

PLANNING AND DEVELOPMENT

Ben Warren
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-732-2065

ZONING BOARD OF ADJUSTMENT AGENDA

**Wednesday, April 8, 2026
6:00 PM**

1. **Call to Order**
2. **Approval of the Minutes:** February 11, 2026
3. **Administrative Appeal:** Case No. 2026-017 Property owner, Marty Messer, is appealing a decision made by the Carteret County Planning Department finding that the property located at 1528 Hwy 24, Newport, NC (PIN#: 633604749974000) is in violation of the Carteret County Zoning Ordinance.
4. **Next Meeting:** May 13, 2026 at 6:00 PM
5. **Adjournment**

Zoning Board of Adjustment Meeting Location:

302 Courthouse Square, Beaufort, NC 28516
Carteret County Administration Building, Commissioners' Board Room, 2nd floor

PLANNING AND DEVELOPMENT

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**COUNTY OF CARTERET
ZONING BOARD OF ADJUSTMENT
WEDNESDAY, February 11, 2026
6:00 PM**

The Carteret County Zoning Board of Adjustment held its regular meeting on Wednesday, February 11, 2026 at 6:00 PM, in the Administration Building, Courthouse Square, Beaufort, North Carolina.

Members present were:

Robert Bittner, Chairman
Sean Burke
Richard Farrington
Jeremy Thompson

Also present were:

Ben Warren, Planning Director
Kate Allen, Assistant Planning Director
Leah Aldret, Administrative Manager

1. Call to Order

Chairman Bittner called the meeting to order at 6:00 PM

2. Approval of the Minutes January 14, 2026

Sean Burke motioned to approve the minutes as presented, Richard Farrington seconded the motion, followed by a unanimous vote (4-0) to approve the minutes.

3. Order Denying the Variance

Sean Burke motioned to approve the Order Denying the Variance for Case No. 2025-000064, 195 Backshore Lane, Smyrna, NC. Jeremy Thompson seconded the motion, followed by a unanimous vote (4-0) to approve.

4. **Next meeting:** March 11, 2026 at 6:00 PM

5. **Adjournment:** Chairman Bittner adjourned the meeting at 6:05 PM

Sean Burke motioned to adjourn the meeting, Richard Farrington seconded the motion, followed by a unanimous vote (4-0) to adjourn.

Secretary

PLANNING AND DEVELOPMENT

Ben Warren
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-728-6643

CARTERET COUNTY ZONING BOARD OF ADJUSTMENT

April 8, 2026



Case No: 2026-017

Property Address / Location

1528 Highway 24, Newport, NC 28570

Parcel Identification Numbers (PIN)

535702898053000 (7.238 acres)

Current Zoning

R-15M Single Family Residential

Current Use

Contractor's Storage Yard

Request

Appeal of Administrative Decision

Overview

Property Owner, Marty Messer, has been issued a Notice of Violation following an investigation by Code Enforcement Officer, Heather Allen. The investigation found that the subject property is being used as a Contractor's Storage Yard, which is not a permitted use in the R-15M Single Family Residential District (Ref. Carteret County Zoning Ordinance, [Section 3400 – Table of Permitted and Special Uses](#)). In accordance with [Section 1404 – Appeals and Hearings](#) of the Carteret County Zoning Ordinance, Mr. Messer has submitted notice of appeal of this decision to be considered by the Zoning Board of Adjustment.

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Timeline

- July 15, 2025 – Complaint received from neighboring property owner. Materials related to the commercial operation caught fire and spread to neighbor's property
- August 6, 2025 – Investigation/Site Visit conducted. Code Enforcement Officer, Heather Allen, notified neighboring property owner that a Notice of Violation would be mailed.
- August 6, 2025 – First Notice of Violation mailed, later returned undeliverable
- September 12, 2025 – Second Notice of Violation mailed, later returned undeliverable
- October 17, 2025 – Follow Up Investigation/Site Visit. Code Enforcement Officer, Heather Allen, posted a Stop Work Order on the front door of the home.
- October 24, 2025 – Mr. Messer came to the Planning & Development Office to inquire about a permit application unrelated to the subject property. Code Enforcement Officer, Heather Allen, handed him the first Notice of Violation. He acknowledged that there is a landscaping business based out of the property, but claimed not to have any additional information related to the company, and that the property belongs to his wife.
- January 8, 2026 – Follow Up Investigation/Site Visit. Code Enforcement Officer, Heather Allen, found that the commercial operation is ongoing with additional commercial and industrial equipment on site.
- January 14, 2026 – Third Notice of Violation mailed, delivered to Mrs. Messer January 20, 2026
- January 21, 2026 – Mrs. Messer informed Code Enforcement Officer, Heather Allen, that the subject property is included in an ongoing divorce settlement. Mrs. Messer provided legal documentation demonstrating that Mr. Messer is the responsible party for the subject property.
- March 3, 2026 – Code Enforcement Officer, Heather Allen, found correct email and phone number for Mr. Messer. She attempted to reach Mr. Messer via phone and left a voicemail, and followed up with an email including language from Chip Payson, Attorney, which outlined the process and potential injunction to be filed with the court system.
- March 4, 2026 – Mr. Messer came to the Planning & Development Office to speak with Heather Allen about potential timelines for correction, noting that the renters/business owners have nowhere to go. Heather Allen, Code Enforcement Officer, and Kate Allen, Assistant Planning Director, provided information on potential remedies, to include petitioning for rezoning. Mr. Messer said that he planned to appeal the Notice of Violation, and was provided the necessary application forms and deadline for submittal.
- March 11, 2026 – Mr. Messer submitted application forms to appeal the Violation.

