



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Kill Devil Hills Board of Adjustment has scheduled a regular meeting for Tuesday, September 26, 2023, at 5:00 p.m., in the Town Hall Meeting Room, 102 Town Hall Drive, Kill Devil Hills.

AGENDA

Call to Order and Roll Call

Approval of the Minutes of July 26, 2022

Ongoing Business

New Business

1. Election of Chairperson and Vice Chairperson
2. Dominion NC Power – Notice of Appeal – 1900 North Croatan Highway, Appeal of Stop Work Order and \$153,080 Electrical and Communication Service: interpretation prohibiting overhead power

Adjournment

Posted this 1st day of September 2023.


James Michael O'Dell
Town Clerk

Copies to: Board of Adjustment members in their meeting materials; Mayor & Board of Commissioners; Town Manager; all Town bulletin boards; KDH Sunshine List including all local news media; KDH Electronic Distribution List; website, social media; file

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, communication services and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

(Ord. 99-07, passed 4-12-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-20, passed 8-14-06; Am. Ord. 06-26, passed 12-11-06; Am. Ord. 17-1, passed 5-13-19; Am. Ord. 18-4, passed 6-14-21)



Application No. _____

**TOWN OF KILL DEVIL HILLS
STATE OF NORTH CAROLINA
APPEAL FROM AN ACTION OF THE ZONING ADMINISTRATOR,
and, IN THE ALTERNATIVE,
PETITION FOR AN INTERPRETATION OF THE ZONING ORDINANCE**

August 18, 2023

TO THE KILL DEVIL HILLS BOARD OF ADJUSTMENT:

Virginia Electric and Power Company d/b/a Dominion Energy North Carolina (“Dominion”) hereby appeals to the Board of Adjustment from the purported Stop Work Order sent by Cameron Ray, the Town’s Assistant Planning Director, to Dominion via email on July 19, 2023 demanding that Dominion stop all work on the above ground electric facilities being installed to serve the project being constructed at 1900 N. Croatan Highway (U.S. Route 158) (the “Stop Work Order”), and the Town’s posting of a “Stop Order” notice on a Dominion pole on or about July 26, 2023 (the “Stop Order Posted Notice”).

Copies of the Stop Work Order and Stop Order Posted Notice hereby appealed are attached hereto as **Exhibit A** and **Exhibit B**, respectively, and are incorporated herein.

To the extent the Stop Work Order contains a final and binding Zoning Interpretation of the Town of Kill Devil Hills Zoning Code § 153.080 (Electrical and Communication Service), Dominion hereby appeals such Interpretation to the Board of Adjustment. In the alternative, if the Board of Adjustment finds that no final and binding interpretation was issued, Dominion hereby requests an interpretation of Section 153.080, which reads:

All new electrical, communication services and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

For the reasons set forth below, Dominion requests that the Board of Adjustment reverse the issuance of the Stop Work Order and Stop Order Posted Notice; and either (1) reverse any final and binding Zoning Interpretation made by Town staff within the Stop Work Order interpreting Section 153.080 as prohibiting the installation of the “above ground power pole” and requiring “the electrical distribution line . . . to be placed underground”; or (2) issue an Order interpreting Section 153.080 as being inapplicable and unenforceable to Dominion.

STATEMENT BY APPELLANT:

Dominion has standing to appeal pursuant to N.C.G.S. § 160D-405(b) and N.C.G.S. § 160D-1402(c). Dominion submits this appeal on the following grounds:

- (1) The Town did not follow State and local law when issuing the alleged Stop Work Order and Stop Order Posted Notice, and as such the Stop Work Order and Stop Order Posted Notice are procedurally defective and are not enforceable as an official Stop Work Order and/or final and binding Zoning Interpretation. *See* N.C.G.S. §160D-404(b).
- (2) The Town does not have jurisdiction over the overhead electrical distribution lines and overhead electrical transformers; and any provisions in the Town Zoning Code, including but not limited to § 153.080, § 153.355, and § 153.359 purporting to regulate the siting, location or installation of the electrical lines and transformers, are preempted by State law and are unenforceable. *See generally State ex rel Utilities Comm'n v. Town of Kill Devil Hills*, 194 N.C. App. 561, 670 S.E.2d 341 (2009); *cf. State ex rel Utilities Comm'n v. Roanoke Voyages Corridor Comm'n*, 76 N.C. App. 324, 332 S.E.2d 753 (1985).
- (3) The Town does not have authority to prohibit Dominion from installing overhead electrical distribution lines and overhead electrical transformers because it unreasonably interferes with the provision of reasonable and reasonably priced utility service within its exclusive service territory, as authorized by Dominion's certificate of public convenience and necessity issued by the North Carolina Utilities Commission (NCUC) pursuant to N.C.G.S. § 62-110. Pursuant to NCUC Rules R8-23 and R8-24, Dominion has an obligation to provide electric utility service and customers have a right to receive that service, and no Town ordinance, including but not limited to § 153.080, § 153.355, and § 153.359, can restrict a utility's ability to extend distribution lines to provide service to customers within its exclusive service territory.
- (4) The overhead line and pole are located in a North Carolina Department of Transportation right-of-way and the Town can only regulate "buildings" on State property through its zoning power. Transmission lines and transformers are not buildings; thus, the Town cannot enforce or interpret § 153.080, § 153.355, and § 153.359 to prohibit the overhead lines and transformer in the right-of-way and require such lines to be placed underground in this case. *See* N.C.G.S. § 160D-913; D. Owens, *Land Use Law in North Carolina (Government Buildings and Land Use)*, pp 467-68 (4th Ed. 2023).
- (5) The Town has allowed other developments on Croatan Highway (U.S. Route 158) and elsewhere in the Town to connect to Dominion's utility lines by overhead lines and transformers and has not issued Notices of Violation or Stop Work Orders for those other projects. Therefore, the Town's interpretations (as such were never appealed, and thus binding on the Town) and enforcement of the ordinances, including but not limited to Zoning Code §153.080 have been inconsistent, selective, and discriminatory and are arbitrary and capricious and unenforceable, as applied, in this case.

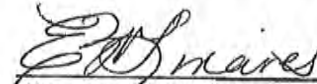
limited to Zoning Code §153.080 have been inconsistent, selective, and discriminatory and are arbitrary and capricious and unenforceable, as applied, in this case.

- (6) The site plan for the development here was approved by the Town Board and subsequently approved with minor amendments which contained the pole and overhead line by the Town staff by email on April 20, 2023. The developer and Dominion have made substantial expenditures in reasonable reliance on this approval, which was a final binding and appealable decision interpreting the Zoning Ordinance. It was not appealed by the Town in thirty (30) days as permitted by both statute and ordinance; thus, the Town cannot now change that decision. The transformer and overhead lines must be allowed to remain. *See generally S.T. Wooten v. Board of Adj. of Town of Zebulon*, 210 N.C. App. 633, 711 S.E.2d 158 (2011).

The forgoing grounds of appeal also serve as Dominion's reasons for believing that Section 153.080 must be interpreted as being inapplicable and unenforceable as to Dominion.

As provided under Kill Devil Hills Code § 153.322(2)(i), Dominion reserves its rights to supplement its appeal, and present additional arguments and matters not stated in this notice of appeal, at any time.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.


(Signature of Applicant)

See Attachments

EXHIBIT A

From: Ray, Cameron <Cameron@kdhnc.com>
Sent: Wednesday, July 19, 2023 1:09 PM
To: Elizabeth.R.Schweiger@dominionenergy.com; David Berry <DavidBe@ventureconstruction.com>; katherine.w.wade@dominionenergy.com; Thomas L Irving <thomas.l.irving@dominionenergy.com>
Cc: Guns, Meredith <MEREDITH@kdhnc.com>; Lang, Ryan <rlang@kdhnc.com>
Subject: 1900 N. Croatan Hwy - Overhead Electrical Distribution
Importance: High

Good Afternoon,

The Town of Kill Hills has observed the recent installation of an above ground power pole that appears to be installed by Dominion Power for the Wawa under construction at 1900 N. Croatan Highway. As constructed, this above ground power pole violates the Town's Zoning Ordinance, 153.080 Electrical and Communication Services (see below). This electrical distribution line is required to be placed underground. Please stop work immediately.

