



# Agenda Item Summary Sheet

Item No. 9

Meeting Date: 11/21/05

Item Title: Christopher Coleman and William Combs -- CUP Applications for Home Occupations

### Item Summary:

Earlier this year, the Planning Department received a letter from the Colington Harbour Association requesting our assistance with several zoning violations within the Colington Harbour Subdivision. One of these complaints involved a marine construction business owned and operated by Mr. Christopher Coleman. Colington Harbour is zoned R-4, a residential district. As a result of our efforts Mr. Coleman submitted a CUP application for a home occupation for his residence. Home occupations are permitted as

(Use additional Paper if necessary)

Number of Attachments: \_\_\_\_\_

Will your presentation require audiovisual equipment? Yes  No

Note: All audiovisual materials must be submitted in digital format to the Clerk of the Dare County Board of Commissioners with this sheet. Acceptable formats include: VHS, DVD, audio CD, Word document, Adobe Acrobat PDF files, PowerPoint files and jpeg files.

### Specific Action Requested:

Motion to approval draft CUPs for Coleman and Combs as recommended by the Planning Board.

Submitted By: Donna Creef, Senior Planner *Donna Creef* Date: 11/7/05

Dept. Head

Comments: *Raymond St...* Signature

Date: 11/10/05

Finance

Comments:

Signature

Date:

County Attorney

Comments:

Signature

Date:

County Manager

Approval:

*William Combs*  
Signature

11/10/05  
Date:

Commission Action:

as conditional uses in the R-4 district. During the preparation and review of the Coleman request for a home occupation authorization, it was acknowledged that Mr. William Combs, who is Mr. Coleman's father-in-law, is also an employee of the Coleman marine construction business and assists with the care of Mr. Coleman's son. The definition of home occupation is defined as "a profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises" There was discussion of this definition during the Planning Board review of the CUP application for Mr. Coleman. The Planning Board sought the opinion of the County Attorney on this definition; his comments are attached to this agenda summary. The Planning staff and the County Attorney also met with Mr. Coleman to discuss the situation and it was determined from that meeting that a second CUP for a home occupation at the Combs residence would be considered. Mr. Combs also lives in the Colington Harbour Subdivision.

As stated earlier, it is acknowledged by Mr. Coleman that Combs is an employee of his business but also assists with the care of his son and visits the house on a regular basis for personal reasons unrelated to the business. Condition #1 of the draft CUPs addresses this situation. It is not the intent of the County to preclude visits to the Coleman or Combs residence by other family members. It would be extremely difficult for the County to prove the nature of the visits to the Coleman house without full-time surveillance and invasion of the Coleman and Combs residences. The County is responsible for enforcing the Zoning Ordinance to ensure that commercial activities that are inconsistent with a residentially zoned neighborhood do not occur. The most disruptive activities previously occurring at the Coleman residence that resulted in the Colington Harbour Association's request for assistance have been discontinued. The draft CUPs for both Coleman and Combs have been provided to the Colington Harbour Association and conversations with the manager and Board members indicate acceptance of the County's efforts. The County's efforts have been in response to the request for assistance by the CHA. If the CHA or any individual property owners in the Colington Harbour Association determine that other actions against Mr. Coleman and Mr. Combs are necessary, then it is within their means to pursue additional measures. The CUPs have been drafted with the assistance of the County Attorney and represent what is appropriate under the standards of the R-4 zoning district.

The Planning Board has reviewed this matter on several occasions and voted to recommend approval of both of the CUPs on October 10, 2005.

Cc: Christopher Coleman  
William Combs  
Colington Harbour Association



10/10/05

**Conditional Use Permit No. 7 -2005**  
Dare County Sections 22-23.1 and 22-68.

**Application of:** Christopher D. Coleman for a home occupation

On . 2005 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including home occupations;
3. That the Petitioner owns property located on in the Colington Harbour Subdivision in Colington, NC and identified on the Dare County Tax Records as lots 29, 30, and 31, Section M of the Colington Harbour Subdivision. The property is zoned R-4, residential.
4. That the Dare County Planning Board recommended for approval the granting of a Conditional Use Permit as requested. The Planning Board made this recommendation on October 10, 2005;
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to Christopher D. Coleman for the operation of a home occupation, subject to such conditions as are hereinafter set out:

**CONDITIONAL USE:** a home office in the Coleman residence which is located at 360 Soundview Drive in the Colington Harbour Subdivision.

