



**CURRITUCK COUNTY
NORTH CAROLINA**

February 11, 2021

Minutes – Regular Meeting of the Board of Adjustment

CALL TO ORDER - 7:00 PM

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	Absent	
Lauren Arizaga-Womble	Board of Adjustment Attorney	Present	
Ike McRee	County Attorney	Present	
Laurie LoCicero	Planning Director	Present	
Savannah Newbern	Development Technician	Present	
Cheri Elliott	Clerk to the Board	Present	
Harry F. Strez	Applicant	Present	

Chairman Breathwaite called the meeting to order at 7:01 PM and asked the Clerk to the Board, Cheri Elliott, to call roll.

A Announce Quorum Being Met

Chairman Breathwaite announced a quorum with four board members present.

B Election of Chairman & Vice Chairman

Chairman Breathwaite asked the Clerk to the Board to proceed with the nominations for the Chairman and the Vice Chairman positions.

Ms. Elliott asked the board for Chairman nominations. Vice Chairman Craddock nominated Troy Breathwaite. Ms. Bontemps seconded the nomination and Troy Breathwaite was unanimously approved to continue as Chairman.

Ms. Elliott asked the board for Vice Chairman nominations. Chairman Breathwaite nominated Steven Craddock. Ms. Bontemps seconded the nomination and Steven Craddock was unanimously approved to continue as Vice Chairman.

C. Approval of Agenda

Chairman Breathwaite asked if there were any changes needed to the agenda for tonight's meeting. Ms. Bell motioned to approve as presented. Vice Chairman Craddock seconded the motion and the motion carried unanimously.

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

D Approval of Minutes for December 10, 2020

Chairman Breathwaite asked if there were any changes needed for the December 10, 2020 meeting minutes. Vice Chairman Craddock motioned to approve the minutes as presented. Ms. Bell seconded the motion and the motion carried unanimously.

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

1. BOA Meeting Minutes - December 10, 2020

E 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. BOA 21-01 Harry F. Stretz: Variance requested for a concrete driveway currently located in the 10 ft. setback; additionally, the applicant is requesting to place an accessory structure in the side setback. The subject property is located at 188 Poyners Road, Tax Map 40, Parcel 52C, Crawford Township.

Chairman Breathwaite reviewed the five review standards which must be met in order for a requested variance to be approved by the Board of Adjustment.

Chairman Breathwaite swore in all witnesses: Harry F. Stretz, Daniel McGhee, Laurie LoCicero, and Savannah Newbern.

Chairman Breathwaite asked the County to present their case.

Ike McRee, County Attorney, called Laurie LoCicero to the stand. She stated her name and current position with the County as the Planning and Community Development Director since July 2017. Prior to her current position, Ms. LoCicero was the Assistant Planning Director. Mr. McRee asked if she was familiar with 188 Poyners Road. Ms. LoCicero said yes, we had received a complaint from a building inspector in November 2020.

Mr. McRee directed Ms. LoCicero to page 31 of the agenda packet and asked if she recognized the document. Ms. LoCicero acknowledged it as an email she sent to Rachael Anderson, the Code Enforcement Officer at the time. Mr. McRee asked for the chain of events after the email was sent. Ms. LoCicero said Ms. Anderson began her investigation and noted the driveway had extra concrete which was encroaching into the setback. The Code Enforcement Officer sent a violation to the property owner for the expansion of the driveway without receiving a Zoning Permit. The property owner contacted the Code Enforcement Officer to receive an extension and filled out a Corrective Action Plan.

Mr. McRee asked if the property owner filed an appeal and Ms. LoCicero said no. Mr. McRee asked what variance the applicant is asking for. Ms. LoCicero said the setback is 10 ft and the applicant wants 6 ft of that setback for part of the driveway.

Mr. McRee directed Ms. LoCicero to page 15 of the agenda packet and asked about the top picture. Ms. LoCicero said it shows the applicant's property in the Agriculture zoning district which has a 10 ft set back on the side of property.

Mr. McRee asked Ms. LoCicero when the applicant's house was constructed, and she said 2013. Mr. McRee asked if a site plan was approved in 2013 for the property and she said yes, it is on page 17 of the agenda packet; it was approved, and the proposed driveway met the setback. Ms. LoCicero said the site plan did change probably due to the site conditions; the Albemarle Health Department approved a change to the south side for the septic. Mr. McRee directed to page 18 of the agenda packet. Ms. LoCicero said this was the approval and page 19 shows the changes in layout for the septic. Mr. McRee asked who approved the changes and Ms. LoCicero said the Albemarle Regional Health Services. Mr. McRee asked if they are part of Currituck County and she said no. Mr. McRee asked if the County would have required an updated site plan showing the relocation of the septic and Ms. LoCicero said no, not at that time. Mr. McRee asked if the owner, at that time, was the applicant and Ms. LoCicero said no, the owner was Quality Homes of Currituck; the house was constructed seven years prior to the applicant owning it.

Mr. McRee asked when the expansion of the driveway occurred, and Ms. LoCicero said we believe it happened in fall 2020 since aerial photos in early 2020 show the driveway was not expanded; we also used Google Earth and NOAA maps. Mr. McRee asked if Ms. LoCicero had any discussions with the applicant. She said she personally spoke with the applicant and told him a variance was an option, but they may not meet the requirements for approval.

Mr. McRee directed the board to page 21 of the agenda packet. Ms. LoCicero said this is an email from Elite Concrete; they submitted a site plan to Albemarle Health Department. Mr. McRee asked if this email was before or after the Notice of Violation and she said after. Mr. McRee asked if, to your knowledge, did any party come to the County to receive their application and she said no, Debbie Lashomb sent two emails to them to get the Zoning Permit and there was no follow-up.

Mr. McRee asked if there were any other requests other than the requested driveway variance and Ms. LoCicero said the other request is to allow a shed in the 10 ft setback. Mr. McRee asked if there was anything in the Unified Development Ordinance not allowing this request and Ms. LoCicero said, yes, they can place a shed on their property, but not within the 10 ft setback. Mr. McRee asked if the applicant gave her a reason to retain the driveway in the setback and Ms. LoCicero said, yes, they want to park their RV there. Mr. McRee asked if there was anything in the UDO that prohibits an RV on the property, and she said no, just where it is located. It could be parked in the rear yard, but it cannot be parked on the setback. Mr. McRee directed to page 15 of the agenda packet and asked if they could park where they picture shows the RV parked and Ms. LoCicero said no.

Mr. McRee asked what permit or certifications were required to add a driveway and Ms. LoCicero said a Zoning Permit is required to ensure setbacks are met and if it impacts the septic then the Albemarle Health Department would also sign off. Mr. McRee asked if culvert certifications were required for the driveway and Ms. LoCicero said, yes, but they did not get their culvert certification from NCDOT.

Mr. McRee asked Ms. LoCicero, from her review, if there was a hardship and she said no, only possible hardship would be the septic.

Mr. McRee asked Ms. LoCicero if the property was used for a full seven years before this request for a variance and she said yes.

Chairman Breathwaite asked for questions from the board.

Vice Chairman Craddock asked what permit was not completed and Ms. LoCicero said the Zoning Compliance Permit.

Vice Chairman Craddock asked if the setback was 10 ft or 15 ft at the time the house was constructed, and Ms. LoCicero said the setback is 15 ft for the main principal structure; the accessory setback and driveway setback is 10ft.

Vice Chairman Craddock asked if the Agriculture zoning district is considered residential and Ms. LoCicero said yes, houses are allowed in this zoning.

Board members asked various questions concerning the septic system, the shed, and whether the complaint and Notice of Violation came before the applicant attempted to receive permits.

The applicant stated his contractor contacted NCDOT and the culvert permit was not required.

Mr. McRee called Savannah Newbern, Development Technician, to the stand. Ms. Newbern clarified Ms. LoCicero's testimony; Ms. Newbern said she spoke with Debbie Lashomb and the applicant did attempt to complete the application, but it was not permissible due to the driveway being in the setback.

Mr. McRee moved to submit **County Exhibit #1** - pages 12 through 37 of the Agenda Packet.

The applicant, Harry F. Stretz, came before the board. He said he was storing his RV in Virginia and after he bought his house in North Carolina his insurance company said he had to move his RV to his house, or the insurance would be canceled. He hired Elite Concrete to expand his driveway and parked his RV on the expanded driveway. While he was out of town getting married, the Notice of Violation came in. The applicant provided a picture of his house showing the right side of his property.

Applicant submitted **Applicant Exhibit #1** - Picture showing right side of house.

The applicant said he cannot drive on the right side of the property because of the pole and due to flooding; the RV weighs 22,000 pounds and it cannot be put in the backyard, or it would get stuck. He said his contractor is trying to help him with this violation since he works long hours.

Chairman Breathwaite asked if the board had questions for the applicant.

Vice Chairman Craddock asked if water ever gets into the house on the right side and Mr. Stretz said no.

Vice Chairman Craddock said it appears the utility pole you said was an obstruction is 17 ft from the property line; the applicant agreed.

Chairman Breathwaite asked why the applicant wants the shed to be placed in the setback. Mr. Stretz said he does not want to walk to the back yard to drive his motorcycle and electric would be too expensive to run it back there. Chairman Breathwaite asked why Mr. Stretz could not move his RV 5 ft closer to the house and Mr. Stretz said other vehicles are parked there.

The board members asked other various questions concerning elevations and flooding.

Ms. Bontemps asked Ms. LoCicero if two strips of concrete would be an issue to be in the setback. Ms. LoCicero said yes, that would be an issue since it is a vehicular driveway/parking area and still not allowed in the setback.

Chairman Breathwaite asked if the County had any questions and Mr. McRee had no questions for the applicant.

Ms. Womble asked if the contractor needed to speak.

Chairman Breathwaite opened the public comment.

The applicant's concrete contractor, Daniel McGhee with Elite Concrete, came before the board. Mr. McGhee said Mr. Stretz hired him in October 2020 to put the driveway on his property. Mr. McGhee said he was unaware that concrete driveways needed a zoning permit since it was not an impermeable surface that sheds too much water. He said he had no idea it would be this big of a deal when he installed the driveway. Mr. McGhee said putting in a long driveway to the backyard would be expensive.

Discussion was held concerning the cost of concrete, the installation cost, and the cost to remove it.

Vice Chairman Craddock asked Mr. McGhee how long he had been in business and if he had worked here a lot. Mr. McGhee said he has done concrete for a long time; and 3 1/2 years in Moyock.

Chairman Breathwaite closed the public comment.

Mr. McRee gave his closing statement saying the evidence is not sufficient to meet the variance standards. The property was used for seven years before the current owners; it was a personal choice and preferences which guided the decision to expand the concrete drive. Mr. McRee said there are many people in the County that would like to store their RV on their property; there are also storage areas available in the County. The shed is not a hardship either; the shed could be placed in another area of the property.

Ms. Womble asked if the Applicant would like to make a rebuttal to Mr. McRee's closing statement.

Mr. Stretz said there is storage, but they would not let him store his 47 ft RV; even some campgrounds will not allow this size of RV. Mr. Stretz said he does have preferences and they are his own and not another person's preferences. He said he wants the shed closer to the house so he does not have to walk to the back of the property and so he can get his tools when he needs to work on his vehicles.

Chairman Breathwaite reminded the board this is a quasi-judicial hearing, and a variance requires 4/5 of the total vote and since one board member is not here, all four board members need to vote the same to grant the variance; also, all five of the review standards must be met to grant the variance.

Ms. Bontemps asked who makes the five review standard rules. Ms. Womble said the NC State Statute makes the laws.

Chairman Breathwaite read the five standards that must be met.

The board began their discussion. Vice Chairman Craddock said the applicant and the contractor both admitted they were in error so one of the review standards cannot be met since it was a result of their own actions. Mr. Craddock said there is room on the right side of the house; 20 ft left between the property line and the utility pole.

Ms. LoCicero reviewed the driveway standards according to the Unified Development Ordinance as 24 ft maximum width; this is for the front 10 ft and then the driveway can flare out if it meets the setback requirements.

Vice Chairman Craddock said he knows of a couple places to park this size RV, but you must travel a little further south in the County.

Chairman Breathwaite said he can understand the flooding issues, but the applicant

cannot meet the fourth standard that it was not part of his own doing.

Ms. Bontemps said the applicant could not put a driveway on the right side due to the flooding. She asked if rock could be put in the place of the concrete for the driveway. Ms. Womble reminded the board of Ms. LoCicero's earlier statement saying a vehicular access could not be in the setback. Ms. LoCicero also clarified pavers were not allowed in the setback either.

Vice Chairman Craddock motioned to deny BOA 21-01 Harry Stretz variance request; the applicant did not meet all five of the standards. It appears the applicant did meet the hardship for being unique, but unfortunately the hardship was a result of the applicant's or their agent's own actions by first not getting the required zoning permit and second by putting in the concrete; and to deny the request for the shed's location over the septic area within the 10 ft setback because there are other places to locate the shed on the property even though it may be inconvenient.

Ms. Bontemps seconded the motion, and the requested variance was denied 4-0.

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

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Ms. Bell motioned to adjourn the meeting. Vice Chairman Craddock seconded the motion and the meeting adjourned at 8:38 PM.