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, communication services and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

(Ord. 99-07, passed 4-12-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-20, passed 8-14-06; Am. Ord. 06-26, passed 12-11-06; Am. Ord. 17-1, passed 5-13-19; Am. Ord. 18-4, passed 6-14-21)

Please acknowledge receipt of this email and schedule a meeting with Town staff to discuss this violation.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com

CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

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EXHIBIT B



SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

August 18, 2023

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611

J. MITCHELL ARMBRUSTER
DIRECT DIAL: (919) 821-6707
E-Mail: marmbruster@smithlaw.com

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

Via Hand Delivery and Email

Mr. James Michael O'Dell
Town Clerk
Town of Kill Devil Hills
102 Town Hall Drive
Kill Devil Hills, NC 27948

Re: Notice of Appeal for Virginia Electric and Power Company d/b/a Dominion Energy
North Carolina ("Dominion")
Our File: 013315.00042

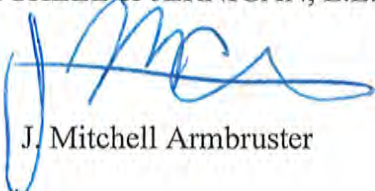
Dear Mr. O'Dell:

Pursuant to the Town of Kill Devil Hills Zoning Code § 153.322(2)(a), enclosed please find Dominion's Notice of Appeal and our check number 63381 in the amount of \$500.00 in payment of the application fee for appeals to the Board of Adjustment.

Sincerely,

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

By:


J. Mitchell Armbruster

OFFICES

Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

J. MITCHELL ARMBRUSTER
DIRECT DIAL: (919) 821-6707
E-Mail: marmbruster@smithlaw.com

MAILING ADDRESS

P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

ACKNOWLEDGEMENT
OF RECEIPT

Please date and sign in the space provided below to acknowledge your receipt of the enclosed Notice of Appeal by Virginia Electric and Power Company d/b/a Dominion Energy North Carolina to the Town of Kill Devil Hills Board of Adjustment.

Office of the Town Clerk
Town of Kill Devil Hills

By: _____

Print Name: _____

Title: _____

Date: _____



Town of Kill Devil Hills Planning and Inspections
252-449-5318

PAID

AUG 31 2023

TOWN OF
KILL DEVIL HILLS

NON-REFUNDABLE FEES

Date: 8/28/2023

☒ Board of Adjustments

☐ Exempt plat/Subdivision

☐ CAMA

☐ Fines and/or Re-Inspection Fee

☐ Copies

☐ Site Plan Review

☐ Text Amendment

☐ Permit Re-instatement

☐ Other: _____

Amount: \$500.00

Received From: Smith, Anderson, Blount, Mitchell & Jernigan

Description: Dominion NC Power - Notice of Appeal - 1900 N Croatan Highway - Appeal Stop Work Order and 153.080 interpretation prohibiting overhead power

Received by: Michael O'dell

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS NORTH CAROLINA

PLANNING DEPARTMENT

September 26, 2023

Memorandum

To: Zoning Board of Adjustments

From: Meredith Guns, Planning Director *MBG*
Cameron Ray, Assistant Planning Director *CR*

Subject: Response to Appeal by Virginia Electric Company aka Dominion Energy North Carolina

The Town received an "Appeal from Action of the Zoning Administrator and in the Alternative Petition for an Interpretation of the Zoning Ordinance" from Virginia Energy d/b/a Dominion Energy North Carolina. The petition has several claims and staff will address them individually.

The first claim of the appeal is to reverse the Stop Work Order issued July 19, 2023 for installation of above ground electrical facilities at 1900 North Croatan Highway. As of September 6, 2023, the Stop Work order has been lifted and a permit for construction has been issued. Therefore, there is no need to appeal for reversal. The applicant also claims that the stop work order was issued in violation of North Carolina General Statutes requirements. The Town does not agree with their statutory interpretation however this matter is not a decision of the Board of Adjustment. Such State statutory interpretation should be heard in NC Superior Court. See Attachment A for pictures of violation.

The second claim is that staff is not interpreting the 153.080 Electrical and Communication Service as written. "Attachment B" is a history of the ordinance and any amendments. The ordinance in question reads:

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, communication services and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

The language is clearly written and easy to interpret. As it reads "All new electrical, ...shall be placed underground from the point of separation from the distribution line...". The violation that was issued was for a new distribution line that was extended overhead across US158 from east to west from an existing distribution pole then attached to a new overhead utility pole installed on the property at 1900 North Croatan Highway. This was new electrical service to a new facility that not only was installed overhead but also the overhead distribution pole extended in violation of the second sentence of the ordinance: "Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground." And finally, the transformers and/or other

equipment for the new electrical service was also mounted on the new overhead pole in violation of the third sentence of the ordinance which allows only pad mounting: "Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above". The Town is confident that the ordinance was applied properly and equitably and request the Zoning Board of Adjustment agree with Town's staff plain language interpretation of the ordinance.

The third claim of the appeal is that The Town of Kill Devil Hills does not have the authority to prohibit Dominion from installing overhead electrical distribution lines. The justification for this claim cannot be determined by the Zoning Board of Adjustment and should be recommended for Superior Court and/or the governing board for utilities, the NC Utilities Commission.

The fourth claim of the appeal is questioning the Town ability to regulate. This is not a determination that can be made by the Zoning Board of Adjustment rather a decision of legislative authority would be determined in the NC Superior Court.

The fifth claim of the appeal is that the Town has allowed overhead distribution line for previous developments. There have been no known violations to 153.080 Electrical and Communication Services that the Town is aware of. If the applicant informs the Town of such violations they will be handled in the same manner as the violation in question.

The final claim of the appeal claims the Town approved the development plan at 1900 North Croatan highway with overhead electrical service. Although this is not relevant to the appeal to ordinance interpretation, the Town Board of Commissioners approve a development plan for 1900 North Croatan Highway that specifically showed all utilities underground (see Attachment C). There were revisions submitted to the Town after the Board of Commissioners approval but no permits were issued for a development plan that included overhead utilities. The permit issued for the development at 1900 North Croatan Highway was issued on September 6, 2023 and the utility plan show compliance with 153.080 (see Attachment D- permitted site plan and Attachment E - building permit with conditions for compliance).

Google Maps: August 2022



Google Maps: July 2023





TOWN OF KILL DEVIL HILLS

(Town Logo)

PUBLIC NOTICE

NOTICE is hereby given that on Monday, April 12, 1999 at 7:00 o'clock p.m. the Kill Devil Hills Board of Commissioners will hold its first regular meeting of the month in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Call to Order

Pledge of Allegiance and Moment of Silence

Agenda Approval

Approval of the Minutes of March 24, 1999

Public Hearing

1. Proposed Amendment to Chapter 21, Zoning, Section 21-7.13. Electrical and Communication Service — Add as New Section for Underground Utility Service

Public Comment

Introductions and Presentations

1. Trash Attack! T-Shirt Presentation
2. Outer Banks Senior Games
3. Officer Todd Iverson — Promotion to Corporal

Old Business

New Business

1. Site Plan Review
 - a. Sprint Telephone — Lots 3, 4 and 24, Block 30, Virginia Dare Shores Subdivision, 209 West Hayman Boulevard — Proposed Subscriber Carrier Station
 - b. Atlantic Heating and Cooling, Ltd. — Lot 1A, Block 50, Kill Devil Hills Realty Corp. Subdivision, 900 Eighth Avenue — Proposed 4,050 S.F. 4-Unit Warehouse
2. Request for Joint Meeting of Board of Commissioners, Planning Board, and Street Improvements Subcommittee
3. Division of Coastal Management Grants

Mayor's Agenda

Commissioners' Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

Committee Reports

General Worksession

1. Departmental Presentations — Fire and Police

Public Comment

Response to Public Comment

Adjourn

Posted this 7th day of April 1999.

Mary E. Quidley

Town Clerk

Coastland Times: publish as a regular legal ad on 4/11/99

Land Where Flight Began

4368

Minutes of the Monday, April 12, 1999 Meeting of the Kill Devil Hills Board of Commissioners held at 7:00 p.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Sherry Rollason; Commissioners James D. Hanks, William R. Morris, Bill Pitt, Jeffrey D. Shields

Members Absent: None

Others Present: Debora P. Diaz, Town Manager; Steven D. Michael (seated for Town Attorney Robert L. Outten); Ray Davis, Chief of Police; Greg Loy, Planning Director; Doug Penland, Fire Chief; Leslie H. Eldredge, Administrative Assistant (seated for Town Clerk)

Call to Order

Mayor Rollason called this meeting of the Kill Devil Hills Board of Commissioners to order at 7:00 p.m. and welcomed everyone present.