**CONDITIONS:**

1. No employees or other family members employed by any business owned and/or operated by the petitioner or the petitioners' family shall work at the residence. Permanent parking for no more than two company-owned vehicles owned/operated by the applicant or other family members that reside on premises may be located on the site. This condition shall not preclude visits from William Combs, a family member who is also an employee of a marine construction business owned by Mr. Coleman.
2. Employees of any business operated by the petitioner shall not visit the site to receive job assignments, pick-up supplies or equipment, or pick-up wages or payments for services rendered.
3. No signage shall be posted on the property or attached to the residence.
4. No equipment, fuel tanks, fuel, materials, trailers, barges, or other machinery associated with any business operated by the petitioner shall be located on the premises or in the waterway located adjacent to the Coleman site, or any other waterway within the Colington Harbour Subdivision. Notwithstanding the forgoing, permittee may park water vessels owned by permittee at permittee's dock but shall not use permittee's dock as a staging area or point of embarkment for any commercial activities and any such vessel(s) shall not be operated by a non resident of the premises. Docking of vessels for work associated with a valid CAMA permit shall not be inconsistent with this condition however such docking period shall not exceed more than 90 consecutive days at one job site unless authorized in writing by the Dare County Planning Department. This 90-day period shall commence with the date of issuance of any CAMA permit for specific job sites.
5. There shall be no deliveries of lumber, equipment, or other materials associated with marine construction or other types of construction activities to the premises. This condition shall not apply to construction work on the Coleman residence or at the Coleman site that has been approved and permitted by the appropriate State or local permitting agency. This condition shall not be interpreted to prohibit deliveries of other supplies and other non-construction related materials used in the home occupation from the US Postal Service, United Parcel Service, Federal Express or other commercial delivery services.
6. Customers and prospective clients of the petitioner may visit the home office to discuss their projects. However, at no time shall more than three clients be received at the premises. Parking for clients outside of the right-of-way shall be provided at the premises.
7. The Planning Department staff shall monitor the site. The applicant shall be notified in writing of any violation of this CUP. Appropriate measures to correct any violation identified by the Dare County Planning Department shall be made upon receipt of notice. Failure to correct any violations may void this CUP and may result in the assessment of civil

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penalties as provided for in Chapter 10 of the Dare County Code of Ordinance and/or any other legal remedy available to Dare County.

8. It is understood that all other terms and provisions of the Code shall remain in full force and effect except as herein lawfully permitted;

This \_\_\_\_\_ day of \_\_\_\_\_ 2005

SEAL:

COUNTY OF DARE

**DRAFT**

Stan White, Chairman  
Dare County Board of Commissioners

ATTEST:

Fran Harris  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

Christopher D. Coleman

APPROVED AS TO LEGAL FORM

Bobby Outten  
County Attorney



**DRAFT**

**Conditional Use Permit No. 8 -2005**  
Dare County Sections 22-23.1 and 22-68.

**Application of:** William Combs for a home occupation

On . 2005 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Board as required by Section 22 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by conditional use permit under the Code, including home occupations;
3. That the Petitioner owns property located on in the Colington Harbour Subdivision in Colington, NC and identified on the Dare County Tax Records as lot 72, Section M of the Colington Harbour Subdivision. The property is zoned R-4, residential.
4. That the Dare County Planning Board recommended for approval the granting of a Conditional Use Permit as requested. The Planning Board made this recommendation on October 10, 2005;
5. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to grant uses such as allowed herein and insofar as the conditional use is hereinafter allowed it will not adversely affect the public interest;
6. That the hereinafter described conditional use is deemed to be reasonable and is not in degradation of the intent of the ordinance.

NOW, THEREFORE, under the provisions of the Code, the following conditional use is granted to William Combs for the operation of a home occupation, subject to such conditions as are hereinafter set out:

**CONDITIONAL USE:** a home office in the Combs residence which is located at 224 Broad Bay Drive Drive in the Colington Harbour Subdivision.

**CONDITIONS:**

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1. No employees or other family members employed by any business owned and/or operated by the petitioner or the petitioners' family shall work at the residence. Permanent parking for no more than two company-owned vehicles owned/operated by the applicant or other family members that reside on premises may be located on the site.
2. Employees of any business operated by the petitioner shall not visit the site to receive job assignments, pick-up supplies or equipment, or pick-up wages or payments for services rendered.
3. No signage shall be posted on the property or attached to the residence.
4. No equipment, fuel tanks, fuel, materials, trailers, barges, or other machinery associated with any business operated by the petitioner shall be located on the premises or in the waterway located adjacent to the Coleman site. or any other waterway within the Colington Harbour Subdivision. Notwithstanding the forgoing, permittee may park water vessels owned by permittee at permittee's dock but shall not use permittee's dock as a staging area or point of embarkment for any commercial activities and any such vessel(s) shall not be operated by a non resident of the premises. Docking of vessels for work associated with a valid CAMA permit shall not be inconsistent with this condition however such docking period shall not exceed more than 90 consecutive days at one job site unless authorized in writing by the Dare County Planning Department. This 90-day period shall commence with the date of issuance of any CAMA permit for specific job sites.
5. There shall be no deliveries of lumber, equipment, or other materials associated with marine construction or other types of construction activities to the premises. This condition shall not apply to construction work on the Combs residence or at the Combs site that has been approved and permitted by the appropriate State or local permitting agency. This condition shall not be interpreted to prohibit deliveries of other supplies and other non-construction related materials used in the home occupation from the US Postal Service, United Parcel Service, Federal Express or other commercial delivery services.
6. Customers and prospective clients of the petitioner may visit the home office to discuss their projects. However, at no time shall more than three clients be received at the premises. Parking for clients outside of the right-of-way shall be provided at the premises.
7. The Planning Department staff shall monitor the site. The applicant shall be notified in writing of any violation of this CUP. Appropriate measures to correct any violation identified by the Dare County Planning Department shall be made upon receipt of notice. Failure to correct any violations may void this CUP and may result in the assessment of civil penalties as provided for in Chapter 10 of the Dare County Code of Ordinance and/or any other legal remedy available to Dare County.

8. It is understood that all other terms and provisions of the Code shall remain in full force and effect except as herein lawfully permitted;

This \_\_\_\_\_ day of \_\_\_\_\_ 2005

SEAL: COUNTY OF DARE

Stan White, Chairman  
Dare County Board of Commissioners

ATTEST:

Fran Harris  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

William Combs

APPROVED AS TO LEGAL FORM

**DRAFT**

Bobby Outten  
County Attorney