumsey stated the last paragraph of GS 160A-388(d) saying appropriate conditions may be imposed as long as the conditions are reasonably related to the variance.

GS 160A-388(d) - Below for reference:

(d) Variances. - When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

Board members held discussion on the rules in the Unified Development Ordinance concerning pervious and impervious within the setback.

Ms. LoCicero said if the applicant would have let us know in advance of building that they could not meet the required setback, we may have been able to give them an administrative adjustment. She also said without a survey, it is an estimate and we are not comfortable using the GIS aerial photo.

Mr. McRee admitted without objection:
County Exhibit #1 - Staff Report BOA 20-01 Joey and Laurie Edwards Variance Request, Board of Adjustment, August 13, 2020.

Mr. Brumsey stated GS 168-388 section (d) allows the Board of Adjustment to attach conditions. Mr. Edwards will comply with not enclosing the porch. Mr. Brumsey said Mr. Edwards made a good faith error.

Mr. Brumsey cited a prior case where a variance was given for approximately 7.2 inches.

Mr. Brumsey admitted without objection:
Applicant Exhibit #1 - Turik v. Town of Surf City, 642 S.E.2d 251, 182 N.C. App 427 (N.C. App. 2007)

Mr. Brumsey called Mr. Edwards to the stand. He stated his address as 463 Snowden Road and his place of employment as HRSA Shipping. Mr. Edwards said he has had

his contractors license for 16 years. He obtained the house from his grandparents and his mother had lived there. Mr. Brumsey referenced p. 30 and p. 31 of the agenda packet showing the original septic permit. Mr. Edwards said it would have cost \$20,000 for a new engineered system. Mr. Edwards said he used the same footprint of the old home for the new one. Mr. Brumsey asked Mr. Edwards if he would enclose the porch and he said no.

Board members asked various questions. Chairman Breathwaite asked Mr. Edwards how he measured for the setback. Mr. Edwards said he measured from the road. Chairman Breathwaite asked how much it would cost to change the porch and Mr. Edwards said \$5,000 or more. Chairman Breathwaite asked how much it cost to build the house and Mr. Edwards said about \$100,000.

Discussion was held on how the porch could be modified.

Mr. McRee cross examined Mr. Edwards. He asked him various questions concerning measuring for the setback and how the surveyor created the site plan. Mr. Edwards said he searched for the pins but could not find them so the neighbor told him to measure from the middle of the ditch. Mr. Edwards said the surveyor did find the pins and did the site plan from that. Mr. McRee asked if the surveyor came out to the property. Mr. Edwards said he did not know and we would have to ask him. Mr. McRee asked if Mr. Edwards will be living in the house and he said no.

Mr. Brumsey clarified that Mr. Rackley did the first survey without coming on the property, but he did actually survey after the problem with the setback was found. Mr. Edwards said that was correct.

Ms. Womble instructed the board she had pulled the statute and verified they can put conditions on a variance.

Chairman Breathwaite asked for public comment. There was no comments heard and the public hearing was closed.

Ms. Womble instructed the board to give the attorneys time for their argument period.

Mr. McRee highlighted requirements for hardship. He referenced the Turik case and said the facts of this case are not the facts of the case tonight. In our case, Mr. Edwards has been a contractor for 16 years and has built 16 to 32 houses. He did not have the appropriate survey done, but after the encroachment, then he has the survey done. Something different and unique from other properties - not unique. Ms. Locicero testified that these setbacks are not unusual and have to be complied by other people on these major arterial roads. The hardship is a result of the applicant's own actions since he did not survey properly which resulted in this encroachment. In reference to the last variance case heard by our Board of Adjustment, that did not pass where a house encroached on the setback. It was denied. One lucky person should not be relieved by this variance when others will not receive the same.

Mr. Brumsey made his closing remarks. He said the septic changes would have caused a hardship. He said building a stickbuilt house is what the county wants and this was a

good faith unintentional error. He referenced the Turik saying the Edwards' case was also a good faith error and only a 4 percent error which was less. He said the home is an improvement to the area. He said if you look at the whole record and all the facts, you have to conclude the variance should be granted.

Chairman Breathwaite said he thought the hardship would be to redo the roof which would be 5 percent more than the total cost of the house.

Mr. Hicks, Ms. Bontemps, and Ms. Bell agreed it is a hardship.

Ms. Bontemps said without the porch it would not look right. Ms. Womble gave guidance reminding the board they cannot consider this.

Chairman Breathwaite said we must look at each question for the variance. Variances shall be approved if they meet all five of the requirements.

#1 The alleged hardship is suffered by the applicant as a result of the application of this ordinance.

Mr. Craddock said the Unified Development Ordinance which stated the required setbacks was in place before they began construction.

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

Chairman Breathwaite said this was unique due to the septic existing. The applicant stated if it had been a big house he would have had a surveyor come out - he did not - the house design could have been changed.

#3 The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

Chairman Breathwaite said he was confused on whether a surveyor was present on the property. Mr. Craddock said by the testimony of Mr. Edwards, he gave the measurements to the surveyor and the surveyor drew it out; He was not onsite. Ms. Womble said the Turiks actually hired a surveyor to do a full survey. Note page 6, highlighted section, the Hunters survey was before the building permit, the neighbor surveyed and then they hired a third surveyor. Where did the hardship start? Who caused it? Ms. Womble said if there was a formal survey, the applicant would have known where to put the house.

#4 The hardship is not the result of the applicant's own actions.

Ms. Womble said the site plan says this is not a formal survey. Mr. Craddock said, with this, we can make the assumption that the surveyor did not go out to the property since the readings were inaccurate. Mr. Hicks said without the pins it was hard to get the measurement.

#5 The variance will not authorize the initiation of a nonconforming use of land.

Same as the staff report - if variance is granted, it will not create a new nonconformity.

Mr. Craddock motioned to deny since only one of the required five variance review standards have been met.

Ms. Bontemps said she would like to make a motion with a stipulation. Ms. Womble said we already have a motion on the floor which is Mr. Craddocks.

Chairman Breathwaite asked for a second to Mr. Craddock's motion to deny. There was no second and the motion failed.

Ms. Bontemps motioned to approve with the stipulation that the porch will never be enclosed. Ms. Bontemps said she didn't think there was any malice.

Ms. Womble said there are a lot of people who never intend to cause something.

Mr. Craddock said we need a second on the motion to approve.

Ms. Bell seconded the motion.

The board had more discussion. Ms. Womble gave guidance; We have a motion and a second that needs to be voted. This motion is to approve with the condition to not enclose the porch to become part of the home.

A vote was held and the motion carried 4-1 with 4/5 approval; Mr. Craddock was opposed.

RESULT:	APPROVED [4 TO 1]
AYES:	Troy Breathwaite, Chairman, Carol Bell, Board Member, Cathy Bontemps, Board Member, Lynn L. Hicks, Board Member
NAYS:	Steven Craddock, Vice Chairman

ANNOUNCEMENTS

Ms. LoCicero announced the Glenmoor Ridge Appeal for de-watering violations will be hard in September. *Update - This case will be heard October 15th at 7:00 PM.

Ms. LoCicero said 40,000 square ft, or less, new construction is now required to have asbuilt surveys. This will help catch some of the setback issues. Mr. Craddock asked if the asbuilts are being recorded. Ms. LoCicero said they are kept in the staff's files, but the builders has the option to record them.

ADJOURNMENT

Ms. Bell motioned to adjourn the meeting. Mr. Craddock seconded the motion and the motion carried unanimously with the meeting ending at 9:38 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2668)

Agenda Item Title: PB 19-08 Justin Old - Glenmoor Ridge Dewatering Violations:

Submitted By: Cheri Elliott – Planning & Community Development

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Appeal of violation #1197 and violation #1198 for improperly pumping excess water not in accordance with the rules of the Unified Development Ordinance for property located on Campus Drive, Tax Map 22, Parcels 78A & 78B, Moyock Township.

Is this item regulated by plan, regulation or statute?

Manager Recommendation:



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: October 15, 2020
Re: BOA 19-08 Justin Old/Glenmore Ridge Dewatering Violations

Justin Old, acting as managing member and owner, of APVA, LLC and Allied Properties, LLC is appealing notices of violation V19-1197 and V19-1198 issued on September 9, 2019. The violations are for properties located in Moyock, NC 27958 (PINs 0022000078A0000 and 0022000078B0000). At the time of violations, both properties were in the construction process for two separate residential subdivisions, Glenmore Ridge and Currituck Reserve. In the interim, both subdivisions home progressed to the final plat stage and houses are now being built. The properties were in violation of the Unified Development Ordinance Chapter 2, Subsection 2.4.8. E. (6) Construction Drawing Standards, Effect, Amendment and Expiration and Chapter 7, Subsection 7.3.4. Stormwater Management Standards. The properties were inspected and brought into compliance by September 17, 2019

Unified Development Ordinance

The following sections of the UDO are applicable to this case

- Chapter 2, Subsection 2.4.8.E.(6) Construction Drawing Standards, Effect, Amendment, and Expiration
 - (A) Construction Drawing Review Standards
 - Construction drawings shall be approved only on a finding the applicant demonstrates the drawings comply with:
 - (i) The applicable standards in Chapter 6: Subdivision and Infrastructure Standards and all other applicable standards in this Ordinance;
 - (ii) All development standards or conditions of any prior applicable development permits and approvals;
 - (iii) Sound engineering and construction practices;
 - (iv) The Currituck County Stormwater Manual; and
 - (v) All other applicable requirements in the County Code of Ordinances
- Chapter 7, Subsection 7.3.4. Stormwater Management Standards
 - A. Drainage Requirements
 - 5. All developments shall be constructed or maintained so that adjacent lands are not unreasonably burdened with the surface waters as a result of such developments. More specifically:
 - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher

- adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,
- (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

Background

- May 15, 2019- Glenmoor Ridge 50 Lot Conservation Subdivision construction drawings approved
- September 5 & 6 2019- Hurricane Dorian hit Currituck County
- September 9, 2019 – Received complaint from Commissioner Owen Etheridge regarding stormwater issues on Old Jury Road. Properties along northwestern side of Old Jury Road abut Glenmoor Ridge and Currituck Reserve residential subdivisions

Violation

On Monday September 9, 2019 staff observed dewatering occurring at the southern part of pond 7 located on parcel 0022-000-078B-0000 and identified on the approved construction drawings of Glenmoor Ridge 0022-000-078A-0000. The dewatering was being conducted on the land where no ditch was in place. The breach of the silt fence was observed in the same area where the discharged water was flowing. Upon review of the construction drawings, site visit observations and photos, it was determined that the property was in violation of two different standards of the Unified Development Ordinance:

- The dewatering was not being conducted in accordance with the approved construction drawings specifically page 6 under “CONSTRUCTION SEQUENCE”, Number 6, “Excavate proposed ponds 6A and 7 , ponds will act as sediment basins during construction dewater to existing internal farm ditch(es) As illustrated this sheet. These are critical improvements and must be stabilized within 7 days of completion.”
- The pump was pumping at a velocity that caused the surface waters to be unreasonably collected and channeled onto lower adjacent properties.

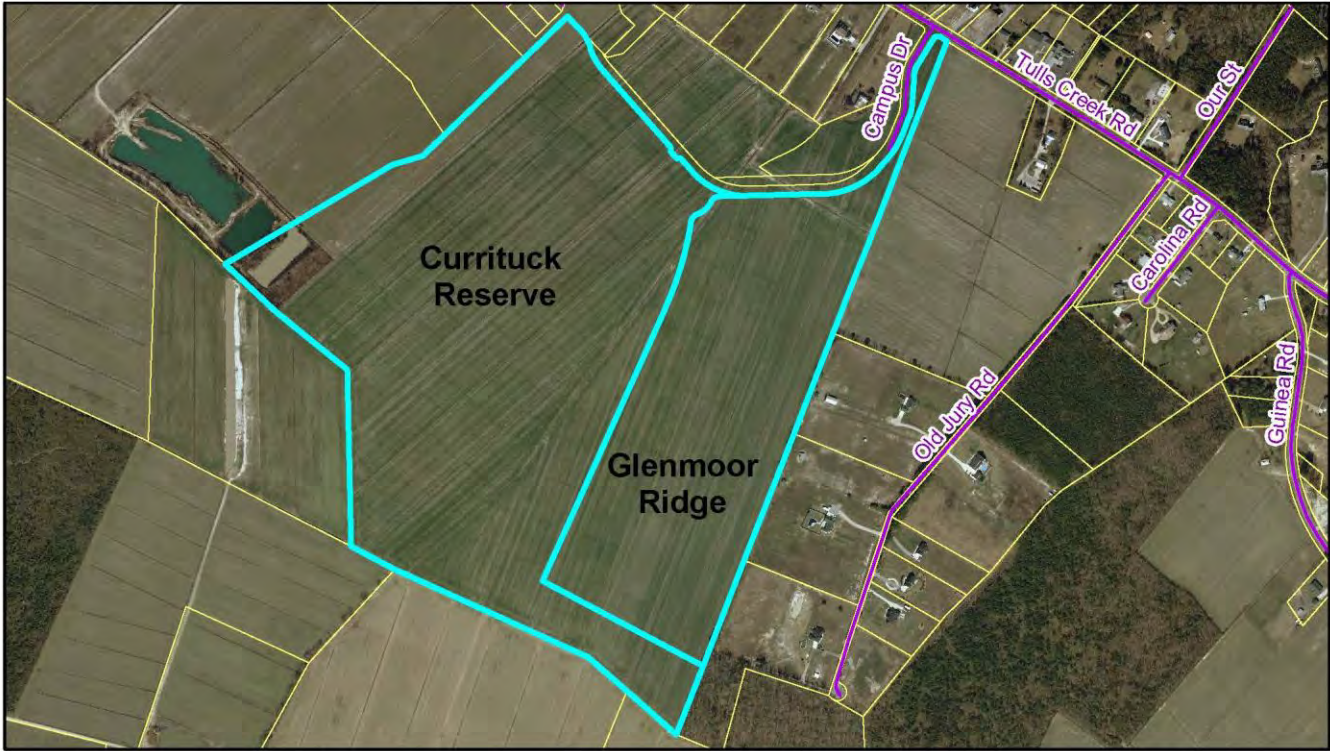
On September 9, 2019 a complaint was received between at 8:00 and 8:30am about the dewatering on parcel 0022-000-078B-0000 in conjunction with development of Glenmoor Ridge and Currituck Reserve residential subdivisions.

- September 9, 2019 between 8:15am-10:45am code enforcement staff looked over construction drawings and Unified Development Ordinance with Donna Voliva.
- September 9, 2019 approximately 11:00am at the direction of the County Manager, code enforcement staff contacted Deputy Corbell to escort staff to the site in question (0022000078A0000 and 0022000078B0000).
- 11:20am actively on the site with Deputy Corbell
 - Picture #1 Is showing the pump located at southern part of Pond 7.
 - Picture #2 Is showing the flow of water coming out of the pump and the silt fence underwater on the right hand side of the picture.
 - Picture #3 Closer view of the water coming out of the pump and going over top of the silt fence
 - Picture #4 Further southwest from where the water is discharging and over the silt fence. The silt fence was underwater and not visible.
 - Picture #5 An additional view of where the water is discharging out and flowing over the silt fencing.
 - Picture #6 (Parcel 0022-000-063Y-0000) the farm field parcel to the west of pond 7 parcel (0022-000-078B-0000).
 - Picture #7 Internal farm ditch on parcel (0022000078A0000 and 0022000078B0000).

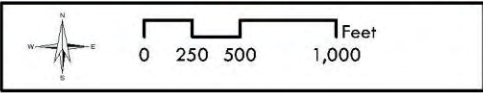
- Video 1 Shows the discharge of water and the location of the pump
- September 9, 2019 approximately 11:30am staff in the field called Laurie LoCicero, Planning Director, and with no answer called Donna Voliva, Assistant Planning Director, and spoke with Donna about the totality of the circumstances. In conjunction with calling Donna, field staff made contact with the only worker in the area. It was an employee with Eastern Carolina Construction, INC. The employee informed staff he is not associated with that part of the property nor is he or the company associated with the project that was conducting dewatering. Ms. Voliva assured she would call the managing member of APVA, LLC and Allied Properties whom would be the responsible party (Justin Old) to inform him of the issue.
- September 9, 2019 approximately 11:40am staff returned to the office and compiled the Notice of Violation
- September 9, 2019 approximately 14:18pm email sent to Laurie LoCicero and Donna Voliva with the Notice of Violations #1197 and #1198 from Rachael Anderson
- September 10, 2019 code enforcement staff was directed to meet Mike Hall, a home owner along Old Jury Road, to see a breach in the silt fence around the construction activity. The property owners along Old Jury Road requested Planning and Community development staff attend a meeting between the nearby homeowners and Justin Old at the home of Karen Caldwell. While waiting for the meeting to start staff informed Mr. Old of a section of silt fence missing. He relayed to staff he did not know about the missing section of silt fence and he would have it fixed immediately. Staff at the meeting included Rachael Anderson, Laurie LoCicero and Ron Schaecher.
 - Picture #8 Breached silt fence
 - Picture #9 The pump was removed from pond 7
- September 17, 2019 Site inspection revealed the silt fence was fixed at the breached location
 - Picture #10 Silt fence breach fixed
 - Video #2 12:24am Same pump being used at one of the internal farm ditches
- September 18, 2019 Site visit revealed the property was still in compliance; however, picture of the standing water on the farm field Parcels 0022-000-063Y-0000 and 0022-000-0062-0000.
 - Picture #11 & #12 Standing water still on the farm field (Parcel 0022-000-063Y-0000) to the west of pond 7 parcel (0022-000-078B-0000).


Appeal Review Standards

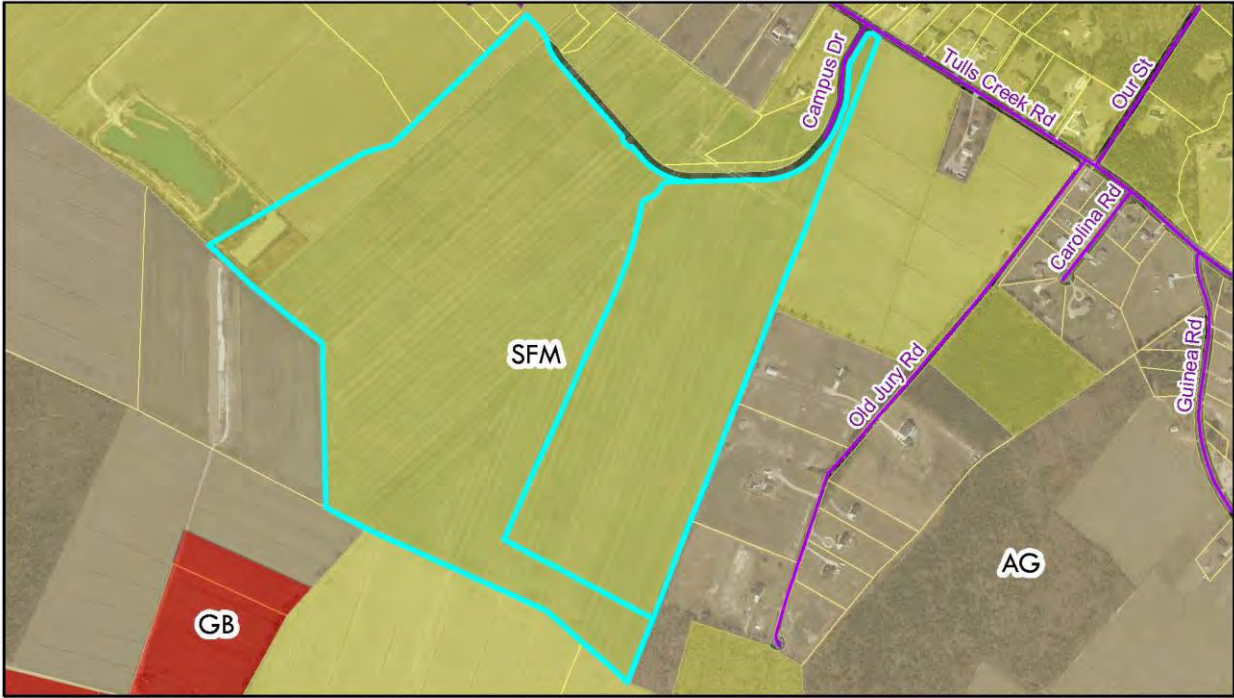
1. The standard of review to be applied by the Board of Adjustment is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record is whether:
 - a. The decision-maker did not make an error or correctly applied the standards of the UDO in making the decision or interpretation;
 - b. The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - c. The decision-maker made the decision based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
 - d. The decision-maker made an error in applying a standard or measuring a standard.
2. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
3. The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or use permit.)