Pledge of Allegiance and Moment of Silence

After the Pledge of Allegiance, Mayor Rollason asked that during the moment silence everyone remember the families involved in the tragic accident last week at the intersection of Colington Road and the Bypass, and the passing of Frances Baer, mother of former commissioner and current Zoning Board of Adjustment Vice Chairman Richard Baer.

Agenda Approval

Commissioner Hanks moved that the agenda be approved as presented, Commissioner Pitt seconded, and the agenda was approved by a vote of 5-0.

Approval of the Minutes of March 24, 1999

Commissioner Hanks moved that the minutes of the March 24, 1999 meeting of the Kill Devil Hills Board of Commissioners be approved. Commissioner Morris seconded, and motion carried by unanimous vote, 5-0.

Public Hearing

1. **Proposed Amendment to Chapter 21, Zoning, Section 21-7.13. Electrical and Communication Service—Add as New Section for Underground Utility Service (Attached PH-1)**

April 12, 1999 BOC Meeting - Page 1

4369

The Administrative Assistant read aloud the rules of procedure for the public hearing. As no one had signed up to speak, she declared the public hearing closed and turned the meeting back over to Mayor Rollason for Board comment and discussion.

There was no Board comment or discussion, and Commissioner Hanks moved to approve the proposed amendment to Chapter 21, Zoning, Section 21-7.13 as presented. After Commissioner Pitt seconded the motion, approval was unanimous, 5-0.

Public Comment

Introductions and Presentations

1. Trash Attack! T-Shirt Presentation

Mr. Jerry Froehlich of the Kill Devil Hills Trash Attack! Committee presented the Board of Commissioners and Town Manager with Trash Attack! T-shirts for the April 17, 1999 Trash Attack!/Park Day event, and encouraged everyone to attend.

2. Outer Banks Senior Games (Attached IP-2)

Mrs. Annie Rose Wells invited the Board of Commissioners and the audience to the Outer Banks Senior Games on Friday, April 23. Opening ceremonies are scheduled for 10:00 a.m., with Baseball Hall of Fame pitcher Gaylord Perry as the main speaker. The theme of this year's games is "It's a Small World," as the Baum Senior Center includes representatives from almost every one of the 50 states, and from foreign countries as well.

3. Officer Todd Iverson – Promotion to Corporal

Police Chief Ray Davis explained that he, Deputy Police Chief Mike Harris, and Lieutenant Mike Jasichum reviewed the eligible candidates for promotion to corporal this year and decided that Officer Iverson was the best qualified and most deserving. He presented Officer Iverson with his new badge and chevrons, which were pinned on him by Lieutenant Jasichum. Corporal Iverson introduced his mother and father-in-law, Mr. and Mrs. De Santo, and his son, Tyler; his wife, Teresa, was in class and unable to attend the promotion ceremony.

Old Business

New Business

1. Site Plan Review

- a. **Sprint Telephone – Lots 3, 4 and 24, Block 30, Virginia Dare Shores Subdivision, 209 West Hayman Boulevard – Proposed Subscriber Carrier Station (Attached NB-1A)**

April 12, 1999 BOC Meeting - Page 2



TOWN OF KILL DEVIL HILLS

MEMORANDUM

April 12, 1999

TO: Mayor and Board of Commissioners
FROM: Debora P. Diaz, Town Manager *DPD*
REF: Public Hearing

1. Proposed Amendment to Chapter 21, Zoning, Section 21-7.13. Electrical and Communication Service - Add as New Section for Underground Utility Service (Attached PH-1)

On March 24, 1999 the Board of Commissioners scheduled a public hearing for April 12, 1999 at 7:00 p.m. to receive public comment, both written and oral, regarding the following proposed amendment to Chapter 21, Zoning:

Section 21-7.13. Electrical and Communication Service.

All new electrical, telephone and TV distribution lines and all conduits used for the distribution of such signals located within the Town of Kill Devil Hills shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors, etc. may be pad mounted as an exception to the above.

At the conclusion of the public hearing the Board of Commissioners may or may not act upon this amendment, such action to include approval, disapproval, or tabling the amendment for further consideration.

Land Where Flight Began

Director of
Planning and Inspections
GREG LOY



Chief Code
Compliance Officer
RALPH ALLEN
Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING AND INSPECTIONS DEPARTMENT

April 12, 1999

MEMORANDUM

To: Debora P. Diaz, Town Manager

From: Greg Loy, Planning Director *GL*

Subject: Underground Utility Service

In February the Board of Commissioners expressed a desire to adopt an ordinance requiring all new utility services to be placed underground.

On March 2, 1999, the Planning Board reviewed a draft ordinance forwarding it to the Board of Commissioners recommending approval. The draft ordinance was provided for the Board on March 24th. Several changes were suggested and incorporated into the ordinance before you.

Staff recommends adoption of the underground utility service ordinance after the required public hearing.

F:\USERS\PLAN\HOME\GREG\WPFILES\3-99.WPD

ATTACHMENT PH-1

1634 North Croatan Highway • P. O. Drawer 1719 • Kill Devil Hills, NC 27948 • (252) 480-4050



TOWN OF KILL DEVIL HILLS

(town logo)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, April 12, 1999 at 7:00 p.m. the Kill Devil Hills Board of Commissioners will hold a public hearing in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road to receive public comment, both written and oral, regarding the following proposed amendment to Chapter 21, Zoning:

Section 21-7.13. Electrical and Communication Service.

All new electrical, telephone and TV distribution lines and all conduits used for the distribution of such signals located within the Town of Kill Devil Hills shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors, etc. may be pad mounted as an exception to the above.

At the conclusion of the public hearing the Board of Commissioners may or may not act upon this amendment, such action to include approval, disapproval, or tabling the amendment for further consideration.

Posted this 30th day of March, 1999.

Mary E. Quidley
Town Clerk

copies to: Mayor and Board of Commissioners, TM, TA in their packet materials; all department heads; all Town bulletin boards; Sunshine List, including all news media; file

Land Where Flight Began

5726

- F. **Proposed amendment – Chapter 153, Zoning, Section 153.080 Electrical and communication services, requires all utilities distribution lines to be located underground; and a group of proposed amendments that will create a single corridor for all above-ground electrical transmission lines, and declare as non-conforming all overhead transmission lines in the Residential Low Zone, Maritime Forest Environmental District, Commercial Zone, Government and Institutional Zone – public ownership, and Government and Institutional Zone – private ownership (Attached PH-1F)**

These proposed amendments to Chapter 153, Zoning will strengthen existing regulations on underground utilities distribution lines and creates a single utility corridor for such transmission lines within Kill Devil Hills. The Town Attorney and Kill Devil Hills' consulting attorney, Keith Kapps of the Maupin Taylor Law Firm in Raleigh whom the Town retained to assist with the development of these regulations, have coordinated these amendments.

Bryant Brooks, Senior External Affairs Manager, Dominion North Carolina Power: Appearing on behalf of the company and speaking in opposition to the proposed ordinance language, Mr. Brooks submitted a written statement, which is attached to the record of this meeting. Speaking for Dominion, Mr. Brooks urged the Board of Commissioners not to adopt the ordinance amendments proposed in this public hearing because:

- They would interfere with Dominion's ability to provide reliable service at reasonable rates;
- They would interfere with the North Carolina Utilities Commission's duty to assure that new facilities needed to provide service are built, repaired and expanded on a reasonable basis;
- They would impose on Dominion and its customers unnecessary and excessive costs to underground and/or relocation transmission and distribution facilities; and
- They do not accomplish the Town's stated intent, they would impact vested property rights, they lack clear standards, and key provisions are not understandable.

The Board of Commissioners discussed the provisions of these ordinance amendments and how they relate to the purpose of the North Carolina Utilities Commission. The Town Attorney explained that in their deliberations the Utilities Commission must balance cost with benefit when they make any decision. The ordinance presented by the Town gives the power company options to select one location or the other (US 158 or Bay Drive) for the location of the overhead transmission lines, but not both. That was the original stated intent of the Board of Commissioners in having this ordinance developed.

Commissioner Sturza stated that he felt this draft ordinance does follow the Board's intent and the agreed upon direction in which the Town would proceed to establish one overhead transmission lines utilities corridor. He expressed dismay that the power company has not been more forthcoming with information requested by the Town's consulting engineer on this matter.

5727

Had more information been provided, it is possible that this matter could have proceeded in a more timely manner with modified language. Commissioner Sturza stated that he felt the Town should move forward with adopting these ordinance amendments.