Public Notice

Surrounding property owners have been notified in accordance with the Carteret County Zoning Ordinance.

Legal Ad: 03/25/2026 and 04/01/2026

Mailed Notice: 03/23/2026

Carteret County Planning & Development Department
3820 Bridges Street, Suite B, Morehead City, NC 28557

PLANNING AND DEVELOPMENT

Ben Warren
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-728-6643

Attachments

1. Development Submittal Form
2. Appeal of Administrative Decision with Supporting Narrative
3. Notices of Violation & Inspection Summary
4. Email Correspondence
5. Aerial Map
6. Zoning Map
7. Zoning Ordinance Sections
 - a. 1200. Administration
 - b. 1404. Appeals and Hearings
 - c. Page from 3400. Table of Permitted and Special Uses
8. Surrounding Property Owner Buffer Map
9. Public Notice

DEVELOPMENT SUBMITTAL FORM
Carteret County Department of Planning and Development

\$1350

Ben Warren, Planning Director

Main Office: 3820 Bridges Street Suite B Morehead City, NC 28567 Phone: (252) 728-8646
Western Office: 701 Cedar Point Blvd. Cedar Point, NC 28584-8013 Phone: (252) 222-5833

Fax: (252) 723-2065
Fax: (252) 222-5826

All fees must accom pany this form and checklist

PROPERTY or DEVELOPMENT NAME: 1528 HWY 24, NEWPORT, NC 28570

ADDRESS and PIN(s):

APPLICANT: MARTY MESSE R

OWNER(S): MARTY MESSE R

ADDRESS: 1528 HWY 24, NEWPORT NC

ADDRESS: 246 CANTON ST
NEWPORT, NC 28570

Signature of Applicant/Agent: Marty A. Messer Date: 11 MAR 2026

PLEASE CHECKMARK ALL APPLICABLE ITEMS

SUBMITTING FOR: In-house review TRC* PC ZBoA Other

* TRC Meetings are held virtually.

SUBDIVISIONS: Acres _____ Lots _____

- Exemption to the Subdivision Regulations
- Lot Split Completed and signed copies of Appendices A and B
- Alternative Access Subdivision Mylar + dxf or dwg file
 - Completed and signed copies of Appendices A and B
 - Access Easement Family Subdivision
 - Private Lane Flag Lot
- Sketch Plan Completed and signed copy of Appendix A
 - Minor Subdivision
 - Major Subdivision Paper + pdf or jpeg
 - Planned Conservation Development Paper + pdf or jpeg
- Preliminary Plat
 - Completed and signed copies of Appendices A and B
 - Minor Subdivision
 - Major Subdivision Paper + pdf or jpeg
 - Planned Conservation Development Paper + pdf or jpeg
 - Preliminary Plat Approval Extension
- Final Plat Mylar + dxf or dwg file
 - Performance Guarantee Processing
 - Performance Guarantee Extension
 - Final Plat Approval Extension
 - Recreation Fee (Amount \$ _____ and District # _____)

ALL OTHER PLANNING AND ZONING MATTERS

- ABC Permit Zoning Review
- Airport Height Limits Permit: Proposed height = _____
- Appeal of an Administrative Decision
- Communication Tower: Height = _____
 - Exemption Consultant Fees
 - Tower
 - Co-Location
 - Performance & Removal Surety Processing
 - Temporary Use Meteorological Tower
- Conditional Use Rezoning: District _____ Use _____
- Group Housing Development: Acres _____ Units _____
 - Preliminary Plan Paper + pdf or jpeg
 - Final Plan and Permit
 - Final Plan Amendment or Revision
- MH Park or RV Park Preliminary Plan: Spaces _____
 - Preliminary Plan Paper + pdf or jpeg
 - Preliminary Plan Approval Extension
 - Final Plan and Permit
 - Final Plan Amendment or Revision
 - Triennial Park Inspection
- Ordinance Interpretation
- Planned Unit Development: Acres _____ Units _____
 - Regular Paper + pdf or jpeg
 - Flexible Paper + pdf or jpeg
- Rezoning from R-15A to B-1 MAM
- Road Abandonment
- Road Addition
- Sign Permit: Square Feet _____
- Special Use Permit for _____
- Text Amendment
- Variance
- Wind Energy Facility: kW _____ Height _____
 - Temporary Pole or Tower Small System
 - Large System Utility-scale
 - Performance & Removal Surety Processing
- Other: _____

Staff Use Only:
Amount Paid: 350 Date Rec'd: 3/11/26
Rec'd by: LA



APPEAL OF AN ADMINISTRATIVE DECISION OR INTERPRETATION

Applicant: MARY MESSER
Address: 1528 HWY 24
NEWPORT, NC 28570

Owner (If not Applicant): MARY MESSER
Address: 246 CANTON ST
NEWPORT NC 28570



Signature: Mary A. Messer
Date: 11 MARCH 2026

Explain the background of the situation and the reasons why you think that the administrative official erred in his/her decision or interpretation:

(SEE ATTACHED)

For Staff Use Only:

Application Number: _____ Amt. Rec'd: _____ Received by: _____ Date: _____

Carteret County Department of Planning and Development

Main Office: 382 Bridges Street Suite B
Morehead City, NC 28557
Tel: (252) 728-8545
Fax: (252) 728-6643

Western Office: 701 Cedar Point Blvd.
Cedar Point, NC 28584-8013
Tel: (252) 222-5833
Fax: (252) 222-5825

9 Mar 2026

Appeal:

I would like to appeal the decision of the Planning and Development Administrative Office dated 14 January 2026.