**CURRITUCK COUNTY
NORTH CAROLINA**

December 10, 2020

Minutes – Regular Meeting of the Board of Adjustment

CALL TO ORDER - 7:00 PM

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	Absent	
Lynn L. Hicks	Board Member	Present	
Ike McRee	County Attorney	Present	
Lauren Arizaga-Womble	Attorney	Present	
Laurie LoCicero	Planning Director	Present	
Rachael Anderson	Code Enforcement Officer	Present	
Cheri Elliott	Clerk to the Board	Present	
Jerry D. Merritt	Applicant	Present	

Chairman Breathwaite called the meeting to order at 7:01 PM and asked the Clerk to the Board, Cheri Elliott, to call 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 needed to the agenda for tonight's meeting. 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, Carol Bell, Board Member, Lynn L. Hicks, Board Member
ABSENT: Cathy Bontemps, Board Member

C Approval of Minutes

Chairman Breathwaite asked if there were any changes needed for the October 15th, 2020 meeting minutes. 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, Carol Bell, Board Member, Lynn L. Hicks, Board Member
ABSENT: Cathy Bontemps, Board Member

1. BOA Meeting Minutes - October 15, 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

No old business was discussed.

NEW BUSINESS

A. BOA 20-05 Jerry D. Merritt - Appeal: Jerry D. Merritt is requesting an Appeal for Notice of Violation 20-1383 issued on September 10, 2020, for a concrete driveway constructed within the side setback of his property. The subject property is located at 117 Nautical Lane, Currituck, Tax Map 59C, Parcel 35, Crawford Township.

Chairman Breathwaite reviewed the four Appeal Determination Standards for the board to base their decision.

Chairman Breathwaite swore in the County witnesses Rachael Anderson, Code Enforcement Officer, and Laurie LoCicero, Planning Director.

Chairman Breathwaite asked the County to present their case.

Ike McRee, County Attorney, called Rachael Anderson to the stand. She stated her name and her position with the County as Code Enforcement Officer. She said she has

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been employed in this position for 2 years and 1 month. Mr. McRee asked how she became familiar with this property and Ms. Anderson said she had received a complaint concerning the concrete driveway and flower bed being in the setback, also stormwater issues. Staff reached out to Dylan Lloyd with Currituck County Soil and Water Conservation Department. Ms. Anderson said she went to the site to talk with the property owner, Mr. Merritt. She explained the complaint received and the property owner said the concrete had been there a long time. Ms. Anderson said she took pictures on location and researched the driveway online. A PowerPoint presentation was presented showing the pictures of the driveway from the road view.

Mr. McRee asked photos taken by Ms. Anderson be entered into the record:

County Exhibit 1 - Photos

County Exhibit 2 - Photos

Ms. Anderson presented GIS photos of the Applicant's property: Left photo dated 2010 and right photo dated 2012. Ms. Anderson said sometime between these two GIS photos is when concrete was added to the original driveway.

Mr. McRee asked for the two GIS photos to be entered into the record:

County Exhibit 3 - GIS Photos (left dated 2010 and right dated 2012)

Mr. McRee asked Ms. Anderson about the Unified Development Ordinance(UDO) that was in place during the time of the two GIS photos and whether it had the same setback of 10 feet. Ms. Anderson said the 2007 UDO was in effect and the setback was the same, 10 feet.

Mr. McRee asked for 2007 UDO Section 8.10 Driveways to be entered into the record:

County Exhibit 4 - 2007 UDO, Section 8.10 Driveways

Ms. Anderson showed a Site Plan reviewed by Planning and Inspections in 2008 for the Applicant's property. She referenced the Approved As Noted: "Driveway cannot encroach into 10' setback. No fill of any type within the 10' setback; As-built survey required prior to final inspection with a second note "Please indicate driveway location on as-built with distance from property line."

Mr. McRee asked for the 2008 Site Plan to be entered into the record:

County Exhibit 5 - 2008 Site Plan reviewed by Planning and Inspections with added notes

Ms. Anderson showed an As-built survey for the Applicant's property dated August 10, 2009 and hand dated for acceptance on 8/11/09 with initials TBS. Mr. McRee asked Ms. Anderson if the additional concrete driveway was included on this as-built and she said no. Mr. McRee asked if the name on the as-built was consistent with the Applicant and Ms. Anderson said yes.

Mr McRee asked for the As-built dated August 9, 2009 be entered into the record:

County Exhibit 6 - Jerry and Delores Merritt As-Built Survey dated August 9, 2009

Ms. Anderson showed a Certificate of Compliance for 117 Nautical Lane with property

owner listed as Jerry D. Merritt, Trustee, dated August 14, 2009. Mr. McRee asked Ms. Anderson if they would have had to be in compliance to receive this and Ms. Anderson said yes.

Mr. McRee asked for the Certificate of Compliance be entered into the record: County Exhibit 7 - Certificate of Compliance for 117 Nautical Lane, dated August 14, 2009

Mr. McRee asked Ms. Anderson about the zoning of 117 Nautical Lane. Ms. Anderson referenced the GIS zoning Map (attachment 9, Agenda Packet) showing the property zoned Single Family Residential Mainland (SFM).

Ms. Anderson showed a page out of the current UDO for 3.4.2: Single Family Residential Mainland (SFM) Districts, F. Dimensional Standards. Mr. McRee asked if the Applicant's property is zoned SFM and Ms. Anderson said yes. Mr. McRee asked what is shown as the side setback on this page and Ms. Anderson said 10 feet.

Mr. McRee asked for this page of the current UDO 3.4.2 with dimensional standards showing a 10 feet side setback be entered into the record as: County Exhibit 8 - UDO 3.4.2: Single-Family Residential-Mainland (SFM) District (showing F. Dimensional Standards)

Mr. McRee asked for Attachment 10 of the agenda packet to be entered as County Exhibit #9.

Mr. McRee asked for the Notice of Violation letter dated October 2, 2020 with an attached corrective action plan to be submitted as County Exhibit #10.

Mr. McRee asked Ms. Anderson if Mr. Merritt had indicated the time frame he added the driveway and Ms. Anderson said 2010 or sometime after the Certification of Compliance.

Mr. McRee asked what is done to get a zoning permit and if Mr. Merritt had attempted to get one for the driveway. Ms. Anderson said she did a search of the County's records and there was not a zoning permit on file.

Ms. Anderson said Mr. Merritt filled out an extension since the contractor was back logged until April 2021 to be able to complete the Corrective Action Plan.

Mr. McRee asked for the Corrective Action Plan to be entered into the record as County Exhibit #11 and for Ms. Anderson's consent to the plan to be County Exhibit #12.

Mr. McRee asked if Ms. Anderson went back to the property and she said yes. The neighbor had said the survey was complete and she went to view the markers. She said Mr. Merritt agreed to the markers locations and she measured from the markers to the driveway with a tape.

Mr. McRee asked Ms. Anderson if the driveway encroachment was apparent using the survey markers and she said yes. Mr. McRee asked if there were no survey markers

would it be apparent and Ms. Anderson said no. Mr. McRee had no further questions for the witness.

The board had various questions for Ms. Anderson about the zoning, the additional size of the concrete Mr. Merritt added, and if the flowerbed was also encroaching into the setback. Ms. Anderson said the flowerbed was actually on the neighbors property and Mr. Merritt agreed to move it. Ms. Anderson said the only issue now is the concrete.

Chairman Breathwaite asked Ms. Anderson the time frame for when concrete driveway was added. Ms. Anderson said based on what the homeowner said, it was 2010. Based on GIS it was 2010 to 2012 and based on the picture it was spring time.

Mr. McRee called the Planning Director, Laurie LoCicero, to the stand. He asked her questions concerning the Unified Development Ordinance for 2005 and 2007. Also questions concerning the setbacks. Ms LoCicero said the setbacks were updated to 10 ft setbacks in 2007. Mr. McRee asked if the setbacks have changed since that date and Ms. LoCicero said no, they are the same.

Mr. McRee asked to enter into record the staff report and remaining documents as County Exhibit #13.

The applicant, Mr. Merritt, was sworn in and came before the board.

Mr. Merritt said he had been a fighter pilot and a commercial pilot so he is used to following rules. He said it took them 6 years to build their house. He said this home was built as their second home and in May 2008 the Home Owner's Association (HOA) accepted their building plans. He said their site plan was submitted on July 18, 2008 and on July 19, 2008 it was initialed approved by the HOA.

Mr Merritt said on July 30, 2009, the builder told him he could not build the driveway as in the plans. On August 11, 2009 the driveway was completed and on August 14, 2009, the Certificate of Occupancy was issued.

Mr. Merritt said the addition to the driveway was poured on June 23, 2010 and no one ever questioned it being in the setback. He said he had a refinance and it was granted with the additional driveway portion. He said they used the home for seven years as a second home. Mr. Merritt said the HOA members knew about the driveway when they approved the plans. He said he has lived there for eleven years and no one complained. Mr. Merritt also stated the statute of limitations had ran out.

Mr. Merritt asked how the County received the complaint concerning his driveway.

Ms. Womble told Mr. Merritt the board will now ask you some questions.

Chairman Breathwaite asked Mr. Merritt if it was the same contractor that did both parts of the driveway and he said yes.

Chairman Breathwaite said you had discussions with the contractor to get the Certificate of Occupancy and then come back later to get the permits and Mr. Merritt said yes. Mr.

Merritt stated the concrete was poured on June 23, 2010 when they were not living in the house.

Ms. Bell said you stated the HOA had approved your plans and Mr. Merritt said yes. Ms. Bell said the HOA does not enforce the County's rules; they have their own rules.

Mr. Hicks said it still has to go through the County after the HOA.

Ms. Bell said it seems Mr. Merritt thought all he needed to do was get the HOA to approve the plans. Mr. Merritt said the contractor was supposed to get the permit.

Chairman Breathwaite and Mr. Craddock both questioned Mr. Merritt on whether he had conversations with his contractor that he would do the driveway and then come back later to add the additional part. Mr. Merritt said yes, he would come back and do the turnaround portion.

There was no public comment and no person had signed up to speak.

Mr. Merritt asked to make an additional statement. He said because of Covid his neighbors could not be here to speak on his behalf so they sent a letter.

Mr. McRee objected saying this was hearsay since the witness is not present.

Ms. Womble explained to Mr. Merritt why the letter could not be submitted to the board. She said this is a quasi-judicial hearing and someone would have to be under oath in order to give their statement. Mr. Craddock asked if a notarized statement could be permissible. Ms. Womble said no, the County has to have the opportunity to cross examine the witness.

There were no more questions for Mr. Merritt.

Chairman Breathwaite closed the public hearing.

The board had discussion. Chairman Breathwaite reminded the board to read the review standards for an appeal.

Chairman Breathwaite addressed the applicant. He said he certainly understands the situation and believes Mr. Merritt does not believe it's his fault, but the fact is the additional concrete is in the setback. The issue is the statute of limitation for seven years and if the violation 1383 is governed by this statute. Ms. Womble said Mr. McRee needs to be able to make his closing statement and he may want to address this within his statement. Mr. McRee said there was a 2017 amendment concerning a statute of limitations for zoning, but the seven years starts after the following:

- The violation of the ordinance is apparent from a public right of way.
- The violation of the ordinance is in plain view from a place to which the public is invited.

The time began when the violation became apparent to the County and Notice of Violation was issued.

If the violation is apparent or in plain view, enforcement must be taken and that does not preclude the administrative process. The burden is on someone raising the issue. It's still a violation and the County can still issue civil citations and withhold requested permits for this property. It's precluded if the defendant is able to show that it is not applicable.

Chairman Breathwaite asked if there were any statute of limitations listed within the UDO. Mr. McRee there is not any within the current UDO.

Mr. Merritt asked to make a closing statement. He said he was not an attorney, but just reading the statute. He said everyone knew where the property line was and could see the driveway. He said he would apply for a Variance.

Ms. Womble said an accurate reading of the law for the statute of limitations list a number of items and within it has this situation for referencing and enforcement. This statute is not applicable to administrative and this is where you are right now. If Mr. Merritt would like to file an appeal then it might be there.

Mr. McRee said Mr. Merritt still has the ability to rectify through compliance. Also, he would not be barred from bringing a variance at a later time.

Chairman Breathwaite and Mr. Craddock asked questions concerning Mr. Merritt filing a Variance and not having to take out the concrete and then put the concrete back in. Ms. Womble said the options are a Variance, Corrective Action Plan, or if the board says this appeal is granted.

Discussion was held on where the complaint for Mr. Merritt's violation came from. Ms. Womble said most violations are complaint driven. Chairman Breathwaite said it does not matter where the complaint came from, the County had to investigate once the complaint was received.

Mr. Craddock said the builder did know about the setback issue since he set the concrete back 10 ft which was different from the original building plans. The builder was trying to skirt the rules. The intent by the contractor was to wait until after the Certificate of Occupancy to put the additional concrete. Chairman Breathwaite said he heard Mr. Merritt say he thought the builder had received the permits. Mr. Hicks agreed with Chairman Breathwaite.

Chairman Breathwaite said there is no question the concrete is in the setback and there was a violation.

Mr. Craddock said he did state he knew it was in the setback. He said Mr. Merritt does have other options beyond this motion tonight.

Mr. Craddock motioned to affirm the Notice of Violation for Mr. Merritt's case, BOA 20-05, that the decision maker did not make an error and that they correctly applied the ordinance in making this decision.