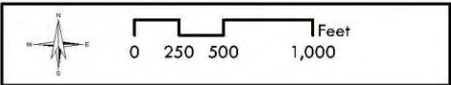
BOA 19-08 Justin Old/
Glenmoor Ridge Appeal




 Currituck County
Planning and
Community Development



BOA 19-08 Justin Old/
Glenmoor Ridge Appeal
Zoning



 Currituck County
Planning and
Community Development

Attachment: Attachment 0 - BOA 19-08 Justin Old - Staff Report (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

Attachments

The county submits the following attachments for the Board's consideration:

- Attachment 1: Notice of violation #1197 and #1198 dated September 9, 2019
- Attachment 2: Complaint document September 9, 2019
- Attachment 3: Approved Use permit
- Attachment 4: Approved Construction Drawings
- Attachment 5: Moyock Middle School Rain rate Data from Currituck.weatherStem.com
- Attachment 6: Picture #1 Is showing the pump located at southern part of Pond 7.
- Attachment 7: Picture #2 Is showing the flow of water coming out of the pump and the silt fence underwater on the right hand side of the picture.
- Attachment 8: Picture #3 Closer view of the water coming out of the pump and going over top of the silt fence
- Attachment 9: Picture #4 Further south west from where the water is discharging and over the silt fence. The fence was underwater and not visible.
- Attachment 10: Picture #5 An additional view of where the water is discharging our and is over the silt fencing.
- Attachment 11: Picture #6 (Parcel 0022-000-063Y-0000) the farm field parcel to the west of pond 7 parcel (0022-000-078B-0000).
- Attachment 12: Picture #7 Internal farm ditch on parcel (0022000078A0000 and 0022000078B0000).
- Attachment 13: Video 1 Shows the discharge of water, and the location of the pump
- Attachment 14: Picture #8 Breached silt fence
- Attachment 15: Picture #9 The pump was removed from pond 7
- Attachment 16: Picture #10 Silt fence breach fixed
- Attachment 17: Video 2 September 17, 2019 11:55am Same pump being used at one of the internal farm ditches
- Attachment 19: Picture #11 Standing water still on the farm field(Parcel 0022-000-063Y-0000) to the west of pond 7 parcel (0022-000-078B-0000).
- Attachment 19: Picture #12 Standing water still on the farm field(Parcel 0022-000-063Y-0000) to the west of pond 7 parcel (0022-000-078B-0000).
- Attachment 20: Email to Laurie LoCicero and Donna from Rachael Anderson with attached Notice of Violations
- Attachment 20: Email to Mark@bissellprofessionalgroup.com (Mark Bissell) and jold@qhoc.com (Justin Old) from Laurie LoCicero
- Attachment 21: Map of approximate locations of pictures
- Attachment 22: Appeal application submitted October 8, 2019 with applicant's exhibits



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1197

APVA LLC
 417D Caratoke Hwy
 Moyock, NC 27958

APVA LLC
 5857 Harbour View Blvd
 Suffolk, VA 23435

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078A-0000
Violation Description:	
<p>It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)</p>	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 7, Subsection 7.3.4. Stormwater Management Standards
	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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1198

Allied Properties LLC
 ATTN: Justin Old
 417-D Caratoke Hwy
 Moyock, NC 27958

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078B-0000
Violation Description:	
It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of your approved construction drawings and the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 2, subsection 2.4.8.(6) Construction Drawing Standards, Effect, Amendment and Expiration, and Chapter 7, Subsection 7.3.4. Stormwater Management Standards
	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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.

Attachment: Attachment 1 NOV 1198 & 1197 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



NOTICE OF VIOLATION

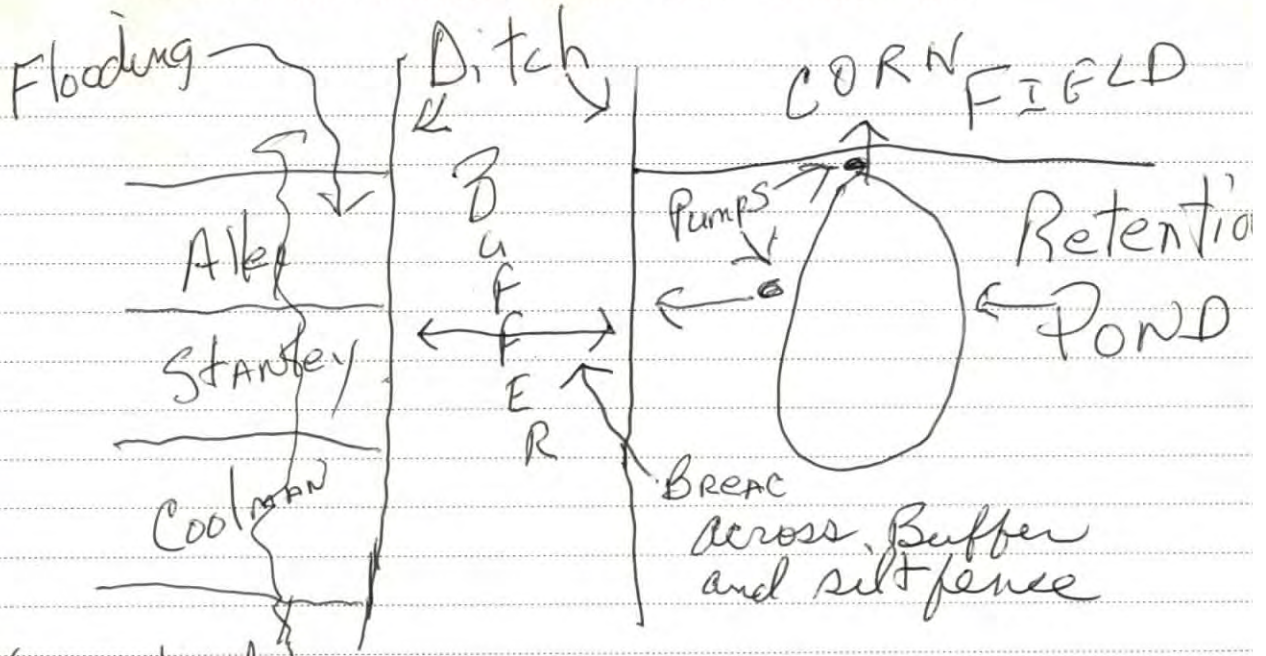
The violation of approved Construction Drawings and Currituck County Stormwater Management Standards

UNDER SECTIONS 2.4.8.(6) AND
7.3.4. OF THE CURRITUCK COUNTY UNIFIED
DEVELOPMENT ORDINANCE

It Is unlawful for any person to violate the approved
construction drawings and
collect and channel onto lower adjacent properties
resulting in substantial damage

Dewatering of stormwater (Pond #7) shall cease immediately.

BY ORDER OF THE CURRITUCK COUNTY
PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT



Never had flooding in this area

Pumping water from Retention Pond into Ditch and across corn field. Cut a small Ditch across Buffer and under silt fence in to the next ditch



Attachment: Attachment 2 Complaint (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

1/23/2012
1/22/2012
1/21/2012
1/20/2012
1/19/2012
1/18/2012
1/17/2012
1/16/2012
1/15/2012
1/14/2012
1/13/2012
1/12/2012
1/11/2012
1/10/2012
1/9/2012
1/8/2012
1/7/2012
1/6/2012
1/5/2012
1/4/2012
1/3/2012
1/2/2012
1/1/2012

Attachment: Attachment 2 Complaint (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



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

July 21, 2016

AH Currituck Reserve LLC
 222 Central Park Ave Ste 2100
 VA Beach VA 23462

RE: Currituck Reserve, Preliminary Plat/Use Permit

Dear AH Currituck Reserve LLC,

At its July 18, 2016 meeting, the Currituck County Board of Commissioners voted to approve the preliminary plat/use permit for Currituck Reserve with the following condition:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - a. That fire marshal comments be adequately addressed.
 - b. That NCDOT comments be adequately addressed.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan.

The preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted by July 21, 2018. The use permit is enclosed. If you have any questions, please call me at 252-232-3055.

Sincerely,

Ben Woody, AICP
 Planning & Community Development Director

Cc: Land Planning Solutions

Encl: Use Permit



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

USE PERMIT GRANTED

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner: AH Currituck Reserve LLC
 222 Central Park Ave Ste 2100
 VA Beach VA 23462

Applicant: Land Planning Solutions
 5857 Harbor view Blvd Ste 202
 Suffolk VA 23435

Property Location: Tax Map 22, Parcel 78B, Moyock Township

Project: PB 14-34 Currituck Reserve

Proposed Use: Preliminary Plat/Use Permit

Meeting Date: July 18, 2016 – Board of Commissioners’ Public Hearing/Action

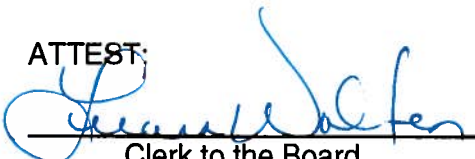
Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. This permit is valid for two years and will expire on July 18, 2018 if a complete application for approval of a final plat is not submitted by that date.
4. Other conditions:
 - a. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - b. That fire marshal comments be adequately addressed.


- c. That NCDOT comments be adequately addressed.
- d. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - i. That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan.

IN WITNESS WHEREOF, the county has caused this permit to be ordered in its name, and the property owners/applicants of the property above described, do hereby accept this Use Permit together with all its conditions, as binding on them and their successors in interest.

ATTEST:


 _____ (Seal)
 Clerk to the Board

7.21.16
 Date



 Chairman
 Board of Commissioners

(NOT VALID UNTIL FULLY EXECUTED)



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

December 5, 2018

Allied Properties, LLC
 417 Caratoke Highway – Unit D
 Moyock, NC 27958

Bissell Professional Group
 PO Box 1068
 Kitty Hawk, NC 27949

RE: PB 16-12 Glenmoor Ridge – Preliminary Plat/Use Permit Amendment & Extension

Dear Applicant/Owner:

Your request for an amended preliminary plat/use permit and also an extension to the preliminary plat/use permit for a conservation subdivision located behind the Moyock Library was approved at the October 15, 2018 Board of Commissioners Meeting. Enclosed please find the approved Amended Use Permit and the Use Permit Extension Granted.

Sincerely,

Tammy D. Glave, CZO
 Senior Planner

TDG/ce

Encl (2): Amended Preliminary Plat Granted
 Use Permit Extension Granted



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

AMENDED - USE PERMIT GRANTED

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner/Applicant: Allied Properties, LLC
 417 Caratoke Highway – Unit D
 Moyock, NC 27958

Property Location: Southside of Tulls Creek Road behind the Moyock Library
 Tax Map 22, Parcels 78A and 78E, Moyock Township

Project: PB 16-12 Glenmoor Ridge – Preliminary Plat/Use Permit

Proposed Use: 50 Lot Conservation Subdivision

Meeting Dates: September 19, 2016 - Board of Commissioners' Public Hearing/Action
 October 15, 2018 – Board of Commissioners' Public Hearing/Action – 1 YR Extension
 October 15, 2018 – Board of Commissioners' Public Hearing/Action – Amended

Having heard all the evidence and argument presented at the hearing, the Board of Commissioners finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

- (A) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This permit is valid for one year and will expire on September 19, 2019, if a final plat is not submitted within one year after the date of approval of the preliminary plat authorized by this use permit.

Use Permit Approval Standards

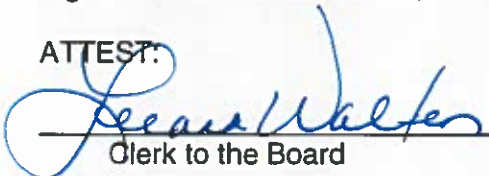
- (D) The use will not endanger the public health or safety.
 - 1. The use will adhere to county health and safety standards, including recommendations made by Albemarle Regional Health Services. The project should not adversely affect the public health or safety.
- (E) The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
 - 1. Land to the east has been developed into single family homes; the land to the west has already been proposed as a conservation subdivision; this tract will be developed similarly; over 40% of the land will be preserved as open space. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
- (F) The use will be in conformity with the Land Use Plan or other officially adopted plans.
 - 1. The Land Use Plan classifies this area as Rural with densities allowed at no more than one unit per three acres. However, the more specific Moyock Small Area Plan classifies this area as Limited Service with allowable densities of 1 to 1.5 units per acre. The .99 units per acre density proposed is consistent with the Moyock Small area plan. Some of the plan policies being met include:
 - **POLICY FLU1:** Promote compatibility between new development and existing development to avoid adverse impacts to the existing community.
 - **POLICY CC1:** Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.
 - **POLICY IS1:** The costs of infrastructure, facilities, and services related to new growth and development should be borne primarily by those creating the demand.
- (G) The use will not exceed the county's ability to provide adequate public facilities:
 - 1. Currituck County has adequate public facilities to serve the proposed subdivision.

Conditions of Approval

- 1. The recombination plat with AH Currituck Reserve property and the right-of way dedication plat must be recorded prior to subdivision approval. (Planning)
- 2. Remove "wetlands" from the Parkland/Recreation fee-in-lieu statement. (Planning)
- 3. Plat corrections: correct corner lot setback to corner side setback; remove one of the review officer certificates. (Planning)
- 4. That a meeting take place between the County Engineer and the engineers, stormwater designers, and applicants of Glenmoor Ridge, Currituck Reserve, and Waterleigh subdivisions to discuss the drainage system being shared between the three subdivisions prior to plat approval. (Engineering).

IN WITNESS WHEREOF, the County has caused this permit to be issued in its name, and the property owners/applicants of the property above described, do hereby accept this Use Permit together with all its conditions, as binding on them and their successors in interest.

ATTEST:


 Clerk to the Board


 Chairman
 Board of Commissioners

12.3.18
 Date

(Seal)

(NOT VALID UNTIL FULLY EXECUTED)



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

USE PERMIT EXTENSION GRANTED

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner: Haywood E. Ward
 Cynthia J. Ward
 7950 Hwy 78, Lot 46
 Okeechobee, FL 34974

Applicant: Allied Properties, LLC
 PO Box 743
 Moyock, NC 27958

Property Location: Southside of Tulls Creek Road behind the Moyock Library
 Tax Map 22, Parcel 78A, Moyock Township

Project: PB 16-12 Glenmoor Ridge - Preliminary Plat/Use Permit

Proposed Use: 48 Lot Conservation Subdivision

Meeting Dates: September 19, 2016 - Board of Commissioners' Public Hearing/Action
 October 15, 2018 - Board of Commissioners' Public Hearing/Action

Having heard all the evidence and argument presented at the hearing, the Board of Commissioners finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

- (A) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This permit is valid for one year and will expire on September 19, 2019, if a final plat is not submitted within one year after the date of approval of the preliminary plat authorized by this use permit.

Use Permit Approval Standards

- (D) The use will not endanger the public health or safety.
1. The use will adhere to county health and safety standards, including recommendations made by Albemarle Regional Health Services. The project should not adversely affect the public health or safety.
- (E) The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
1. Land to the east has been developed into single family homes; the land to the west has already been proposed as a conservation subdivision; this tract will be developed similarly; over 40% of the land will be preserved as open space. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
- (F) The use will be in conformity with the Land Use Plan or other officially adopted plans.
1. Relevant MSAP and 2006 LUP Policies:
 - POLICY HNI: Currituck County shall encourage development to occur at densities appropriate for the location ...
 - POLICY HN2: The County shall ... encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.
 - POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 - OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 - POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development.
 - POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas.
 - POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.
 - POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.
 - POLICY WQ3: Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.
 - POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.
 - POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged.

If COASTAL AND NON-COASTAL WETLANDS are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development.

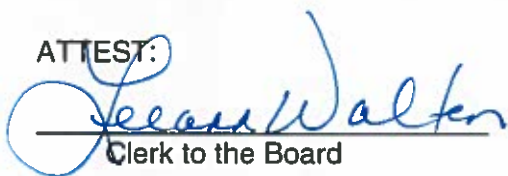
- (G) The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.
 1. Currituck County has adequate public facilities to serve the proposed subdivision.

Conditions of Approval

- (H) A right-of-way must be created and designated for your development's use that meets NCDOT standards. Subdivision cannot use an easement as a point of ingress and egress. (UDO Section 6.2.1). The right-of-way issue must be resolved prior to submittal of construction drawings.
- (I) That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan.
- (J) Currituck Reserve subdivision adjoining the western property line is installing an eight foot wide sidewalk along the northern portion of the right-of-way they are creating to connect to the Moyock Library. A crossing from this development to that sidewalk is required. The applicant is working directly with Currituck Reserve developers to install a crossing from this development's sidewalk to Currituck Reserve's sidewalk.
- (K) MSA Engineers were the original design engineers for Currituck Reserve, the library site and Campus Drive. Per the original design for Campus Drive, a top coat of 2" asphalt is required over the existing asphalt.
- (L) The library has continuing flooding issues due to the elevation it was built at. MSA basically put the library in an excavated hole and assured us it was part of a drainage plan that would function with Currituck Reserve. You are proposing to use the same outlet as the library. We need to account for the outlets, the library and the ditches in your modeling.

IN WITNESS WHEREOF, the County has caused this permit to be issued in its name, and the property owners/applicants of the property above described, do hereby accept this Use Permit together with all its conditions, as binding on them and their successors in interest.

ATTEST:

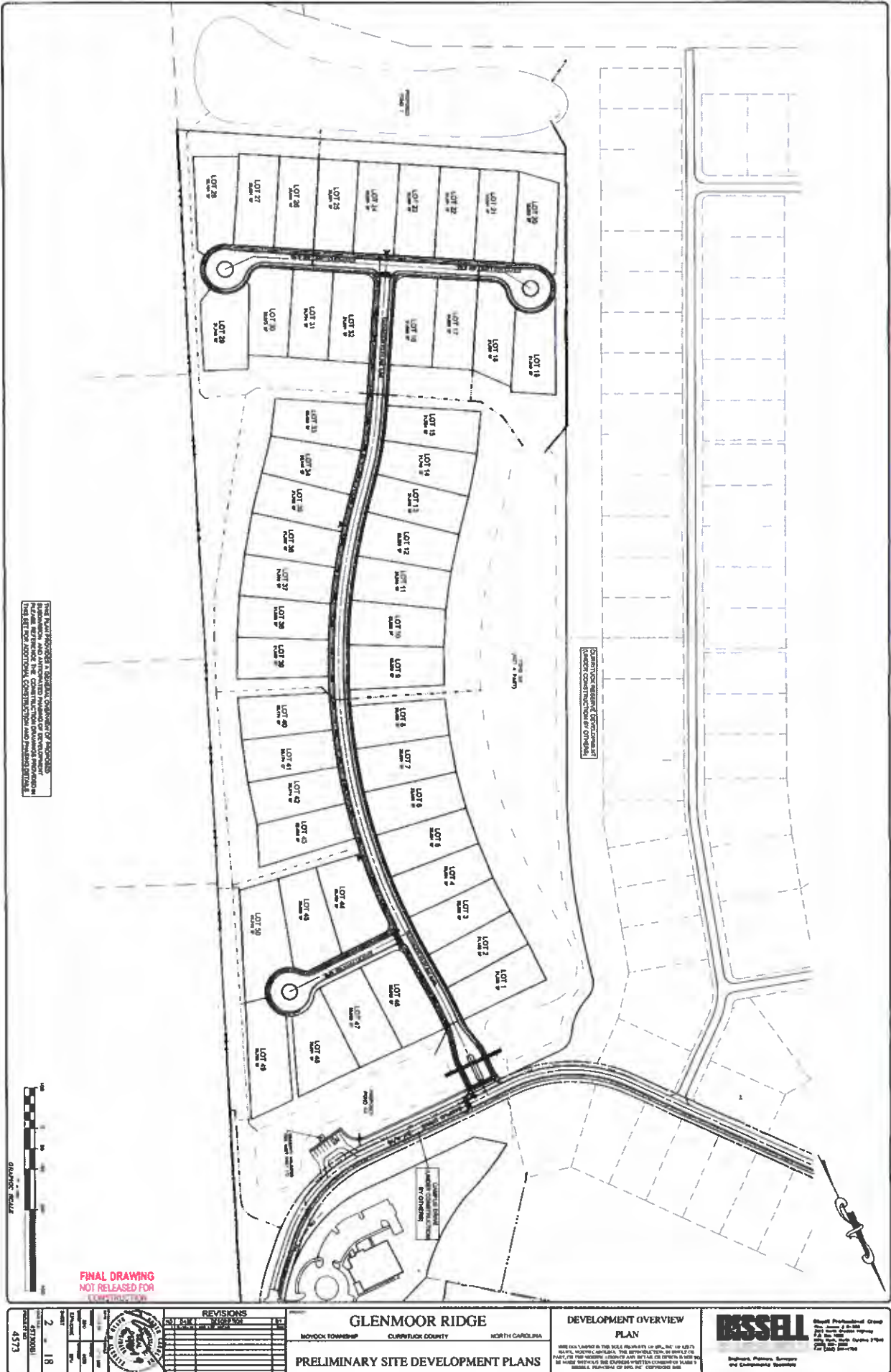

 Clerk to the Board


 Chairman
 Board of Commissioners

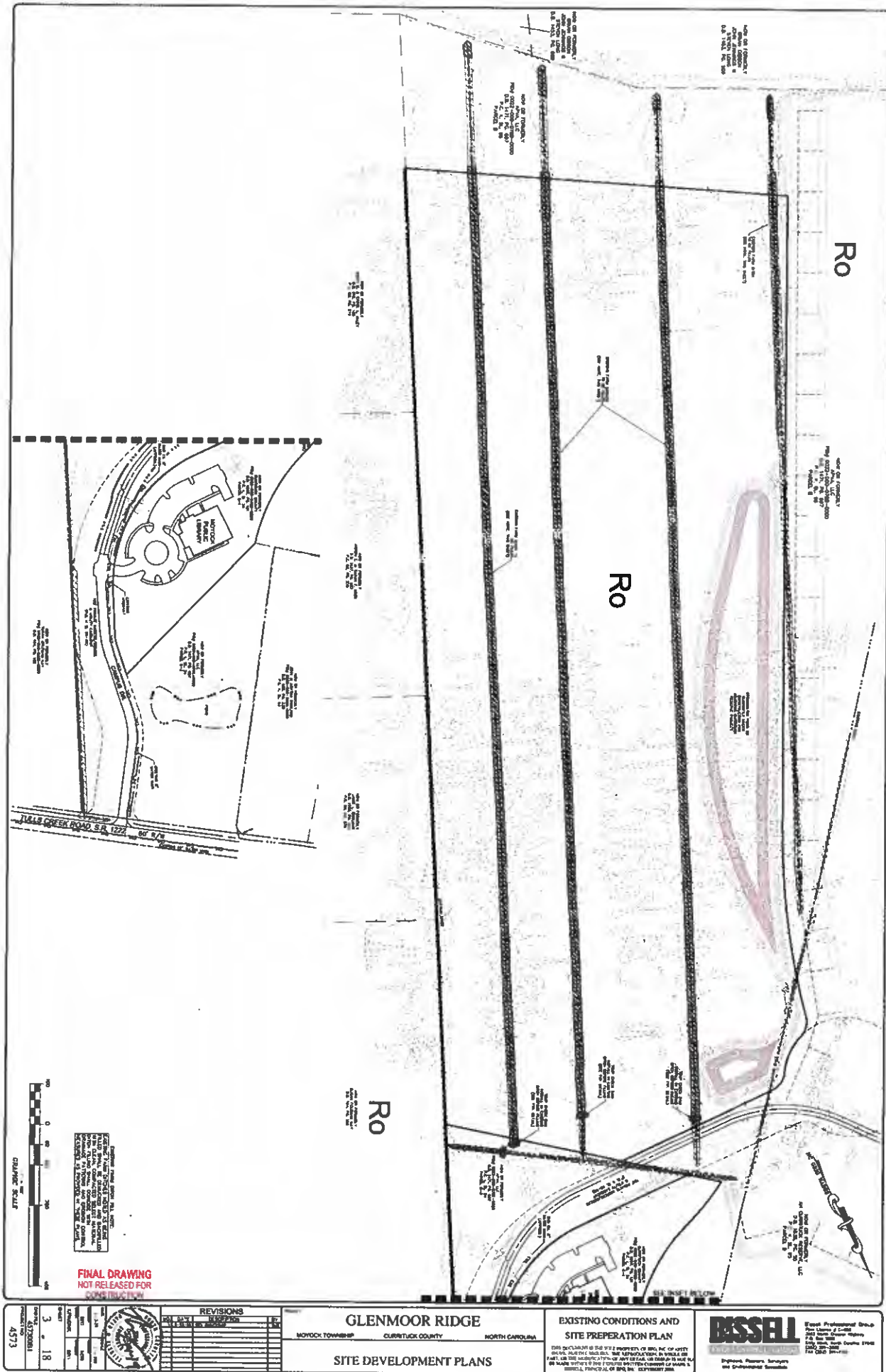
12.3.18
 Date

(Seal)