I feel that my property is exactly that, MINE. If I am doing something illegal or dangerous on the property, I understand the government having to get involved, but to limit what I can store on my property, is going too far.

I was first told that there was a complaint about the travel on the road and that the road was being damaged. I spoke to the two, yes two, neighbors that share this road with me and they are happy that if I pave part of the driveway and spread rock on the rest, they are ok with us all using the driveway.

When I physically received the letter dated 14 January 2026, it states that I can't "store commercial or industrial equipment or by products." Which, has NOTHING to do with the road.

The gentleman that I rent this home to does have a landscaping company and he does store some of his leftover materials on this property.

I have spoken to the renter and he has agreed to remove any vehicles and equipment that he has stored there, if he is allowed to store the materials.

I would also agree to put up a privacy fence in the front of the materials, so they cannot be seen or install landscaping to better conceal the materials.

I, like anyone else, want to make a dollar, but I also want to help this gentleman out and rent this home to him. He stored ALL of this equipment, materials, etc on the property right behind 1528 Hwy 24 for over 10 years without an issue, but that gentleman sold the home so the landscaper had to relocate his materials.

The landscaper has an office in Newport that he conducts business out of and DOES NOT receive or have any clients at 1528 Hwy 24.

This landscaper is just trying to make a living and currently doesn't have anywhere else to store his materials. Essentially, if he loses this property, he will no longer be able to stay in business.

I respectfully request that the board allow the landscaper to store materials on this property with any provision from the planning and development board towards improving the property and concealing things from the public.

Sincerely,


Marty A. Messer

PLANNING AND DEVELOPMENT

Vacant
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-732-2065

August 6th, 2025

Mr. & Mrs. Marty Messer
PO BOX 1505
Newport, NC 28570

Notice of Zoning Violation / Order to Correct

Dear Mr. & Mrs. Messer:

A site visit of your property located at 1528 Hwy 24, Newport NC, and found it being used for storage of commercial or industrial equipment and by-products. This property is 1.54 +/- acres and is zoned **R-15M** (*Single-family Residential District*). Be advised that you are found to be in violation of the **Carteret County Zoning Ordinance**, as a contractor's storage yard is not a permitted use in the **R-15M** zoning district. Additionally, a commercial zoning permit has not been issued for this property because it is not zoned for commercial use.

You are ordered to correct the violation by ceasing any and all commercial activity on this property within **thirty (30) days** from receipt of this notice.

Any person, firm, or corporation convicted of a violation of any provision of the Carteret County Zoning Ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

If you feel this order has been issued in error, you may appeal the claim by giving written notice of such appeal to the planning director or designee. Appeals are heard by the Zoning Board of Adjustment in accordance with Article 1400 of the Carteret County Zoning Ordinance. If you have any questions, please do not hesitate to contact me at (252) 728-8545.

Respectfully,

A handwritten signature in blue ink, appearing to read "Heather Allen".

Heather Allen
Code Enforcement Officer

Location: 3820 Bridges Street Suite B Morehead City, NC 28557











PLANNING AND DEVELOPMENT

Vacant
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-732-2065

September 12th, 2025

Mr. & Mrs. Marty Messer
512 Pearson Circle
Newport, NC 28570

Notice of Zoning Violation / Order to Correct

Dear Mr. Messer:

A site visit of your property located at 1528 Hwy 24, Newport NC, and found it being used for storage of commercial or industrial equipment and by-products. This property is 1.54 +/- acres and is zoned **R-15M** (*Single-family Residential District*). Be advised that you are found to be in violation of the **Carteret County Zoning Ordinance**, as a contractor's storage yard is not a permitted use in the **R-15M** zoning district. Additionally, a commercial zoning permit has not been issued for this property because it is not zoned for commercial use.

You are ordered to correct the violation by ceasing any and all commercial activity on this property within **thirty (30) days** from receipt of this notice.

Any person, firm, or corporation convicted of a violation of any provision of the Carteret County Zoning Ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

If you feel this order has been issued in error, you may appeal the claim by giving written notice of such appeal to the planning director or designee. Appeals are heard by the Zoning Board of Adjustment in accordance with Article 1400 of the Carteret County Zoning Ordinance. If you have any questions, please do not hesitate to contact me at (252) 728-8545.

Respectfully,

A handwritten signature in blue ink, appearing to read "Heather Allen", is written over a horizontal line.