Commissioner Woodard made a motion for the Board of Commissioners to approve the proposed ordinance language in Public Hearing Item #1-F and to approve the following finding of facts:

The Board of Commissioners finds that these proposed amendments – Chapter 153, Zoning, Chapter 153, Zoning, Section 153.080 Electrical and communication services, requires all utilities distribution lines to be located underground; and a group of proposed amendments that will create a single corridor for all above-ground electrical transmission lines, and declare as non-conforming all overhead transmission lines in the Residential Low Zone, Maritime Forest Environmental District, Commercial Zone, Government and Institutional Zone – public ownership, and Government and Institutional Zone – private ownership, is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is reasonable in the public interest because one utility corridor provides for quicker repair potential, a greater level of service, and more pleasing aesthetics for the Town of Kill Devil Hills.

Commissioner Sturza seconded that motion and approval was unanimous, 4-0.

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Mike Hogan, Chairman, Kill Devil Hills Planning Board, 809 Sixth Avenue, Kill Devil Hills: Mr. Hogan read aloud a letter from Planning Board member Howard Kimble who could not be present. Mr. Kimble's comments were addressed to the Croatan Surf Club site plan, New Business Item #1B. He asked the Board of Commissioners to deny the site plan, or send it back to the Planning Board for further review, as, in his opinion, it violates the Floor Area Ratio regulations.

Mr. Hogan also directed personal comments to this issue. He explained that the Planning Board, due to what they feel is a lack of clarification in the ordinance language, will be reviewing the provisions within the Floor Area Ratio language as it pertains to covered decks or porches.

Thomas Lozupone, 1615 Sir Walter Road, Kill Devil Hills: Mr. Lozupone could not attend this meeting; however, he submitted a written statement that is attached to the record of this meeting. Mr. Lozupone expressed concerns that pending drainage improvements may cause flooding issues on his property that previously have not existed. Sir Walter Road is scheduled for improvement in the fall 2006 streets and drainage improvements project. He stated that he

Minutes
August 14, 2006
Board of Commissioners Meeting
Page 10 of 19

Director of
Planning and Inspection
GREG LOY

Planner
STEVE ALBRIGHT

Code Enforcement Officer
LEE PARTRIDGE

Secretary
NANCY MILLER



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant
Planning Director
MEREDITH GUNS

Zoning Administrator
DONNA ELLIOTT

Building Inspectors
MATT LOWCHER
ALVIN ROUNTREE

PLANNING DEPARTMENT

PLANNING BOARD REPORT

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

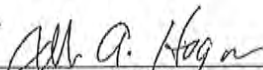
PLANNING BOARD RECOMMENDATIONS

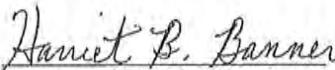
Proposed Amendment Title:

Approval - The Planning Board finds that the proposed amendment to §153.080 Electrical and Communication Services, which will strengthen current regulations for underground utility distribution lines, is consistent with the adopted Land Use Plan, which supports placement of utility line underground. Additionally, 85% of respondents to the 1997 Public Opinion Survey agreed that utilities should be placed underground, while 61.3% favored relocating existing overhead utilities underground. Therefore, the Planning Board finds that the proposed amendment is consistent with the objectives and policies for growth and development contained in the Kill Devil Hills Land Use Plan and other officially adopted plans of the Town that are applicable.

This report reflects the recommendation of the Planning Board with a vote of 6 to 0 this the 18th day of July, 2006.

Attest:


Planning Board Chairman


Secretary of Planning Board

ATTACHMENT PH-1F

102 Town Hall Drive * PO Box 1719 * Kill Devil Hills, NC 27948 * (252) 449-5318 * Fax (252) 441-4102

Ordinance Number 06-20

AN ORDINANCE AMENDING
CHAPTER 153, ZONING
OF THE KILL DEVIL HILLS TOWN CODE

BE IT HEREBY ORDAINED by the Board of Commissioners of the Town of Kill Devil Hills that Chapter 153, Zoning, of the Kill Devil Hills Town Code shall be amended as follows:

GENERAL PROVISIONS

§ 153.002 DEFINITIONS.

RELATED IMPROVEMENTS. Equipment and improvements used or necessary to transmit electrical power through the use of above ground transmission lines.

TRANSMISSION LINE. Above-ground electric transmission lines, connected to a common system of linear towers and other appurtenant structures (collectively, an "Overhead Transmission System").

GENERAL REGULATIONS

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, telephone and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground ~~from the point of separation from the distribution line to the structure of the ultimate user.~~ Existing distribution lines that are in place overhead on the effective date of this regulation are nonconforming structures and may be extended only if such extensions are placed underground not be enlarged (e.g., adding lies to power poles or increasing voltage), extended, constructed, reconstructed, moved or structurally altered, except in connection with this Section or as otherwise provided in §153.053 of this Chapter. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.
(Ord. 99-07, passed 4-12-99; Am. Ord. 01-02, passed 2-28-01)

Ordinance Amendment
Chapter 153, Zoning
Overhead Transmission System
August 14, 2006
Page 1 of 7

*LOW DENSITY RESIDENTIAL ZONE (RL)***§ 153.117 CONDITIONAL USES.**

(C) Overhead Transmission System in accordance with §153.280-§153.288.

*MARITIME FOREST ENVIRONMENTAL DISTRICT (MFED)***§ 153.137 CONDITIONAL USES.**

(D) Overhead Transmission System in accordance with §153.280-§153.288.

*COMMERCIAL ZONE (C)***§ 153.177 CONDITIONAL USES.**

(C) Overhead Transmission System in accordance with §153.280-§153.288.

*GOVERNMENT AND INSTITUTIONAL ZONE (G&I); PUBLIC OWNERSHIP***§ 153.247 CONDITIONAL USES.**

~~None.~~ (A) Overhead Transmission System in accordance with §153.280-§153.288.

*GOVERNMENT AND INSTITUTIONAL ZONE (G&I); PRIVATE OWNERSHIP***§ 153.267 CONDITIONAL USES.**

(C) Overhead Transmission System in accordance with §153.280-§153.288.

OVERHEAD TRANSMISSION SYSTEM**§ 153.280 INTENT.**

The Town of Kill Devil Hills is blessed with natural features and a rich history that is treasured by residents and visitors alike. The Town's boundaries largely follow two of these natural features: the Atlantic Ocean on the east, and Albemarle Sound on the west. Positioned on the flat, narrow thread of land between these two waterways, the Town confronts peculiar

challenges with respect to the use of land. One such challenge is balancing the need to transmit electricity along the entire length of the Town against the recreational, historical and esthetic values of this barrier island community. The Kill Devil Hills Board of Commissioners find that establishing a single corridor for all above-ground electrical transmission lines within the Town accommodates these competing factors. In addition to the foregoing, the Kill Devil Hills Board of Commissioners declares the purposes and intent of this Chapter to be as follows:

(A) To preserve and enhance scenic views of the Ocean, the Sound, the Wright Brothers' National Park and other natural and historical venues;

(B) To prevent the proliferation of unsightly overhead transmission lines, towers and related structures;

(C) To encourage the co-location of overhead transmission lines;

(D) To protect the environment;

(E) To safeguard and enhance property values and to protect public and private investments;

(F) To preserve and protect the unique identity of the Town and the economic base attracted to the Town by such factors; and

(G) To ensure that utility providers desiring to transmit electrical power through the use of above-ground transmission lines, towers and related improvements have a clearly-defined procedure for locating and relocating such improvements.

§ 153.281 APPLICATION.

The requirements of this Chapter shall apply to all land public and private located within the boundaries of the Town. This Chapter does not apply to underground electric transmission lines.

§ 153.282 APPROVAL AS A CONDITIONAL USE REQUIRED.

Above-ground electric transmission lines, connected to a common system of linear towers and other appurtenant structures (collectively, an "Overhead Transmission System") may not be constructed, erected, moved, substantially altered or otherwise used except in accordance with this Chapter.

§ 153.286 TS CONDITIONAL USE PERMITS.

(A) An application for a TS Conditional Use Permit shall be submitted to the Board of Commissioners by filing a copy of the application in accordance with §153.362 of this Chapter.

(B) The Board of Commissioners shall not approve a TS Conditional Use Permit unless it first conducts a public hearing in the manner provided in Section §153.362 and shall only authorize issuance of the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the Overhead Transmission System:

- (1) Will not materially endanger the public health, safety, or welfare;
- (2) Will not injure the value of property in the vicinity of the proposed Overhead Transmission System;
- (3) Will be in harmony with the area in which it is to be located;
- (4) Will be in general conformity with the comprehensive plan; and
- (5) Will not result in the existence of more than one Overhead Transmission System through the Town for a period of greater than one (1) year.

§ 153.287 RECOMMENDATIONS ON TS CONDITIONAL USE PERMITS.

(A) Before the Board of Commissioners issues or denies a request for a TS Conditional Use Permit, the application shall be referred to the Planning Board for action in accordance with §153.357 and §153.358 of this Chapter. At the request of the Planning Board, the Board of Commissioners may continue the public hearing to allow the Planning Board more time to consider or reconsider the application.

(B) When presented to the Planning Board, the application shall be accompanied by a report setting the planning staff's proposed findings concerning the applications' compliance with all the requirements of this Chapter. If the planning staff report proposes a finding or conclusion that the application fails to comply with any requirement of this Chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

Ordinance Amendment
Chapter 153, Zoning
Overhead Transmission System
August 14, 2006
Page 5 of 7

§ 153.288 BOARD OF COMMISSIONERS ACTION ON TS CONDITIONAL USE PERMITS.

After observing the applicable procedures for consideration of application for a TS Conditional Use Permit, the Board of Commissioners may, by a simple majority, act on a motion in accordance with §153.362(E) and (F) of this Chapter.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the 14th day of August, 2006. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 14th day of August, 2006, by a vote of 4 in favor and 0 opposed.

SEAL



Chuck Ball
Chuck Ball, Mayor

ATTEST:

Mary E. Quidley
Mary E. Quidley, Town Clerk

APPROVED AS TO FORM:

Robert L. Outten
Robert L. Outten, Town Attorney

Ordinance Amendment
Chapter 153, Zoning
Overhead Transmission System
August 14, 2006
Page 6 of 7



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

(Town Logo) PUBLIC NOTICE

NOTICE is hereby given that on Monday, December 11, 2006 at 6:00 p.m. the Kill Devil Hills Board of Commissioners will hold its only regular meeting of the month in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Call to Order

Pledge of Allegiance and Moment of Silence

Agenda Approval

Approval of the Minutes of November 15, 2006

General Worksession

1. Personnel Classification and Pay Study – Becky Veazey, MAPS Group

Public Hearings (time certain 7:00 p.m.)

- A. Proposed amendment to Chapter 153, Zoning Section 153.080 General electrical and communication service – to amend regulations on existing distribution lines
- B. Local Historic Designations
 1. Stick-Small House - 1517/1519 North Virginia Dare Trail
 2. Sawyer-Turk-Cheshire House - 2013/2015 North Virginia Dare Trail

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Introductions and Presentations

1. Outer Banks Community Foundation

Old Business

New Business

1. Site plan review
 - A. Frasca/Weem light industrial facility – proposed 3,990 square foot facility – 1208 Sixth Avenue
2. Water Quality Monitoring Project proposal by Environmental Professionals, Inc. for Year VI
3. Presentation of 2005/2006 Fiscal Year Audit
4. Public safety communications in Dare County
5. Recommendation for bid acceptance on surplus single-family residence at 2032 Wrightsville Boulevard
6. Expanded telecommunications consulting contract with V-COMM, LLC

Mayor's Agenda

1. Cape Hatteras National Seashore – Wright Brothers National Memorial – proposed restarting of air tour flights

Commissioners' Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

Committee Reports
Public Comment (Time limit of 3 minutes per person; 5 minutes per group)
Response to Public Comment
Adjourn

Posted this 6th day of December 2006.

Mary E. Quidley, Town Clerk

Copies to: BOC, TM, TA; all department heads; all town bulletin boards; KDH Sunshine
List, including all local news media; KDH electronic distribution list; KDH
webpage; file

5794

Minutes of the Monday, December 11, 2006 meeting of the Kill Devil Hills Board of Commissioners held at 6:00 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Chuck Ball; Commissioners Paul Buske, Jeff Finch, Ray Sturza, Bob Woodard

Members Absent: None

Others Present: Debora P. Diaz, Town Manager; Robert L. Outten, Town Attorney; Greg Loy, Planning Director; Mary E. Quidley, Town Clerk

Call to Order

At 6:00 p.m. Mayor Ball called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

Agenda Approval

Commissioner Finch made a motion to approve the agenda for this meeting as presented. Commissioner Buske seconded that motion and approval was unanimous, 5-0.

Approval of the Minutes of November 15, 2006

Commissioner Buske addressed a typographical error on Page 3, first paragraph: \$20,000 should be \$80,000.

With that correction, Commissioner Woodard made a motion to approve the minutes of the November 15, 2006 meeting. Commissioner Finch seconded that motion and approval was unanimous, 5-0.

General Worksession

1. Personnel Classification and Pay Study – Becky Veazey, MAPS Group

By previous consensus the Board of Commissioners agreed that the General Worksession would be held at 6:00 p.m. this evening.

Mayor Ball called upon Becky Veazey of the MAPS Group to present and discuss the recommendations made in the recently conducted Personnel Classification and Pay Study. Before presenting her actual findings Ms. Veazey reviewed her credentials, the purpose of a

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December 11, 2006 BOC Meeting
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classification and pay study, and why such studies are necessary. She also presented the Board with the methodology used in producing Kill Devil Hills' study.

At the conclusion of her initial comments, Ms. Veazey distributed the Classification and Pay Study volumes and proceeded to review actual recommendations from the study. She also explained that the study includes recommended changes to the Town's Personnel Policy that were primarily made at the recommendation of management. A copy of the Classification and Pay Study is included with the packet materials for this meeting.

At the conclusion of her presentation, Ms. Veazey offered to return to a future meeting to further review the document once the Board has had an opportunity to review the contents and recommendations.

At 6:58 p.m. Mayor Ball called for a five-minute break before opening the regular portion of the meeting. At 7:03 p.m. Mayor Ball called this meeting of the Board back to order.

Public Hearings (time certain 7:00 p.m.)

Mayor Ball called on the Town Attorney to conduct the public hearings at this time. He read aloud the rules of procedure and proceeded with the first public hearing.

A. Proposed amendment to Chapter 153, Zoning, Section 153.080 General electrical and communication service – to amend regulations on existing distribution lines (Attached PH-A)

On November 15, 2006 the Board of Commissioners discussed the unintended consequences of recently adopted ordinance language on undergrounding new electric, telephone, and cablevision distribution lines. The language rendered all overhead lines nonconforming and implemented a requirement that overhead utilities could not be enlarged, extended, constructed, reconstructed, moved or structurally altered. The result of the Board's discussion on this matter was for new ordinance language to be developed that would repeal the language on existing utilities distribution lines, yet still require new utilities to be placed underground.

The Planning Board reviewed this language at their November 27, 2006 meeting and forwarded it to the Board of Commissioners recommending approval after the required public hearing. Their report is attached to the packet materials for this item.

There were no speakers for this public hearing item and the public hearing was closed.

The Board of Commissioners confirmed that this language reverts the regulations of the Town Code back to their original intent.

Commissioner Sturza made a motion that the Board of Commissioners finds that this proposed amendment to Chapter 153, Zoning, Chapter 153, Zoning, Section 153.080 Electrical and communication services is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is reasonable in the public interest because the Town advocates equitable costs in the delivery of utility services. Commissioner Finch seconded that motion and approval was unanimous, 5-0.



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

PUBLIC NOTICE

NOTICE is hereby given that on Monday, May 13, 2019 at 5:30 p.m. the Kill Devil Hills Board of Commissioners will hold its first regular meeting of the month in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road. The public is cordially invited to attend.

Call to Order

Pledge of Allegiance and Moment of Silence

Agenda Approval

Public Hearings

1. Proposed amendment to Chapter 153, Zoning - §153.080 Electrical and Communication Services – clarify *communication services*
2. Proposed amendment to Chapter 153, Zoning - §153.075(C) Telecommunication Towers – Use Guidelines and Dimensional Requirements – to modify setbacks for *Monopole Towers*

Public Comment

Response to Public Comment

Introductions and Presentations

Old Business

1. Chapter 111: Special Events – Charitable Events

New Business

1. Site plan review
 - A. First Flight Hotel, LLC – proposed oceanfront amenity area – 2029 South Virginia Dare Trail
2. Boards and committees vacancy
 - A. Board of Adjustment
3. Selection of procedure to move forward with establishing the west-side recreation committee
4. Presentation of the Town Manager's Recommended Budget for Fiscal Year 2019/2020

Committee Reports

Commissioners Agenda

Mayor's Agenda

Town Manager's Agenda

Town Attorney's Agenda

Consent Agenda

Public Comment

Response to Public Comment

Adjourn

Posted this 8th day of May 2019.

Mary E. Quidley

Town Clerk

Copies to: Mayor and Board of Commissioners, TM, TA; all department heads; all town bulletin boards; KDH Sunshine List, including all local news media; KDH Electronic Distribution Lists; KDH webpage; Facebook page; file

7975

Minutes of the Monday, May 13, 2019 regular meeting of the Kill Devil Hills Board of Commissioners held at 5:30 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Sheila F. Davies, Ph.D.; Commissioners Terry Gray; Mike Hogan; Skip Jones; and John Windley

Members Absent: None

Others Present: Shawn Murphy, Assistant Town Manager; Meredith Guns, Planning Director; Casey Varnell, Town Attorney; Mary E. Quidley, Town Clerk

Call to Order

At 5:34 p.m. Mayor Davies called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

Agenda Approval

On motion by Commissioner Jones, seconded by Commissioner Windley, the agenda for this meeting was approved as presented by unanimous vote, 5-0.

Public Hearings

1. Public Hearings

These items were scheduled for public hearing at this meeting by the Board of Commissioners at their April 24, 2019 meeting. Both amendments were reviewed by the Planning Board at their April 6, 2019 meeting, at which time they each were voted to be favorably recommended for public hearing.

Town Attorney Casey Varnell read aloud the rules of procedure that apply to each public hearing. At the conclusion, he proceeded to call the first public hearing to order.

- A. Proposed amendment to Chapter 153, Zoning - §153.080 Electrical and Communication Services – clarify *communication services* (Attached PH-1A)**

Adopted Minutes
May 13, 2019
Board of Commissioners Meeting
Page 1 of 10

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This proposed amendment to the Zoning Ordinance updates existing language by removing *telephone* and replacing that outdated term with *communication services*, which includes all types of communication – telephone, cell phone, and/or other devices.

There were no speakers for the public hearing and the public hearing was closed.

Commissioner Hogan made a motion for the Board of Commissioners to approve this amendment to Chapter 153, Zoning, and that the Board of Commissioners finds that the amendment to §153.080 Electrical and Communication Services – to clarify *communication services* is consistent with all comprehensive plans or other officially adopted plans of the Town of Kill Devil Hills that are applicable and that the amendment is reasonable in the public interest because it updates language to the current language used by communications services. Commissioner Windley seconded that motion and approval was unanimous, 5-0.

- **Small Wireless Facilities (5G):** In a related matter, Staff and the Town Attorney recently met to discuss applications for installation of small wireless (market term: 5G) towers and facilities in Kill Devil Hills on state roads and municipal streets rights of way. The purpose of these discussions was to determine Kill Devil Hills' authority, if any, to regulate 5G wireless facilities, which are typically collocated on existing electrical poles. Mr. Varnell prepared an opinion statement in April, which was previously provided to the Board of Commissioners; it is attached to the public hearing materials for PH-1A. Based on his findings, the Town has little control over the small wireless facilities and Mr. Varnell will specifically address the limitations of control if the Board desires and identify what little flexibility North Carolina municipalities may have in regulating wireless communications facilities.

The Board of Commissioners heard from the Town Attorney regarding the above issue pertaining to the smaller, 5G wireless communications facilities. The Town's options are limited in regulating such communications equipment.

B. Proposed amendment to Chapter 153, Zoning - §153.075(C) Telecommunication Towers – Use Guidelines and Dimensional Requirements – to modify setbacks for Monopole Towers (Attached PH-1B)

The second public hearing was called to order.

This proposed amendment also updates existing language and regulation in the Zoning Ordinance as it pertains to telecommunications towers, including the monopole tower the Town is constructing, which, when completed, will become the site of the communications arrays currently located on the existing elevated water tank; the new elevated tank will not have antennae on top of it.

The amendment provides greater incentives for co-location of services on a tower, and the use of a monopole; modifies the failure or collapse zone to include no building or structures and that it be certified by a NC-licensed design professional; and, the setbacks are modified to agree with the fall zone requirements, also certified by a NC-licensed design professional.

Adopted Minutes
May 13, 2019
Board of Commissioners Meeting
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Town of Kill Devil Hills

PO BOX 1719
Kill Devil Hills, NC 27948
Phone: 252-449-5318 Fax: 252-441-4102

Planning and Inspection Department

BJ2023-160

PROJECT NAME: WAWA Building and Site Construction
SITE ADDRESS: 1900 N CROATAN HWY KILL DEVIL HILLS

BUILDING JOINT

ISSUED: 08/02/2023

EXPIRES: 01/29/2024

APPLICANT: VENTURE CONSTRUCTION COMPANY
151 LE GORDON DRIVE, SUITE 200
Midlothian, VA 23114
804-379-3610

OWNER: ARISTA KDH LLC
450 Station Ave
SOUTH YARMOUTH, MA 02664

BUILDING-UNLIMITED: VENTURE CONSTRUCTION COMPANY
151 LE GORDON DRIVE, SUITE 200
Midlothian, VA 23114
804-379-3610

License: 6934
Expires: 12/21/2023

PARCEL:

PIN: 988406288549

Parcel
Number: 029831000

Address: 1900 N CROATAN HWY KILL DEVIL HILLS

Addition: WRIGHT'S SHORES

Zoning:
Block: 0 Lot(s): PT PARCEL
B

Legal Description:

FEES:	<u>Paid</u>	<u>Due</u>	BUILDING AREA:	
Land Disturbing	\$0.00	\$0.00	Commercial Space	8040 Sq. Ft.
T-Pole	\$0.00	\$0.00	# of Temporary Poles	1 EA
Com. Building Permit Fees	\$0.00	\$0.00	Commercial Space	6049 Sq. Ft.
Totals :	\$0.00	\$0.00		

PROJECT DESCRIPTION: WAWA Gas Station, 52 parking spaces, parking lot, canopy and associated site work

 **PAID**
9/6/23 DJL

BJ2023-160PROJECT NAME: WAWA Building and Site Construction
SITE ADDRESS: 1900 N CROATAN HWY KILL DEVIL HILLS**BUILDING JOINT**

ISSUED: 08/02/2023

EXPIRES: 01/29/2024

DETAILS**Permit**

Name	Value
ZONING DISTRICT	C
FRONT YARD SETBACK	30
SIDE YARD SETBACK	10
STREET SIDE SETBACK	15
# PARKING	52
SPACES/BEDROOM	
CAMA PERMIT	N
CAMA EXEMPTION	N
FLOOD ZONE	X
BASE FLOOD ELEVATION	8
SUBSTANTIAL IMPROVEMENT	NO
PURPOSE	Commercial New
CONSTRUCTION TYPE	V
CONSTRUCTION COST	4060000.00
LOT COVERAGE	65.00
TOTAL SQUARE FOOTAGE	14089
SURVEYOR NAME AND NUMBER	Robyn Niss
ENGINEER AND LICENSE NUMBER	William Mathers 043589
ARCHITECT NAME AND LICENSE NUMBER	Stephen Furtwangler 16170
CULVERT	N
DRIVEWAY INVERT 2	N
OCCUPANCY TYPE	Merchantile

BJ2023-160PROJECT NAME: WAWA Building and Site Construction
SITE ADDRESS: 1900 N CROATAN HWY KILL DEVIL HILLS**BUILDING JOINT**

ISSUED: 08/02/2023

EXPIRES: 01/29/2024

REQUIRED INSPECTIONS

Special Inspections

In-Slab Plumbing

Slab/Foundation/Piling

Framing

Rough In

Insulation

Final

Zoning Final

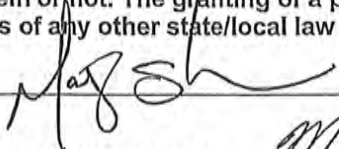
Progress

Electrical

CONDITIONS

- * Development must meet all aspects of Chapter 151 Flood Damage Prevention Ordinance including use and elevation.
- * As-built survey will be required prior to Certificate of Occupancy or Certificate of Compliance.
- * Final Stormwater Certification required.
- * Construction must meet all aspect of Chapter 153 Zoning including lot coverage and setbacks.
- * Special Inspections required for any onsite welding. Reports required prior to inspection.
- * Special Inspection required for all factory welded canopy components. Reports required prior to inspection.
- * Must comply with Wind Borne Debris requirements as defined in NCBC R301.2.1.2 and NCBC 1609.2.
- * NOTICE: Call Public Services Department (252) 480-4080 before pouring driveway!
- * The developer shall be responsible for maintaining erosion and sediment control at the disturbed area.
- * Special Inspections required for fuel tank installation and piping and electrical. Reports required prior to inspection.
- * This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended for a period of 12 months at any time after work has started.
- * Zoning Final Inspection is required.
- * Foundation survey will be required prior to rough-in inspection.
- * Revised utility plan CU101 (8/18/23 Revision Date) approved on 8/24/23. All overhead power installed in violation of chapter 153.180 shall be removed and placed underground per revised sheet CU101 (8/18/23 Revision Date) prior to requesting a final inspection or certificate of occupancy. Property was issued a Notice of Violation on 8/16/23 for violating 153.080 and is in violation until the items in violation are removed and remedied in compliance with Town code.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

Issued By: Contractor or Authorized Agent: 

Date: 9-6-23

Ray, Cameron

From: Ray, Cameron
Sent: Wednesday, July 19, 2023 1:09 PM
To: Elizabeth.R.Schweiger@dominionenergy.com; David Berry; katherine.w.wade@dominionenergy.com; Thomas L Irving
Cc: Guns, Meredith; Lang, Ryan
Subject: 1900 N. Croatan Hwy - Overhead Electrical Distribution
Attachments: Overhead Power Distribution.png
Importance: High

Good Afternoon,

The Town of Kill Hills has observed the recent installation of an above ground power pole that appears to be installed by Dominion Power for the Wawa under construction at 1900 N. Croatan Highway. As constructed, this above ground power pole violates the Town's Zoning Ordinance, 153.080 Electrical and Communication Services (see below). This electrical distribution line is required to be placed underground. Please stop work immediately.

§ 153.080 ELECTRICAL AND COMMUNICATION SERVICE.

All new electrical, communication services and TV distribution lines and all conduits used for the distribution of such signals located within the town shall be placed underground from the point of separation from the distribution line to the structure of the ultimate user. Existing distribution lines that are in place overhead on the effective date of this regulation may be extended only if such extensions are placed underground. Transformers and enclosures containing switches, meters, capacitors and the like may be pad mounted as an exception to the above.

(Ord. 99-07, passed 4-12-99; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-20, passed 8-14-06; Am. Ord. 06-26, passed 12-11-06; Am. Ord. 17-1, passed 5-13-19; Am. Ord. 18-4, passed 6-14-21)

Please acknowledge receipt of this email and schedule a meeting with Town staff to discuss this violation.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com







Ray, Cameron

From: Ray, Cameron
Sent: Wednesday, August 16, 2023 9:36 AM
To: Yee, Jeremy; David Berry; Doug Benoit; katherine.w.wade@dominionenergy.com; Nadimi, Payman
Cc: Lang, Ryan; Guns, Meredith; varnell@ncobxlaw.com
Subject: 1900 N. Croatan Hwy - Notice of Violation (153.080/153.359) and Stop Work Order
Attachments: 1900NCroatanHwyNOVSWO.pdf

Good Morning Arista KDH, LLC,

Attached is a notice of violation and stop work order for 1900 N. Croatan Highway. This violation is to 153.080 of the Kill Devil Hills Town Code for the installation of new overhead electrical distribution lines, new overhead electrical transformers, and 153.359 a change in the plan by the owner/developer without Town approval. At this time, all work on site shall stop until the required actions listed in the NOV are completed or compliance with Town Code.

Please let me know if you have any questions.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com



Director of
Planning and Inspection
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JODAN BLYTHE



**THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA**

PLANNING DEPARTMENT

Assistant Director of
Planning and Inspection
CAMERON RAY

Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

NOTICE OF VIOLATION AND STOP WORK ORDER

August 16, 2023

ARISTA KDH LLC
450 STATION AVE
YARMOUTH, MA, 02664, USA

Please be advised that this letter serves notice of your violation of 153.080 ELECTRICAL AND COMMUNICATION SERVICE and 153.359 CHANGES IN PLAN BY OWNER OR DEVELOPER and a STOP WORK ORDER for all work association with the construction at 1900 N. Croatan Hwy.

Date of violation: 7/18/23

Date of letter: 8/16/23

Location: 1900 N. Croatan Hwy

PIN: 988406288549

Nature of violation:

- Installation of new overhead electrical distribution lines and new overhead electrical transformers. Stop work order has been posted on site.
- Change in plan by owner/developer without approval. The approved site plan on file with the current active building permit is dated 6/14/2022 with no revisions and received by the Town of KDH on August 06, 2022. Approval memo was sent on August 10, 2022.

Required Actions:

- Stop work immediately.
- Submit a site plan for Town review for bringing the site into compliance with 153.080.
- Obtain Town approval and permitting for changes in plan.

If you fail to address the requirements of this permit within 15 days, you may be assessed a graduated penalty starting at \$50 per day per Chapter 10, General Provisions, Section 10.99 of the Town Code. Each day's continuing violation shall be a separate and distinct offense (Section 10.99 (c) and GS 160A-175(g)).

Page 2

If you have any questions, please contact me at 252-449-5318.

Cameron Ray
Assistant Planning Director

A handwritten signature in black ink, appearing to be 'CR', with a long horizontal stroke extending to the right.

First Class & Certified Mail #: 7020 2450 0001 6017 6957

Ray, Cameron

From: Ray, Cameron
Sent: Wednesday, September 6, 2023 4:20 PM
To: David Berry; Yee, Jeremy
Cc: Scott Weymouth; Nadimi, Payman; katherine.w.wade@dominionenergy.com; william.s.foxwell@dominionenergy.com
Subject: RE: Building Permit and Approved Revised Construction Drawings - 1900 N. Croatan Hwy

Good Afternoon,

As of this morning, Venture Construction has obtained the building permit and the approved building plans and site plan for the proposed Wawa construction at 1900 N. Croatan Hwy. Additionally, the Town of Kill Devil Hills met on site with Venture Construction and Wawa for a preconstruction meeting. The site at 1900 N. Croatan Hwy no longer is posted with a stop work order and the construction can begin whenever the contractor/developer desires in conjunction with the approved building plan and site plan. The property will remain in violation of 153.080 Electrical and Communication Services as outlined in the Notice of Violation (Date of letter: 8/16/23) previously issued until the remediation work to bring the property into compliance on the approved site plan is completed.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com



From: Ray, Cameron <Cameron@kdhnc.com>
Sent: Thursday, August 24, 2023 2:50 PM
To: David Berry <DavidBe@ventureconstruction.com>; Yee, Jeremy <Jeremy.Yee@kimley-horn.com>
Cc: Scott Weymouth <scott@aristadevllc.com>; Nadimi, Payman <Payman.Nadimi@wawa.com>; katherine.w.wade@dominionenergy.com; william.s.foxwell@dominionenergy.com
Subject: Building Permit and Approved Revised Construction Drawings - 1900 N. Croatan Hwy

Good Afternoon,

The building permit is ready to be issued to Venture Construction Company for the "Wawa" at 1900 N. Croatan Hwy and the approved revised building plans (Approved: 4/25/2023) and approved revised site plan (Approved: 8/24/2023) are ready to be released with the permit. Please make an appointment to come to the Kill Devil Hills Planning and

Inspections Department (102 Town Hall Drive, Kill Devil Hills, NC) to sign/date the building permit and receive the approved building and site plan. Once the building permit and approved plans have been issued/released, the "Stop Work Order" on site will be removed by the Building Inspector. Town Staff request an on-site preconstruction meeting with the contractors representatives prior to beginning any work.

Please acknowledge receipt of this email.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone
252-441-4102 fax
www.kdhnc.com





This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

1900 N Croatan HWY
Kill Devil Hills NC, 27948
Parcel: 029831000
Pin: 988406288549

Owners: Arista Kdh Llc -Primary
Owner

Building Value: \$0
Land Value: \$1,176,100
Misc Value: \$0
Total Value: \$1,176,100

Tax District: Kill Devil Hills
Subdivision: Wright's Shores
Lot BLK-Sec: Lot: Southern Pt Parcel B

Blk: Sec:
Property Use: Retail
Building Type:
Year Built:





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

ARISTA KDH LLC
450 STATION AVE
YARMOUTH, MA 02664

Dear Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as a property owner (1900 North Croatan Highway, Kill Devil Hills, Parcel Number: 029831000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,



James Michael O'Dell
Town Clerk



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1901 A N Croatan HWY
Kill Devil Hills NC, 27948
Parcel: 029832001
Pin: 988406383994L1

Owners: Target Corporation -Primary
Owner
Attn: Nora McGreevy -Primary Owner
Building Value: \$3,406,300
Land Value: \$0
Misc Value: \$376,200
Total Value: \$3,782,500

Tax District: Kill Devil Hills
Subdivision: Wright's Shores
Lot BLK-Sec: Lot: Blk: Sec:
Property Use: Leasehold
Building Type: Discount Dept Store
Year Built: 1992





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

TARGET CORPORATION
ATTN: NORA MCGREEVY
1000 NICOLLET MALL, (TPS-3155)
MINNEAPOLIS, MN 55403

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (1901 A North Croatan Highway, Kill Devil Hills, Parcel Number: 029832001).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,



James Michael O'Dell
Town Clerk



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

WRIGHT CO INC
3200 PACIFIC AVE STE 100
VIRGINIA BEACH, VA 23451

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (1901 North Croatan Highway, Kill Devil Hills, Parcel Number: 029832000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,



James Michael O'Dell
Town Clerk



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1920 N Croatan HWY
Kill Devil Hills NC, 27948
Parcel: 030222000
Pin: 988406286896

Owners: Branch Banking And Trust
Company -Primary Owner

Building Value: \$810,700
Land Value: \$1,219,100
Misc Value: \$42,600
Total Value: \$2,072,400

Tax District: Kill Devil Hills
Subdivision: Robert A. Young, Jr. Sub
Lot BLK-Sec: Lot: 1-3 & Adj Parcel Blk:

Sec:
Property Use: Professional
Building Type: Bank
Year Built: 1999





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

BRANCH BANKING AND TRUST COMPANY
C/O DUCHARME, MCMILLEN & ASSOCIATES
PO BOX 80615
INDIANAPOLIS, IN 46280

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (1920 North Croatan Highway, Kill Devil Hills, Parcel Number: 030222000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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209 Orville CT
Kill Devil Hills NC, 27948
Parcel: 002132000
Pin: 988406285676

Owners: Brown, Jeremy -Primary
Owner
Brown, Cynthia -Primary Owner
Building Value: \$186,300
Land Value: \$86,300
Misc Value: \$0
Total Value: \$272,600

Tax District: Kill Devil Hills
Subdivision: Wright's Shores
Lot BLK-Sec: Lot: 174 Blk: Sec:
Property Use: Residential
Building Type: Beach Box
Year Built: 1972





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

BROWN, JEREMY
BROWN, CYNTHIA
3474 N 1270 W
PLEASANT GROVE, UT 84062

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (209 Orville Court, Kill Devil Hills, Parcel Number: 002132000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,



James Michael O'Dell
Town Clerk



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0 Georgia LN
Kill Devil Hills NC, 27948
Parcel: 002095999
Pin: 988405174996

Owners: Wright's Shores Association
Inc -Primary Owner

Building Value: \$0
Land Value: \$16,600
Misc Value: \$0
Total Value: \$16,600

Tax District: Kill Devil Hills
Subdivision: Wright's Shores
Lot BLK-Sec: Lot: Pedestrian Access Blk:
Sec:
Property Use: Vacant Land (Prop
Owners Association)
Building Type:
Year Built:





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

WRIGHT'S SHORES ASSOCIATION INC
P.O. BOX 7552
KILL DEVIL HILLS, NC 27948

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (0 Georgia Lane, Kill Devil Hills, Parcel Number: 002095999).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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206 David LN
Kill Devil Hills NC, 27948
Parcel: 002248000
Pin: 988406286531

Owners: Ritchie, Thomas D -Primary Owner
Ritchie, Natalie R -Primary Owner
Building Value: \$151,400
Land Value: \$86,800
Misc Value: \$0
Total Value: \$238,200

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 147 Blk: Sec: 2
Property Use: Residential
Building Type: Beach Box
Year Built: 1982



002248-000 07-988406-038 03/11



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

THOMAS D. RITCHIE
NATALIE R. RITCHIE
205 WATERSEDGE DR
KILL DEVIL HILLS, NC 27948

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (206 David Lane, Kill Devil Hills, Parcel Number: 002248000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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204 David LN
Kill Devil Hills NC, 27948
Parcel: 027143000
Pin: 988406286497

Owners: Beatty, Sonja -Primary
Owner

Building Value: \$192,100
Land Value: \$86,300
Misc Value: \$1,300
Total Value: \$279,700

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 148 Blk: Sec: 2
Property Use: Residential
Building Type: Traditional
Year Built: 1984





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

SONJA BEATTY
204 DAVID LN
KILL DEVIL HILLS, NC 27948

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (204 David Lane, Kill Devil Hills, Parcel Number: 027143000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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202 David LN
Kill Devil Hills NC, 27948
Parcel: 002249000
Pin: 988406287421

Owners: Lewis, George E -Primary Owner
Lewis, Winifred C -Primary Owner
Building Value: \$195,900
Land Value: \$86,300
Misc Value: \$0
Total Value: \$282,200

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 149 Blk: Sec: 2
Property Use: Residential
Building Type: Traditional
Year Built: 1999



002249-000 07-988406-040 03/11



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

GEORGE E. LEWIS
WINIFRED C. LEWIS
PO BOX 701
DINWIDDIE, VA 23841

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (202 David Lane, Kill Devil Hills, Parcel Number: 002249000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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200 David LN
Kill Devil Hills NC, 27948
Parcel: 002250000
Pin: 988406287355

Owners: Cardwell, Larry W -Primary Owner
Cardwell, Brenda B -Primary Owner
Building Value: \$159,800
Land Value: \$86,300
Misc Value: \$0
Total Value: \$246,100

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 150 Blk: Sec: 2
Property Use: Residential
Building Type: Beach Box
Year Built: 1985



002250-000 07-988406-041 03/11



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

LARRY W. CARDWELL
BRENDA B. CARDWELL
14830 LAKE OLIVE DR
FORT MYERS, FL 33919

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (200 David Lane, Kill Devil Hills, Parcel Number: 002250000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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201 W Fourth ST
Kill Devil Hills NC, 27948
Parcel: 002210000
Pin: 988406288233

Owners: Spreeman, Todd F -Primary
Owner

Building Value: \$251,800
Land Value: \$86,300
Misc Value: \$1,500
Total Value: \$339,600

Tax District: Kill Devil Hills
Subdivision: Wright's Shores Sec 2
Lot BLK-Sec: Lot: 1 Blk: Sec: 2
Property Use: Residential
Building Type: Traditional
Year Built: 2004



002210-000 07-988406-032 03/11



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

TODD F. SPREEMAN
201 W FOURTH ST
KILL DEVIL HILLS, NC 27948

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (201 West Fourth Avenue, Kill Devil Hills, Parcel Number: 002210000).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,


James Michael O'Dell
Town Clerk



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0 N Croatan HWY
Kill Devil Hills NC, 27948
Parcel: 029831200
Pin: 988406289382

Owners: Gemcap Development Llc -
Primary Owner

Building Value: \$0
Land Value: \$420,800
Misc Value: \$0
Total Value: \$420,800

Tax District: Kill Devil Hills
Subdivision: Wright's Shores
Lot BLK-Sec: Lot: Southend Of Parcel B
Blk: Sec:
Property Use: Vacant Land (Private)
Building Type:
Year Built:





THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

BOARD OF ADJUSTMENT

September 18, 2023

GEMCAP DEVELOPMENT LLC
418 N MARSHALL ST STE 201
WINSTON SALEM, NC 27101

Dear Adjacent Property Owner(s):

The purpose of this letter is to advise you that an appeal of a Stop Work Order and a requested interpretation of §153.080 Electrical and Communication Service (prohibiting overhead power) has been submitted to the Town of Kill Devil Hills by Dominion NC Power for the property at 1900 North Croatan Highway, Kill Devil Hills. You are receiving this notice as an adjacent property owner (0 North Croatan Highway, Kill Devil Hills, Parcel Number: 029831200).

The Board of Adjustment will hold a public hearing on this matter on Tuesday, September 26, 2023, at 5:00 p.m. in the Kill Devil Hills Town Hall Meeting Room, located at 102 Town Hall Drive.

Should you have any questions, please do not hesitate to contact Donna Elliott, Zoning Administrator, at 252-449-5310 or by email at donna@kdhnc.com.

Sincerely,



James Michael O'Dell
Town Clerk