(NOT VALID UNTIL FULLY EXECUTED)



Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



FINAL DRAWING
 NOT RELEASED FOR
 CONSTRUCTION

NO.	DATE	DESCRIPTION

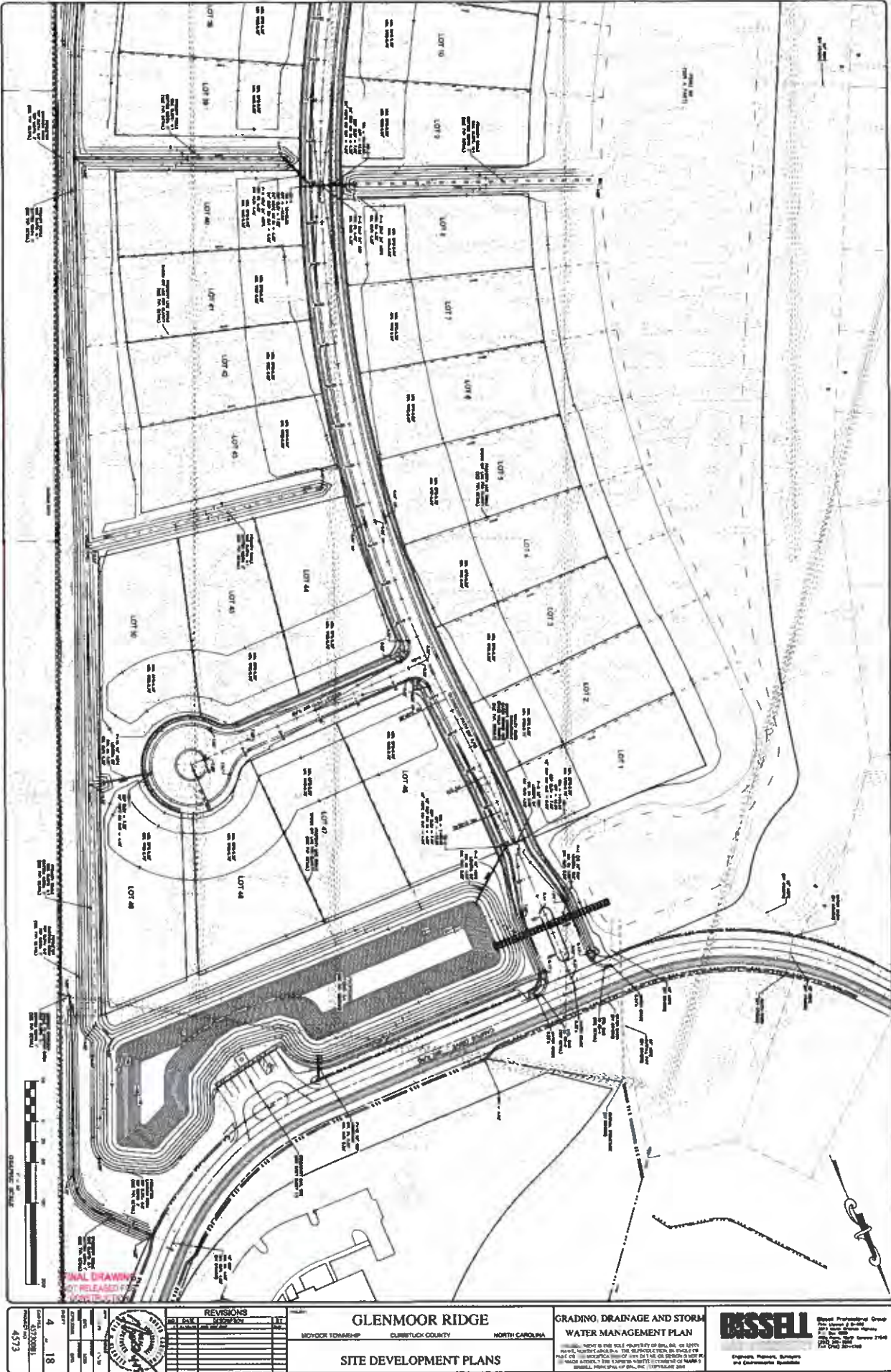
REVISIONS	

GLENMOOR RIDGE
 MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

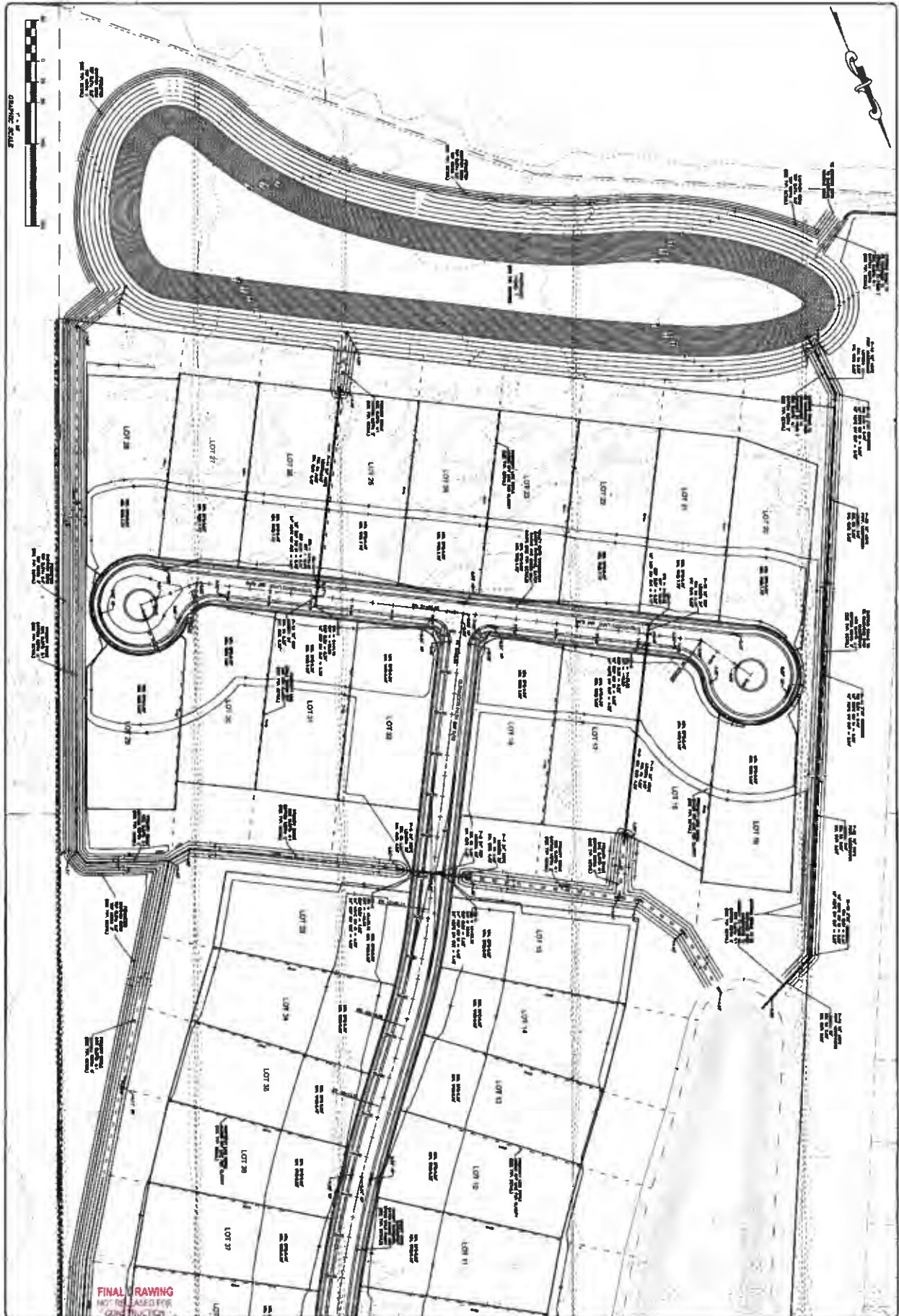
**EXISTING CONDITIONS AND
 SITE PREPARATION PLAN**

BASELL
 Engineering, Planning, Surveying
 and Environmental Services

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

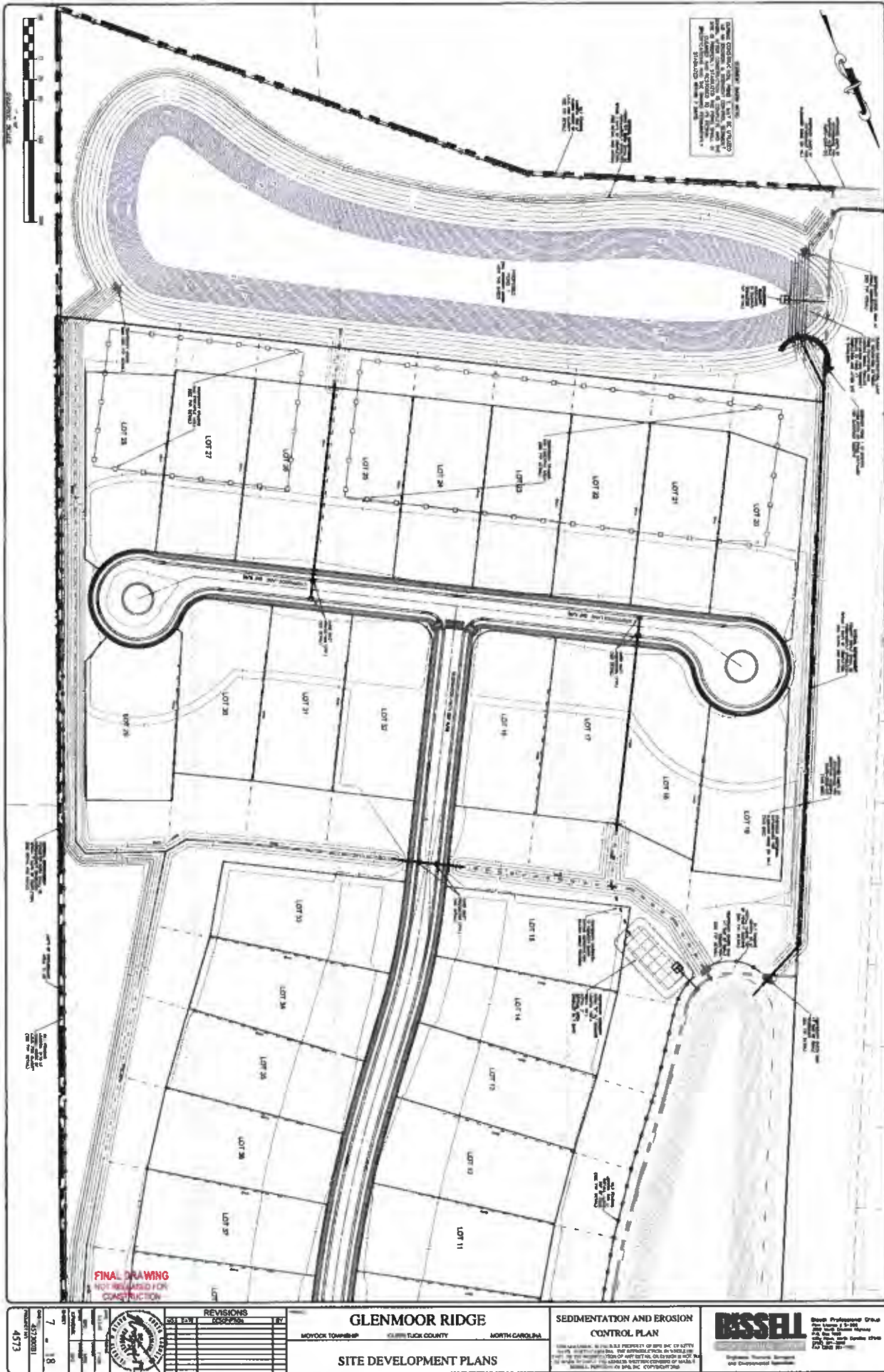


4573 5 - 18 4573		REVISIONS 1. 05/18/18 2. 05/18/18 3. 05/18/18 4. 05/18/18 5. 05/18/18 6. 05/18/18 7. 05/18/18 8. 05/18/18 9. 05/18/18 10. 05/18/18 11. 05/18/18 12. 05/18/18 13. 05/18/18 14. 05/18/18 15. 05/18/18 16. 05/18/18 17. 05/18/18 18. 05/18/18 19. 05/18/18 20. 05/18/18 21. 05/18/18 22. 05/18/18 23. 05/18/18 24. 05/18/18 25. 05/18/18 26. 05/18/18 27. 05/18/18 28. 05/18/18 29. 05/18/18 30. 05/18/18 31. 05/18/18 32. 05/18/18 33. 05/18/18 34. 05/18/18 35. 05/18/18 36. 05/18/18 37. 05/18/18 38. 05/18/18 39. 05/18/18 40. 05/18/18 41. 05/18/18 42. 05/18/18 43. 05/18/18 44. 05/18/18 45. 05/18/18 46. 05/18/18 47. 05/18/18 48. 05/18/18 49. 05/18/18 50. 05/18/18 51. 05/18/18 52. 05/18/18 53. 05/18/18 54. 05/18/18 55. 05/18/18 56. 05/18/18 57. 05/18/18 58. 05/18/18 59. 05/18/18 60. 05/18/18 61. 05/18/18 62. 05/18/18 63. 05/18/18 64. 05/18/18 65. 05/18/18 66. 05/18/18 67. 05/18/18 68. 05/18/18 69. 05/18/18 70. 05/18/18 71. 05/18/18 72. 05/18/18 73. 05/18/18 74. 05/18/18 75. 05/18/18 76. 05/18/18 77. 05/18/18 78. 05/18/18 79. 05/18/18 80. 05/18/18 81. 05/18/18 82. 05/18/18 83. 05/18/18 84. 05/18/18 85. 05/18/18 86. 05/18/18 87. 05/18/18 88. 05/18/18 89. 05/18/18 90. 05/18/18 91. 05/18/18 92. 05/18/18 93. 05/18/18 94. 05/18/18 95. 05/18/18 96. 05/18/18 97. 05/18/18 98. 05/18/18 99. 05/18/18 100. 05/18/18	GLENMOOR RIDGE MOYOCK TOWNSHIP CUMBERLAND COUNTY NORTH CAROLINA	GRADING, DRAINAGE & STORM WATER MANAGEMENT PLAN	
		SITE DEVELOPMENT PLANS		David S. Bessel, Professional Engineer No. 4573, State of North Carolina 1000 S. Salisbury Street, Suite 100 Salisbury, NC 28134 Telephone: 704.336.1111 Fax: 704.336.1112 Email: david@bessel.com	

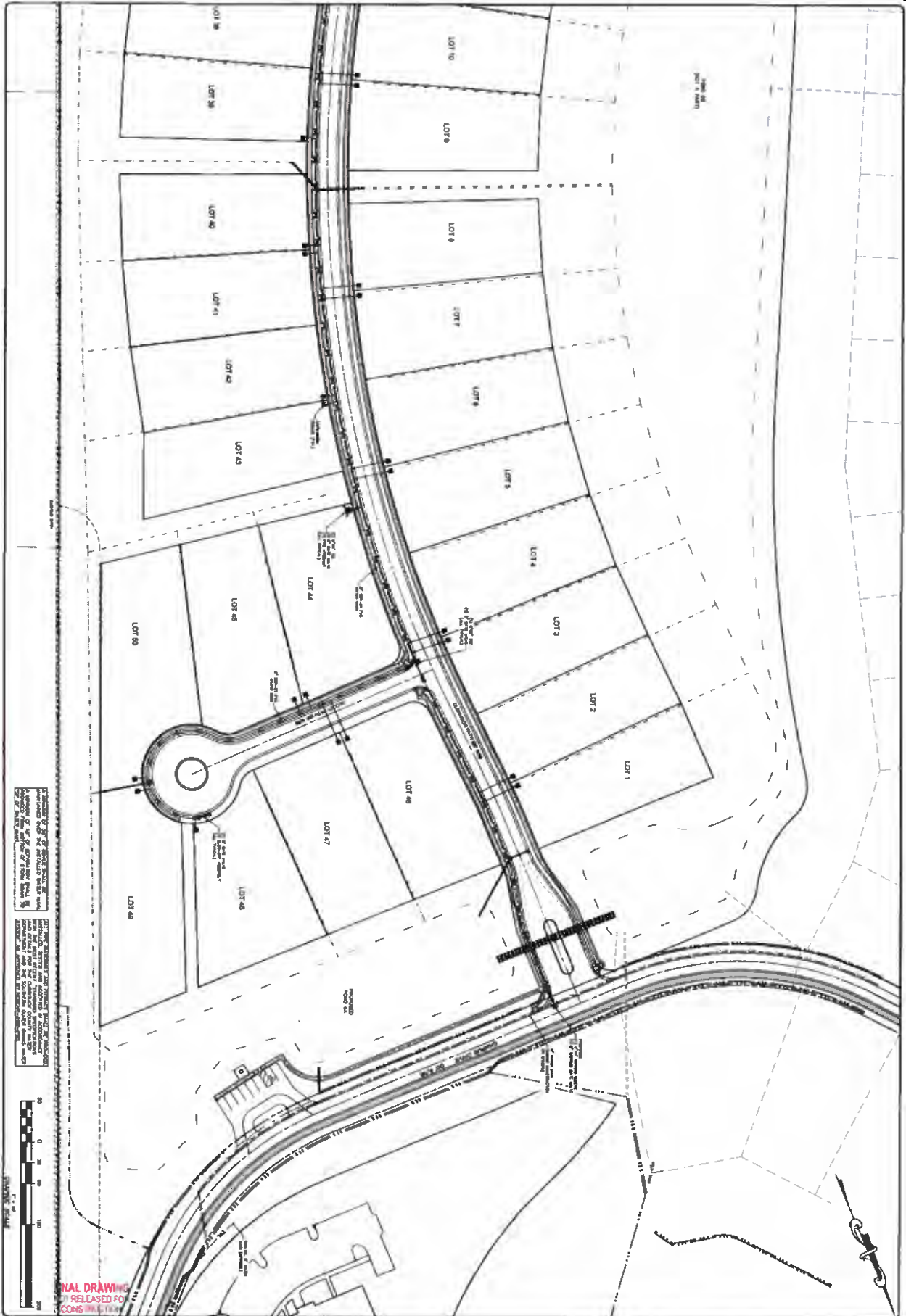
Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