Heather Allen
Code Enforcement Officer







1
5
2
8

10/17/2023

Dear Mr. Greaser,

Please call our office immediately regarding the property at 4526 Highway 24, Newport. We have been trying to reach you at both your PO Box and 512 Pearson Circle.

Respectfully,

Heather Allen
Code Enforcement Officer
Carteret County Planning & Development
Department
3820 Bridget Street Suite B
Morehead City, NC 28557
252-729-6614
252-732-2055 (fax)



PLANNING AND DEVELOPMENT

Ben Warren
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-732-2065

January 14th, 2026

Mr. & Mrs. Marty Messer
5901 Brights Pike
Russellville, TN 37860

2nd Notice of Zoning Violation / Order to Correct 1528 Highway 24, Newport

Dear Mr. & Mrs. Messer:

A second site visit of your property located at 1528 Hwy 24, Newport NC, was complete on 1/8/2026 and found it being used for storage of commercial or industrial equipment and by-products. This property is 1.61 +/- acres and is zoned **R-15M** (*Single-family Residential District*). Be advised that you are found to be in violation of the **Carteret County Zoning Ordinance**, as a contractor's storage yard is not a permitted use in the **R-15M** zoning district. Additionally, a commercial zoning permit has not been issued for this property because it is not zoned for commercial use.

You are ordered to correct the violation by ceasing any and all commercial activity on this property within **thirty (30) days** from receipt of this notice.

Any person, firm, or corporation convicted of a violation of any provision of the Carteret County Zoning Ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

If you feel this order has been issued in error, you may appeal the claim by giving written notice of such appeal to the planning director or designee. Appeals are heard by the Zoning Board of Adjustment in accordance with Article 1400 of the Carteret County Zoning Ordinance. If you have any questions, please do not hesitate to contact me at (252) 728-8545.

Respectfully,

A handwritten signature in blue ink, appearing to read "Heather Allen", is written over the typed name.

Heather Allen
Code Enforcement Officer

PLANNING AND DEVELOPMENT

Ben Warren
Director



Morehead City Office
Phone: 252-728-8545
Fax: 252-732-2065

January 14th, 2026

Mr. & Mrs. Marty Messer
246 Canton St
Newport, NC 28570

2nd Notice of Zoning Violation / Order to Correct 1528 Highway 24, Newport

Dear Mr. & Mrs. Messer:

A second site visit of your property located at 1528 Hwy 24, Newport NC, was complete on 1/8/2026 and found it being used for storage of commercial or industrial equipment and by-products. This property is 1.61 +/- acres and is zoned **R-15M** (*Single-family Residential District*). Be advised that you are found to be in violation of the **Carteret County Zoning Ordinance**, as a contractor's storage yard is not a permitted use in the **R-15M** zoning district. Additionally, a commercial zoning permit has not been issued for this property because it is not zoned for commercial use.

You are ordered to correct the violation by ceasing any and all commercial activity on this property within **thirty (30) days** from receipt of this notice.

Any person, firm, or corporation convicted of a violation of any provision of the Carteret County Zoning Ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

If you feel this order has been issued in error, you may appeal the claim by giving written notice of such appeal to the planning director or designee. Appeals are heard by the Zoning Board of Adjustment in accordance with Article 1400 of the Carteret County Zoning Ordinance. If you have any questions, please do not hesitate to contact me at (252) 728-8545.

Respectfully,

A handwritten signature in blue ink, appearing to read "Heather Allen", is written over the typed name.

Heather Allen
Code Enforcement Officer







| Start Date | Type | Inspector Name | Address | Schedule Notes | Comments |
|------------------|-------------------------|----------------|---|---|--|
| 01/08/2026 | Follow-Up Investigation | Heather Allen | 1528 HWY 24 NEWPORT, NC 28570 (633604749974000) | 30 day follow up from when I handed Marty his NOVs was 12/18/2025. | More equipment and trucks brought in. JNB landscaping truck found on site. |
| 10/16/2025 | Follow-Up Investigation | Heather Allen | 1528 HWY 24 NEWPORT, NC 28570 (633604749974000) | Post red notices on rental and at 512 Pearson doors to call us immediately. | Vehicles, landscaping material, work trucks and equipment on land. Left a red letter taped to front door of rental and at his residence at 512 Pearson for Mr. Messer to contact us. |
| 09/04/2025 | Follow-Up Investigation | Heather Allen | 1528 HWY 24 NEWPORT, NC 28570 (633604749974000) | Check 512 Pearson Circle for mailbox for Mr. & Mrs. Messer. | |
| 08/06/2025 | Follow-Up Investigation | Heather Allen | 1528 HWY 24 NEWPORT, NC 28570 (633604749974000) | 30 or more cars and other vehicles in and out, being used for a business. Neighbor complained that this is being used as a landscaping business. Too much traffic and noise in a residential. | Many vehicles and heavy machinery were still on the lot. Spoke with the tenant. He said he just rents from the property owner. He knows nothing about what is behind him. |
| Total Records: 4 | | | | | |

From: Heather Allen
Sent: Tuesday, March 3, 2026 2:53 PM
To: marty.messer@hotmail.com <marty.messer@hotmail.com>
Subject: 1528 HWY 24

Hi Marty,

I'm reaching out to you because this property in violation of commercial use in a residential zoned area. You and I discussed this October 24th 2025 when I gave you your first 2 Notice of Violation letters. A third and final one was sent to you and your ex-wife dated January 14th. While she contacted me and forwarded your divorce settlement agreement, I have still not heard from you.