Mr. Hicks seconded the motion and the motion carried unanimously 4-0.

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

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Mr. Craddock motioned to adjourn the meeting. Mr. Hicks seconded the motion and the meeting adjourned at 8:28 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3036)

Agenda Item Title: BOA 21-01 Harry F. Stretz:

Submitted By: Cheri Elliott – Planning & Community Development

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Variance requested for a concrete driveway currently located in the 10 ft. setback; additionally, the applicant is requesting to place an accessory structure in the side setback. The subject property is located at 188 Poyners Road, Tax Map 40, Parcel 52C, Crawford Township.

Is this item regulated by plan, regulation or statute?

Manager Recommendation:



**STAFF REPORT
BOA 21-01 HARRY STRETZ
VARIANCE REQUEST
BOARD OF ADJUSTMENT
FEBRUARY 11TH, 2021**

Attachment: 1 21-01 Stretz Variance Staff Report (BOA 21-01 Harry F. Stretz)

APPLICATION SUMMARY

Property Owner: Harry F. Stretz 188 Poyners Rd Moyock, NC 27958	Applicant: Harry F. Stretz 188 Poyners Rd Moyock, NC 27958
Case Number: BOA 21-01	Application Type: Variance
Parcel Identification Number: 0040000052C0000	Existing Use: Residential
Parcel Size (Acres): 0.918 Acres	Zoning: Agricultural (AG)
Variance Requested from the Unified Development Ordinance: Section 3.3.3.F., Dimensional Standards, requires residential single-family detached dwellings located in the AG district to maintain a minimum 10' driveway setback from side lot lines and 10' setback for accessory structures from side lot lines.	

STAFF ANALYSIS

Unified Development Ordinance

The Unified Development Ordinance (UDO), Section 3.3.3.F., AG Dimensional Standards, and 5.6.7.B(1), Driveway and Access Standards requires a single-family dwelling to maintain a 10' driveway setback from side lot lines and 10' setback for accessory structures from side lot lines.

Background

On October 27, 2020, the Code Enforcement Officer inspected the property at 188 Poyners Rd after receiving a complaint of an unpermitted driveway extension from a Building Inspector. A Notice of Violation was issued to the property owner on October 29, 2020. The applicant submitted an incomplete zoning application for the driveway on November 9, 2020. A Corrective Action Plan submitted by the applicant on December 2, 2020 detailing the applicant's intent to apply for a Variance was approved with an extension date of January 6, 2021.

The single-family detached dwelling was constructed in 2013 in the AG District. Sometime after August 2020, the property owner had a concrete driveway extension added to the south side of the existing driveway. This additional concrete is approximately 825 square feet. The driveway addition encroaches into the 10' side setback approximately 5' for approximately 62'6". The property owner intends to place a 14'x32' shed directly behind the driveway extension in the accessory setback along the side lot lines to encroach 5'.

The property owner claims the septic field location effectively forces him to encroach into the side setback to allow a vehicle to access the proposed shed and maintain a 5' setback from the septic field. Albemarle Regional Health Services has approved the proposed shed location.

The applicant is requesting a variance to allow the driveway extension and a shed to encroach 5' feet into the minimum required 10' setback, effectively reducing the accessory and driveway side setbacks to 5'.

VARIANCE REVIEW STANDARDS

A variance shall be approved on a finding that the applicant demonstrates the proposed use will meet all of the below requirements. It is staff's opinion that the evidence in the record, does not meet all of the requirements for a variance based on the below preliminary staff findings:

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

Preliminary Staff Findings:

1. The alleged hardship **is not** suffered by the applicant as a result of the application of the UDO because:
 - a. The location of the septic field which the applicant alleges is the cause of the encroachments was not dictated by the UDO.
 - b. The applicant is not prohibited from placing the proposed shed elsewhere on his property.
 - c. The UDO allows for more than one driveway to serve a single-family detached residence.
 - d. The applicant could meet the side setback on the north side of his property, with approximately 38' from the north side of the home to the side lot line.

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

Preliminary Staff Findings:

1. The hardship **does not** relate to the applicant's land as there is adequate space for the addition of a second driveway and shed outside of the side setback. The septic field location is not an inherent quality of the applicant's land, size or topography but rather personal circumstance.

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

Preliminary Staff Findings:

1. The hardship **is unique** as surrounding properties have septic systems installed on the opposite side of their respective backyards in relation to the driveway. 200 Poyners Rd, 194 Poyners Rd, and 182 Poyners Rd each are designed this way. 188 Poyners road is unique in that the septic field and driveway were constructed on the same side of the property.

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

Preliminary Staff Findings:

1. The hardship **is** a result of the applicant's own actions because the driveway extension was poured with receiving proper permits which would have noted that driveways may not encroach into the 10' setback, nor may major recreational equipment be stored within the 10' side setback, as pictured below.

The variance will not authorize the initiation of a nonconforming use of land; and

Preliminary Staff Findings:

1. The variance **will not** authorize the initiation of a nonconforming use of land.

The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

Preliminary Staff Findings:

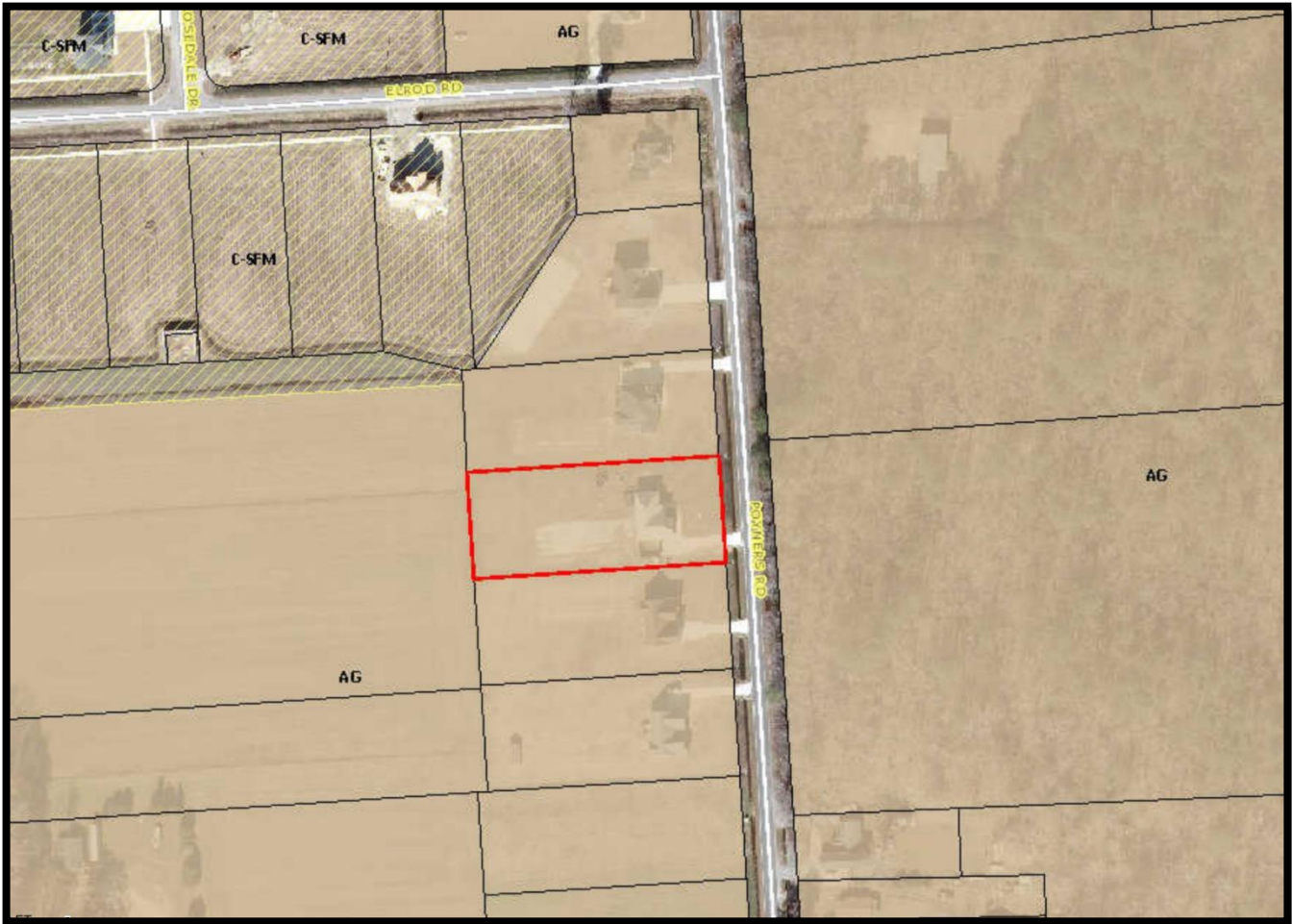
1. The requested variance **is not** consistent with the spirit, purpose, and intent of this ordinance because:
 - a. The request only meets 1 of the 5 review standards above.
 - b. The applicant could meet the required setback for the proposed shed elsewhere on the property.
 - c. The hardship is a result of the applicant's own actions.

STAFF RECOMMENDATION

Staff recommends **denial** of the variance subject to the following factors:

- a. The variance request does not meet the required review standards.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Adjustment: www.co.currituck.nc.us/board-of-adjustment-minutes-current.cfm



Attachment: 1 21-01 Stretz Variance Staff Report (BOA 21-01 Harry F. Stretz)



Attachment: 1 21-01 Stretz Variance Staff Report (BOA 21-01 Harry F. Stretz)

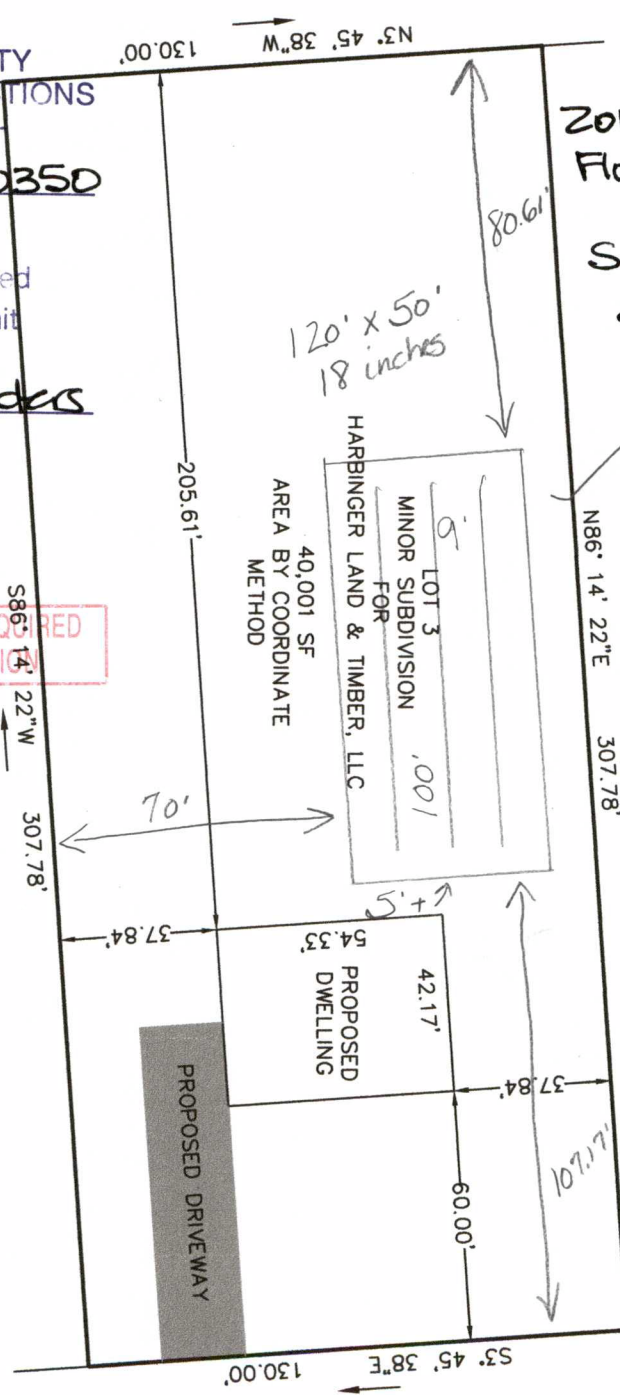
CURRITUCK COUNTY
PLANNING AND INSPECTIONS
- Site Plan Review -

Permit Number: 201300350

- Approved As Is
- Approved As Noted
- Denied / Resubmit

3-22-13 J.B. Sanders
Date Planning

CULVERT CERTIFICATION REQUIRED
PRIOR TO FINAL INSPECTION



Zoning: A9
 Flood zone: Shaded x
 Panel # 8060
 Setbacks:
 20' Front ✓
 25' rear ✓
 10' + 15' Sides ✓
 Driveway / Parking
 10' - 24' width ✓
 2 (10 x 18) spaces ✓
 10' side setback ✓
 - surface must be
 gravel, concrete, etc
 Lot coverage < 30% ✓
 Height < 35' ✓
 Septic (4) ✓
 Co. water ✓
 Fill for septic only
 must maintain 10'
 Side setback for
 3:1 slope.