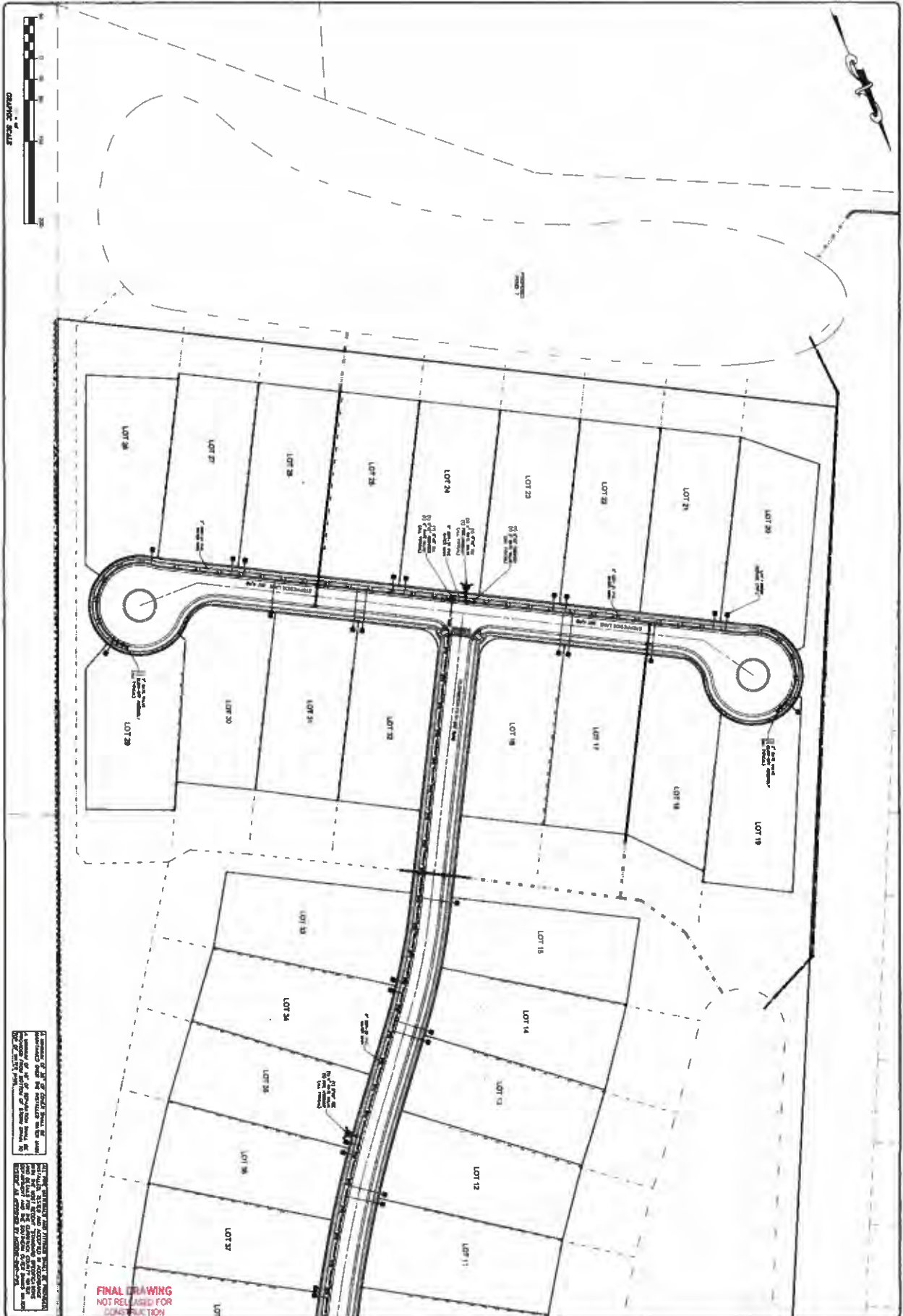


Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



<p>4573</p> <p>8</p> <p>18</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				<p>GLENMOOR RIDGE</p> <p>MOYOCK TOWNSHIP CLATSOP COUNTY NORTH CAROLINA</p> <p>LAND DEVELOPMENT PLANS</p>	<p>WATER MAIN EXTENSION AND WATER SERVICE PLAN</p> <p>THIS DEVELOPMENT IS THE SOLE PROPERTY OF BASSSEL GROUP, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BASSSEL GROUP, INC.</p>	<p>BASSSEL</p> <p>Bassel Professional Group 2000 North Carolina Highway 101 Suite 200, North Carolina 27009 Phone: 703-997-1700 Fax: 703-997-1700</p>
		NO.	DATE	DESCRIPTION						
<p>DATE: 08/13/2008</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT: GLENMOOR RIDGE</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p>	<p>DATE: 08/13/2008</p> <p>SCALE: AS SHOWN</p>	<p>DATE: 08/13/2008</p> <p>SCALE: AS SHOWN</p>							

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



THIS DRAWING IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

FINAL DRAWING
NOT RELEASED FOR
CONSTRUCTION

4573

NO.	DATE	REVISIONS

GLENMOOR RIDGE
MOYOCK TOWNSHIP CLAYBROOK COUNTY NORTH CAROLINA

SITE DEVELOPMENT PLANS

**WATER MAIN EXTENSION
AND WATER SERVICE PLAN**

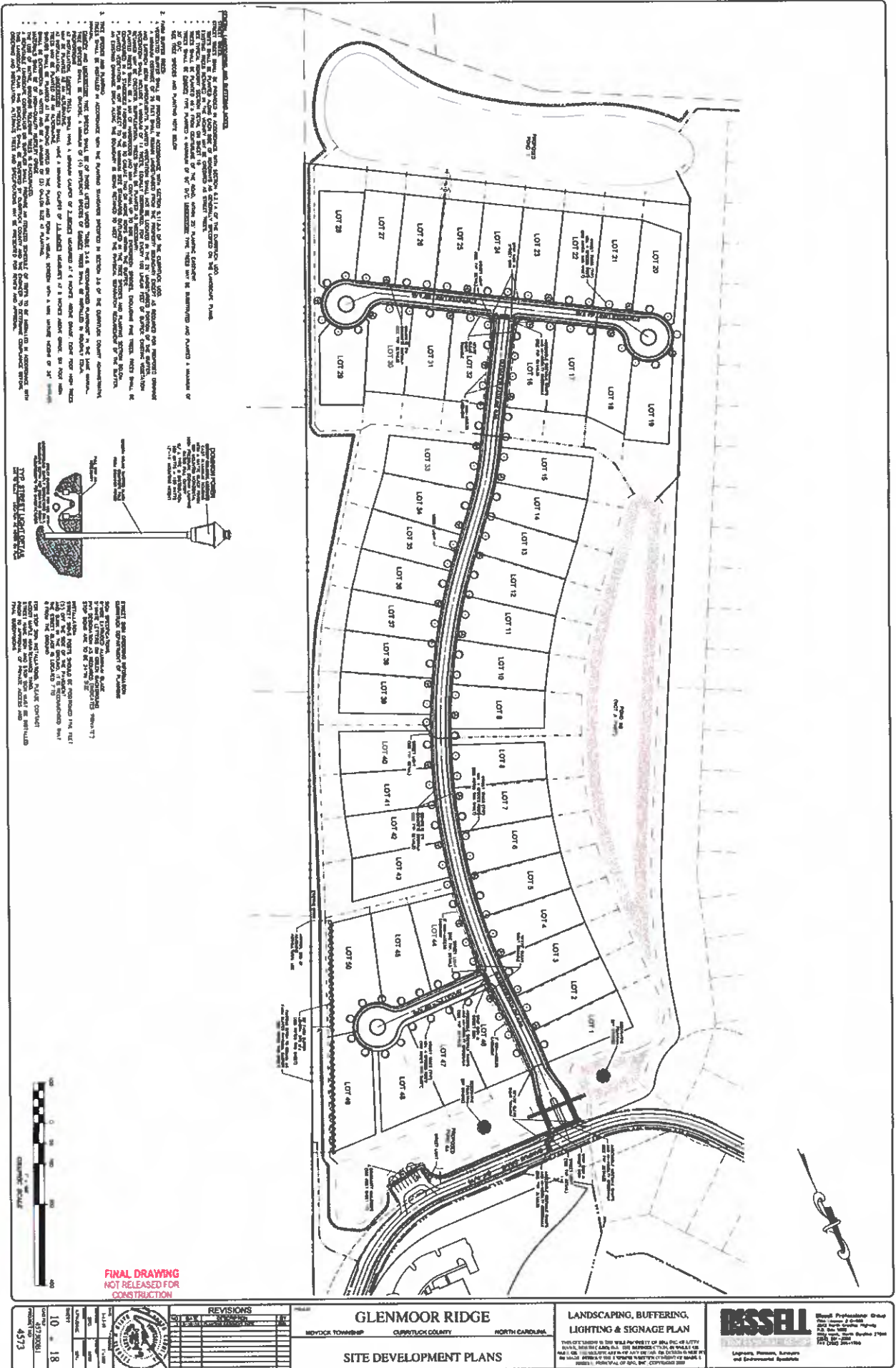
THIS DRAWING IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

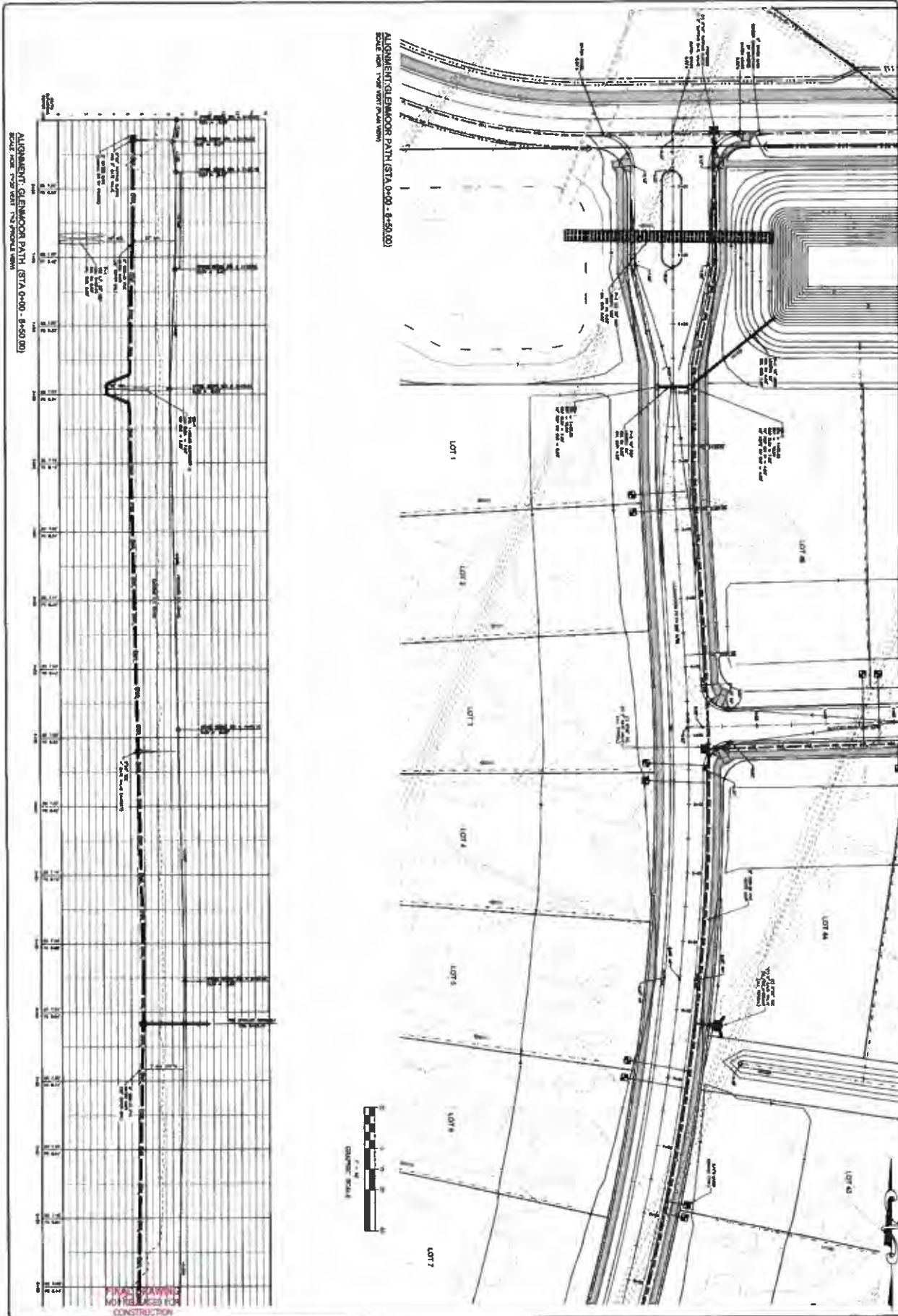
DESSELL

Registered Professional Engineer
No. 10000 State of North Carolina
2100 West End Avenue
Durham, NC 27704
Tel: 919.286.7700
Fax: 919.286.7701

Engineer, Planner, Surveyor
and Environmental Scientist

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)





ALIGNMENT: GLENMOOR PATH (STA 0+00 - 8+50.00)
SCALE: HORIZ. 1"=20' VERT. 1"=20'

ALIGNMENT: GLENMOOR PATH (STA 0+00 - 8+50.00)
SCALE: HORIZ. 1"=20' VERT. 1"=20'

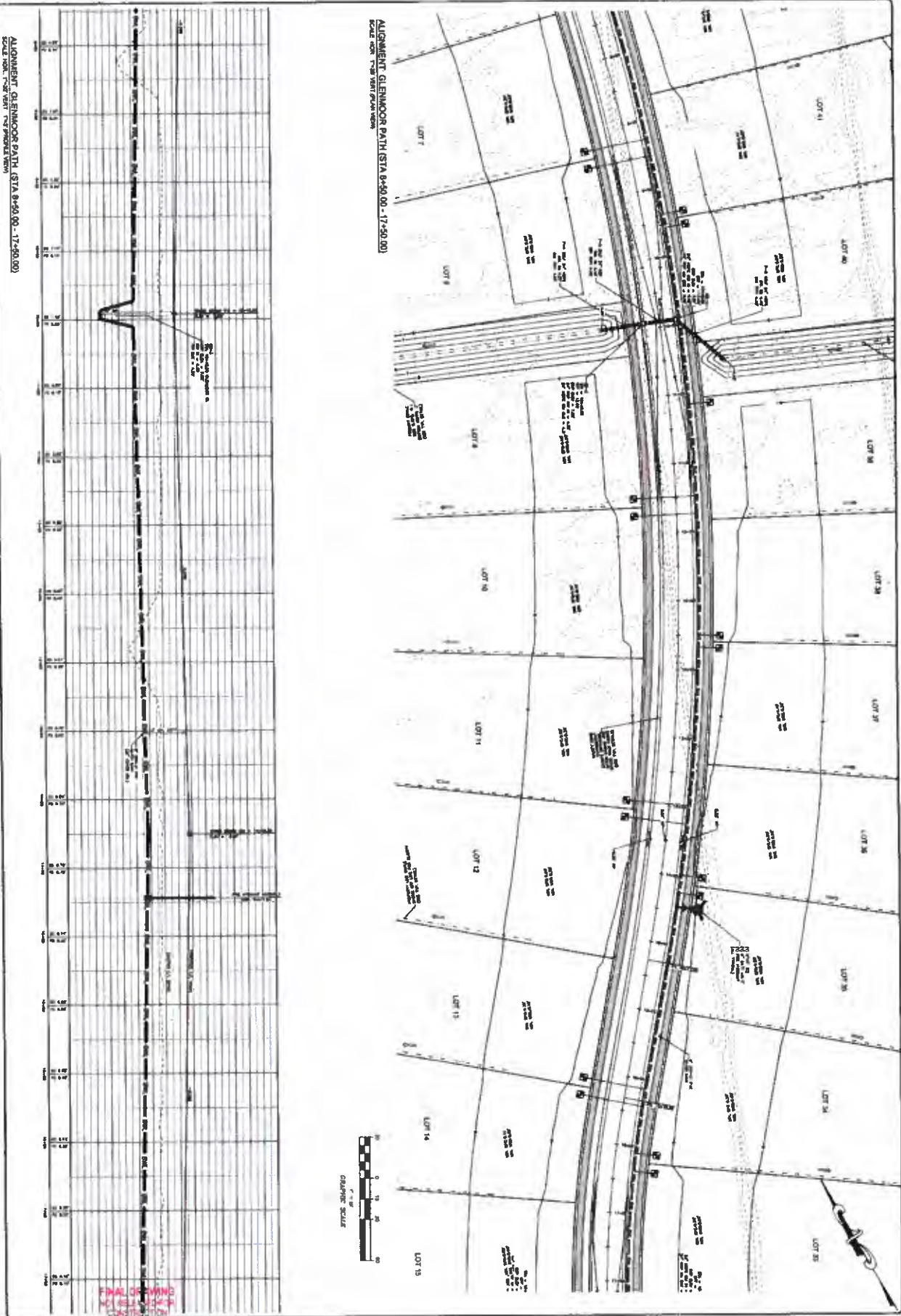
NO.	DATE	REVISIONS

GLENMOOR RIDGE
MOYOCK TOWNSHIP CUNYRUCK COUNTY NORTH CAROLINA
PRELIMINARY SUBDIVISION PLAT & PLANS

ROADWAY PLAN & PROFILE
GLENMOOR PATH STA 0+00 - 8+50

BISELL
David P. Bissell, P.E.
Professional Engineer
1110 S. 10th Street
P.O. Box 1000
Raleigh, NC 27602
Tel: 919.877.1778
Fax: 919.877.1778

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



ALIGNMENT: GLENMOOR PATH, STA 8+50.00 - 17+50.00
 SCALE: 1" = 20' (VERTICAL)

ALIGNMENT: GLENMOOR PATH, STA 8+50.00 - 17+50.00
 SCALE: 1" = 20' (VERTICAL)



NO.	DATE	BY	REVISIONS
1	12/18		
2			
3			

GLENMOOR RIDGE
 MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

SITE DEVELOPMENT PLANS

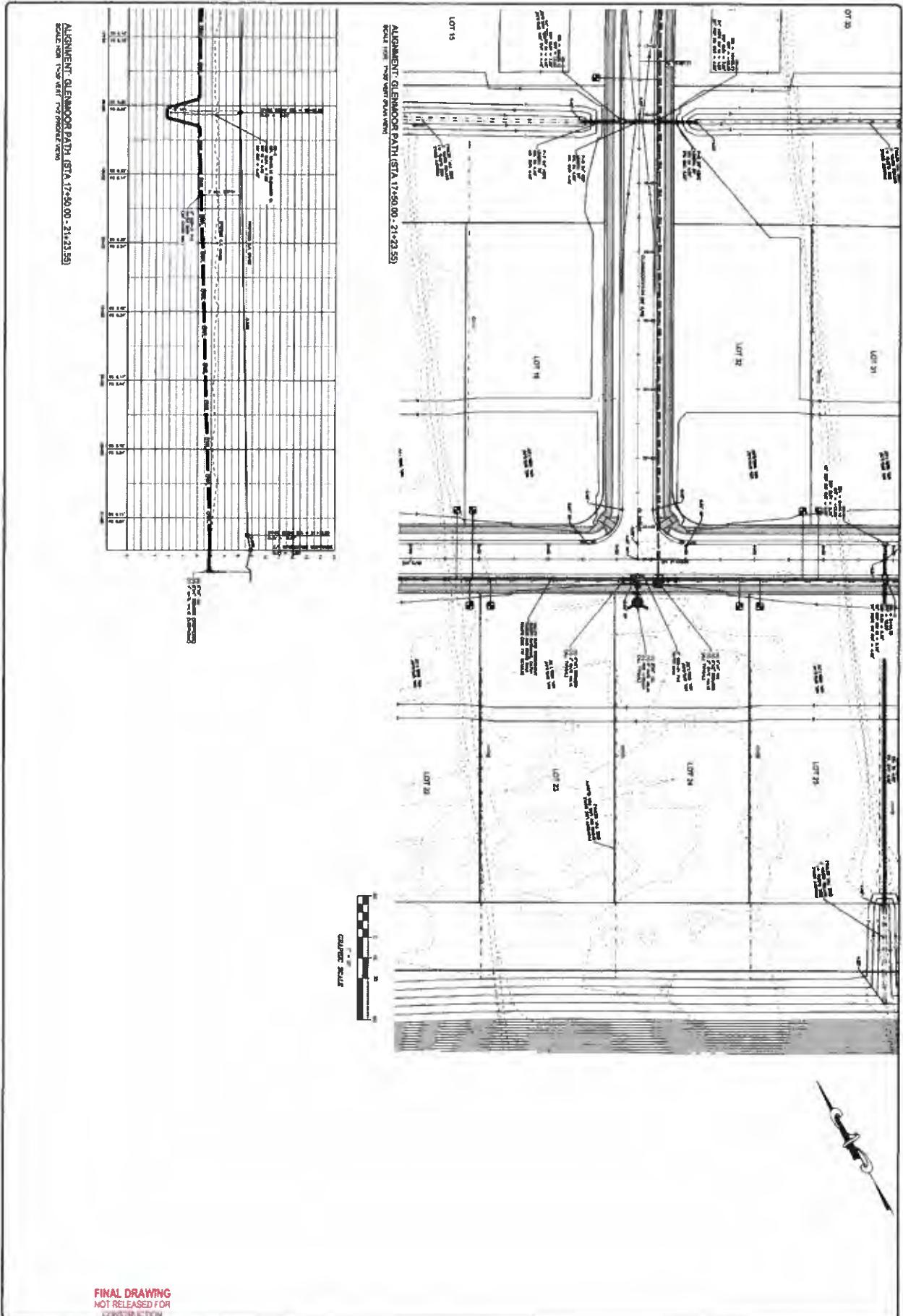
ROADWAY PLAN AND PROFILE
 GLENMOOR PATH STA 8+50-17+50

THIS DRAWING IS THE PROPERTY OF RUSSELL ENGINEERS, ARCHITECTS AND ENVIRONMENTAL DESIGNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RUSSELL ENGINEERS, ARCHITECTS AND ENVIRONMENTAL DESIGNERS.