I wanted to give you a last chance to come into compliance before the case goes to court. Our County Attorneys, Trey Ferguson and Chip Payson are aware of the situation and the County is ready to file for an injunction and an abatement under the County's zoning ordinance.

Please read what Mr. Payson explained to me:

"Once we file suit, if we secure an injunction and/or order of abatement, Messer must comply with the same within the timeframe allowed by the court. If Messer fails or refuses to comply, then he can be cited for contempt, and the county may execute the order of abatement, and it will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order."

"Further, after notice of a violation is given, the violator will have 30 days to correct the violation. If he does not, then each additional day that the violation continues to exist will be considered a separate violation. So, the fees for violations will mount as well."

I really want to help you, but I am going to need you to communicate with me on this situation. Time is of the essence. Please call me as soon as you can to discuss this matter further. I am also attaching the 3 NOV for your reference.

Respectfully,

Heather Allen

Code Enforcement Officer
Carteret County Planning & Development Department
3820 Bridges Street Suite B
Morehead City, NC 28557
252-728-8545
252-732-2065 (fax)

1528 Hwy 24 Newport

PIN 633604749974000

Vicinity



Surrounding Property Owners

Please see the attached property owner list.

 Subject Property

Prepared By:
Carteret County GIS



1528 Hwy 24
Newport

PIN 633604749974000

Vicinity



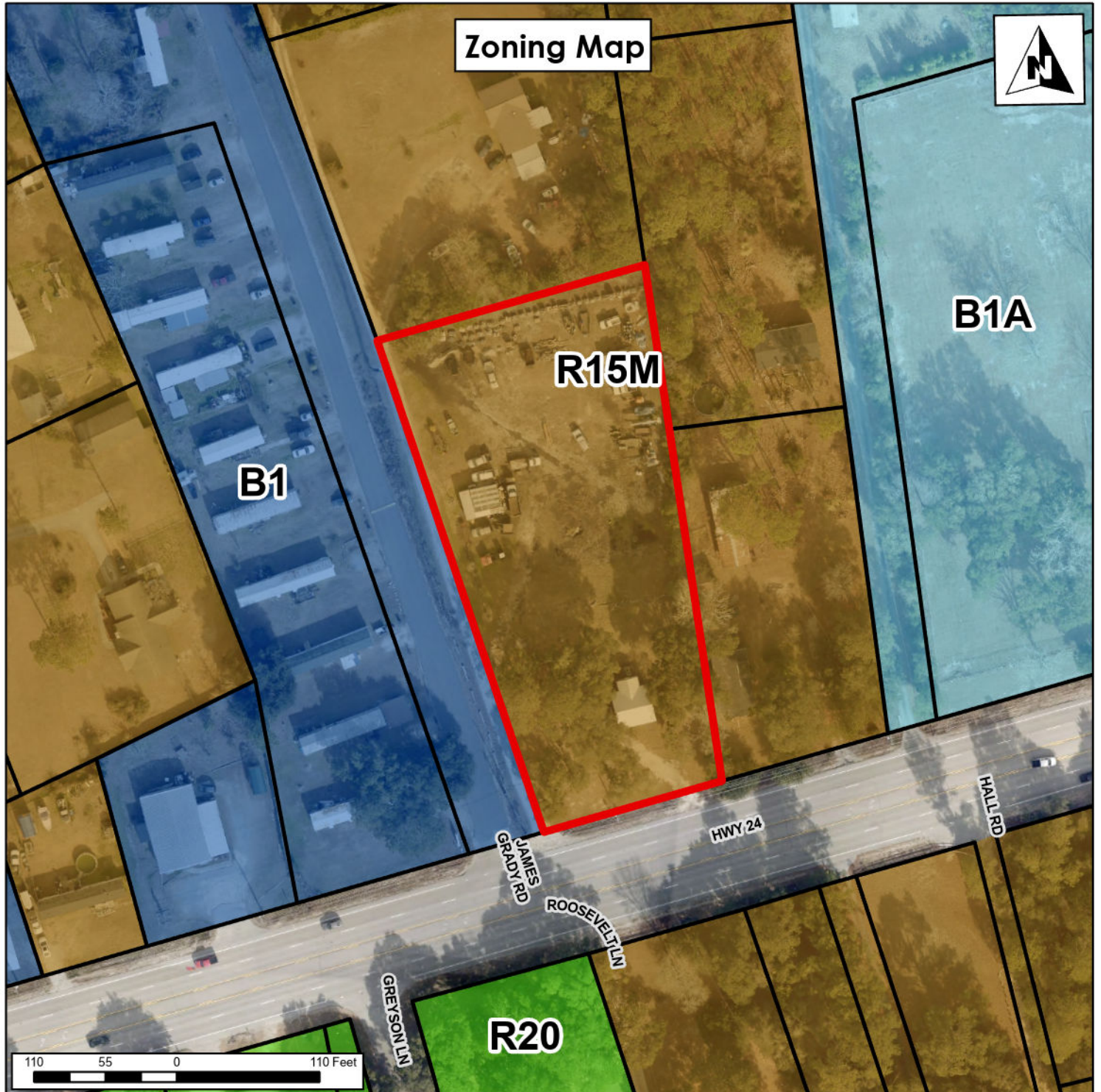
Surrounding Property Owners

Please see the attached property owner list.

 Subject

Prepared By:
Carteret County GIS

Zoning Map



B1A

R15M

B1

JAMES GRADY RD

ROOSEVELT LN

HWY 24

HALL RD

GREYSON LN

R20

110 55 0 110 Feet



1200. - ADMINISTRATION

1201. - Zoning administration.

The Director and Staff of the Carteret County Planning Department are hereby authorized, and it will be their duty, to administer and enforce the provisions of this ordinance. More specifically, for the purposes of this ordinance, it will be the duty of the zoning enforcement officer to enforce and administer the provisions of this ordinance. An appeal from a decision of the zoning enforcement officer may be taken to the zoning board of adjustment established pursuant to this ordinance in section 1400.

1202. - Enforcement methods.

The provisions of this ordinance may be enforced by any one or more of the following methods. The county may apply for any appropriate equitable remedy to enforce the provisions of this ordinance.

1202.1 *Injunction.* The provisions of this ordinance may be enforced by injunction. When a violation of this ordinance occurs, Carteret County may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

1202.2 *Order of abatement.* In addition to an injunction, the county may enter an order of abatement as part of the judgement in the case. An order of abatement may direct any of the following actions: that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other moveable property be moved; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance.

1202.3 *Execution of court decisions.* If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The county may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter was heard and will be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

1203. - Violation of ordinance.

Any person, firm or corporation convicted of a violation of any provision of this ordinance will be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. After notice of a violation is given, the violator will have 30 days to correct the violation. After that time, each additional day that the violation continues to exist will be considered a separate violation.

1204. - Zoning compliance certificate.

In order to ensure successful completion of all improvements required for a use as outlined in this ordinance, the zoning enforcement officer shall conduct a final inspection prior to issuance of the certificate of occupancy. The purpose of this inspection will be to review the development and ensure compliance with the zoning permit issued. The zoning enforcement officer shall provide written certification indicating that the use meets all applicable requirements. It is illegal to occupy or change the use of any building or land, except for land used for agricultural, aquacultural and forestry purposes, until a zoning compliance certificate has been issued by the zoning enforcement officer.

1205. - Zoning permits.

1205.1. It is illegal for any person to begin construction of, or change the use of, a structure or any part of a structure without obtaining a zoning permit from the zoning enforcement officer.

1205.2. The zoning enforcement officer will not issue a zoning permit unless the plot plans, zoning specifications and intended use of the structure conform to the requirements of this ordinance. The application for a zoning permit must be accompanied by information sufficient to allow the zoning enforcement officer to act on the request.

1205.3. In cases where the applicant for a zoning permit appeals a decision of the zoning enforcement officer or applies for a variance from the provisions of the ordinance, the zoning enforcement officer will forward all information pertaining to the application to the zoning board of adjustment.

1205.4. Any zoning permit issued in accordance with this section will lapse and become invalid unless the work for which it was issued is started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

1206. - Application for zoning permit.

The following information shall be required when making application for a zoning permit:

- a) Plot plan showing the actual dimensions of the lot to be developed. The plot plan being drawn to scale when the development is taking place in business, industrial, office and professional, and church campus districts;

- b) Location of existing and proposed buildings, including setbacks;
- c) Size of proposed building and, in the case of a commercial structure, interior floor plans, when necessary for determination to be made under other sections of this ordinance;
- d) Number and location of parking spaces for commercial structure;
- e) Location and dimensions of proposed and existing signs.

1404. - Appeals and hearings.

At least four weeks before the regularly scheduled zoning board of adjustment meeting date, the applicant for an appeal, code interpretation, or variance shall submit the completed application form and all supporting materials (including paper copies of any maps, site plans, and other graphics in sufficient number, as determined by the planning director or designee) and any required fee. In consultation with the chair of the zoning board of adjustment, the planning director or designee shall establish annually the schedule of the meeting date and submission deadline for each month's zoning board of adjustment regular meeting.

All administrative papers and other information relating to an appeal, code interpretation, or variance must be submitted to the planning director or designee by the appellant at least four weeks before the regularly scheduled zoning board of adjustment meeting date. After this deadline has expired, the applicant may not submit additional materials or information for the board to consider, unless the applicant agrees to be heard at the next available board meeting for which the submission deadline has not expired.

The board will give notice of the time, place, and subject of its hearings to the person(s) making the request. The board will keep minutes of its hearings and records of the votes of each member.

(Amd. of 2-18-08(5); Ord. of 10-19-09(7); Ord. of 10-17-11(9); Ord. of 7-16-12(3))

3400. TABLE OF PERMITTED AND SPECIAL USES (Continued)

| Land Uses | RA | R35 | R20 | R15 | R15M | R10 | R5W | CC | OP | RB | B1A | B1 | B2 | B3 | MC | RCP | LIW | PI | IW | CUZ-1 | CUZ-2 | |
|--|----|-----|-----|-----|------|-----|-----|----|----|----------------|-----|----|----|----|----|-----|-----|----|----|-------|-------|---|
| and only on the premises | | | | | | | | | | | | | | | | | | | | | | |
| Contractor's office | | | | | | | | | | S | P | P | | P | | | P | P | P | P | P | P |
| Contractor's plant and/or storage yard | | | | | | | | | | | | P | | | | | P | P | P | P | P | P |
| Convalescent home | | | | | | | | | P | P | P | S | | | | | | | | | | |
| Convenience store | | | | | | | | | | S | P | P | S | | | | | | | | P | P |
| Cooperage works and crafting services | | | | | | | | | | | | | | | | | P | S | P | | | S |
| Country club and related uses | P | P | S | S | S | S | | | | P | P | P | | | | | | | | | S | S |
| Credit union | | | | | | | | | P | S | P | P | | P | | | | | | | | S |
| Crematorium | S | S | S | S | S | S | | | P | | | P | | | | | P | | P | S | S | S |
| Dairy products processing plant | | | | | | | | | | | | | | | | | S | | P | S | S | S |
| Dance studio | | | | | | | | | | P | P | P | | | | | | | | | | |
| Day care center | S | S | S | S | S | S | | P | P | P | P | S | | | S | | | | | | | S |
| Deepwater berth facilities for cargo, marine research, and commercial fishing vessels | | | | | | | | | | | | | S | | | | | P | P | P | P | P |
| Delicatessen, provided that products prepared or processed on the premises shall be sold only at retail and only on the premises | | | | | | | | | | P | P | P | | | | | | | | | | |
| Delivery service | | | | | | | | | | | P | P | | S | | | | | | | P | P |
| Dental laboratory | | | | | | | | | P | | P | P | | | | | P | | | | | |
| Dental office and/or clinic | | | | | | | | | | P | P | P | | | | | | | | | | |
| Diner | | | | | | | | | | | P | P | P | P | | | | | | | | S |
| Disco, cabaret, nightclub, bar, and/or related entertainment facility | | | | | | | | | | | | P | P | S | | | | | | | | |
| Dock (private) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Dock, barge, tugboat, and related water transportation facility services and/or equipment | | | | | | | | | | | | | | | | | | P | P | P | P | P |
| Dormitory | | | | | | | | S | P | | | | | | | | | | | | S | S |
| Drive-in facility | | | | | | | | | | | P | P | P | P | | | | | | | | S |
| Driving range | | | | | | | | | | | P | P | | | | | | | | | | P |
| Dry cleaning establishment | | | | | | | | | | P ¹ | P | P | | P | | | P | | P | | | P |
| Drystack boat storage | | | | | | | | | | | | | P | | | | | S | S | P | P | P |
| Duplex (aka two-family dwelling) | P | P | P | P | P | P | | | | | | | | | | | | | | | P | P |

Attachment 7c

P = Land use is permitted in the District S = Land use requires a Special Use Permit to be permitted in the District Blank = Land use is not permitted in the District. Any land uses not listed are not permitted in any district. Page 4 of 14

1528 Hwy 24 Newport

PIN 633604749974000

Vicinity



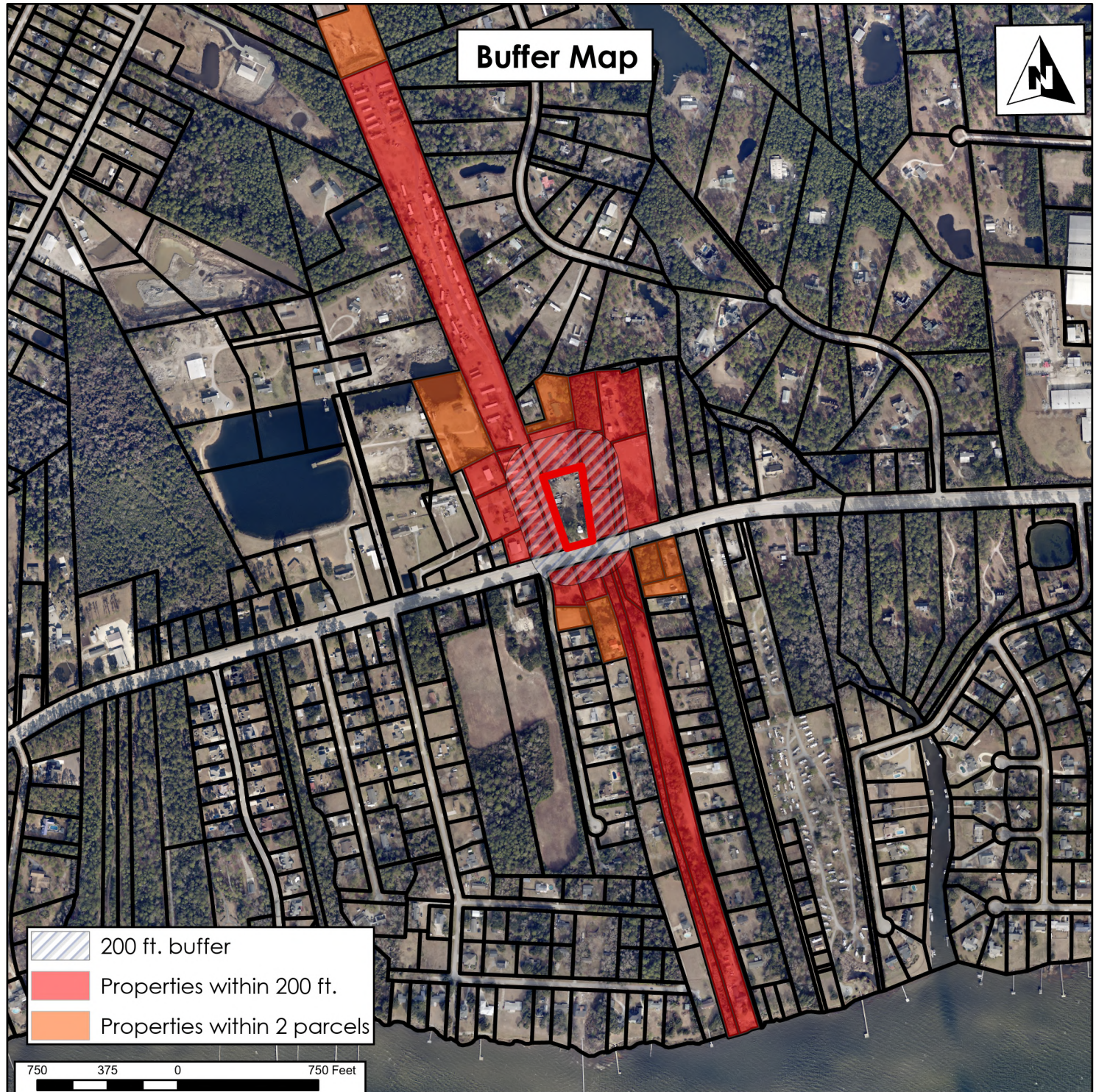
Surrounding Property Owners

Please see the attached property owner list.

 Subject Property

Prepared By:
Carteret County GIS Division

Buffer Map



| OWNER | MAIL_ADDRE | MAIL_CITY | MAIL_STATE | MAIL_ZIP |
|--|------------------------|----------------|------------|----------|
| KING EDWARD | 1137 HIBBS RD | NEWPORT | NC | 28570 |
| ROUSE BILLY EDWARD JR | 211 PETE ROAD | NEWPORT | NC | 28570 |
| LEONE SALVATORE | 1534 HWY 24 | NEWPORT | NC | 28570 |
| RUSSELL BRETT | 107 GREYSON LN | NEWPORT | NC | 28570 |
| SHARPE BARBARA ANN CATES | 115 ROOSEVELT LANE | NEWPORT | NC | 28570 |
| SINGLETON THOMAS MCLEAN | 1463 HIGHWAY 24 | NEWPORT | NC | 28570 |
| RIGGS GARY A | PO BOX 1075 | MOREHEAD CITY | NC | 28557 |
| HALL ROAD PROPERTIES LLC | 1463 HIGHWAY 24 | NEWPORT | NC | 28570 |
| JAUREGUI JUVENALIA CASTILLO | 162 ROUSEVILLE LN | NEWPORT | NC | 28570 |
| THE IVEY & DIANE LEWIS LIV TR | 3620 MEADOW DRIVE | MOREHEAD CITY | NC | 28557 |
| SEABREEZE INVESTMENTS LLC C/O JANICE KING | 1121 HIBBS ROAD | NEWPORT | NC | 28570 |
| STIMPSON SAMANTHA CAROL | 1532 HIGHWAY 24 | NEWPORT | NC | 28570 |
| SEABREEZE INVESTMENTS LLC C/O JANICE KING | 1121 HIBBS ROAD | NEWPORT | NC | 28570 |
| GARNER GERRY M JR | 304 N 24TH ST | MOREHEAD CITY | NC | 28557 |
| TAYLOR MELODIE DAWN | 112 SEA SHELL LN | ATLANTIC BEACH | NC | 28512 |
| HEALTH AND HUMOR LLC | 1463 HIGHWAY 24 EAST | NEWPORT | NC | 28570 |
| FOREST LANCE L ETUX DARLENE M | 1508 HIGHWAY 24 EAST | NEWPORT | NC | 28570 |
| AREN HOLDINGS LLC C/O AREN S WALLER | 101 NOYES AVE | MOREHEAD CITY | NC | 28557 |
| WALLER JULIAN DAVID JR | 5011 HOLLY LN | MOREHEAD CITY | NC | 28557 |
| H & H PROPERTIES OF CARTERET LLC C/O WALTER E HUMPHREY III | 120 PEARSON CIRCLE EXT | NEWPORT | NC | 28570 |
| SOMERS AMY LOUISE ETAL ALLEN | 1517 HIGHWAY 24 | NEWPORT | NC | 28570 |
| SHARPE BARBARA ANN CATES | 115 ROOSEVELT LANE | NEWPORT | NC | 28570 |
| PETRELLI JOHN | 1522 HIGHWAY 24 | NEWPORT | NC | 28570 |
| JONES VIRGINIA J | P O BOX 128 | WENDELL | NC | 27591 |

I certify that notifications were sent to the above addresses regarding property located at 1528 Hwy 24, Newport, NC (PIN#: 633604749974000

Signature

Date

3/23/20

