

AGENDA

ORANGE COUNTY BOARD OF ADJUSTMENT

**LOWER LEVEL CONFERENCE ROOM
(ROOM #004)
WEST CAMPUS OFFICE BUILDING
131 W. MARGARET LANE
HILLSBOROUGH, NORTH CAROLINA**

**DECEMBER 8, 2014
7:30 p.m.**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.		CONSIDERATION OF ADDITIONS TO AGENDA
3.	1-18	APPROVAL OF MINUTES a. October 13, 2014
4.		PUBLIC CHARGE <i>The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.</i> <i>The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of local regulations and State law to perform specified functions essential to the County's planning program. Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board of Adjustment. While it should be noted there is no time limit on the presentation of evidence, the Chair asks that the presentation of evidence be consistent with established policies, rules of procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.</i>

5. 19-114 A-5-14 – Appeal of a Revised Determination made by the Zoning Officer submitted by Adrian Carter, Robert Nicholas, John Gallagher, Kathleen Erickson, Heron Pond Subdivision homeowners, ETAL:

In accordance with the provisions of the Orange County UDO, the applicant(s) have appealed a decision of the Zoning Officer related to the rescinding of a Notice of Violation associated with the purported operation of a shooting range.

The County issued a Notice of Violation (NOV) on April 29, 2013 over the discharge of firearms on a 34 acre undeveloped parcel of property identified utilizing Orange County Parcel Identification Number (PIN) 9747-86-5920 owned by Mr. William Klein.

The Notice of Violation was rescinded in February 2014 due to lack of credible evidence as well as a review of recent court cases. The letter rescinding the NOV informed Mr. Klein staff would continue to investigate the matter and reserved the right to re-initiate the enforcement effort.

The applicant(s) allege staff erred when rescinding the NOV citing seven specific determinations as follows:

- 1) There is no 'firing range' operating from Bingham Woods Mobile Home Park property.
- 2) Discharging firearms by [the] property owner and family was a customary accessory use.
- 3) There is currently no 'principal use' on the undeveloped 34 acre parcel.
- 4) The [April 29, 2013] NOV is hereby rescinded.
- 5) The NOV was ambiguous in that it made mention only of [proposed] operations but failed to give clear and complete allegation of the violation.
- 6) The NOV made no conclusion on whether a non-profit recreational use existed at this location, which is required for such a determination to be made.
- 7) Other than the discharge of firearms by residents and guests, the NOV alleged no facts on which to base a conclusion that a non-profit recreation use existed.

6. ADJOURNMENT

IF UNABLE TO ATTEND THIS MEETING, PLEASE CALL THE PLANNING DEPARTMENT (NUMBERS LISTED BELOW – PRESS 1 PLUS EXTENSION 2575 OR 2585). STAFF CAN THEN DETERMINE IF A QUORUM WILL BE PRESENT FOR THE MEETING.

**HILLSBOROUGH - 732-8181
CHAPEL HILL - 967-9251**

**MEBANE - 227-2031
DURHAM - 688-7331**