RUSSELL
 Russell Professional Group
 1200 North Salisbury Street
 Salisbury, North Carolina 27340
 (704) 333-2200

Engineers, Planners, Surveyors
 and Environmental Scientists

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



FINAL DRAWING
NOT RELEASED FOR
CONSTRUCTION

NO.	DATE	REVISIONS
13	18	

GLENMOOR RIDGE
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

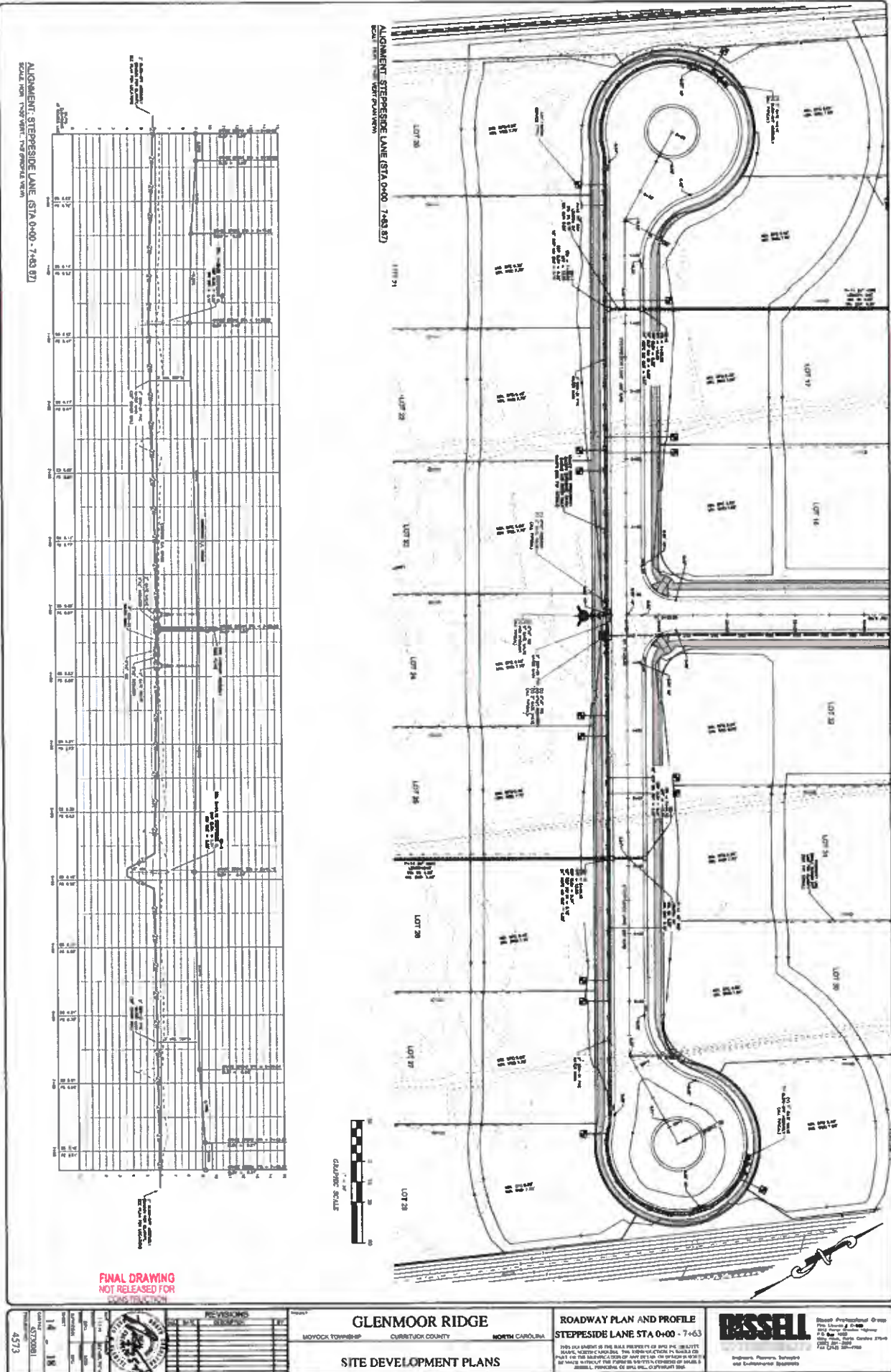
SITE DEVELOPMENT PLANS

ROADWAY PLAN AND PROFILE
GLENMOOR PATH STA 17+50 - 21+23

RUSSELL

Registered Professional Engineer
No. 15000 E-0006
2014 North Carolina Highway
Safety Council, North Carolina
Professional Engineer
For License No. 15000

Engineer, Planner, Surveyor
and Environmental Specialist



ALIGNMENT: STEPPESIDE LANE (STA 0+00 - 7+63.87)
 SCALE: HORIZ. 1"=40' VERT. 1"=4' (AS SHOWN)

ALIGNMENT: STEPPESIDE LANE (STA 0+00 - 7+63.87)
 SCALE: HORIZ. 1"=40' VERT. 1"=4' (AS SHOWN)

FINAL DRAWING
 NOT RELEASED FOR
 CONSTRUCTION



	REVISIONS NO. DATE BY DESCRIPTION	GLENMOOR RIDGE MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA	ROADWAY PLAN AND PROFILE STEPPESIDE LANE STA 0+00 - 7+63	Bissell Architectural Group One Shiloh #2 Center 170 New Hope 1000 New Hope Center Drive Cary, NC 27513 919-286-8888
	DATE: 11/11/11 DRAWN BY: JLB CHECKED BY: JLB SCALE: 1"=40' HORIZ. 1"=4' VERT.	SITE DEVELOPMENT PLANS	THIS IS A GRANT OF THE PUBLIC INTEREST OF THE STATE OF NORTH CAROLINA. THE ENGINEER'S SEAL IS VALID ONLY IN THE JURISDICTION OF ANY STATE OR TERRITORY IN WHICH HE HAS BEEN LICENSED BY THE BOARD OF ENGINEERS AND SURVEYORS OF THAT STATE. JAMES L. BISSELL, P.E. LICENSE NO. 4573	

Attachment: Attachment 3 Approved Construction Drawing - 1 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

CURB & GUTTER VALLEY SECTION
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

CURB & GUTTER TRANSITION SECTION
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

TYPICAL CURB SECTION
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

STANDARD ROLLED CURBS
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

TYPICAL CURB DETAIL
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

TYPICAL SUBDIVISION ROADWAY SECTION W/ UTILITIES
 1" = 10'-0" (HORIZONTAL)

TYPICAL CURB DETAIL
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

CATCH BASIN FRAME GRATE & HOOD DETAIL
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

CATCH BASIN GRATE DETAIL
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

TRIPLEXED DOME DETECTABLE WARNING DETAIL
 1/2" = 1'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

REVISIONS

NO.	DATE	DESCRIPTION
1	11/17/18	ISSUED FOR PERMITS
2	1/16/19	REVISED PER COMMENTS
3	1/16/19	REVISED PER COMMENTS
4	1/16/19	REVISED PER COMMENTS
5	1/16/19	REVISED PER COMMENTS
6	1/16/19	REVISED PER COMMENTS
7	1/16/19	REVISED PER COMMENTS
8	1/16/19	REVISED PER COMMENTS
9	1/16/19	REVISED PER COMMENTS
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13	1/16/19	REVISED PER COMMENTS
14	1/16/19	REVISED PER COMMENTS
15	1/16/19	REVISED PER COMMENTS
16	1/16/19	REVISED PER COMMENTS
17	1/16/19	REVISED PER COMMENTS
18	1/16/19	REVISED PER COMMENTS

GLENMOOR RIDGE
 MOYOCK TOWNSHIP CLERK COUNTY NORTH CAROLINA

ROADWAY, SIDEWALK & SITE CONSTRUCTION DETAILS

SITE DEVELOPMENT PLANS

45713

16 of 18

FINAL DRAWING NOT RELEASED FOR CONSTRUCTION

Data mining results (Click row for image analysis - popup blockers must be off)

Time	Rain Rate (in/hr)
2019-09-04 00:00:00	0
2019-09-05 00:00:00	0.04
2019-09-06 00:00:00	0.38
2019-09-08 00:00:00	0
2019-09-09 00:00:00	0
2019-09-10 00:00:00	0
2019-09-11 00:00:00	0
2019-09-12 00:00:00	0
2019-09-13 00:00:00	0.09
2019-09-14 00:00:00	0
2019-09-15 00:00:00	0.00
2019-09-16 00:00:00	0
2019-09-17 00:00:00	0
2019-09-18 00:00:00	0
2019-09-19 00:00:00	0
2019-09-20 00:00:00	0
2019-09-21 00:00:00	0
2019-09-22 00:00:00	0
2019-09-23 00:00:00	0
2019-09-24 00:00:00	0
2019-09-25 00:00:00	0
2019-09-26 00:00:00	0
2019-09-27 00:00:00	0
2019-09-28 00:00:00	0
2019-09-29 00:00:00	0

Wet Bulb Globe Temperature

Temperature

Degrees Fahrenheit (°F)

50.8 °F

Rows Columns

1 2 3 4

Rows: 1/29 of 17



WEATHERSTEM UNITS ~

DATA ~

SCHOLAR

APPS ~

UPDATE The WeatherSTEM Data Mining Tool is open without restriction again! Please follow WeatherSTEM on Facebook and Twitter and help us spread the word about our innovative program!

Station 1
 Currituck County, North Carolina
 CCEM Moyock Middle School
 Oldest record: 2018-05-23 23:09:09
[Add comparison station](#)

[Click instruments whose data you want to mine](#)

Sensor

Property

Units

Current reading

10 Minute Wind Gust

Wind Speed

Miles Per Hour (mph)

17 mph

Anemometer

Wind Speed

Miles Per Hour (mph)

8 mph

Barometer

Barometric Pressure

Inches of Mercury (in Hg)

30.029 in Hg

Barometer Tendency

Barometric Pressure Tendency

Pressure Tendency

Rising Slowly

Dewpoint

Temperature

Degrees Fahrenheit (°F)

41.0 °F

Heat Index

Temperature

Degrees Fahrenheit (°F)

52.0 °F

Hygrometer

Relative Humidity

Percent Humidity (%)

65 %

Rain Gauge

Today's Rainfall

Inches (in.)

0.00 in

Rain Rate	Rain Rate	Inches Per Hour (in/hr)	0.00 in/hr
-----------	-----------	-------------------------	------------

Solar Radiation Sensor

Solar Radiation

Watts Per Square Meter (W/m²)

527 W/m²

Thermometer

Temperature

Degrees Fahrenheit (°F)

52.4 °F

UV Radiation Sensor

Ultra Violet Radiation

UV Index

50.8 °F

Wet Bulb Globe Temperature

Temperature

Degrees Fahrenheit (°F)

49.0 °F

Wind Chill

Temperature

Degrees Fahrenheit (°F)

34.0 °

Wind Vane

Wind Direction

Degrees (°)

340 °

Rachael Anderson

From: Rachael Anderson
Sent: Monday, September 9, 2019 2:18 PM
To: Laurie LoCicero; Donna Voliva
Subject: NOV
Attachments: Receipt_20190909_0001.pdf

Rachael Anderson

Code Enforcement Officer
County of Currituck
Planning & Community Development
(252)232-6056-Office
(252)435-3288-Cell
www.currituckgovernment.com

Attachment: Attachment 19 email (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

Rachael Anderson

From: Laurie LoCicero
Sent: Monday, September 9, 2019 2:46 PM
To: mark@bissellprofessionalgroup.com; jold@qhoc.com
Cc: Donna Voliva; Rachael Anderson
Subject: FW: NOV
Attachments: Receipt_20190909_0001.pdf

Mark and Justin,
Please find the attached NOV concerning the dewatering of Pond #7 at Glenmoor Ridge/Currituck Reserve.

You will need to become compliant with our UDO and your stormwater plan immediately. Please turn off the pump.

Let me know of any questions.

Thanks
Laurie

Laurie B. LoCicero, AICP
Planning Director
Planning & Community Development
County of Currituck
Phone: 252-232-6028
Fax: 252-232-3026
www.currituckgovernment.com

From: Rachael Anderson
Sent: Monday, September 09, 2019 2:18 PM
To: Laurie LoCicero; Donna Voliva
Subject: NOV

Rachael Anderson
Code Enforcement Officer
County of Currituck
Planning & Community Development
(252)232-6056-Office
(252)435-3288-Cell
www.currituckgovernment.com

Attachment: Attachment 20 email 2 (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



Appeal Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Justin Old
Address: 417-D Caratoke Hwy
Moyock, NC 27958
Telephone: 252-453-2718
E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Allied Properties, LLC; APVA, LLC
Address: 417-D Caratoke Hwy
Moyock, NC 27958
Telephone: 252-453-2718
E-Mail Address: jold@qhoc.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Applicant is Managing Member of Owners

Property Information

Physical Street Address: Campus Drive
Location: Moyock, NC
Parcel Identification Number(s): 0022-000-078A-0000; 0022-000-078B-0000

Statement of Error, or Improper Decision or Interpretation

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

The determination being dated 9 / 9 / 2019.

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 the attached Facts in Support of the 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.

[Signature] 10/8/19
Appellant/Applicant Date

Owner Verification

If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this section. If the owner is the appellant/application please do not complete this section.

Dear Sir or Madame:

I am the owner of the property located at Campus Drive, Moyock, NC (Parcels 0022-000-078A-0000; 0022-000-078B-0000)

I hereby authorize Justin Old and Attorney Steven D. Weber 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.

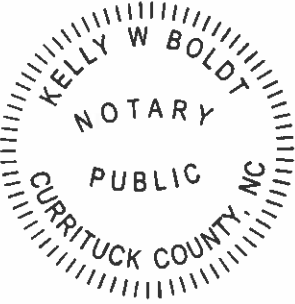
If you have any questions, you may contact me at the following at the address, phone number, or email address listed on this application.

Respectfully yours, Allied Properties, LLC and APVA, LLC

[Signature] 10/8/19
Owner / Managing Member Date

Sworn to and subscribed before me, this the 8 day of October, 2019.

Kelley W Boldt
Notary Public
My commission expires: November 17, 2023



Attachment: Attachment 22 Signed Application (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

BEFORE THE
BOARD OF ADJUSTMENT

Allied Properties, LLC and APVA, LLC,)	
)	
Petitioners.)	FACTS IN SUPPORT OF APPEAL
)	

By and through its undersigned counsel, Allied Properties, LLC (“Allied”) and AVPA, LLC (“AVPA”) (collectively, “Petitioners”) respectfully submit the following facts that Petitioners are prepared to prove to the Board of Adjustment that will lead the Board to conclude that the decision of the Administrator was in error, including Petitioners’ grounds for the appeal. Petitioners reserve the right to provide additional facts and evidence, including illustrative evidence, to the Board of Adjustment in support of Petitioners’ Appeal Application prior to and at the hearing of this appeal.

1. Allied is a real estate developer in Currituck County. APVA, LLC owns property on which Allied conducted dewatering operations. Allied applied for and received subdivision approval to construct the Glenmoor Ridge Subdivision in Moyock Township, Currituck County (“Glenmoor”). On September 9, 2019, Glenmoor was in the early stages of development.

2. Three days before Currituck County (the “County”) issued the September 9, 2019 Notices of Violation #1197 and #1198 (“NOVs”) (attached hereto as **Exhibit 1**), Hurricane Dorian reached landfall causing heavy rainfall in Currituck County.

3. On information and belief, on or about September 7 or September 8, 2019, the County received an initial complaint by telephone from one or more property owners near Glenmoor (on Old Jury Road) regarding alleged flooding on their properties. The County

inspected the complainants' properties on September 9, 2019 and concluded that stormwater from Glenmoor was being "unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage" to the complainants' properties. Within hours of the inspection, the County issued the NOVs to Petitioners.

4. Both NOVs total three pages and include no detail regarding the alleged violations. The NOVs only cite (incorrectly) two provisions of the Currituck County Unified Development Ordinance ("UDO") and include two photographs. Further, the NOVs read:

It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of your approved construction drawings and the stormwater management standards "No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations and at such volumes as to cause substantial damage to such lower adjacent properties." (7.3.4)

5. Without any detail regarding the alleged violations (*i.e.*, the area in which stormwater allegedly was being collected and channeled, the lower adjacent properties to which the stormwater allegedly was causing substantial damage, the alleged damage, and why the alleged damage allegedly was "substantial"), the NOVs demand that "dewatering of stormwater (Pond #7) shall cease immediately."

6. The NOVs on their face are invalid for the following reasons, among others:

- a. The County cannot demonstrate that Allied's dewatering efforts were "unreasonable." Allied was taking reasonable and appropriate measures to dewater areas of Glenmoor that received heavy rainwater from Hurricane Dorian. Allied placed the pump in an appropriate area to drain stormwater into the approved farm ditch system consistent with Allied's construction

drawings and the existing, approved farm ditch system at that time. Allied's actions also were reasonable because all the farm ditches relevant to this issue drained to a single, common outlet. A depiction of the pump, farm ditch system, and outlet is attached hereto as **Exhibit 2**.

- b. The County cannot demonstrate that Allied's dewatering efforts caused stormwater to be channeled onto lower adjacent properties. The NOV's do not mention any lower adjacent property to which the stormwater allegedly was channeled. That is because stormwater was not channeled to lower adjacent properties. Rather, the dewatering that Allied conducted was pumped into the approved farm ditch system that drained to a common outlet. Further, stormwater that drained from the "breach ditch" area only drained a small area of the property, and was not channeled to lower adjacent properties, but rather to the Old Jury Road ditch, as was the case prior to the initiation of construction activities.
- c. The County cannot demonstrate that Allied's dewatering efforts caused any alleged flooding on the complainants property, because: (i) the Old Jury Road ditch is approximately two feet higher in elevation than the ditch into which the water actually drained; (ii) the two ditches were not physically connected; and (iii) the complainants' property is separated from Pond #7 by a continuous berm at a higher elevation. The only area draining into the Old Jury Road ditch was a small triangular parcel that is

separated from the remaining portion of Glenmoor by the large berm and swale, and there is no evidence of any drainage breaching this berm.

- d. The County cannot demonstrate that Allied’s dewatering efforts caused “substantial damage” (or any damage at all). The NOV’s do not describe any damage allegedly caused by Allied’s dewatering efforts, let alone “substantial damage.” First, the County cannot demonstrate that dewatering was channeled to lower adjacent properties so there is no evidence of damage. Even if stormwater was channeled to lower adjacent properties (and it was not), the County has no direct knowledge or evidence that damage occurred. On information and belief, the County relied on third-party complaints to conclude that damage had occurred but has no personal knowledge or evidence of any such damage. Further, if some damage did occur to lower adjacent properties (and it did not), no “substantial” damage occurred. Substantial is something that is “large in size, number, or amount.”¹ The County cannot demonstrate that actual damage occurred, or that the alleged damage was large in size, number or amount. The potential for substantial damage is not a violation of the UDO. In conversations with Petitioners, the County indicated that it issued the NOV’s because the County believed that potential substantial damages might occur. Again, the County’s belief that substantial damages

¹ See definition of “substantial” at <https://www.vocabulary.com/dictionary/substantial>.

might occur in the future is not a violation of the UDO and not properly the subject of the NOV.

- e. Additionally, The NOVs do not provide sufficient detail or facts for Petitioners even to understand the grounds for the NOVs. In other words, the NOVs are impermissibly vague and ambiguous. For example, as noted above, the NOVs allege that Petitioners “unreasonably collected and channeled” stormwater “onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties” but provide no facts regarding: (i) the area to which stormwater was allegedly being collected and channeled; (ii) the lower adjacent properties to which the stormwater allegedly was causing substantial damage; (iii) the damage that is alleged to have occurred; or (iv) how the alleged damage allegedly was “substantial.” Petitioners are left to guess at the County’s vague and ambiguous enforcement, which renders the NOVs invalid.
- f. Petitioner APVA, LLC was conducting no development, construction or dewatering operations at the time of the County’s inspection or at the time of the NOVs. Therefore, Petitioner APVA, LLC could not, and did not allow stormwater to be “unreasonably collected and channeled onto lower adjacent properties at such locations and at such volumes as to cause substantial damage to such lower adjacent properties.” Thus, the County improperly issued the NOV to Petitioner APVA, LLC.

7. Twice the NOV's cite "Section 2.4.8.(6)" of the UDO. The UDO has no such section and thus Allied could not have violated "Section 2.4.8(6)" of the UDO. If the County meant to cite to Section 2.4.8.E.(6) of the UDO, that section reads as follows:

- (6) Construction Drawing Standards, Effect, Amendment, and Expiration**
 - (a) Construction Drawing Review Standards**
Construction drawings shall be approved only on a finding the applicant demonstrates the drawings comply with:
 - (i) The applicable standards in Chapter 6: Subdivision and Infrastructure Standards and all other applicable standards in this Ordinance;
 - (ii) All standards or conditions of any prior applicable development permits and approvals;
 - (iii) Sound engineering and construction practices;
 - (iv) The Currituck County Stormwater Manual; and
 - (v) All other applicable requirements in the County Code of Ordinances.
 - (b) Effect of Development Approval**
 - (i) Approval of construction drawings authorizes the submittal of an application for approval of a final plat for the subdivision in accordance with this section.
 - (ii) Failure to obtain approval of construction drawings prior to the start of the construction of public improvements shall be a violation of this Ordinance and automatically renders the preliminary plat null and void.
 - (c) Amendment of Development Approval Applicable (see Section 2.3.14)**
 - (d) Expiration of Development Approval**
Construction drawings shall remain valid and in effect as long as the preliminary plat with which they are associated remains valid.

The County's citation still would be inadequate to convey the section of the UDO that the County believes Allied allegedly violated, because the purported violation relates to drainage, not the effect or expiration of construction drawings.

8. If the County contends that Allied improperly modified its construction drawings, that allegation has no merit because: (a) the construction drawings do not contemplate

emergency dewatering following a hurricane; and (2) the very section of the UDO that Allied believes the County meant to cite (Section 2.4.8.E) contains a provision that allows for engineering modifications in the field. Specifically, Section 2.4.8.E(1)(d)(ii) reads:

Final engineering may be modified in the field, provided as-built drawings are submitted.