POYNER'S ROAD (S.R. 1232) (60' R/W)

Attachment: 2 21-01 Stretz 2013 Approved Site Plan (BOA 21-01 Harry F. Strez)



Currituck

Permit: 47187

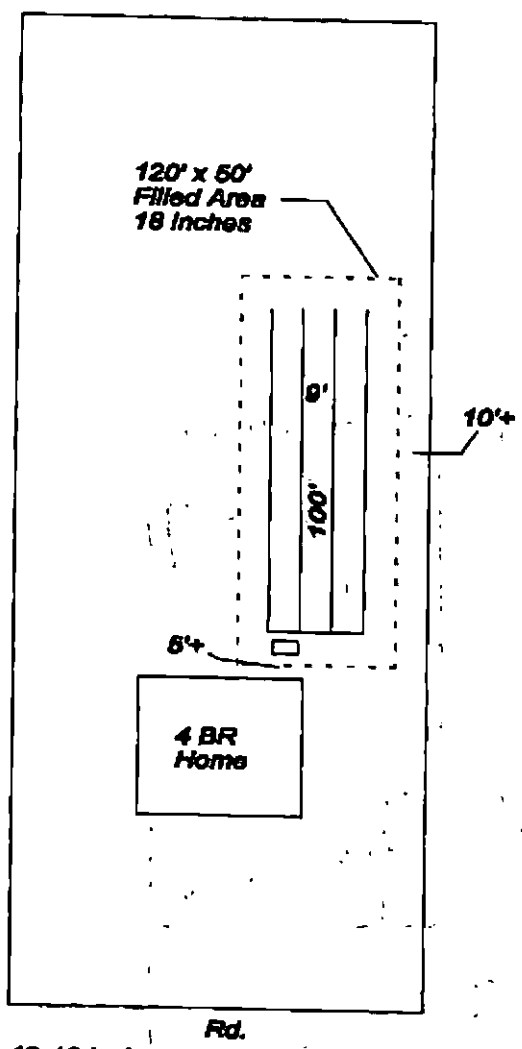
PIN: 0040000052C0000

Owner
QUALITY HOMES OF
CURRITUCK
PO BOX 743
MOYOCK, NC 27958

Applicant
QUALITY HOMES OF CURRITUCK
PO BOX 743
MOYOCK, NC 27958

LTAR: .4
Water: Public
Type III
Residential
GPD: 480

Location: 188 POYNERS RD



Change in layout.

- **Set tank high so top of lines are 12-18 inches above original grade.
- **Fill 120' x 50' area with 18 inches of sand and call for inspection
- **Fill no closer than 10' to property line
- **Builder, septic installer, and plumber are to meet prior to any construction to discuss septic tank, fill, and plumbing elevations
- **Property line swales are needed to promote surface water runoff
- **House pad to be 6 inches higher than finished septic area

Authorized Agent: Kevin Carver

Date: 03/11/2013

Approved: Kevin Carver, RS/
abc

Date: 6/25/13

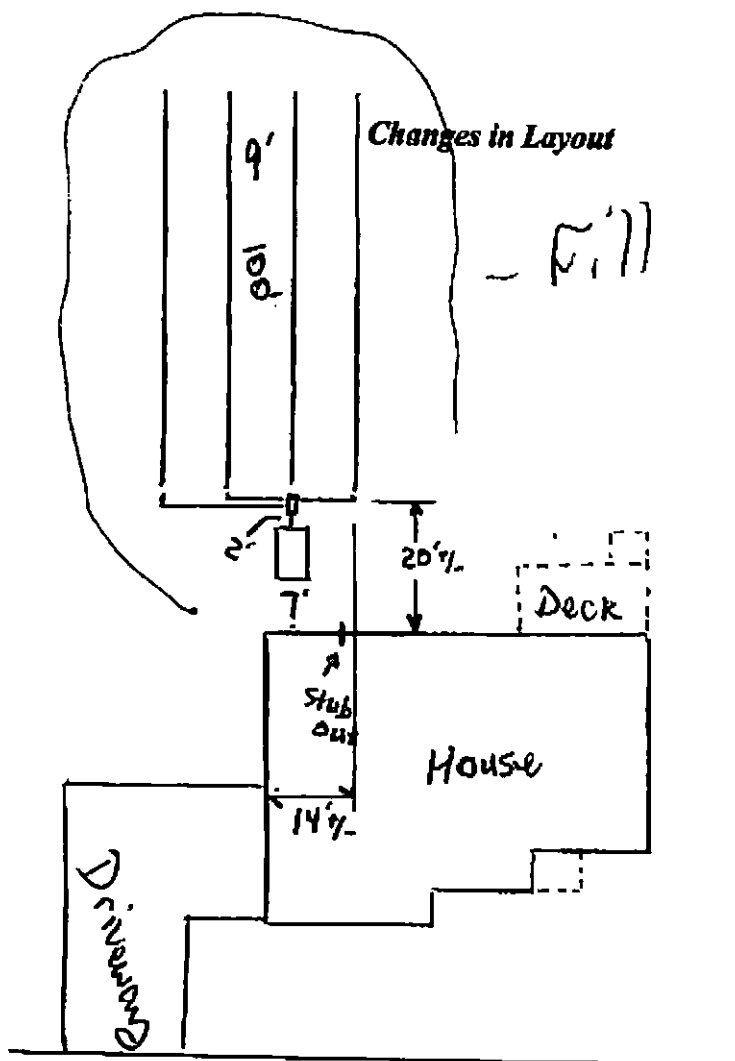
Attachment: 3 21-01 Stetz Septic Field Relocation ARHS (BOA 21-01 Harry F. Strez)

ALBEMARLE REGIONAL HEALTH SERVICES
Final Inspection

Name: QUALITY HOMES OF CURRITUCK

Permit #: 47187

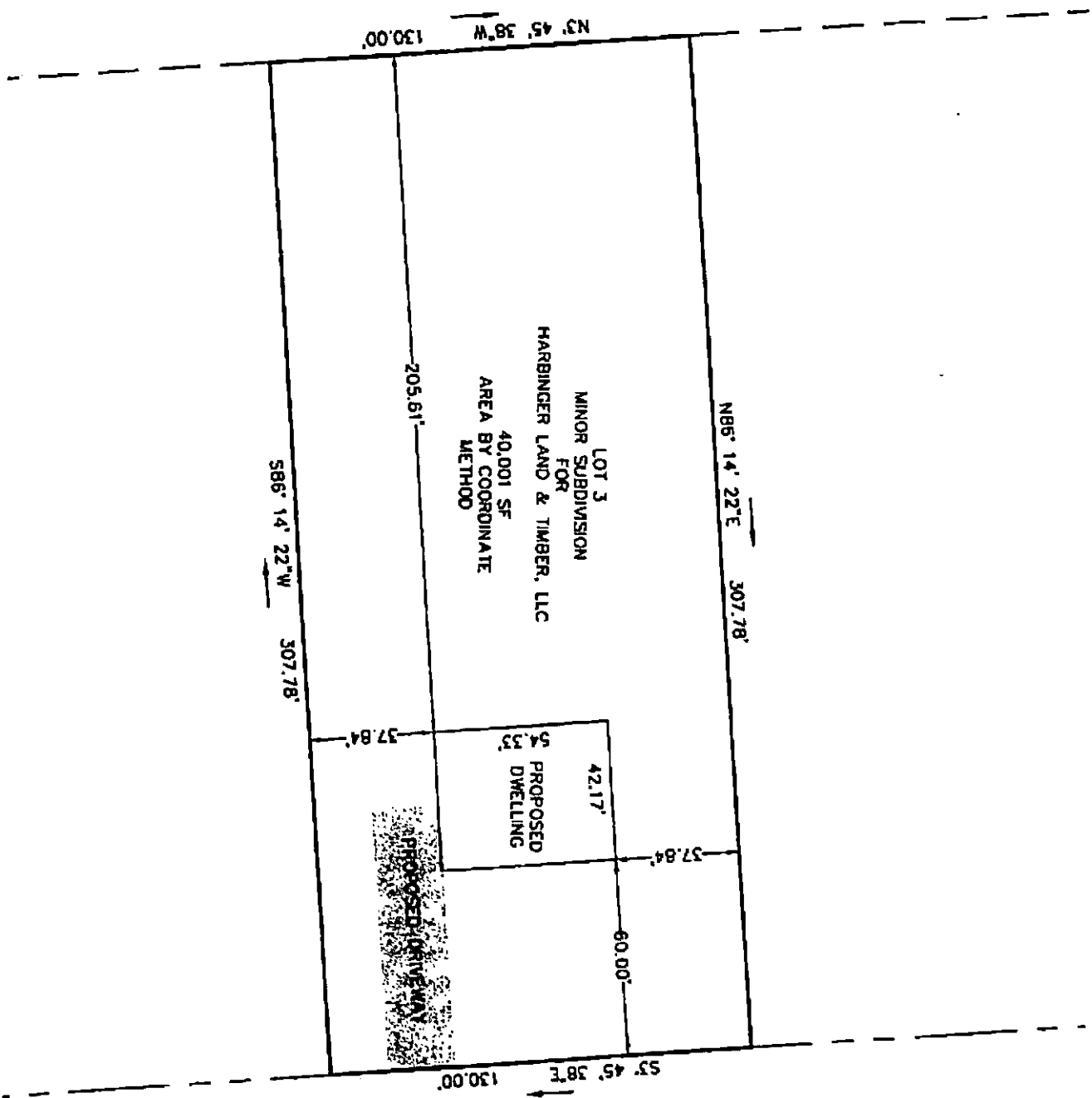
Drain Field Type: In Fill
System Installer: Bazemore
Septic Tank Serial: 830
Gallons: 1000
Pump Tank Serial:
Sanitary Tee/Filter: Pass
Conveyance Pipe: Pass
Baffle Wall: Pass
Distribution Box Outlets Level: Pass
Nitrification Lines: Pass
Number of Nitrification Lines: 4
Comments: 188 Poyners Rd., Lot 3



EHS

Kevin Carver
Kevin Carver

Date: 06/25/2013



POYNER'S ROAD (S.R. 1232) (60' R/W)

Attachment: 3 21-01 Stetz Septic Field Relocation ARHS (BOA 21-01 Harry F. Strez)

From: [Kate McGhee](#)
To: [Debbie Lashomb](#)
Subject: [EXTERNAL] Fwd: site plan
Date: Monday, November 16, 2020 10:59:30 AM

[CAUTION]: This email originated from outside of Currituck County's system. Do not click links or open attachments unless you verify that the attachment and contents are safe. Please report any suspicious emails or attachments to [support](#).

Kate McGhee
Secretary
Elite Concrete, Inc.
757-831-5208
[EliteConcrete.org](#)

----- Forwarded message -----

From: Sandy Evans <sevans@arhs-nc.org>
Date: Mon, Nov 16, 2020 at 10:54 AM
Subject: RE: site plan
To: Kate McGhee <mcgheeliteconcrete@gmail.com>

Driveway addition is approved as shown. Either forward this message or print and take with you when you go for your building permit.

Sandy

From: Kate McGhee <mcgheeliteconcrete@gmail.com>
Sent: Monday, November 16, 2020 10:51 AM
To: Sandy Evans <sevans@arhs-nc.org>
Subject: site plan

CAUTION: This message originated from an email address outside the agency. Please do not click any links or open any attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

Hi,

We just spoke on the phone. Attached is a site plan for a driveway addition at 188 Poyners

Attachment: 4 21-01 Stretz ARHS Approval of Driveway Addition (BOA 21-01 Harry F. Strez)

Road. Please let me know if you have any questions.

Kate McGhee

Secretary

Elite Concrete, Inc.

757-831-5208

EliteConcrete.org

This e-mail message may contain information that is privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this message in error, please do not forward or use this information in any way. Delete it immediately and contact the sender as soon as possible by the reply option. You may also report this to the ARHS Privacy/Security Officer at 252-337-6716

Attachment: 4 21-01 Stretz ARHS Approval of Driveway Addition (BOA 21-01 Harry F. Stretz)

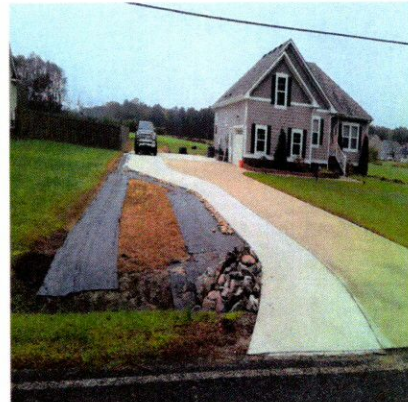
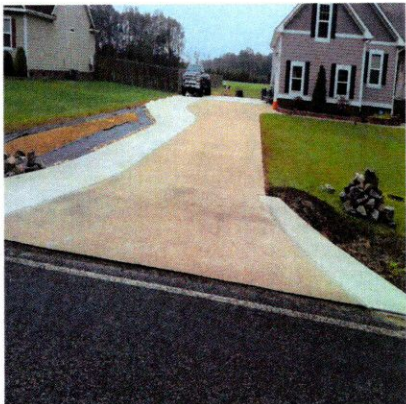


COUNTY OF CURRITUCK
 Code Enforcement Program
 153 Courthouse Road, Suite 108
 Currituck, NC 27929
 (252) 232-6056

NOTICE OF VIOLATION #
 1422

Harry F Stretz
 188 Poyners Rd
 Moyock, NC 27958

<p>Violation Date: October 29, 2020</p>	<p>Inspection Date: October 27, 2020</p>
<p>Property Address: 188 Poyners Rd</p>	<p>PIN #: 0040-000-052C-0000</p>
<p align="center">Violation Description:</p> <p>It was brought to our attention that no permit was obtained for a driveway extension. Also, the driveway extension has been placed to close to the lot line.</p>	
<p>Compliance Request:</p> <p>Please apply for a zoning compliance permit for your driveway and remove the concrete to meet the 10ft setback.</p> <p>For more information contact Rachael Anderson at Rachael.Anderson@CurrituckCountyNC.gov (252) 232-6056</p>	<p>UDO Code Reference:</p> <p>Chapter 3, Subsection 3.3.3.F. Dimensional Standards Chapter 2, Subsection 2.4.9. Zoning Compliance Permit</p>
<p align="center">Required Compliance Date:</p> <p align="center">November 30, 2020</p>	



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.