Allied dewatered Pond #7 in accordance with the construction drawings and with Section 2.4.8.E(1)(d)(ii) (if the construction drawings even contemplate emergency dewatering operations). Specifically, Page 7 of the approved Glenmoor Site Development Plans (“Site Plans”) provides a general note indicating that dewatering should occur in the farm ditch system or in a newly constructed swale so that the stormwater would travel to a common stormwater outlet. (the Site Plans are attached hereto as **Exhibit 3**) Neither the note nor the graphic arrow on page 7 indicated that a pump should be located, or that dewatering would occur, in a specific location. In any event, at the time Allied dewatered Pond #7 on September 9, 2019, neither the farm ditch nor the swale near the area referenced on Page 7 existed, so it was not possible to dewater directly at the location noted on Page 7. However, in accordance with Page 6 of the Site Plans (*see* Construction Sequence #8, providing for dewatering in the “farm ditch(es)”) and Section 2.4.8.E(1)(d)(ii), Allied moved the pump to a different area of the same pond (Pond #7), but still pumped into the farm ditch system that discharged to the very same common outlet as the farm ditch and swale referenced on Page 7. (*See Exhibit 2*) Thus, the location that Allied dewatered was not a modification of the construction plans and even if it were (and it was not), the UDO and Site Plans allowed for that insignificant change. Surely the County would not take the time to issue NOVs for as insignificant activity as Allied moving the pump to a different

location of Pond #7 to dewater after a hurricane (when the Site Plans do not dictate a specific location for the pump), but still pumping to the farm ditch that led to an outlet that is common to the farm ditches and swale noted on Pages 3 and 7 of the Site Plans.

9. On information and belief, the County also conducted an inadequate investigation prior to issuing the NOV's. For example, the County apparently did not take into account the nationally-recognized hurricane that impacted the area three days prior, or the significant amount of rainfall it brought. In addition, Petitioners understand that the County did not actually witness certain "flooding" about which adjacent property owners complained. Nonetheless, that second-hand information became part of the basis for the NOV's that the County issued extremely quickly, within hours of the County's inspection and without any prior discussion with Petitioners about the matter.

10. Petitioners have submitted public records requests to the County for documents and information regarding the NOV's, and the complaints and inspections that led to the NOV's (see **Exhibit 4**). Those public records requests may reveal additional evidence, information and facts in support of this appeal. Petitioners respectfully request that the County comply with the public records request prior to the hearing on this appeal so that both parties have equal access to evidence that is now only in possession of the County, but that Petitioners have a right to receive under the North Carolina Public Records law. As noted above, Petitioners reserve the right to provide additional facts and evidence, including illustrative evidence, to the Board of Adjustment in support of Petitioners' Appeal Application prior to and at the hearing of this appeal.

Respectfully submitted this 8th day of October, 2019.



Steven D. Weber
N.C. State Bar #20189

Attorneys for the Petitioners

OF COUNSEL:

PARKER POE ADAMS & BERNSTEIN LLP
Three Wells Fargo Center
401 South Tryon St., Ste. 3000
Charlotte, North Carolina
(704) 372-9000
steveweber@parkerpoe.com

EXHIBIT 1



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1197

APVA LLC
 417D Caratoke Hwy
 Moyock, NC 27958

APVA LLC
 5857 Harbour View Blvd
 Suffolk, VA 23435

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078A-0000
Violation Description:	
<p>It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)</p>	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 7, Subsection 7.3.4. Stormwater Management Standards
	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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1198

Allied Properties LLC
 ATTN: Justin Old
 417-D Caratoke Hwy
 Moyock, NC 27958

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078B-0000
Violation Description:	
It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of your approved construction drawings and the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 2, subsection 2.4.8.(6) Construction Drawing Standards, Effect, Amendment and Expiration, and Chapter 7, Subsection 7.3.4. Stormwater Management Standards 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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.



NOTICE OF VIOLATION

The violation of approved Construction Drawings and Currituck County Stormwater Management Standards

UNDER SECTIONS 2.4.8.(6) AND
7.3.4. OF THE CURRITUCK COUNTY UNIFIED
DEVELOPMENT ORDINANCE

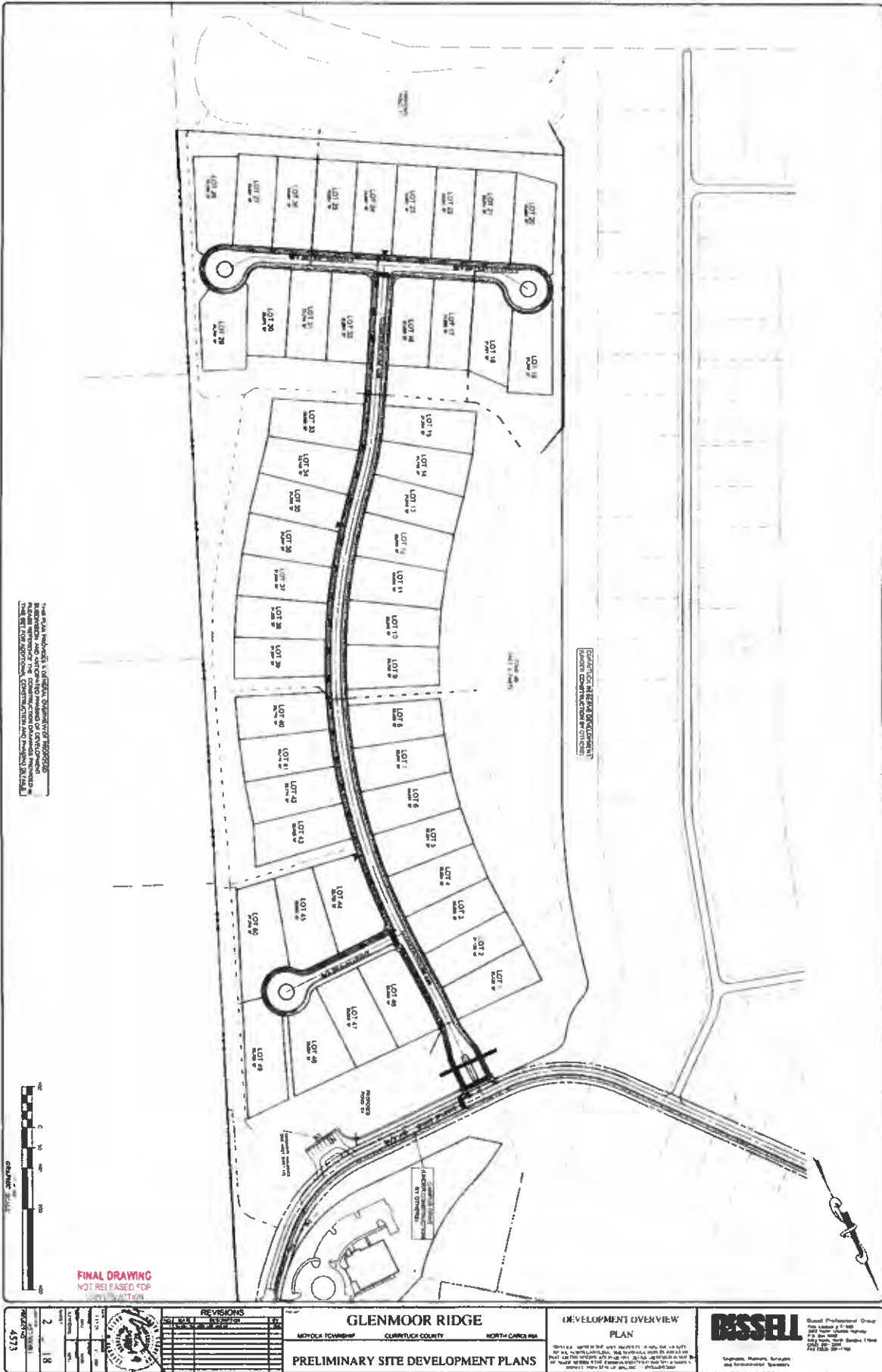
It is unlawful for any person to violate the approved
construction drawings and
collect and channel onto lower adjacent properties
resulting in substantial damage

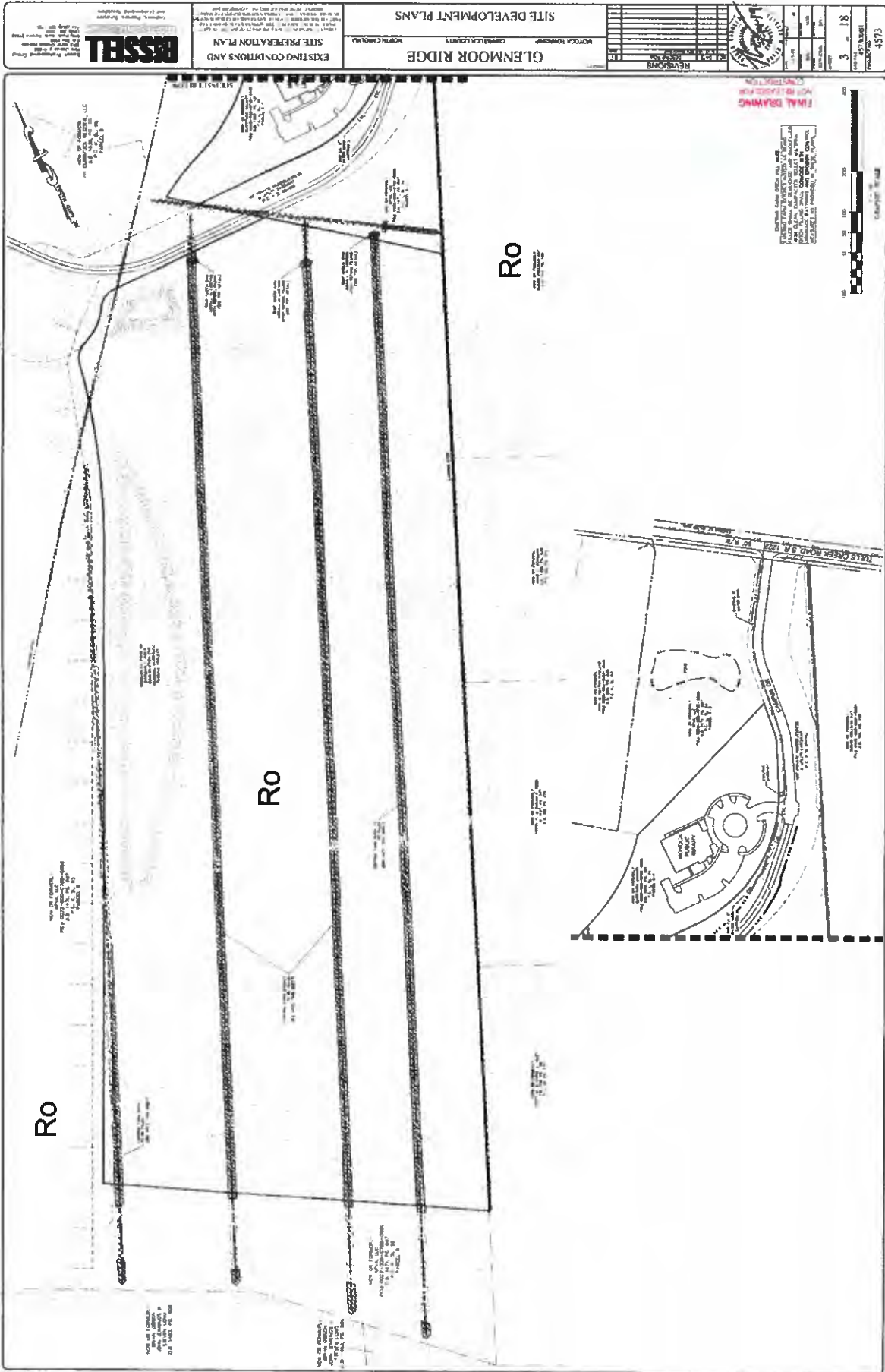
Dewatering of stormwater (Pond #7) shall cease immediately.

BY ORDER OF THE CURRITUCK COUNTY
PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT

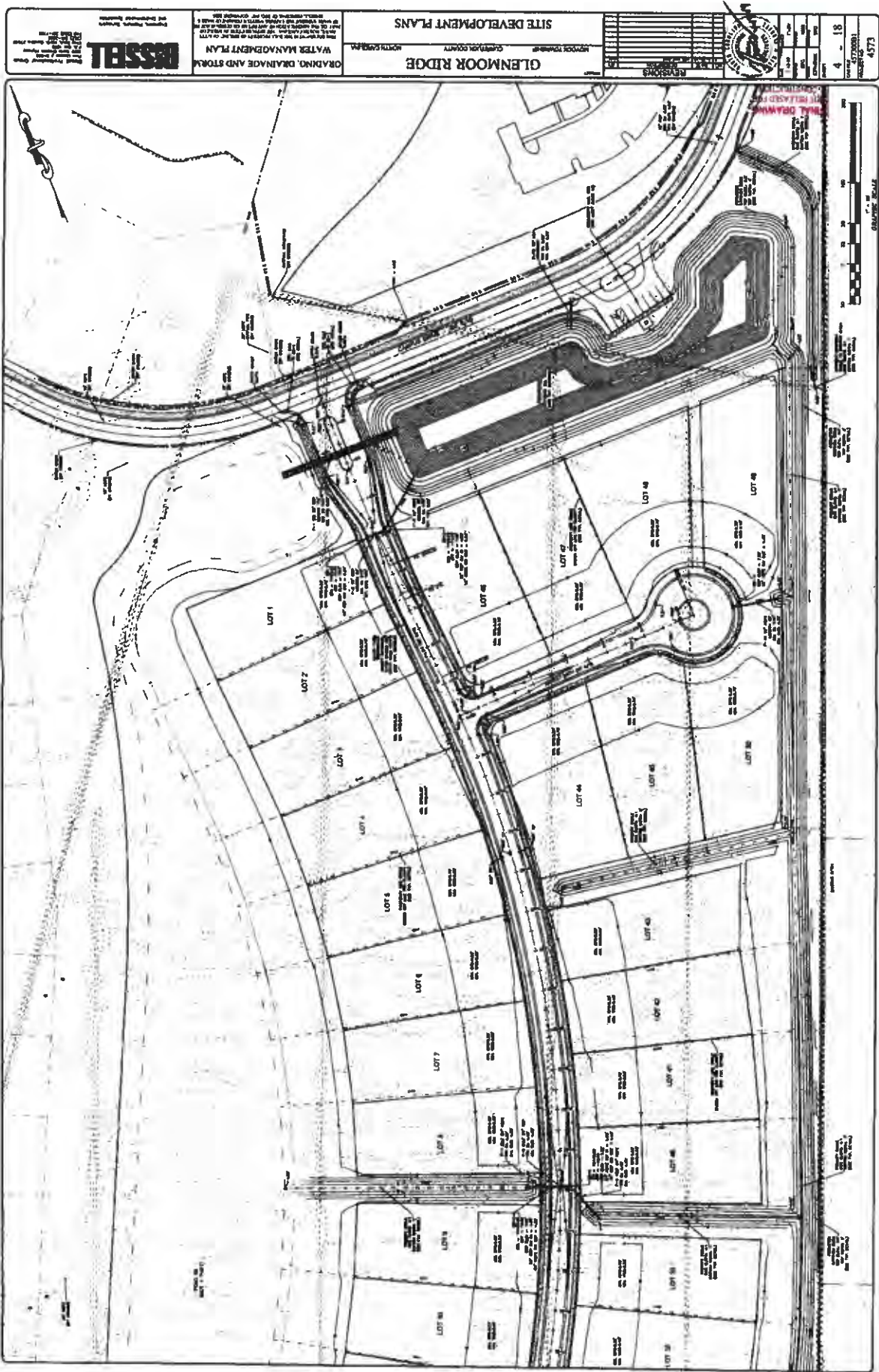
EXHIBIT 2

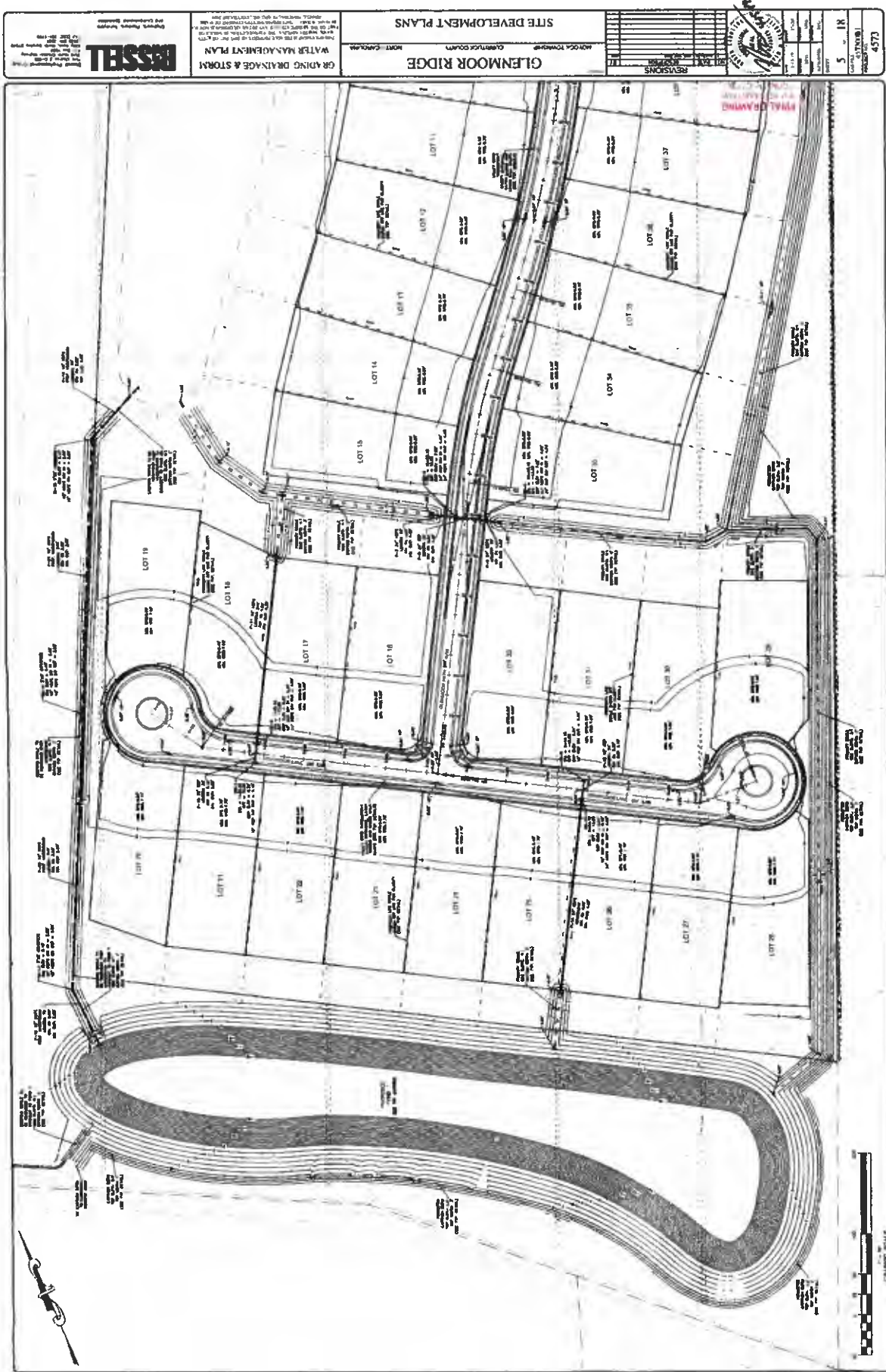
EXHIBIT 3

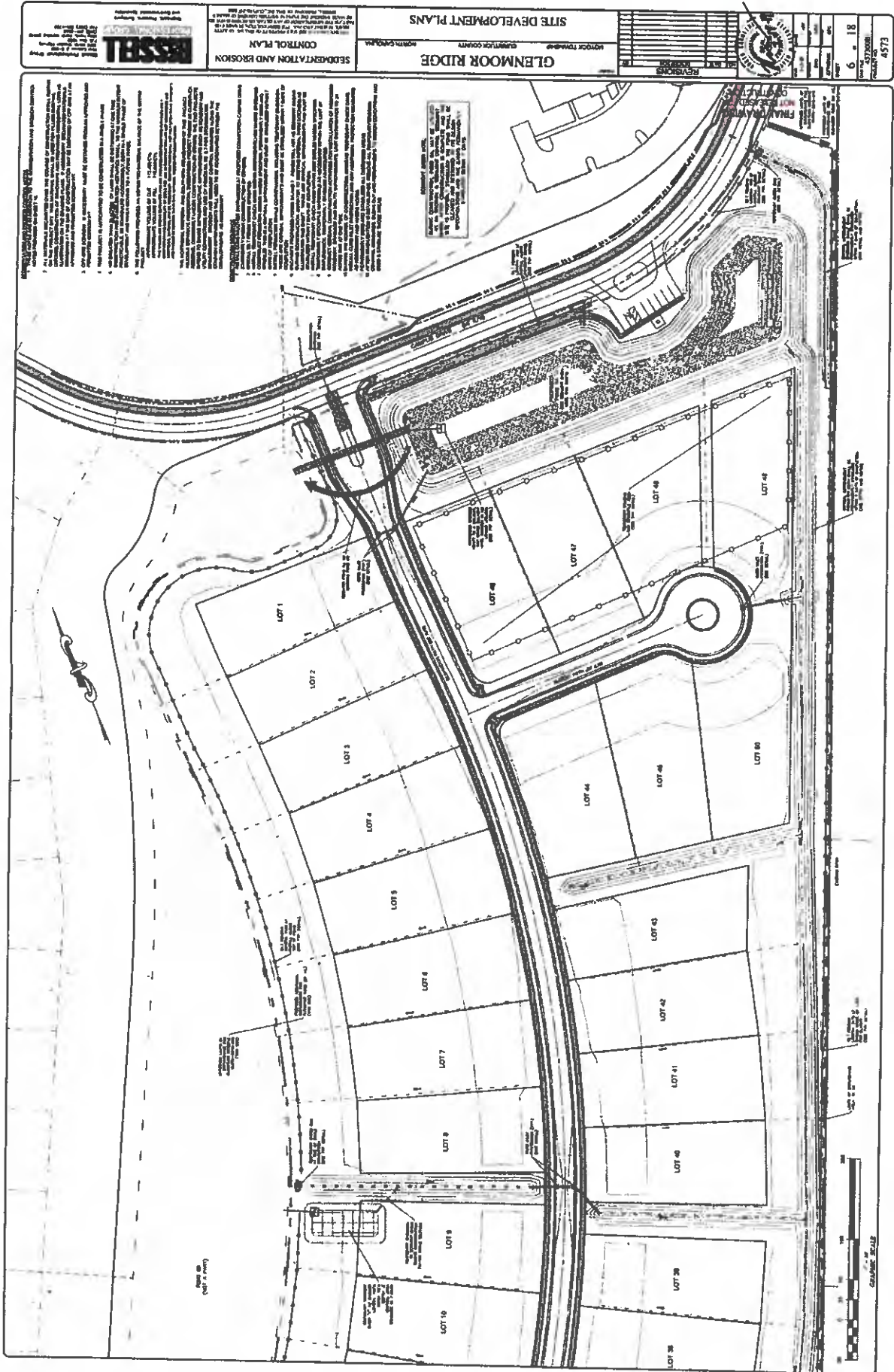




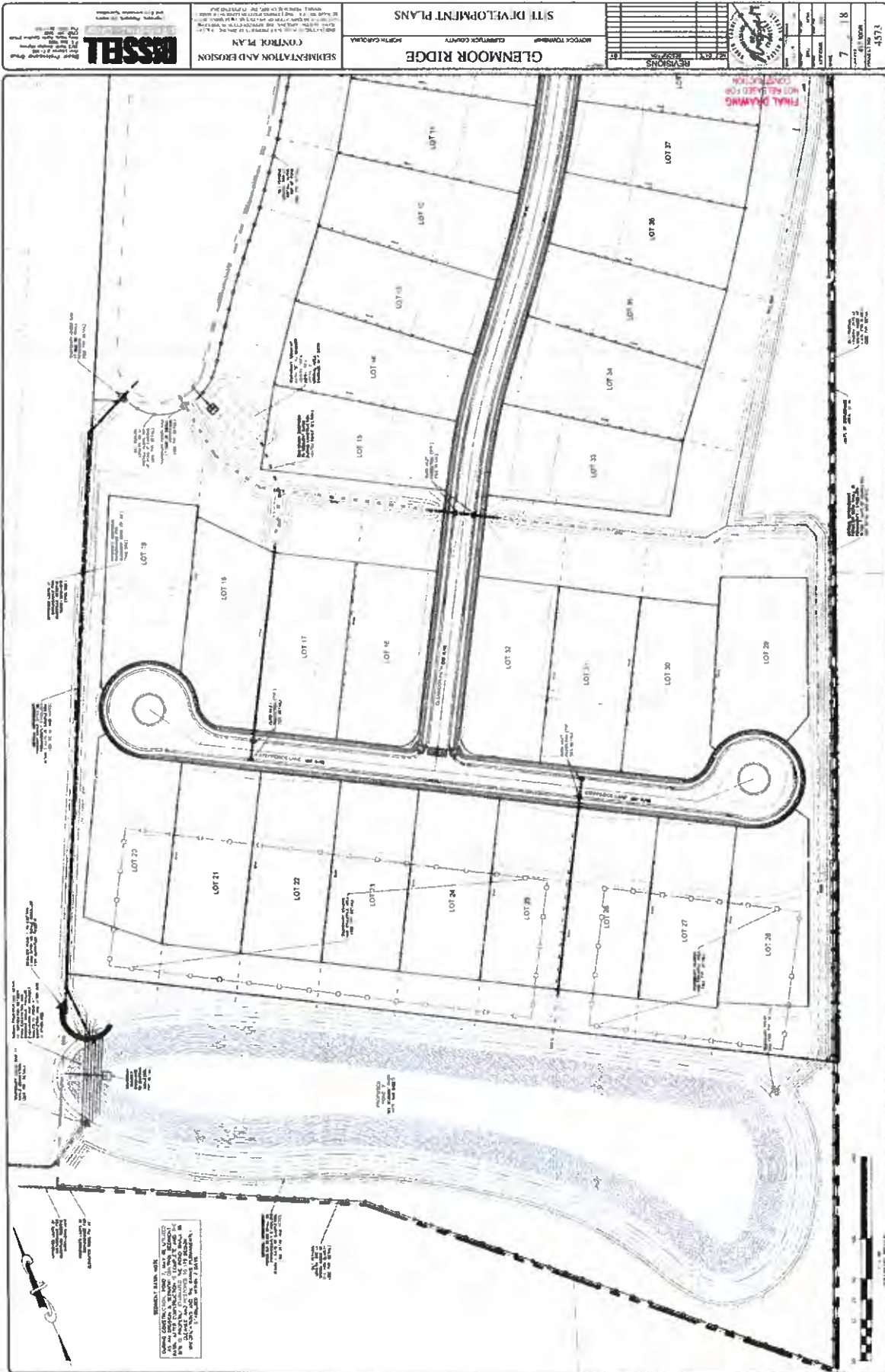
Attachment: Attachment 26 - Applicant - EX 3 - County Approved Site Plans (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

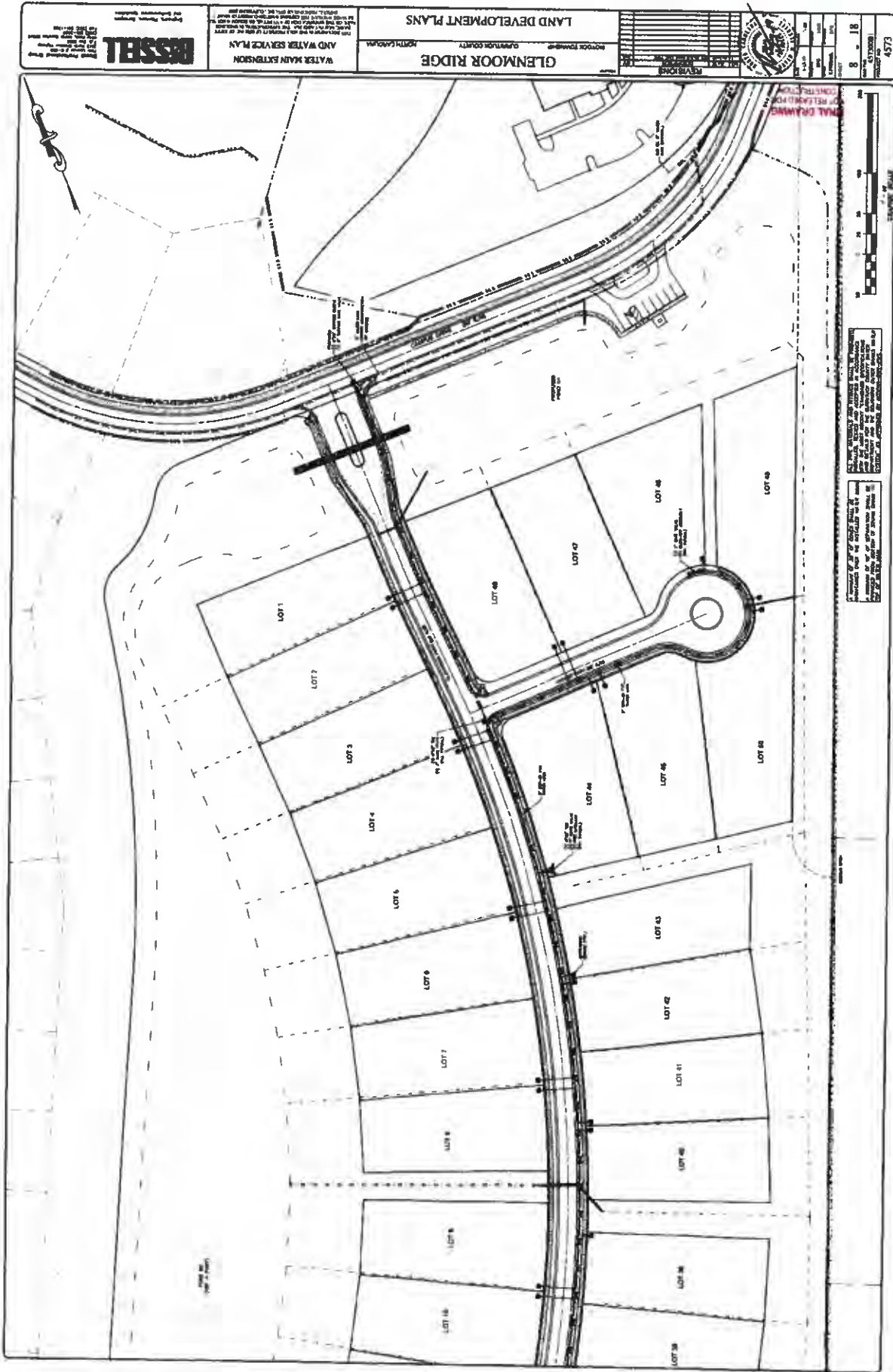






Attachment: Attachment 26 - Applicant - EX 3 - County Approved Site Plans (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

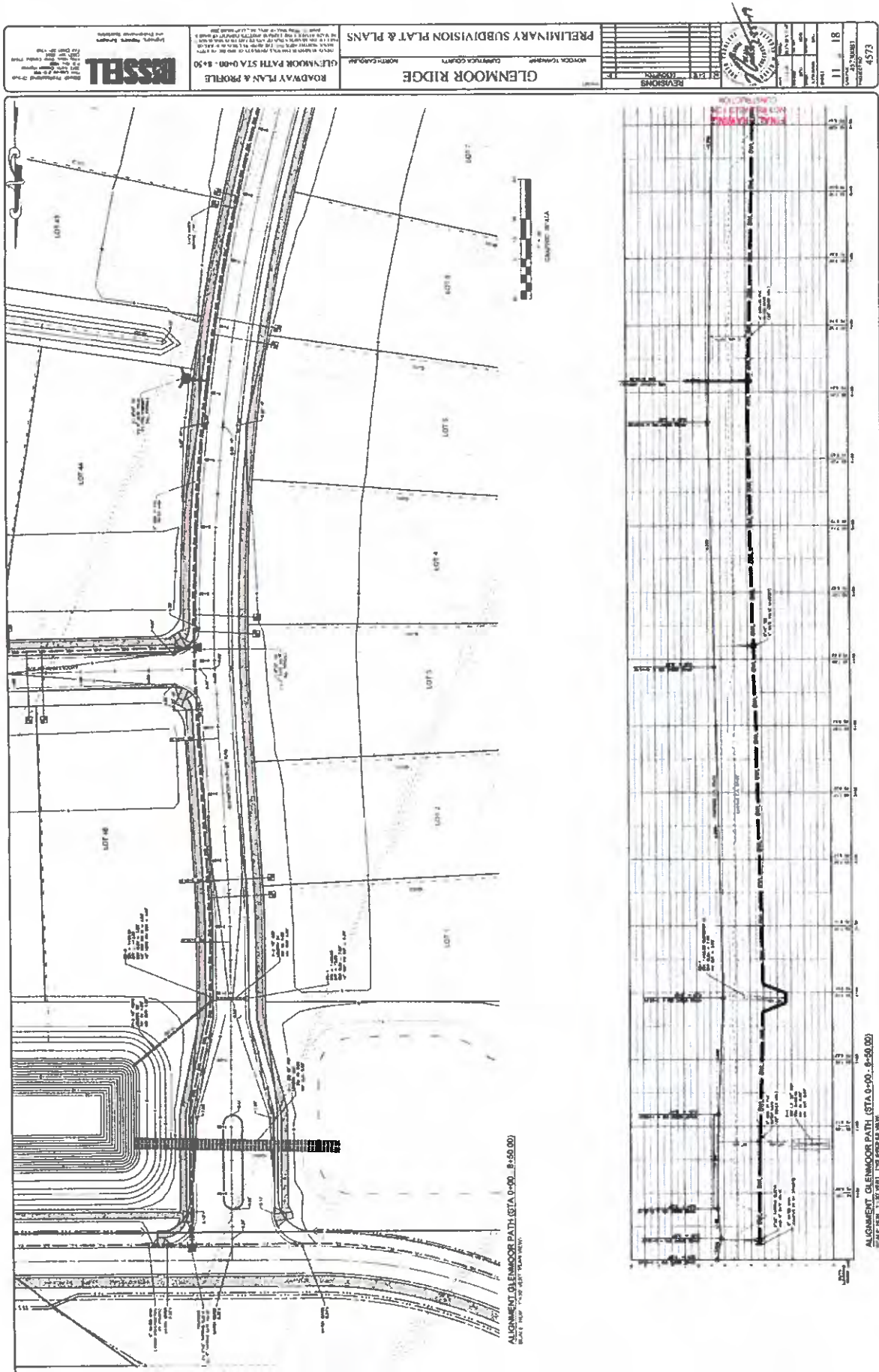




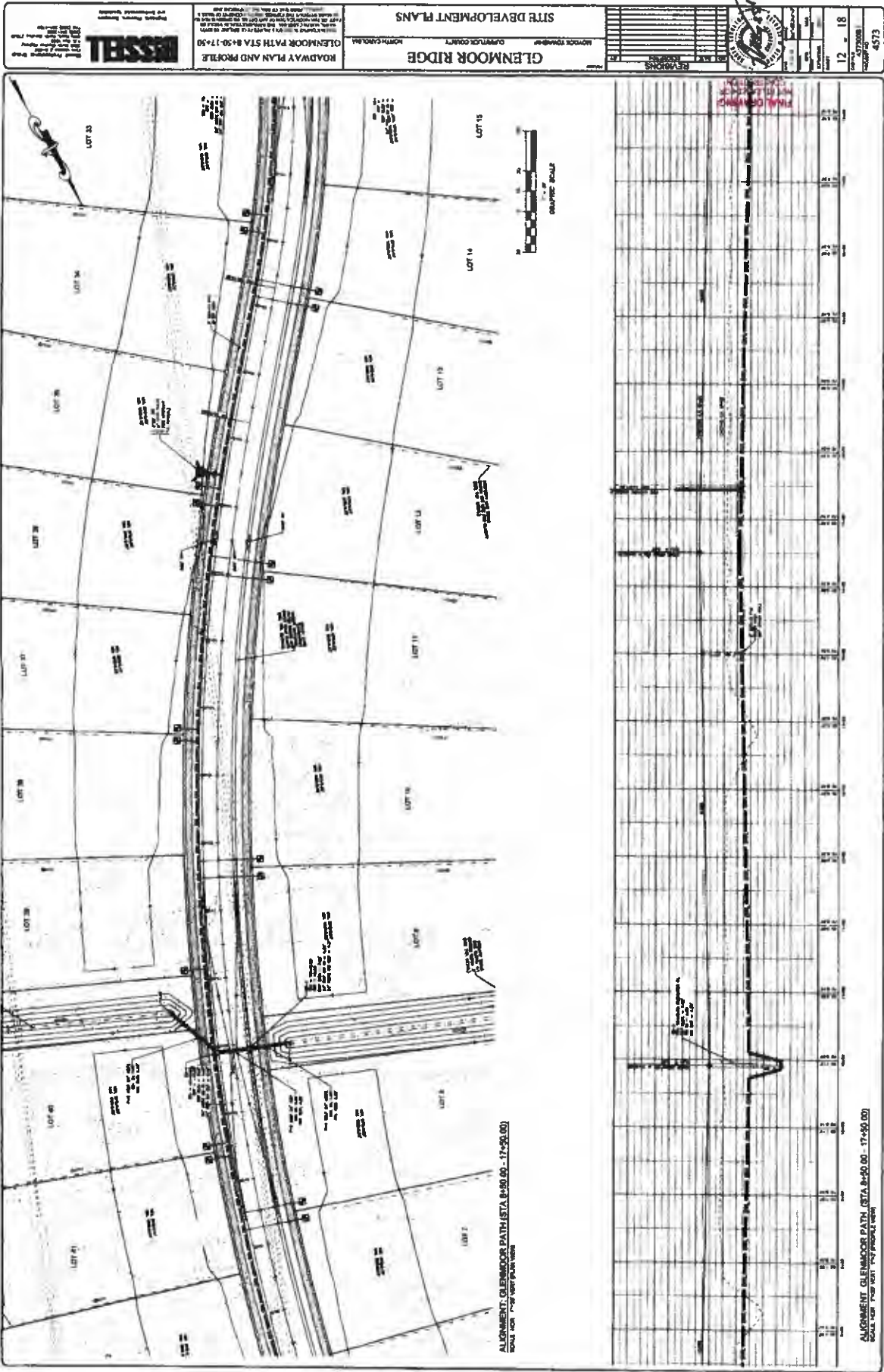
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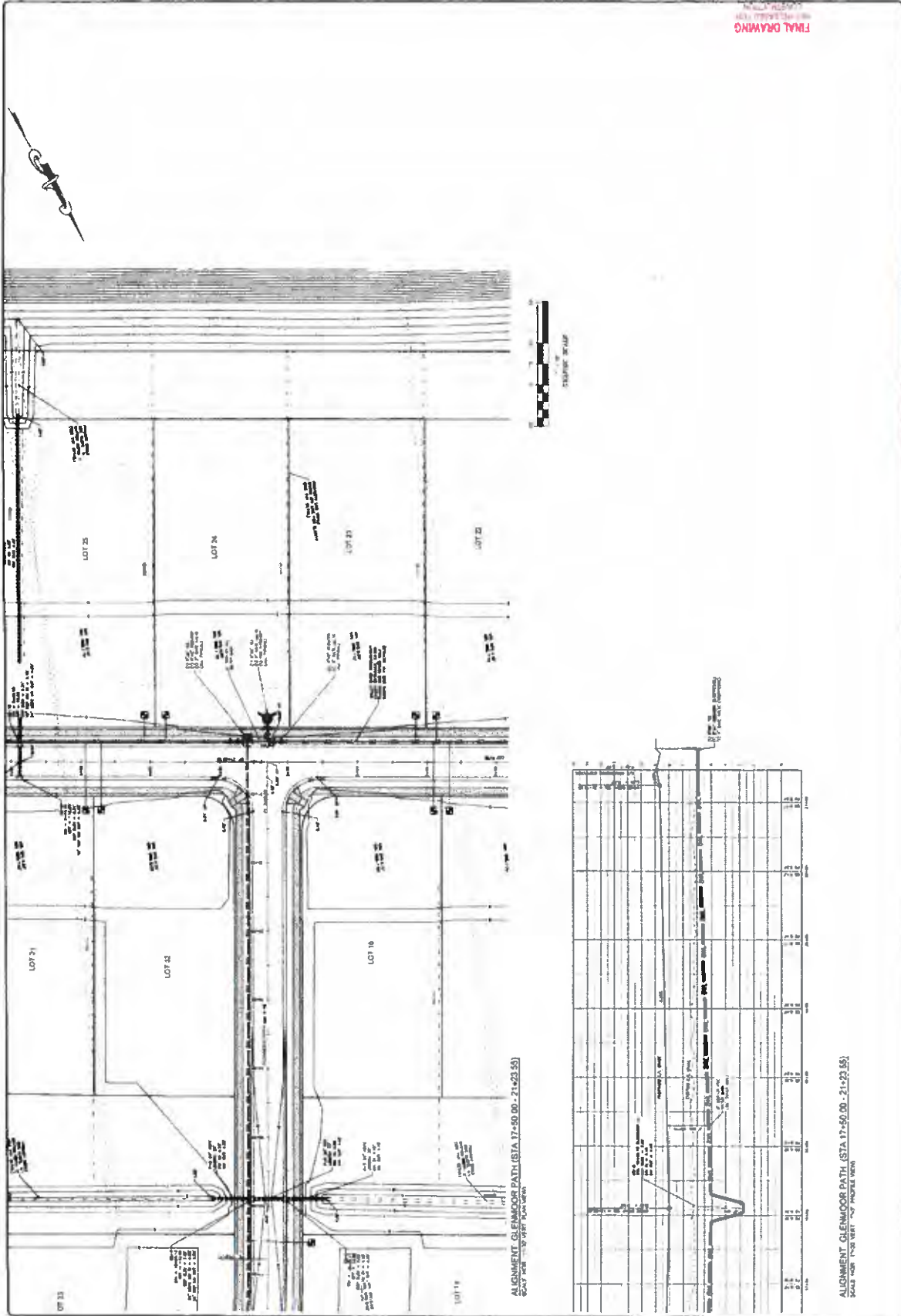
MS&B Mechanical, Structural, Electrical and Foundation Services
 1000 West 10th Street, Suite 100, Grand Rapids, MI 49503
 Phone: (616) 941-1100 Fax: (616) 941-1101
 www.msb-engineers.com