SECTION 2.4: SPECIFIC REVIEW PROCEDURES**Subsection 2.4.9: Zoning Compliance Permit**

- (ii)** Approval of a final plat shall not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the county or other public agency may, to the extent of its statutory authority, accept such offer of dedication by resolution of the governing body or by actually exercising control over and maintaining such facilities.
- (c) Effect of Development Approval**
Approval of a final plat allows the sale or conveyance of lots within the subdivision.
- (d) Amendment of Development Approval**
Lot sizes may be varied on an approved final plat after recording, provided that:
 - (i)** No lot or tract shall be created or sold that is smaller than the size shown on the approved plat;
 - (ii)** Drainage easements shall not be changed;
 - (iii)** Right-of-ways shall not be changed;
 - (iv)** Street alignment and block sizes shall not be changed;
 - (v)** The rear portion of lots shall not be subdivided from the front portion; and
 - (vi)** The character of the preliminary plat shall be maintained.
- (e) Expiration of Development Approval**
A final plat shall be recorded with the Currituck County Register of Deeds within 90 days of approval, or it shall be null and void.

2.4.9. Zoning Compliance Permit**A. Purpose**

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance.

B. Applicability

A zoning compliance permit is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit Procedure**(1) Pre-Application Conference**

Optional (see Section 2.3.2).

(2) Community Meeting

Not applicable.

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit, verification must be submitted by the applicant that the lot will be served by either a state-approved package plant, public sewer facility, or a

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.10: Sign Permit

waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

**(4) Staff Review and Action**

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Permit Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not applicable.

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

D. Zoning Compliance Permit Review Standards

A zoning compliance permit shall be approved upon a finding the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and all conditions of permits or development approvals approved under this Ordinance.

E. Effect of Development Approval

- (1)** Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.
- (2)** If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the county to complete its review of the building permit application.

F. Amendment of Development Approval

Applicable (see Section 2.3.14).

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

2.4.10. Sign Permit**A. Purpose**

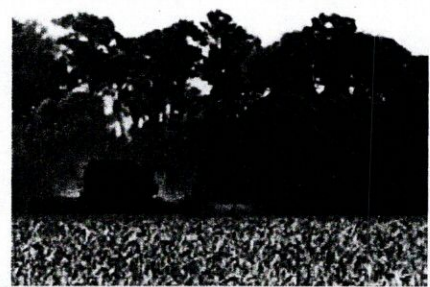
The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.12, Signage.

Chapter 3: Zoning Districts

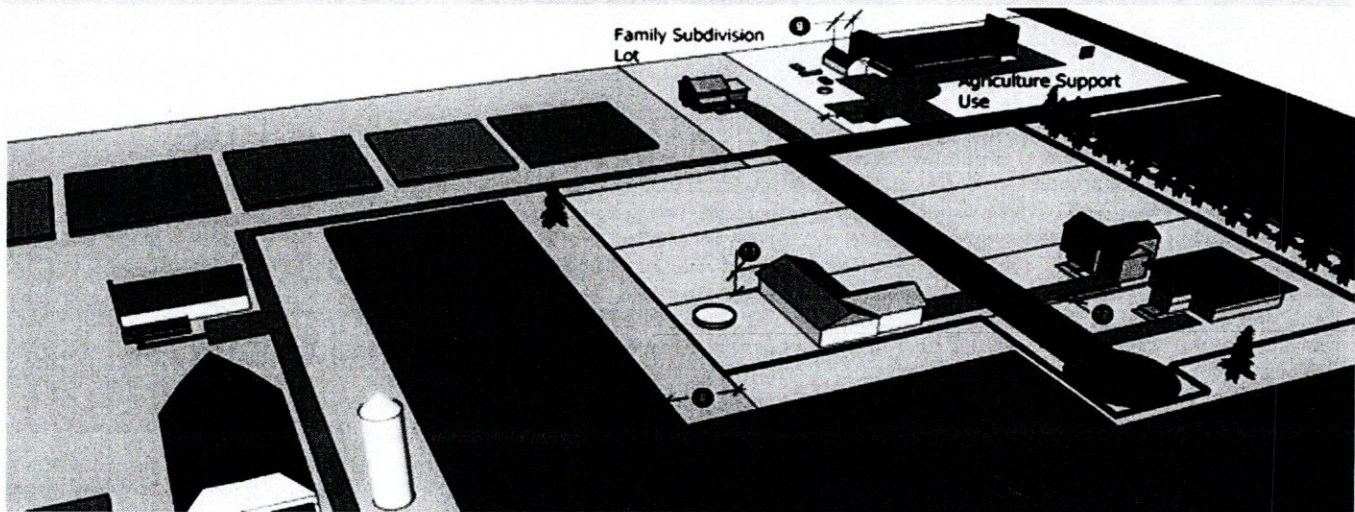
SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

Subsection 3.3.3: Agriculture (AG) District

D. TYPICAL BUILDING FORMS



E. BUILDING CONFIGURATION



F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density (du/ac)	N/A	-	Max. Lot Coverage (%)	30	30
With 50% Open Space (du/ac)			Min. Front Setback (ft) [4]	20	N/A 3
County Water Supply		0.33	Min. Corner Side Setback (ft)	20	N/A 4
No County Water Supply [7]		0.15	Min. Major Arterial Street Setback (ft)	50	50 5
With 60% Open Space (du/ac)	-	0.4	Min. Side Setback (ft)	15	15 6
Max. Nonresidential FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A 7
Min. Lot Area [1]			Min. Agriculture Setback (ft) [5]	N/A	50 8
County Water Supply (square feet)		30,000	Min. Accessory Use Setback (ft)	10	10 9
No County Water Supply (acres) [7]		2	Min. Driveway/Parking Setback (ft)	10	N/A 10
Max. Lot Area (acres)	N/A	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Interior Lot (ft) [2]	125	N/A 1	Min. Wetland/Riparian Buffer (ft) [5]	30	30
Min. Lot Width, Corner Lot (ft)	135	N/A 2	Max. Building Height (ft) [6]	35	35 11
Max. Lot Depth	[3]	N/A	Min. Spacing Between Principal Buildings (ft)	10	10 12

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet

[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6

Rachael Anderson

From: Laurie LoCicero
Sent: Friday, October 23, 2020 3:49 PM
To: Rachael Anderson
Subject: 188 Poyners Rd
Attachments: IMG_6035.jpg

Rachael,
Ron received a complaint about this driveway from a local builder. Can you please check it out and follow any needed procedure?

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



Attachment: 5 21-01 Stretz NOV and UDO Attachments (BOA 21-01 Harry F. Strez)

3.A.f

Attachment: 6 21-01 Stretz NOV

Packet Pg. 40





3.A.f

Attachment: 6 21-01 Stretz NOV

Packet Pg. 41

Corrective Action Plan

Request for extension of time limit for correction of violation.

Name: Harry F. Stretz

Address: 188 Poyners Rd

Phone #: 757-418-2523 Email: mcgheeseeliteconcrete@gmail.com

Property Address: 188 Poyners Rd

Notice of Violation #: 0040-000-0526-0000

Violation Description: Parking setback violation

Describe the plan and timeline to bring the property into compliance with the UDO:

Attending a board meeting on December 10, 2020
at 7pm to witness testimony. After the
meeting will decide to apply for a variance.

Please note that this form must be approved by the Planning Director or Chief Building Inspector; submitting this form does not ensure that your request for extension of time will be granted.

Planning Staff Use Only

Date Received: _____

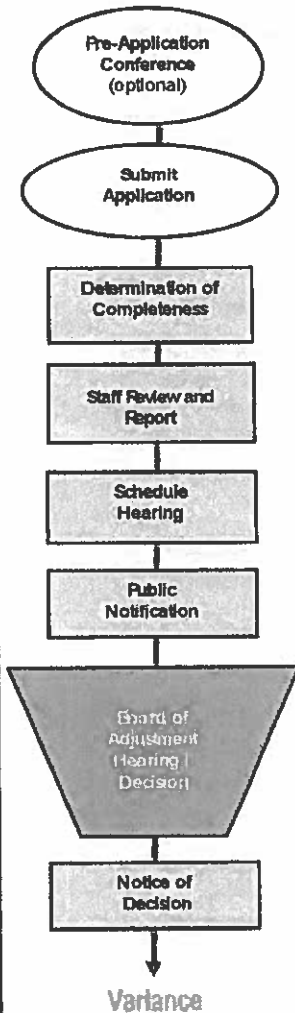
Extended Compliance Date: _____

Approved by: _____ Date: _____

Attachment: 7 21-01 Stretz Corrective Action Plan (BOA 21-01 Harry F. Stretz)



Variance Review Process



Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/departments/planning-community-development

Step 1: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. A complete application packet consists of the following:

- Completed Currituck County Variance Application.
- Application Fee (\$500).
- Site plan drawn to scale. The plan shall include the items listed in the variance design standards checklist.
- Any other documentation deemed necessary by the administrator to determine compliance with variance review standards.
- Number of Copies Submitted:
 - 2 Copy of the site plan.
 - 2 Copy of ALL documents.
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents.

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 2: Staff Review and Action

After accepting the variance application, staff shall review it, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred. After review, staff will prepare a written report including a recommendation on the application. A copy of the staff report and recommendation will be provided to the applicant in advance of the Board of Adjustment meeting. At the discretion of the administrator, non-residential requests for a variance may be reviewed by the Technical Review Committee one month prior to the Board of Adjustment meeting.

Step 3: Public Hearing Scheduling and Public Notification

Staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Adjustment meeting or a meeting specially called for by the Board of Adjustment. The required public hearing with the Board of Adjustment shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.



Variance Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Harry F. Stretz
Address: 188 Poyners Rd
Moyock NC. 27958
Telephone: 757-418-2523
Fax Number: _____
E-Mail Address: HStretz33@gmail.com

PROPERTY OWNER:

Name: Harry F. Stretz
Address: 188 Poyners Rd
Moyock NC 27958
Telephone: 757-418-2523
Fax Number: _____
E-Mail Address: HStretz33@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: 188 Poyners Rd
Location: Moyock NC 27958 / Currituck County
Parcel Identification Number(s): _____

Request

I, Harry Stretz, hereby request a variance from Section(s) Chapter 3, Sub 3.3.3 F ~~Chapter 2, Sub 2.4.9~~ of the Unified Development Ordinance.

Provide a narrative of why the variance is needed and what circumstances have lead to the need for a variance:

Due to wrongly approved site plan by Currituck County Planning & Inspection Division, permit # 201300350 septic field was installed on the opposite side of back yard. This makes it impossible to access without encroaching on 10' parking set back.

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.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Harry F. Stretz
Property Owner(s)/Applicant*

17 Dec 2020
Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

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 _____

I hereby authorize _____ to appear with my consent before the Board of Adjustment in order to request a variance at the above location. I understand that a variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

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

Respectfully yours,

Owner Date

Sworn to and subscribed before me, this the ____ day of _____, 20____.

Notary Public

My commission expires: _____

Variance Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Variance Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Variance Submittal Checklist		
1	Complete Variance application	
2	Application fee (\$500)	
3	Site Plan	
4	Other documentation deemed necessary	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk -- e-mail not acceptable)	

For Staff Only

Pre-application Conference (Optional)
Pre-application Conference was held on _____ and the following people were present:

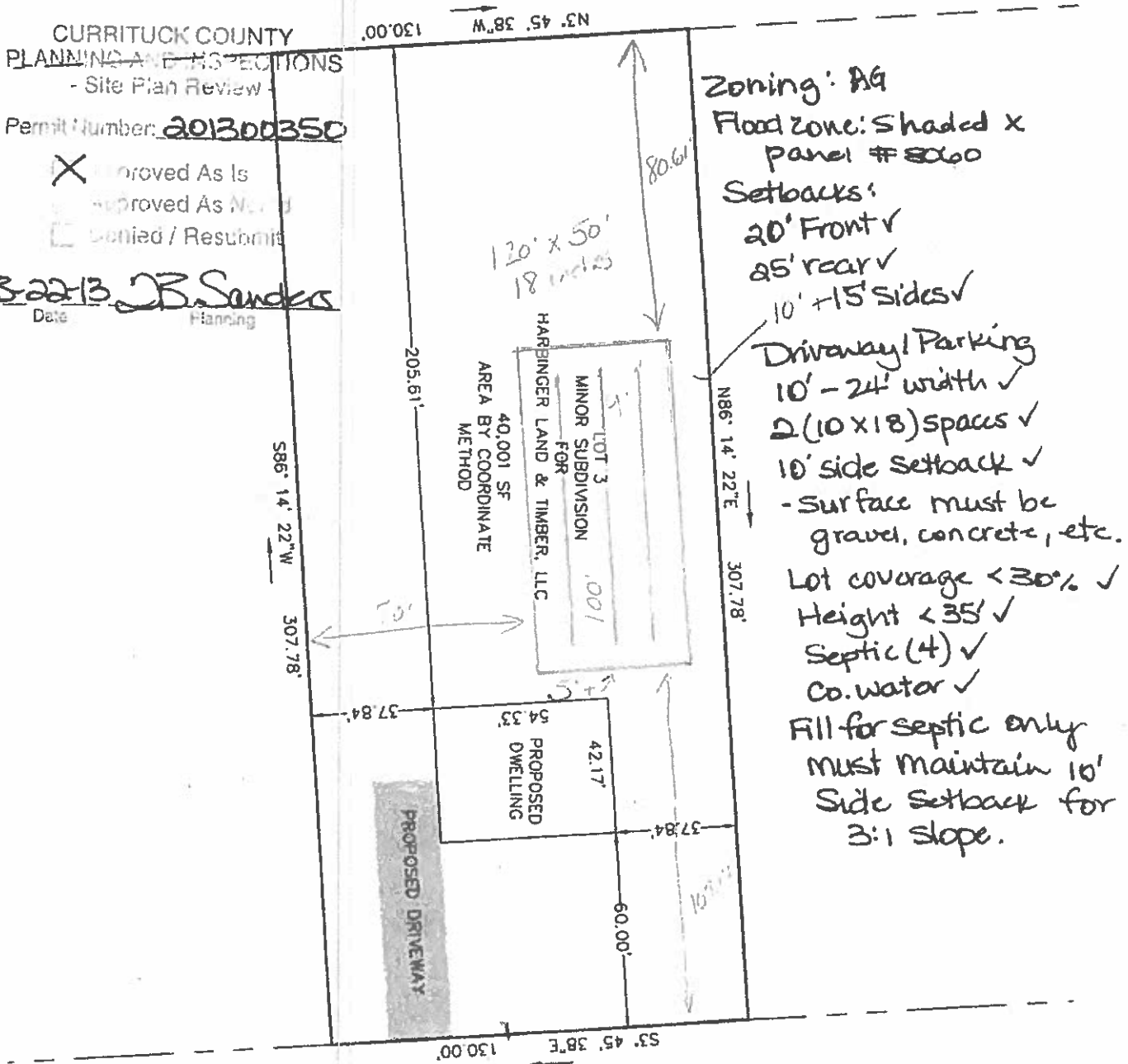
Comments

CURRITUCK COUNTY
PLANNING AND INSPECTIONS
- Site Plan Review -

Permit Number: **201300350**

- Approved As Is
- Approved As Modified
- Denied / Resubmit

3-22-13 **J.B. Sanders**
Date Planning



Zoning: **AG**
 Flood zone: Shaded x
 Panel # ~~8060~~
 Setbacks:
 20' Front ✓
 25' rear ✓
 10' + 15' sides ✓
 Driveway/Parking
 10' - 24' width ✓
 2 (10 x 18) spaces ✓
 10' side setback ✓
 - surface must be gravel, concrete, etc.
 Lot coverage < 30% ✓
 Height < 35' ✓
 Septic (4) ✓
 Co. water ✓
 All for septic only
 must maintain 10'
 Side setback for
 3:1 slope.

POYNER'S ROAD (S.R. 1232) (60' R/W)

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)

CURRITUCK COUNTY
PLANNING AND INSPECTIONS
- Site Plan Review -

Permit Number: 201300350

- Approved As Is
- Approved As Modified
- Denied / Resubmit

3-22-13 J.B. Sanders
Date Planning



Zoning: A9
 Flood zone: Shaded x
 Panel # ~~8060~~
 Setbacks:
 20' Front ✓
 25' rear ✓
 10' + 15' sides ✓
 Driveway/Parking
 10' - 24' width ✓
 2 (10 x 18) spaces ✓
 10' side setback ✓
 - Surface must be gravel, concrete, etc.
 Lot coverage < 30% ✓
 Height < 35' ✓
 Septic (4) ✓
 Co. water ✓
 Fill for septic only
 must maintain 10'
 Side setback for
 3:1 slope.

POYNER'S ROAD (S.R. 1232) (60' R/W)

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)

CURRITUCK COUNTY
PLANNING AND INSPECTIONS
- Site Plan Review -

Permit Number: **201300350**

- Approved As Is
- Approved As Noted
- Denied / Resubmit

3-22-13 **J.B. Sanders**
Date Planning

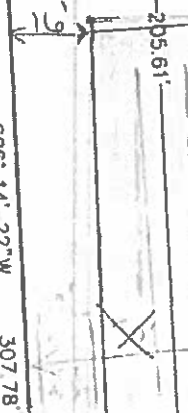
N3° 45' 38" W 130.00'

Zoning: **Ag**
 Flood zone: Shaded x
 Panel # **8060**
 Setbacks:
 20' Front ✓
 25' rear ✓
 10' + 15' sides ✓
 Driveway / Parking
 10' - 24' width ✓
 2 (10 x 18) spaces ✓
 10' side setback ✓
 - surface must be gravel, concrete, etc.
 Lot coverage < 30% ✓
 Height < 35' ✓
 Septic (4) ✓
 Co. water ✓
 Fill for septic only
 must maintain 10'
 Side setback for
 3:1 slope.

120' x 50'
18' setbacks

HARBINGER LAND & TIMBER, LLC
LOT 3
MINOR SUBDIVISION
FOR

AREA BY COORDINATE
METHOD
40,001 SF



N86° 14' 22" E 307.78'

S86° 14' 22" W 307.78'

S3° 45' 38" E 130.00'

POYNER'S ROAD (S.R. 1232) (60' R/W)

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)

CURRITUCK COUNTY
PLANNING AND INSPECTIONS
- Site Plan Review -

Permit Number: **201300350**

- Approved As Is
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3-22-13 **J.B. Sanders**
Date Planning

Zoning: **AG**
 Flood zone: Shaded x
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 Setbacks:
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 Driveway/Parking
 10' - 24' width ✓
 2 (10 x 18) spaces ✓
 10' side setback ✓
 - surface must be
 gravel, concrete, etc.
 Lot coverage < 30% ✓
 Height < 35' ✓
 Septic (4) ✓
 Co. water ✓
 Fill for septic only
 must maintain 10'
 Side setback for
 3:1 slope.

FUTURE FENCE

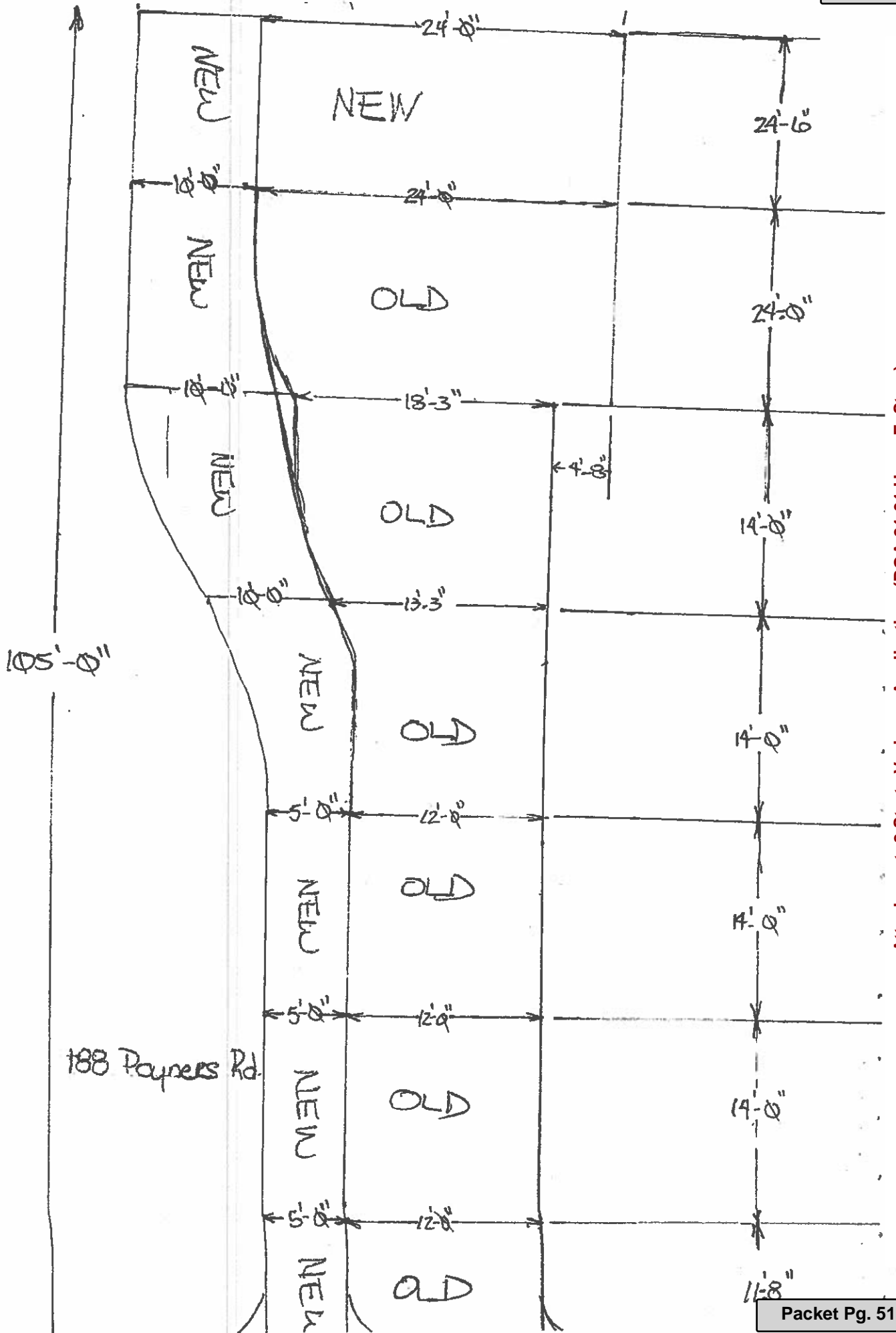
EXISTING SEPTIC FIELD

Proposed Driveway & Parking

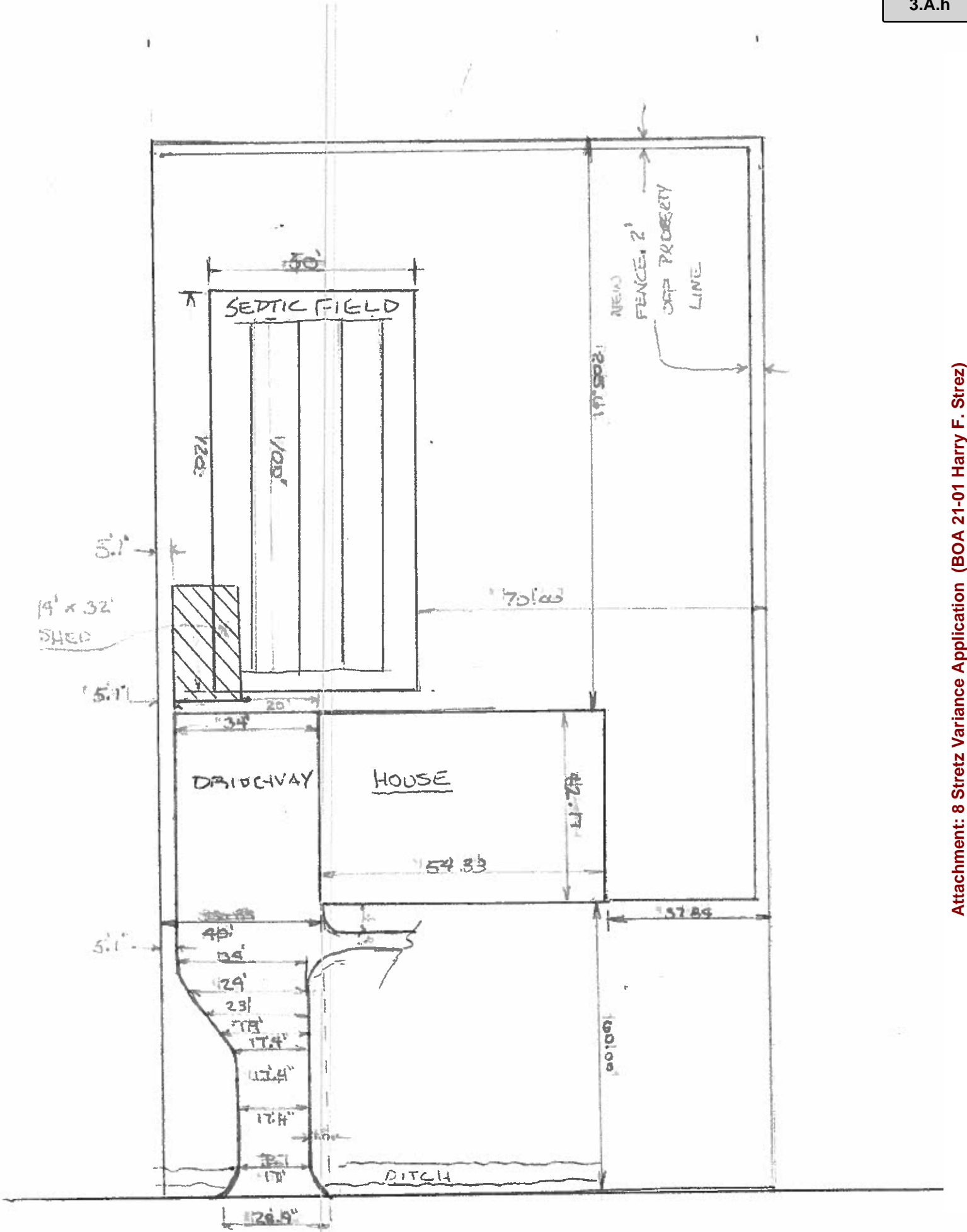


POYNER'S ROAD (S.R. 1232) (60' R/W)

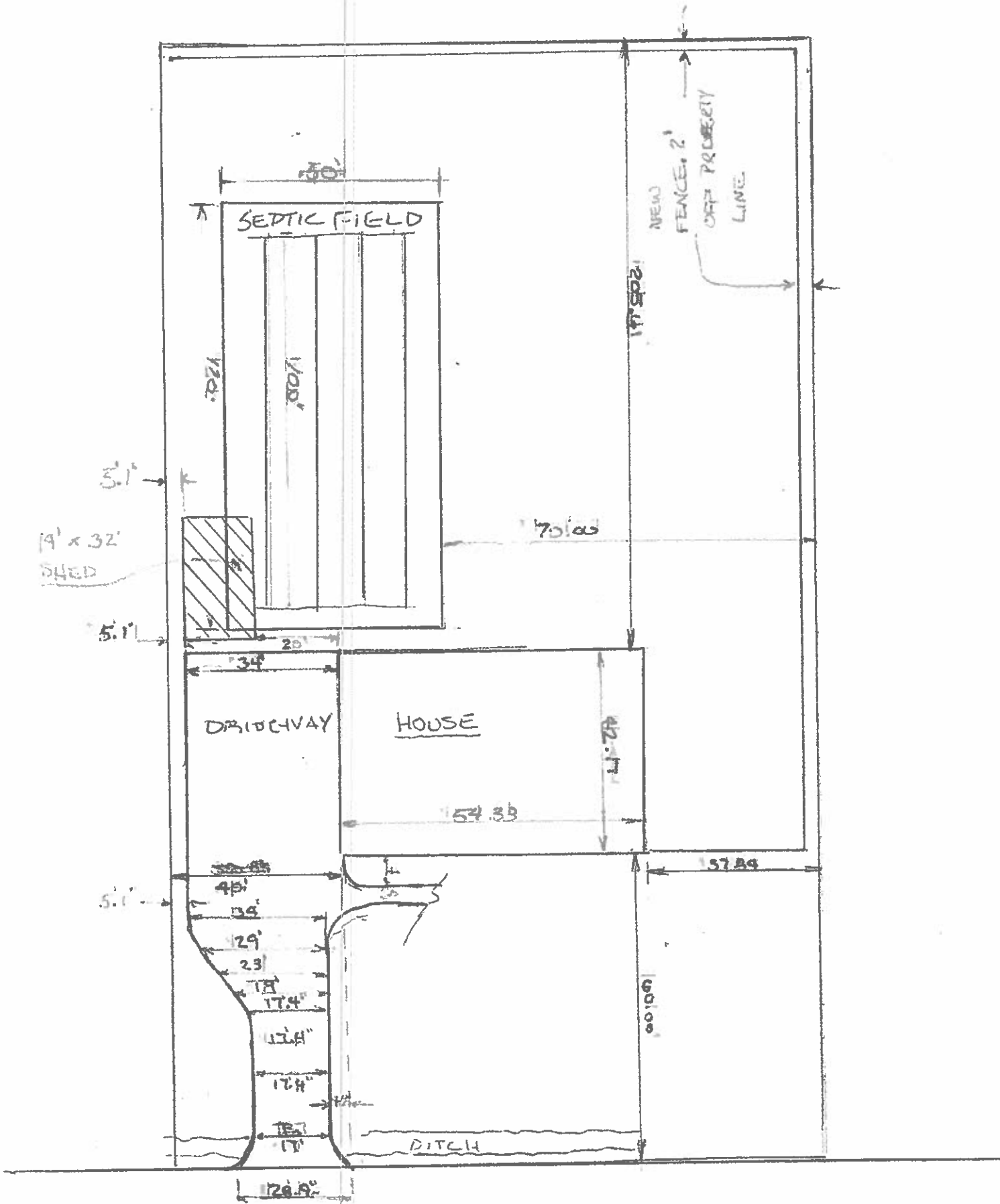
Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



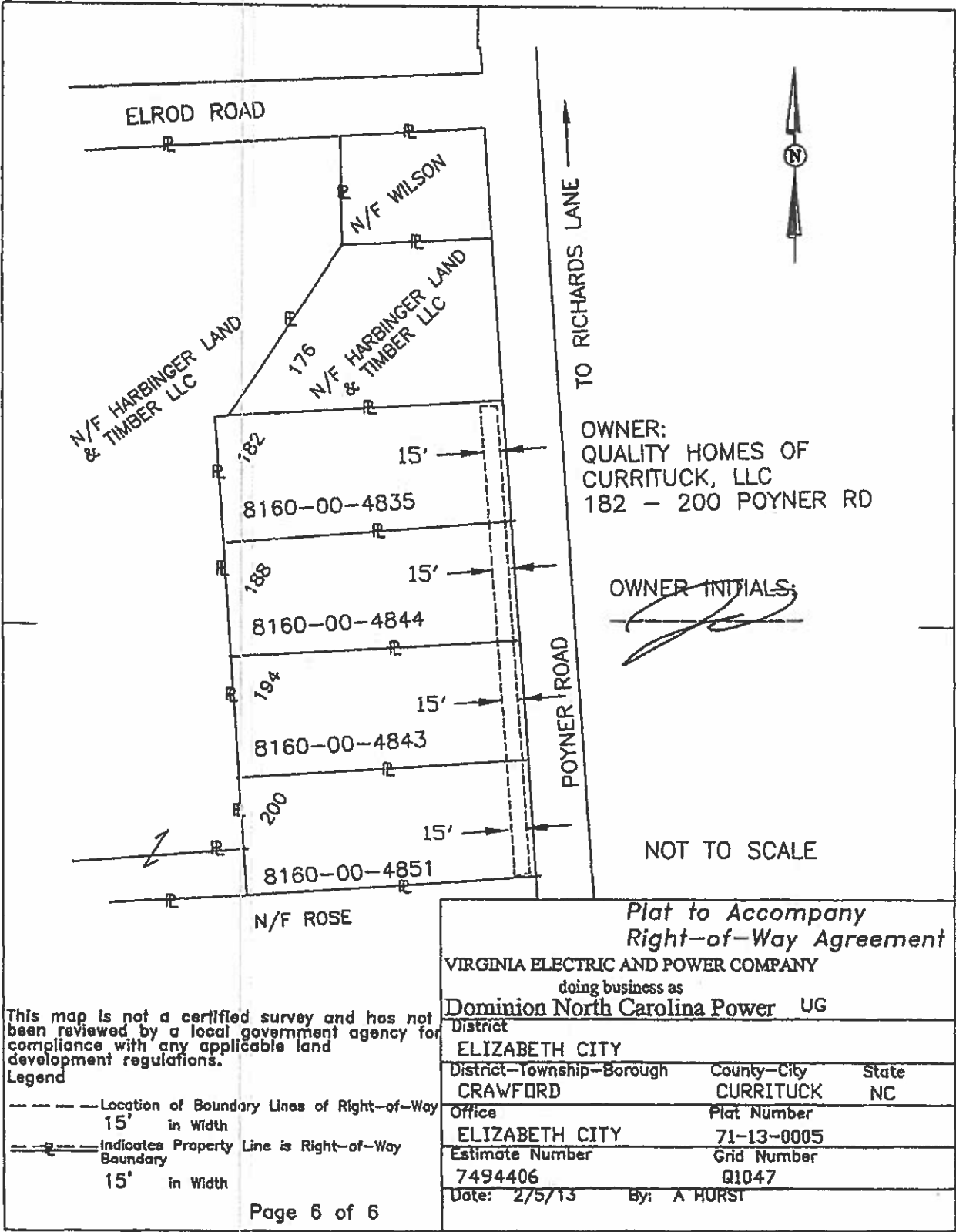
Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



OWNER:
QUALITY HOMES OF
CURRITUCK, LLC
182 - 200 POYNER RD

OWNER INITIALS:
[Signature]

NOT TO SCALE

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

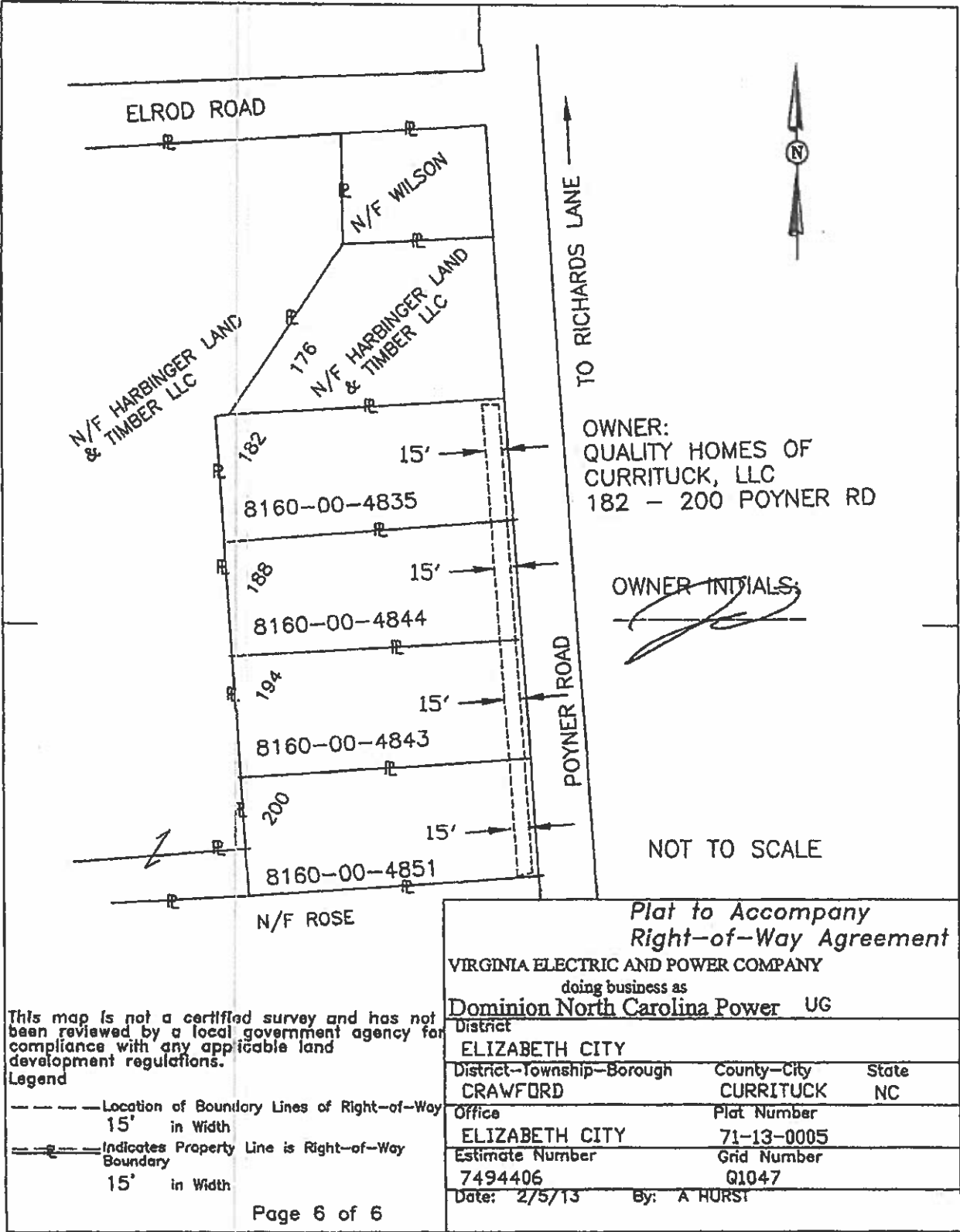
Legend
 - - - - - Location of Boundary Lines of Right-of-Way 15' in Width
 = = = = = Indicates Property Line is Right-of-Way Boundary 15' in Width

**Plat to Accompany
Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as
Dominion North Carolina Power UG

District ELIZABETH CITY		
District-Township-Borough CRAWFORD	County-City CURRITUCK	State NC
Office ELIZABETH CITY	Plat Number 71-13-0005	
Estimate Number 7494406	Grid Number Q1047	
Date: 2/5/13	By: A HURST	

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



OWNER:
QUALITY HOMES OF
CURRITUCK, LLC
182 - 200 POYNER RD

OWNER INITIALS:
[Signature]

NOT TO SCALE

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Legend
 --- Location of Boundary Lines of Right-of-Way 15' in Width
 --- Indicates Property Boundary 15' in Width
 --- Line is Right-of-Way

Plat to Accompany Right-of-Way Agreement

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as
Dominion North Carolina Power UG

District	ELIZABETH CITY		
District-Township-Borough	County-City	State	
CRAWFORD	CURRITUCK	NC	
Office	Plat Number		
ELIZABETH CITY	71-13-0005		
Estimate Number	Grid Number		
7494406	Q1047		
Date: 2/5/13	By: A HURST		

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)

WETLANDS AND MAY REQUIRE U.S. CORPUS OF
MENT OF THE PROPERTY.

ON SIDE AND REAR PROPERTY LINES, AND A 15'
THE FRONT PROPERTY LINE IS HEREBY ESTABLISHED.
IT BEEN EVALUATED THROUGH A PERK TEST BY THE
TO ENSURE THAT THE LOTS ARE SUITABLE TO
TO ASSURANCE FROM THE COUNTY THAT THESE LOTS

GROUND DISTANCES.
(50 ACRES +/-)

NOW OR FORMERLY
HARBINGER LAND & TIMBER, LLC.
D.B. 1204, PG. 800

RESIDUAL PARCEL
45 ACRES +/-

OWNERS OF THE PROPERTY DESCRIBED
THAN A SUBDIVISION REGULATION
IT WE HEREBY FREELY ADOPT THIS PLAT
TO PUBLIC USE ALL AREAS SHOWN
USE SPECIFICALLY INDICATED AS
SUCH AREAS UNTIL THE OFFER OF
STATE PUBLIC AUTHORITY, OR A PRIVATE
ED BY ALL PROPERTY OWNERS IN THE
ON THIS PLAT AS DEDICATED FOR
DICATION FOR ANY OTHER PUBLIC USE
APPROVED BY THE APPROPRIATE PUBLIC

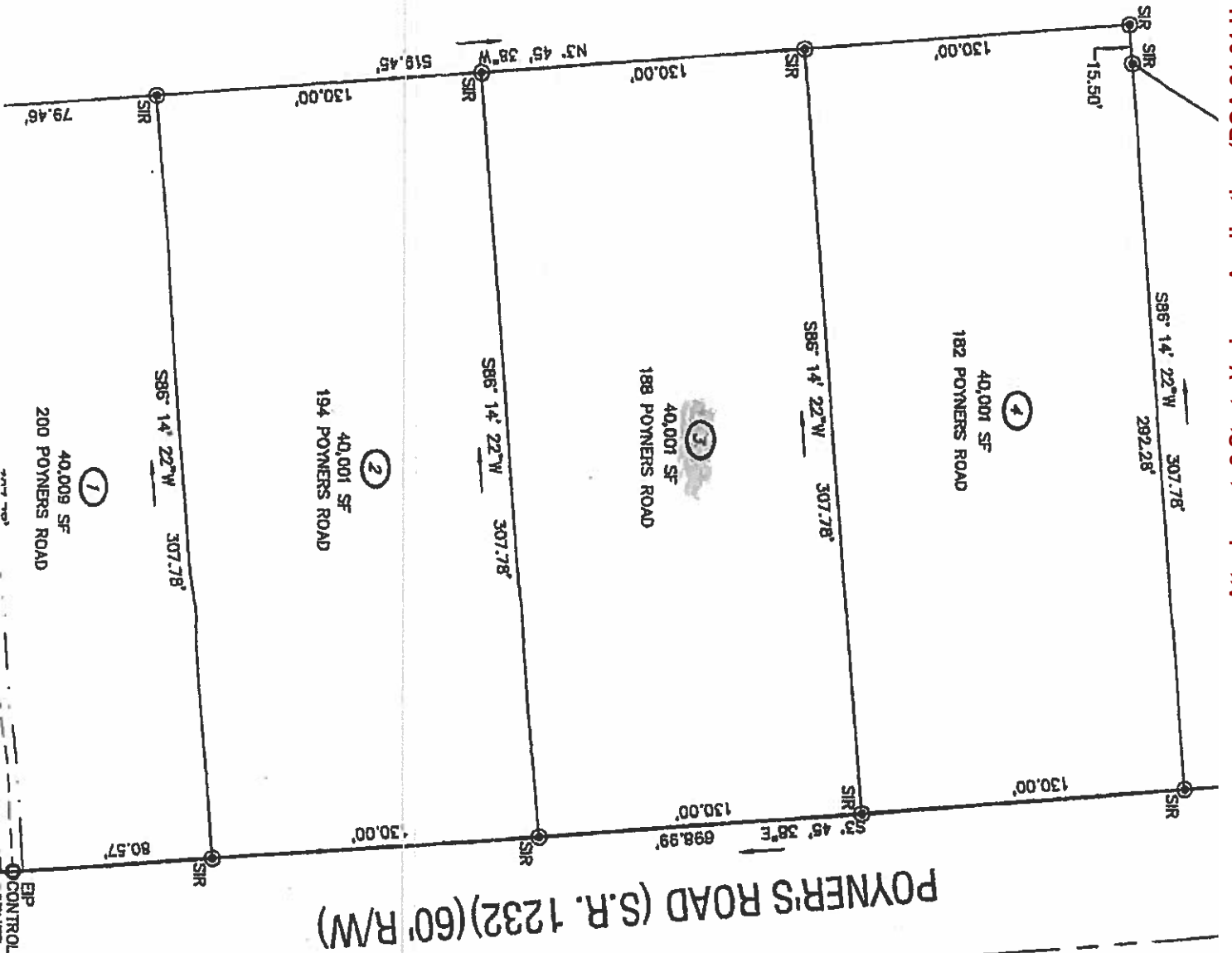
ENT SHALL BE CONSTRUCTED AND
ERTIES ARE UNREASONABLY BURDENED
THIS DEVELOPMENT. THIS DEVELOPMENT
NATURAL FLOW OF WATER FROM HIGHER
EASONABLY COLLECT AND CHANNEL
UNTO LOWER ADJACENT PROPERTIES.

Harry F. Stretz
OWNER
President - Harbinger Land & Timber LLC

OWNER

PUBLIC OF *Currituck* COUNTY.

Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



POYNERS ROAD (S.R. 1232)(60' R/W)

04. STATEMENT OF THE PROPERTY.

IT BEEN EVALUATED THROUGH A PERK TEST BY THE TO ENSURE THAT THE LOTS ARE SUITABLE TO 10 ASSURANCE FROM THE COUNTY THAT THESE LOTS

GROUND DISTANCES.
(50 ACRES +/-)

NOW OR FORMERLY
HARBINGER LAND & TIMBER, LLC.
D.B. 1204, PG. 800
RESIDUAL PARCEL
45 ACRES +/-

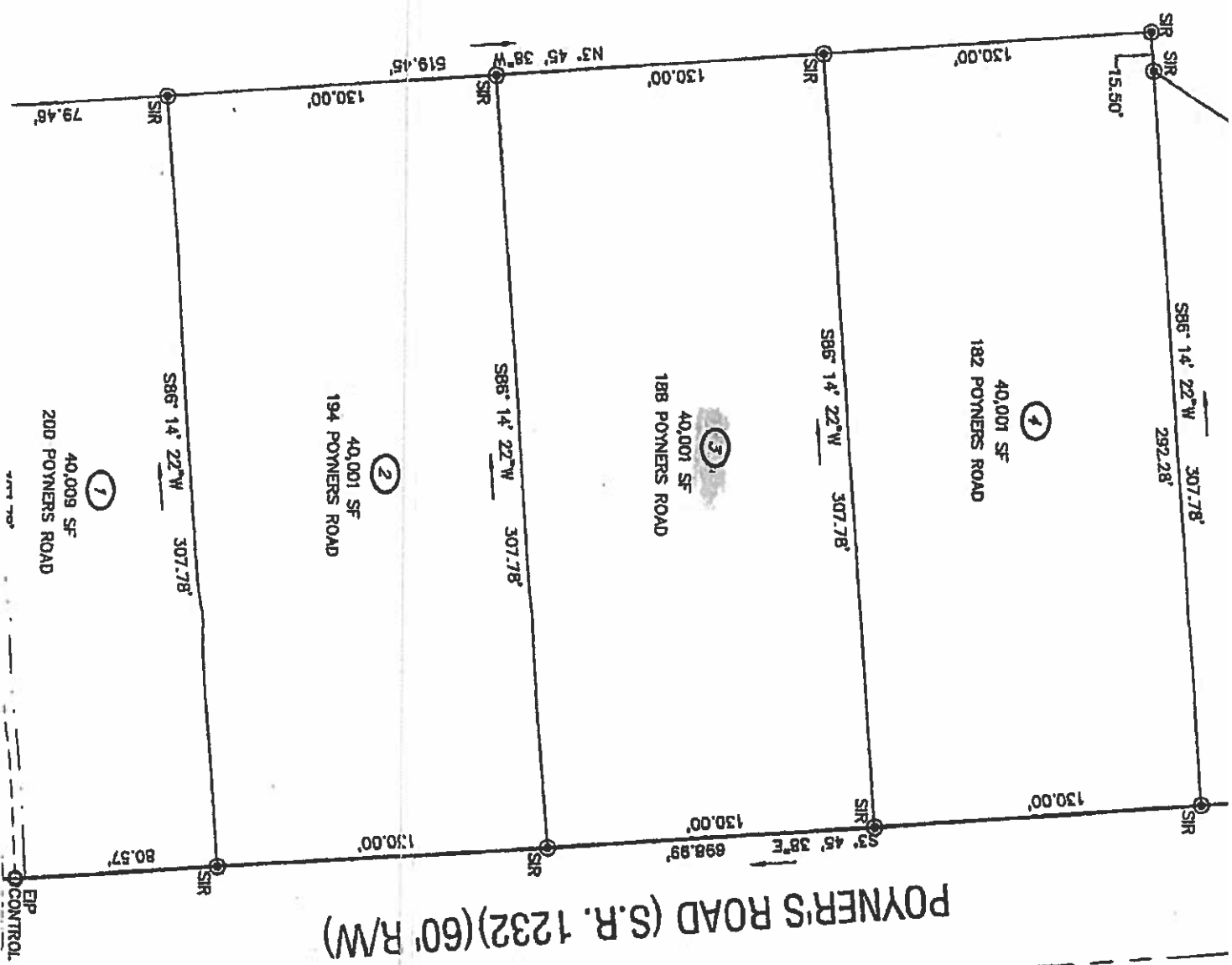
OWNERS OF THE PROPERTY DESCRIBED
THIN A SUBDIVISION REGULATION
I WE HEREBY FREELY ADOPT THIS PLAT
THE TO PUBLIC USE ALL AREAS SHOWN
SPECIFICALLY INDICATED AS
SUCH AREAS UNTIL THE OFFER OF
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ED BY ALL PROPERTY OWNERS IN THE
ON THIS PLAT AS DEDICATED FOR
DICATION FOR ANY OTHER PUBLIC USE
APPROVED BY THE APPROPRIATE PUBLIC

ENT SHALL BE CONSTRUCTED, AND
ERTIES ARE UNREASONABLY BURDENED
THIS DEVELOPMENT, THIS DEVELOPMENT
NATURAL FLOW OF WATER FROM HIGHER
EASONABLY COLLECT AND CHANNEL
UNTO LOWER ADJACENT PROPERTIES.

Paul M. Quastan D
OWNER
President - Harbinger Land & Timber LLC

OWNER

PUBLIC OF *Carroll* COUNTY.



Attachment: 8 Stretz Variance Application (BOA 21-01 Harry F. Stretz)



Variance Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

Name: Harry F. Stretz
 Address: 188 Poyners Rd
Moyock NC 27958
 Telephone: 757-418-2523
 Fax Number: _____
 E-Mail Address: HStretz33@gmail.com

PROPERTY OWNER:

Name: Harry F. Stretz
 Address: 188 Poyners Rd
Moyock NC 27958
 Telephone: 757-418-2523
 Fax Number: _____
 E-Mail Address: HStretz33@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: 188 Poyners Rd
 Location: Moyock NC 27958 / Currituck County
 Parcel Identification Number(s): _____

Request

I, Harry Stretz, hereby request a variance from Section(s) Chapter 3, Sub 3.3.3 F ~~Chapter 2, Sub 2.4.9~~ of the Unified Development Ordinance.

Provide a narrative of why the variance is needed and what circumstances have lead to the need for a variance:

Due to wrongly approved site plan by Currituck County Planning & Inspection Division, permit # 201300350 septic field was installed on the opposite side of back yard. This makes it impossible to access without encroaching on 10' parking set back.

To include 28'.9" driving apron and proposed shed at end of driveway between septic field and property line.

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.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Harry F. Stretz
Property Owner(s)/Applicant*

17 Dec 2020
Date

***NOTE:** Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

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 _____

I hereby authorize _____ to appear with my consent before the Board of Adjustment in order to request a variance at the above location. I understand that a variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

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

Respectfully yours,

Owner Date

Sworn to and subscribed before me, this the _____ day of _____, 20____.

Notary Public

My commission expires: _____

Attachment: 9 Stretz Amended Application Pages (BOA 21-01 Harry F. Stretz)

Variance Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Variance Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Variance Submittal Checklist		
1	Complete Variance application	
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3	Site Plan	
4	Other documentation deemed necessary	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference (Optional)

Pre-application Conference was held on _____ and the following people were present:

Comments