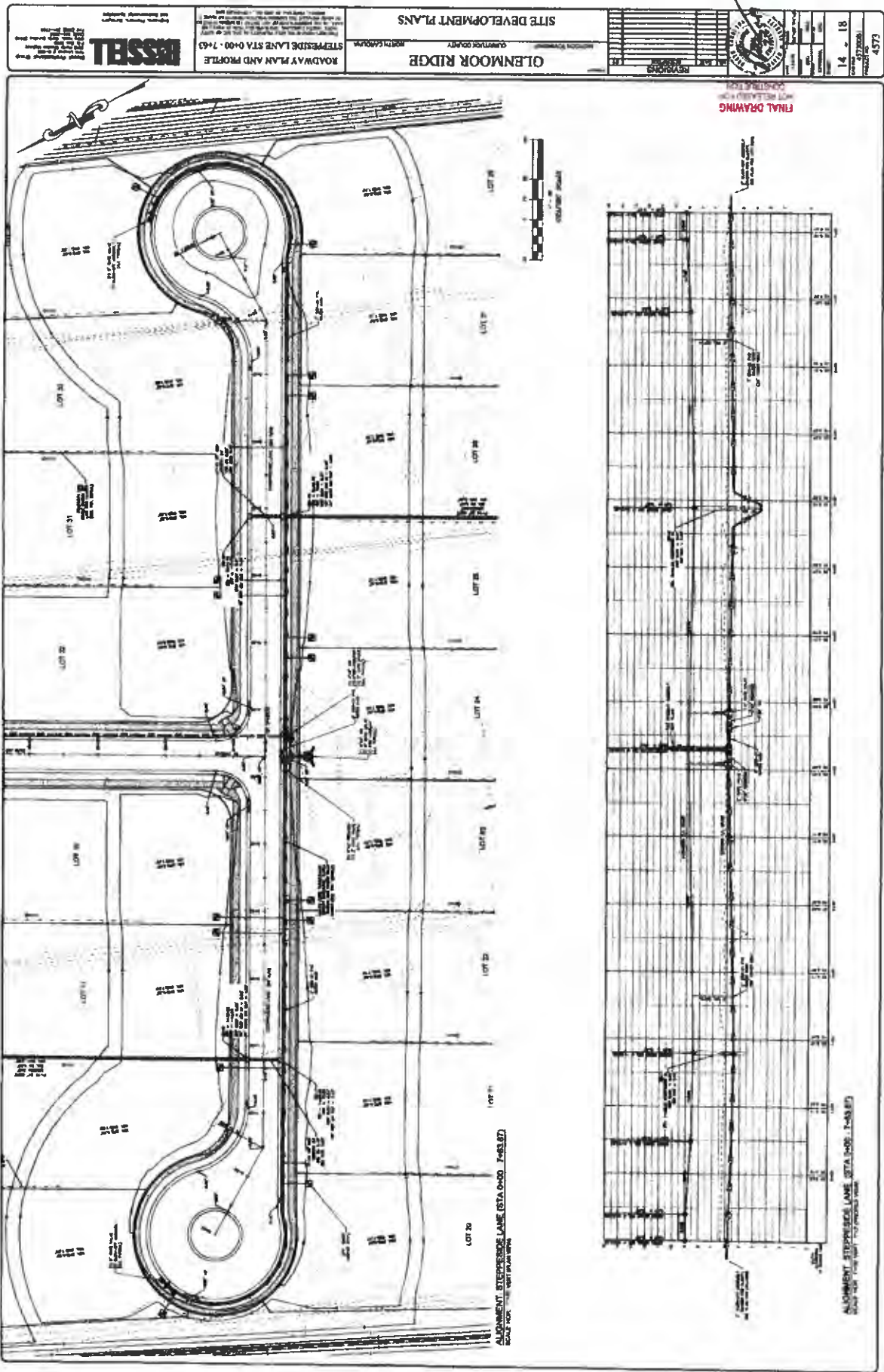
GLENMOOR RIDGE
 QUARTER SECTION
 ROADWAY PLAN AND PROFILE
 GLENMOOR PATH STA 17+50 - 21+25

REVISIONS

NO.	DATE	DESCRIPTION
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2	08/18/13	ISSUED FOR PERMITS
3	08/18/13	ISSUED FOR PERMITS
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100	08/18/13	ISSUED FOR PERMITS

DATE PLOTTED: 08/18/13
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 13-0018
 SHEET NO.: 4573





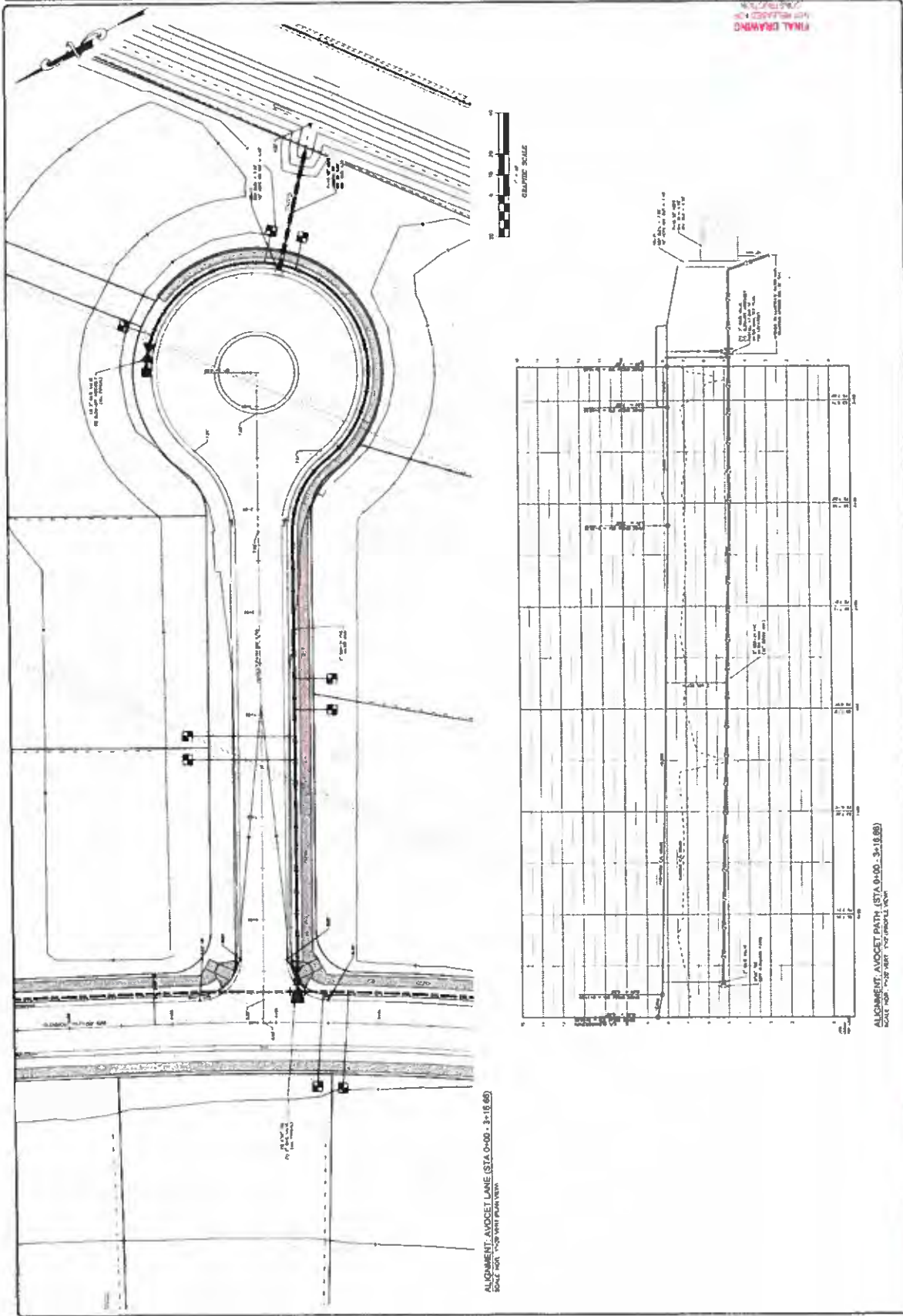
GLENMOOR RIDGE
 NORTH CAROLINA
 CAMDEN COUNTY
 BAYVIEW TOWNSHIP

SITE DEVELOPMENT PLANS

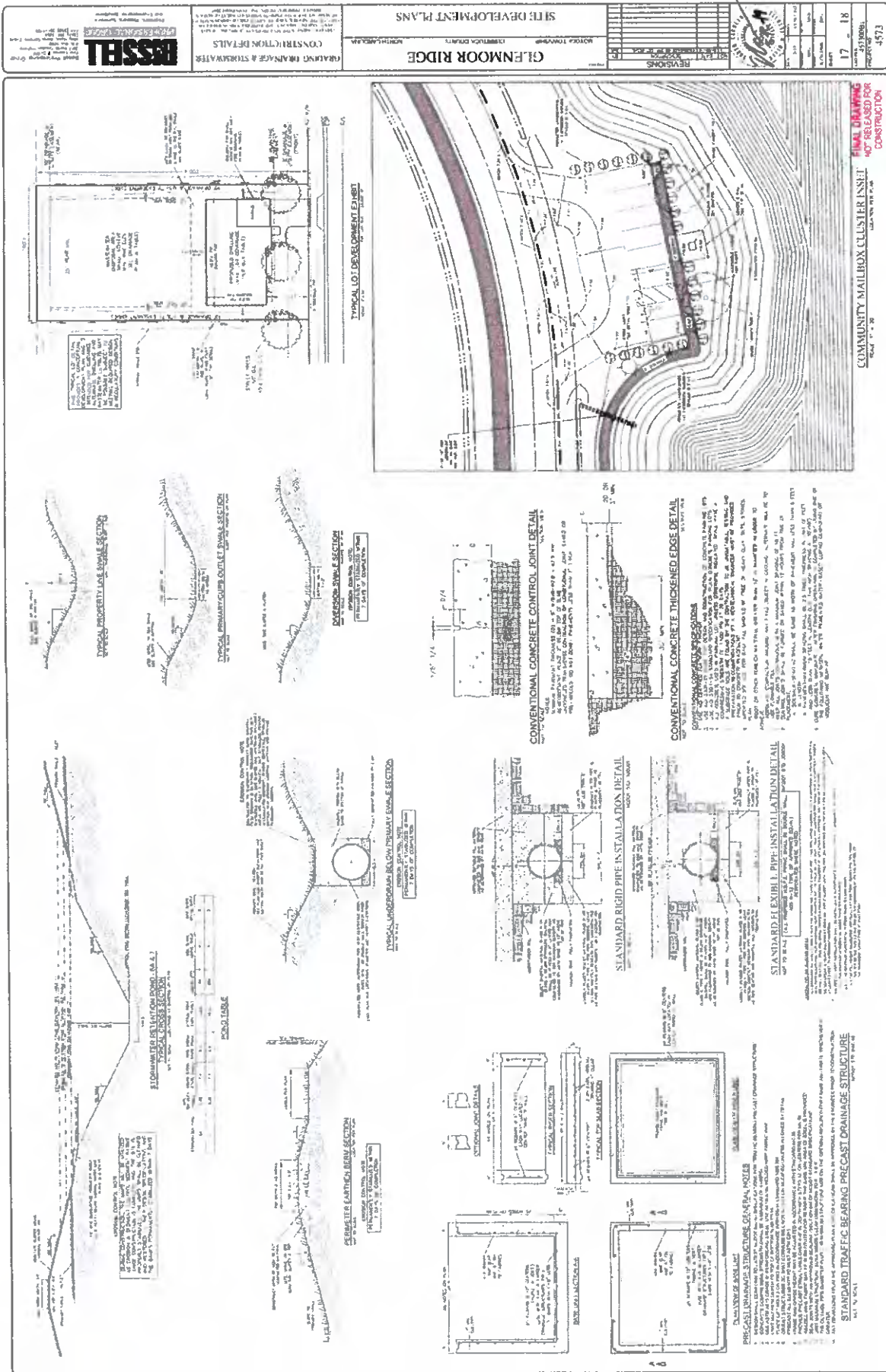
ROADWAY PLAN AND PROFILE
 AVOCET PATH STA 0+00 - 3+65

BRSSELL
 Licensed Professional Engineer
 1100 S. 10th St., Suite 100
 Raleigh, NC 27603
 Phone: 919.876.1100
 Fax: 919.876.1101
 Email: brs@brsdesign.com

DATE: 08/15/18
 PROJECT: 15-18
 SHEET: 15-18-18
 REVISIONS: 4573



Attachment: Attachment 26 - Applicant - EX 3 - County Approved Site Plans (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)



Attachment: Attachment 26 - Applicant - EX 3 - County Approved Site Plans (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

EXHIBIT 4



Steven D. Weber
Partner
 Telephone: 704.335.9065
 Direct Fax: 704.334.4706
 steveweber@parkerpoe.com

Atlanta, GA
 Charleston, SC
 Charlotte, NC
 Columbia, SC
 Greenville, SC
 Raleigh, NC
 Spartanburg, SC
 Washington, DC

September 30, 2019

VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL

Mr. Ben Stikeleather
 Manager, Currituck County
 153 Courthouse Road, Suite 204
 Currituck, North Carolina 27929

Re: Recent Public Records Requests

Dear Mr. Stikeleather:

As you know, over the past two weeks, I have submitted four public records requests to Currituck County (“Currituck County” or the “County”) pursuant the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* – requests dated September 19, September 25, September 27, 2019 and September 30, 2019. We likely will be submitting additional public records requests in the near future (the four public records request we have submitted, and the requests we likely will be submitting in the near future are collectively referred to herein as the “Requests”). We appreciate the County’s efforts to compile and produce all documents responsive to the Requests. In connection with the Requests, I wish to reiterate the following:

1. My Requests seek all documents that are required to be produced under the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* If the County withholds any documents from production pursuant to any exception under the Public Records Law or any other exception, please provide a log of withheld documents that describes the authors and recipients, date and type of documents, with sufficient specificity to allow a challenge of the withheld documents, and the exception or exceptions that the County claims justifies the non-production of each document.

2. The Requests apply not only to hard copy “documents” (as defined in the Requests) maintained in County files and electronic documents maintained on County servers, computers, telephones and other electronic devices. The Requests also apply to hard copy documents maintained by County employees, agents, and representatives regarding County business at any location including personal residences, and electronic document regarding County business maintained on personal servers, personal computers, personal telephones, I-Pads, Surfaces, and any other electronic devices.

PPAB 5144496v1

Parker Poe Adams & Bernstein LLP Three Wells Fargo Center 401 South Tryon Street Suite 3000 Charlotte, NC 28202-1935
 t 704.372.9000 f 704.334.4706 www.parkerpoe.com

Attachment: Attachment 27 - Applicant - EX 4 - Public Records Requests (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

Mr. Ben Stikeleather
Manager, Currituck County
September 30, 2019
Page 2

2. I will reimburse the County for the reasonable expense of copying the documents responsive to the Requests to the extent required by North Carolina's Public Records Law. Given that I expect a significant amount of documents are responsive to the Requests, I would be grateful if you would let me know an estimate of the cost for copying the documents that will be produced pursuant to my Request. I assume that any such costs will be consistent both with North Carolina's Public Records Law, and with costs the County has charged for copying costs associated with other public records requests.

3. As noted in the Requests, the Requests put the County, including all County employees and elected officials, on notice that the County must preserve, and not destroy, delete, manipulate or otherwise alter any "document" defined in the Requests that is or might be related in any way to the Requests. In the event we learn that documents (direct messages, texts, internet posts, e-mails, etc.) appear to have been deleted, "taken down," moved from "in" or "sent" type boxes, or otherwise manipulated, we are prepared to engage a forensic data retrieval expert to obtain those documents in accordance with our rights under the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* We have copied certain Internet posts from County employees and are in possession of certain correspondence to and from the County that we would expect to be included in the County's document production. If those documents are not included in the County's document production, we will take that as an indication that not all documents were produced and will proceed with an effort to obtain all responsive documents through judicial assistance and forensic data retrieval means.

I appreciate your attention to this matter and look forward to hearing from you.

With Best Regards,



Steven D. Weber

cc: Donald I. McRee, Jr., Esq. (via electronic mail)



Steven D. Weber
Partner
 Telephone: 704.335.9065
 Direct Fax: 704.334.4706
 steveweber@parkerpoe.com

Atlanta, GA
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September 19, 2019

VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL

Mr. Ben Stikeleather
 Manager, Currituck County
 153 Courthouse Road, Suite 204
 Currituck, North Carolina 27929

**Re: Public Records Request – Documents Concerning Notices of Violation --
 Old Jury Road**

Dear Mr. Stikeleather:

Under the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*, I am submitting this public records request to Currituck County (“Currituck County” or the “County”). If any part of this request should be directed to someone else, I would appreciate your forwarding this request to that person or letting me know so that I can forward this request to that person.

By way of this letter, I request copies of all documents that concern or related to the September 9, 2019 Notices of Violation regarding drainage at the Old Jury property (the “NOVs”). The NOVs are enclosed with this letter for your ease of reference. Specifically, I request all documents that relate to or concern in any way the NOVs and the violations alleged in the NOV, including without limitation the following:

1. All documents that relate to or concern in any way the manner in which violations alleged in the NOVs were reported to or discovered by Currituck County, including all complaints received by the County, who reported each violation, and potential enforcement options.
2. All documents that relate to or concern in any way the allegations giving rise to the NOVs, including without limitation investigation, photographs, analyses and documents purporting to substantiate any violations alleged in the NOVs, and County records of any complaints.
3. All documents and correspondence between Currituck County (including employees and elected officials) and members of the media in any way related to or concerning the violations alleged in the NOVs.

PPAB 5129835v1

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 t 704.372.9000 f 704.334.4706 www.parkerpoe.com

Attachment: Attachment 27 - Applicant - EX 4 - Public Records Requests (BOA 19-08 Justin Old - Glenmoor Ridge Dewatering Violations)

Mr. Ben Stikeleather
 Manager, Currituck County
 September 19, 2019
 Page 2

4. All documents and correspondence among and between Rachel Anderson, Debbie LaShomb, Ben Stikeleather, Kitty Etheridge, Laurie LoCicero, and Denise Hall, and any other person or persons in any way related to or concerning the violations alleged in the NOVs.
5. All documents and correspondence among and between Rachel Anderson, Debbie LaShomb, Ben Stikeleather, Kitty Etheridge, Laurie LoCicero, and Denise Hall, and any other person or persons in any way related to or concerning complaints and investigations of the violations alleged in the NOVs.
6. All documents and correspondence in any way related to or concerning any alleged or suspected violation of the UDO by Allied Properties, Quality Homes of Currituck, Justin Old, or any related company or agent.
7. Any Currituck County policy related to statements made on social media by any employee or elected official of Currituck County, and any documents or correspondence that reference or relate to any such County policy and the NOVs or violations alleged in the NOVs.
8. Any County policy related to the use of personal computers, servers, telephones and any other personal devices for County business, and any documents or correspondence that reference or relate to any such County policy and the NOVs or violations alleged in the NOVs.

For the purpose of this public records request, "Currituck County" and "County" includes all employees, agents, officials, representatives, and attorneys of the County, including, without limitation, the County Attorney, the Register of Deeds, any current or former member of the Board of Commissioners, and any current or former employee of the Planning and Community Development Department.

For the purpose of this public records request, the term "correspondence" shall mean the transmittal of documents and information in any written, spoken, electronic, or graphic form, including emails and text messaging, direct messaging, recorded voice mails, and including any written or electronic social media posts regarding County business, whether from County or personal computers, servers, telephones and any other devices.

For the purpose of this public records request, the term "document" shall mean a true copy and all non-identical copies (whether different from originals by reason of notations made on such copies or otherwise) or drafts of any kind of written, graphic or electronic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, and all copies thereof which are different in any way from the original, including, without limitation, any papers, books, accounts, photographs, videos, images, letters of intent, agreements, contracts, correspondence, communications, memoranda, advertising material, telegrams, objects, reports, records, recordings, transcripts, studies, notes, notations, working papers, intra-office communications, charts, minutes, index sheets, computer files and disks, checks, check stubs, plans, specifications, and other writings, papers and electronic media of every kind and nature, recordings of telephone or other conversations, interviews, conferences, **e-mails, text messages, voice mails, wave files, direct messaging, Facebook, SnapChat and Instagram posting and communications, any other Internet chatroom-type communications**, any or any other written, recorded, transcribed, punched, tabled, filmed, electronic or graphic matter, however produced or

Mr. Ben Stikeleather
Manager, Currituck County
September 19, 2019
Page 3

reproduced. The term "document" also includes any electronic media (emails, texts, Internet posting, etc.) that have been deleted or moved from "in" and "sent" type boxes to other files.

I will reimburse the County for the reasonable expense of copying these records to the extent required by North Carolina's public records statutes.

I would ask that you respond to and fulfill this request at your earliest convenience. If you expect a significant delay in responding, please contact me with information about when I might expect this information. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information.

Also by way of this letter, you and the County, including all County employees, are on notice that you must preserve, and not destroy, delete, manipulate or otherwise alter any "document" defined above that is or might be related in any way to the NOV's, the violations alleged in the NOV's or this public records request.

I appreciate your attention to this matter and look forward to hearing from you.

With Best Regards,



Steven D. Weber

Enclosure

cc: Donald I. McRee, Jr., Esq. (via electronic mail with enclosure)



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1197

APVA LLC
 417D Caratoke Hwy
 Moyock, NC 27958

APVA LLC
 5857 Harbour View Blvd
 Suffolk, VA 23435

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078A-0000
Violation Description: It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 7, Subsection 7.3.4. Stormwater Management Standards
	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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.



COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1198

Allied Properties LLC
 ATTN: Justin Old
 417-D Caratoke Hwy
 Moyock, NC 27958

Violation Date: September 9, 2019	Inspection Date: September 9, 2019
Property Address: N/A	PIN #: 0022-000-078B-0000
Violation Description:	
<p>It has been brought to our attention that dewatering of stormwater is being conducted on the property. By doing this places you in direct violation of your approved construction drawings and the stormwater management standards. " No development may be constructed or maintained so that the surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties."(7.3.4.)</p>	
Compliance Request: Dewatering of Stormwater (Pond #7) shall cease immediately. For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056	UDO Code Reference: Chapter 2, subsection 2.4.8.(6) Construction Drawing Standards, Effect, Amendment and Expiration, and Chapter 7, Subsection 7.3.4. Stormwater Management Standards
	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.

For more information on bringing the property into compliance contact
Rachael.Anderson@CurrituckCountyNC.gov – (252) 232-6056

If you wish to appeal this decision, you have thirty (30) 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 Planning & Community Development Department.



NOTICE OF VIOLATION

The violation of approved Construction Drawings and Currituck County Stormwater Management Standards

UNDER SECTIONS 2.4.8.(6) AND
7.3.4. OF THE CURRITUCK COUNTY UNIFIED
DEVELOPMENT ORDINANCE

It is unlawful for any person to violate the approved
construction drawings and
collect and channel onto lower adjacent properties
resulting in substantial damage

Dewatering of stormwater (Pond #7) shall cease immediately.

BY ORDER OF THE CURRITUCK COUNTY
PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT