



CAMDEN COUNTY BOARD OF ADJUSTMENT

**February 19, 2025
7:00 PM
Regular Meeting**

**Camden County Public Library Building – Board Room
118 NC Hwy 343 N, Camden County, NC**

Agenda

Camden County Board of Adjustment
February 19, 2025; 7:00 PM
Camden Public Library - Boardroom
118 Hwy 343 North

ITEM I. Call to Order & Welcome

ITEM II. Consideration of Agenda

ITEM III. Consideration of Minutes

A. Minutes from October 16th, 2024

ITEM IV. Old Business

ITEM V. New Business

A. Variance Request for 102 Summer Way

ITEM VI. Information from Board and Staff

ITEM VII. Consider Date of Next Meeting

ITEM VIII. Adjourn

**Camden County Board of Adjustment
Special Meeting
October 16th, 2024; 6:35 PM
Camden County Library Board Room
Camden, North Carolina**

MINUTES

BOARD MEMBERS PRESENT/ABSENT

Present:	Absent:
Chairman Steven Bradshaw	
	Vice Chairman Nathan Lilley
George “Tom” White	
Briant Robey	
Wayne “Roger” Lambertson	
Ray Albertson (Alt)	
	Marshall “Lee” Powell (Alt)

STAFF PRESENT

Name:	Title:
Amber Curling	Director of Planning
Lauren Lee	Planning Officer

OTHERS PRESENT

Name	Title:	Purpose / Representing	Meeting Section

ITEM 1. CALL TO ORDER & WELCOME

Calling to order the meeting for Board of Adjustment by Chairman Steven Bradshaw at 6:35 PM. My name is Steven Bradshaw and I am the Chairman of the Camden County Board of Adjustment. For those of you who have not been here before, the board of adjustment hears request for variances and appeals under the Camden County Code. We are a Quasi-Judicial body which means we must make our decisions in accordance with that ordinance. We must base our decision only upon sworn testimony and evidence received at these hearings. When we are deciding these cases, our discretion is limited to the code which was enacted by the Board of Commissioners. We can interpret it and apply it but we cannot change it. The first order of business for today is approve the minutes from last meeting.

ITEM II. CONSIDERATION OF AGENDA

Chairman Bradshaw asked does anybody have any comments on the Agenda?

Chairman Steven Bradshaw made a motion to approve the agenda.

RESULT:	APPROVED [5 – 0]
MOVER:	Chairman Steven Bradshaw
SECONDER:	George “Tom” White
AYES:	Steven Bradshaw, Wayne “Roger” Lambertson, Briant Robey, Ray Albertson, George “Tom” White
NAYES:	
ABSENT:	Marshall “Lee” Powell, Vice Chairman Nathan Lilley

ITEM III. CONSIDERATION OF MINUTES

Chairman Steven Bradshaw called for the consideration of the minutes from August 21st, 2024 meeting.

Does anybody have any comments for the minutes from the last meeting? Hearing no comments on minutes do I hear a motion? Chairman Bradshaw minutes are approved.

Chairman Steven Bradshaw made a motion to approve the minutes as presented.

RESULT:	APPROVED [5 – 0]
MOVER:	Steven Bradshaw
SECONDER:	George “Tom” White
AYES:	Steven Bradshaw, Ray Albertson, Wayne “Roger” Lambertson, Briant Robey, George “Tom” White
NAYES:	
ABSENT:	Marshall “Lee” Powell, Vice Chairman Nathan Lilley

ITEM IV. COMMENTS from the PUBLIC

- None

ITEM V. OLD BUSINESS

- None

ITEM VI. NEW BUSINESS

- None

ITEM VII. INFORMATION FROM BOARD AND STAFF

- None

ITEM VIII. CONSIDER DATE OF NEXT MEETING

Next meeting will be determined pending Agenda

ITEM VIII. ADJOURN

Chairman Steven Bradshaw made a Motion to adjourn.

RESULT:	APPROVED [5 – 0]
MOVER:	Briant Robey
SECONDER:	George “Tom” White
AYES:	Steven Bradshaw, Ray Albertson, Wayne “Roger” Lambertson, Briant Robey, George “Tom” White
NAYES:	
ABSENT:	Marshall “Lee” Powell, Vice Chairman Nathan Lilley

There being no further matters for discussion Chairman Steven Bradshaw adjourned the meeting at 6:45 PM.

ATTEST:

Steven Bradshaw, Chairman
Camden County Board of Adjustment

Lauren Lee
Planning Officer

STAFF REPORT

Finding of the Facts

UDO# 2025-01-156 Variance Application Request for 102 Summer Way, Camden NC 27921

PROJECT INFORMATION

File Reference: 2025-01-156
Project Name: 102 Summer Way
PIN: 01.8907.00.90.2992.0000

Applicant: Levi Drake, Homeowner
Address: 102 Summer Way, Camden NC 27921
Phone: 757-389-1673
Email: levikdrake@gmail.com

Agent for Applicant: Same as Homeowner
Address: N/A
Phone: N/A
Email: N/A

Current Owner of Record: Drake, Levi K &
Megan E
Address: 102 Summer Way Camden NC 27921

Meeting Dates:
1/04/2025 **Neighborhood Meeting**
2/19/2025 **Board of Adjustment Meeting**

Application Received: 12/30/2024
By: Planning Department

Application Fee paid: \$500.00

Completeness of Application: Application is complete

Documents received upon filing of application or otherwise included:

- A.** Variance Application
- B.** Tax Card
- C.** Neighborhood Meeting Summary
- D.** Notice to Applicant and Adjacent Owners
- E.** Article 151.4.5.3.F General Standards for Accessory Structures -> Where Located on the Lot
- F.** Variance Procedures Article 151.2.3.26

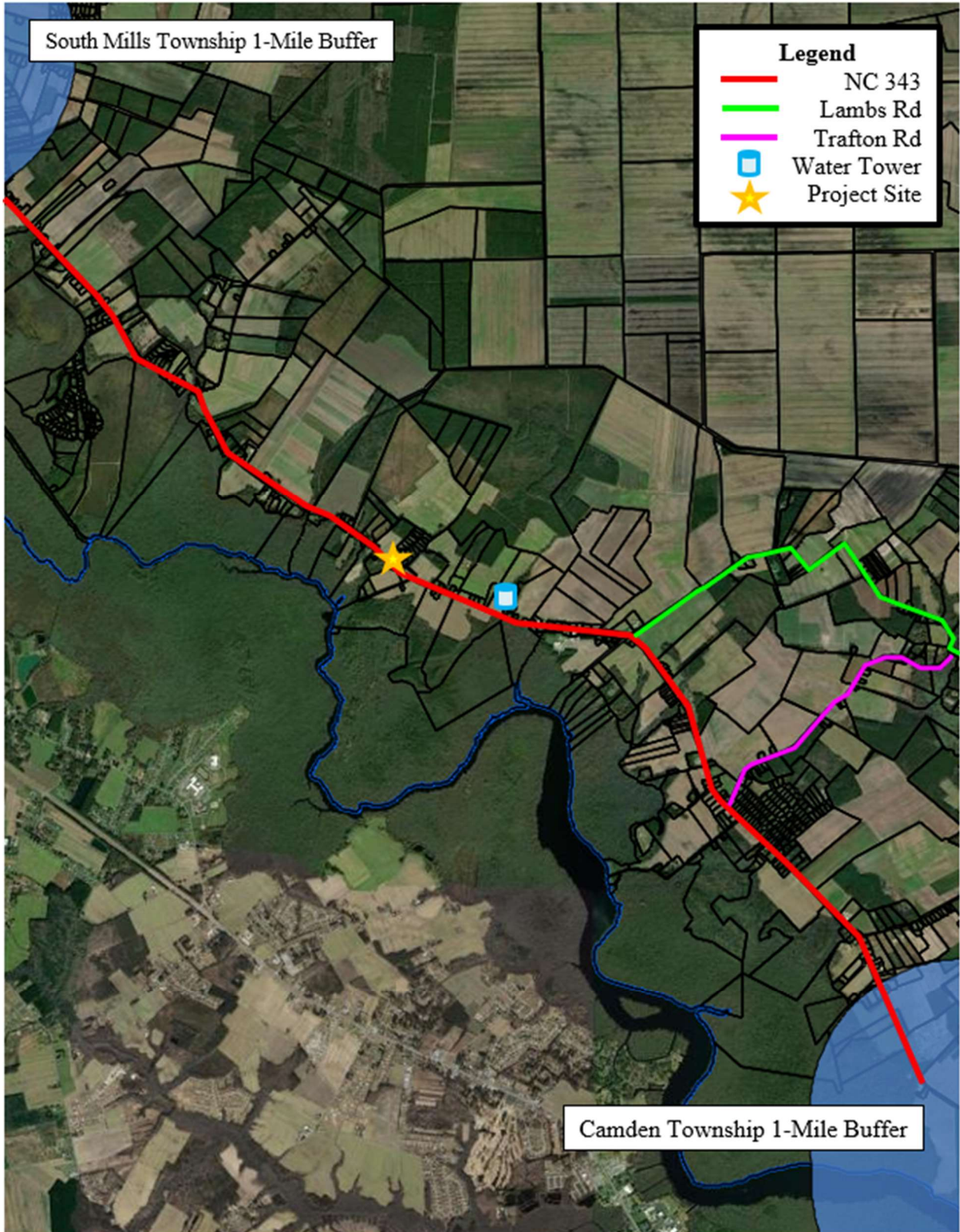
REQUEST: The applicant is requesting a variance to General Standards for Accessory Structures, particularly where the structure can be located on the lot and to reduce the front setback.

Specific Request: The applicant is requesting for an accessory structure to be between the principal structure and a street bounding the lot, and for the front setback to be decreased to 28 ft from the lot line.

Project Location/Description: 102 Summer Way, Camden NC 27921

Location Description: The approximately 0.94-acre property is located on Summer Way, east of NC Hwy 343 N.

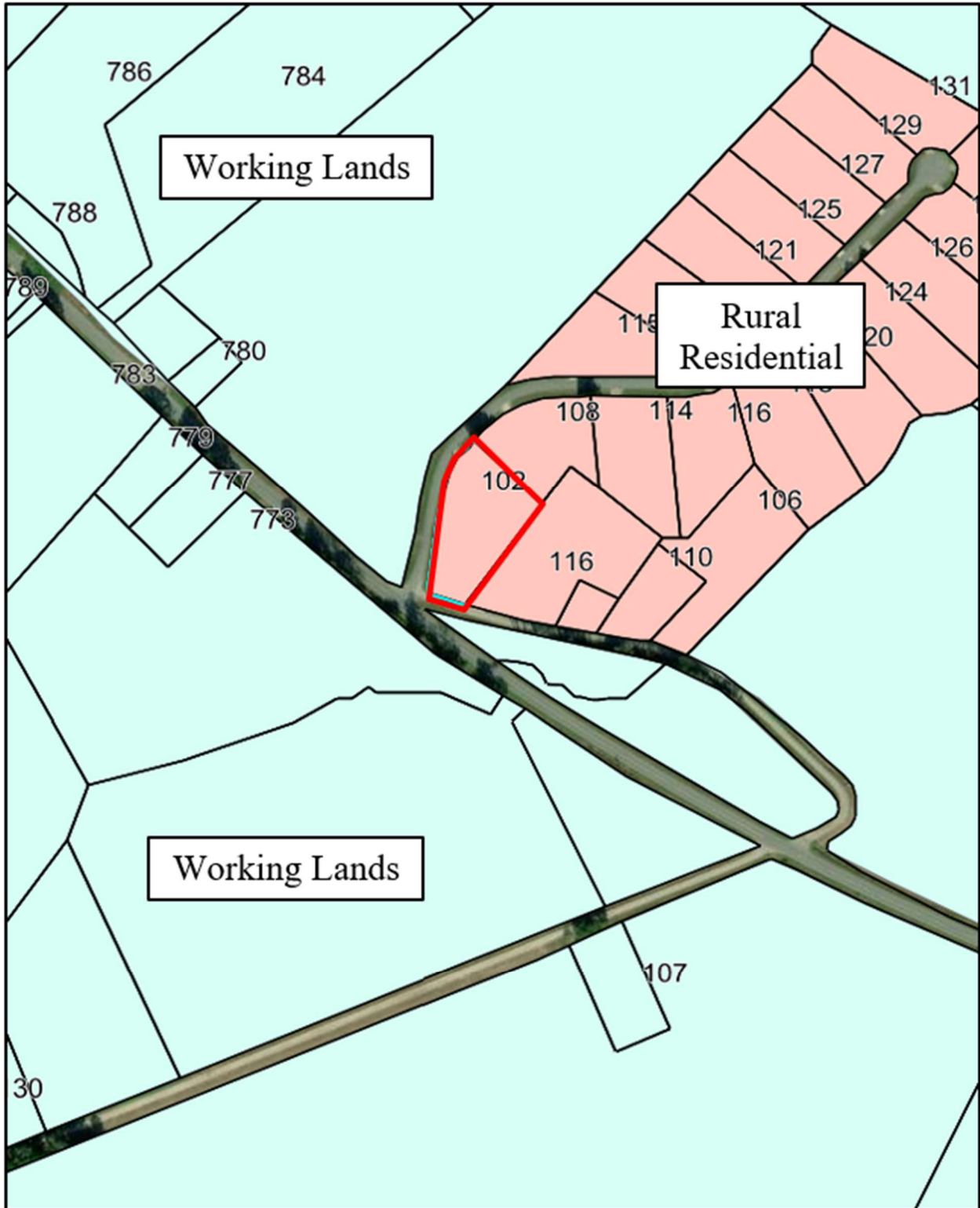
Vicinity Map



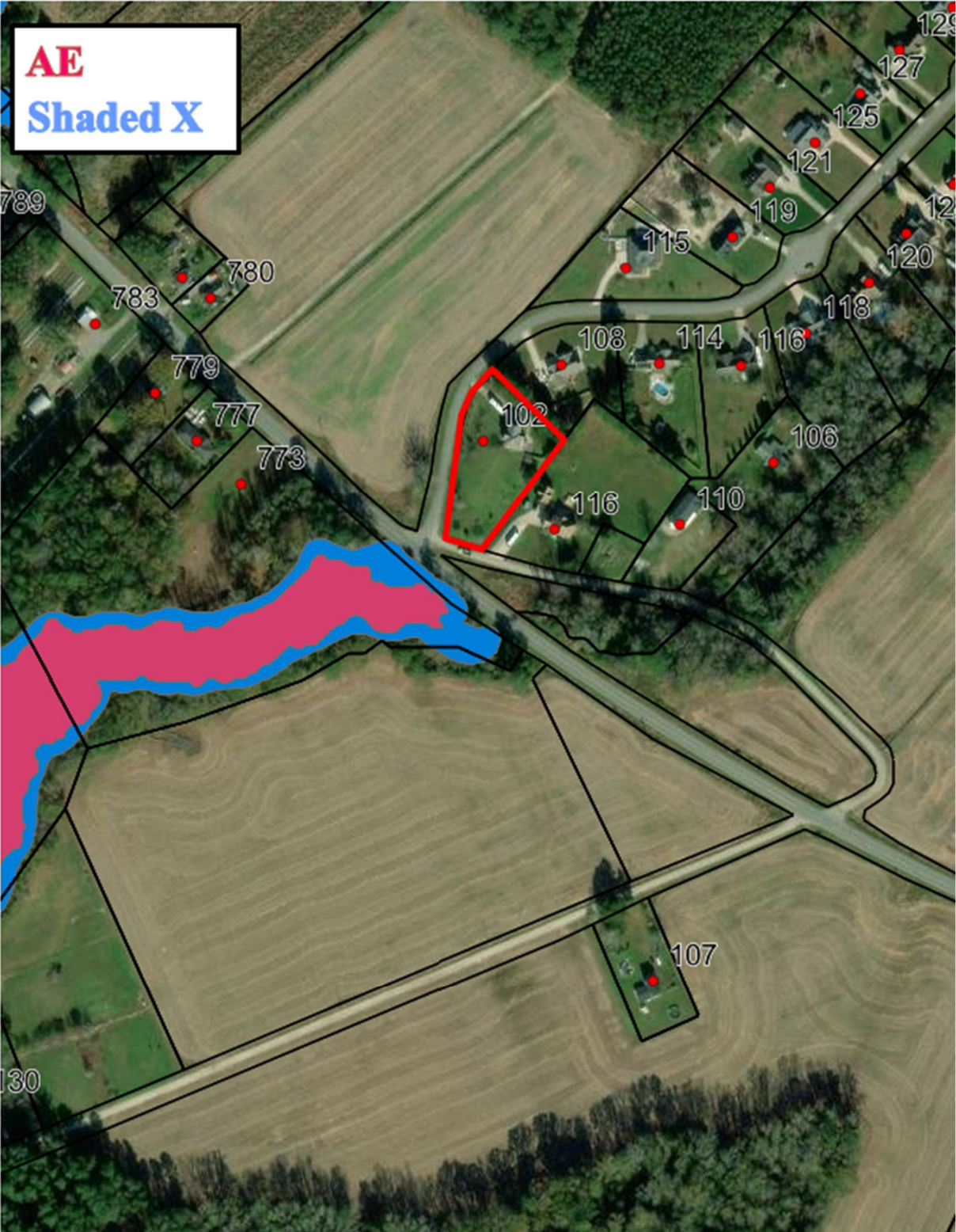
Surrounding Land Uses



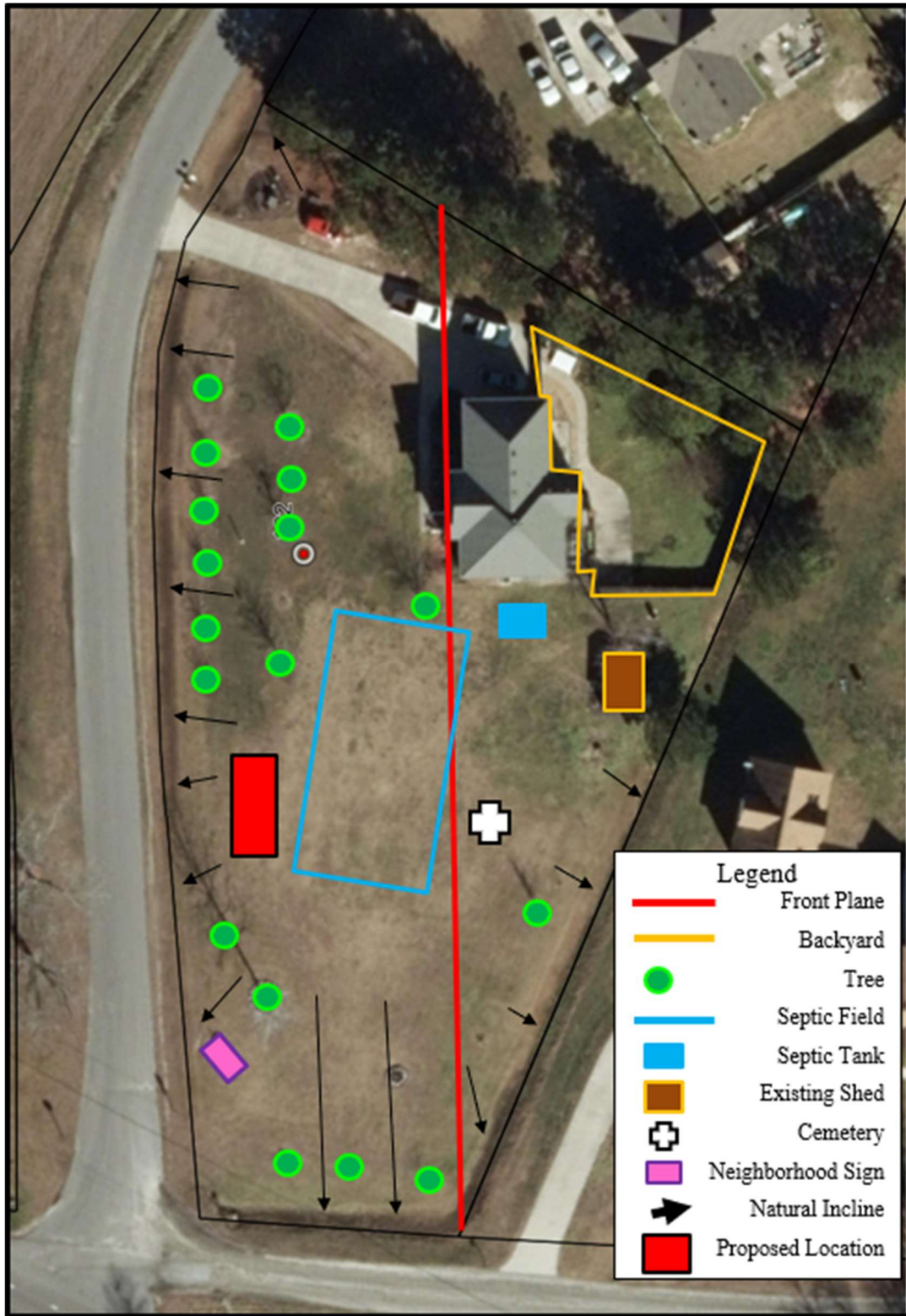
Zoning Map



Flood Zone Map



Project Map



SITE DATA

Size of Lot:	0.94 Acres
Flood Zone:	X
Zoning District(s):	Rural Residential
Existing Land Uses:	Residential Lot
Adjacent Property Uses:	Residential Lots, Woodlands, Farmland
Water:	Water lines adjacent to property along 343 & Summer Way
Sewer:	N/A

FINDINGS: When unnecessary hardship would result from carrying out the strict letter of the zoning Ordinance, the Board of Adjustment shall vary any of the provisions of this chapter upon a showing of all of the following:

Required Findings:

- 1.** The alleged hardship is suffered as a result of the application of the ordinance (Variances cannot be granted if the hardship is the result of restrictions other than those of the ordinance, restrictive covenants are an example):

Applicant Response: “Because of the way the property was developed prior to the current owner, and due to the shallowness, shape, and topography of the lot.”

Staff Response: The application of Article 151.4.5.3.F.1 is causing the hardship.

- 2.** The hardship relates to the applicant’s land, such as location, size, or topography, rather than personal circumstances. (Hardships suffered by the applicant should be the result of factors directly related to the applicant’s land and not ordinance requirements)

Applicant Response: “The Situation at hand was not created by any action of the current owner but is due to the principle structure’s location, the shape, and topography of the lot.”

Staff Response: The current owner was deeded the property in 2021. The house was built in 2005. The characteristics of the lot were present before Mr. Drake was deeded the lot.

- 3.** The hardship is unique, or nearly so, rather than one shared by many surrounding properties (A hardship suffered by the applicant in common with surrounding neighbors does not justify a variance. The proper remedy is an amendment to the ordinance in such cases.)

Applicant Response: “It is a corner lot and the principle structure was built in a location not centered or squared off to lot line but is in a corner of the lot built at an odd angle non-parallel to the lot lines”

Staff Response: The lot possesses numerous additional features that make its particular situation unique in comparison to the surrounding lots. Location of the septic tank and leech field, a cemetery on site, the shape of the lot, the angle and placement of the front of the house, the property abutting two roadways, and the lot topography all together make this hardship unique.

- 4.** The hardship is not the result of the applicant's own actions. (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot claim expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self-imposed).

Applicant Response: The situation was not created by any action of the current owner.

Staff Response: The hardship is a result of the topography of the lot, the location of preexisting lot characteristics, and the application of the ordinance.

- 5.** The variance will not authorize the initiation of a nonconforming use of land. Must show that the variance requested represents the least possible deviation from the letter of the ordinance, and that it will allow reasonable use of the property without creating a nonconforming use of same property.

Applicant Response: Ordinary accessory buildings and this use of the property are allowed in this area on a lot this size with the current zoning.

Staff Response: Accessory structures, such as sheds and metal buildings, are permitted accessory uses for Rural Residential lots and will not create a nonconforming use of the land.

Summary

The characteristics of the lot and the application of Article 151.4.5.3.F.1 create a situation of hardship for the applicant.

It is the determination of the Planning Department Staff that granting a Variance would be within the spirit and intent of the Camden County Unified Development Ordinance.

Planning Department Staff recommendation is to allow the accessory structure between the principal structure and the street bounding the lot, and reduce the front setback along Summer Way to 28 ft.



Variance Application

OFFICIAL USE ONLY:
UDO Number: <u>2025-01-156</u>
Date Filed: <u>12-30-2024</u>
Amount Paid: <u>500.00</u>
Received By: <u>HDM</u>

Contact Information

APPLICANT		PROPERTY OWNER	
Name:	<u>LEVI K DRAKE</u>	Name:	<u>LEVI K DRAKE</u>
Address:	<u>102 SUMMER WAY</u>	Address:	<u>102 SUMMER WAY</u>
Telephone:	<u>757 389 1673</u>	Telephone:	<u>757 389 1673</u>
Fax:	<u>NONE</u>	Fax:	<u>NONE</u>
Email:	<u>LEVIKDRAKE@GMAIL.COM</u>	Email:	<u>LEVIKDRAKE@GMAIL.COM</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:		<u>N/A</u>	
WRITTEN PERMISSION FROM PROPERTY OWNER GIVING CONSENT TO APPLICANT		<u>N/A</u>	

Property Information

Physical Street Address 102 SUMMER WAY CAMDEN NC 27921

Location: _____

Parcel ID Number(s): 018907009029920000

Request

I, LEVI DRAKE, hereby request a variance from Section(s) 4.5.3.F.1 AND 3.5.3.B of the Unified Development Ordinance.

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

I WISH TO INSTALL A SHED THAT IS TO BE LOCATED 30 FEET FROM THE WEST LOT LINE AND 110 FEET FROM THE SOUTH LOT LINE. THE SHED IS 14 FEET BY 36 FEET AND WILL RUN LENGTH WISE PARALLEL TO THE WEST LOT LINE. USE OF THE SHED IS INTENDED FOR A WOODWORKING SHOP AND STORAGE.

Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed findings that:

A. **The alleged hardship is suffered by the applicant as a result of the application of the Ordinance.** (Variances cannot be granted if the hardship is the result of restrictions other than those of the ordinance, restrictive covenants are an example). BECAUSE OF THE WAY THE PROPERTY WAS DEVELOPED PRIOR TO THE CURRENT OWNER, AND DUE TO THE SHALLOWNESS, SHAPE, AND TOPOGRAPHY OF THE LOT.

B. **The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances.** (Hardships suffered by the applicant should be the result of factors directly related to the applicant's land and not ordinance requirements). THE SITUATION AT HAND WAS NOT CREATED BY ANY ACTION OF THE CURRENT OWNER BUT IS DUE TO THE PRINCIPLE STRUCTURES LOCATION, THE SHAPE, AND TOPOGRAPHY OF THE LOT.

C. **The hardship is unique, or nearly so, rather than one shared by many surrounding properties.** (A hardship suffered by the applicant in common with surrounding neighbors does not justify a variance. The proper remedy is an amendment to the ordinance in such cases. Courts have held that boards granting variances based on such factors amounts to attempted usurpation of legislative power). IT IS A CORNER LOT AND THE PRINCIPLE STRUCTURE WAS BUILT IN A LOCATION NOT CENTERED OR SQUARED OFF TO LOT LINE BUT IS IN A CORNER OF THE LOT BUILT AT AN ODD ANGLE NON-PARALLEL TO LOT LINES.

D. **The hardship is not the result of the applicant's own actions.** (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot claim expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self imposed). THE SITUATION WAS NOT CREATED BY ANY ACTION OF THE CURRENT OWNER.

E. **The variance will not authorize the initiation of a nonconforming use of land.** Must show that the variance requested represents the least possible deviation from the letter of the ordinance, and that it will allow reasonable use of the property without creating a nonconforming use of same property. ORDINARILY ACCESSORY BUILDINGS AND THIS USE OF THE PROPERTY ARE ALLOWED IN THIS AREA ON A LOT THIS SIZE WITH THE CURRENT ZONING.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

PK Trache
Property Owner(s)/Applicant

30 DEC 2024
Date

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

Camden County, North Carolina

PO Box 125, Camden, NC 27921 (252) 335-1919

PARCEL ID CARD BLDG

01.8907.00.90.2992.0000

1 of 1 1

OWNER INFORMATION

DRAKE LEVI K
MEGAN E DRAKE
102 SUMMER WAY
CAMDEN NC 27921

NOTES

LEGAL DESCRIPTION

TALL TREE COMMONS

LOT

1

BUILDING INFORMATION

STRUCTURE	SNG FAMILY	STORIES	2.000
FOUNDATION	BRICK/STON	CONDITION	GOOD
EXT SIDING	VINYL	GRADE	C+5
ROOF STYLE	HIP	YEAR BUILT	2004
ROOF MATERIAL	ASPH/FIBER	EFFECTIVE YEAR	2004
INSIDE WALLS	DRYWALL	DPRT	3
FLOORING	CARPET	BATHS	2.50
HEAT	HEAT PUMP	FIREPLACES	FIREPLACE
HEAT FUEL	ELECTRIC		
AIR COND	CENTRAL	TOTALSQFT	2490

SALES INFORMATION

DATE	7/15/2021
PRICE	\$379,000
QUALIFIED	C

BUILDING SKETCH

```

+-----19-----+
6WDK2004 I
I 1
+----12--+
1BAS2004 I
0 +-----19-----+
+-----22-----+
IAGB2004 I
I I
I I
I I
2 2 3
4 4 0
I I I
I I I
I I I
+-----22-----+
I +---7---19-----+
+----12--+OBP2004
+---7--+
    
```

LAND							
ZONE	CODE	DESCRIPTION	FRONT	DEPTH	UNITS	RATE	VALUE
RR	11250	HOMESITE (1 ACRE)			0.940 A	\$71,574.47	\$67,280

Acres **0.940** Total Land Value **\$67,280**

LAND USE							
ZONE	CODE	DESCRIPTION	FRONT	DEPTH	UNITS	RATE	VALUE
Total Land Use Value \$0							

OUT BUILDINGS							
DESCRIPTION	LENGTH	WIDTH	UNITS	ADJ RATE	YEAR	VALUE	
STORAGE FRAME S	8	12	1 UT	\$500.00		\$500	

Total Out Building Value **\$500**

911 STREET ADDRESS		
102 SUMMER WAY SOUTH MILLS 27976		
DEED BOOK PAGE	PLAT BK PG	EXEMPT
412 460	4 25A	
ACCOUNT	NBHD CODE	UPDATED
	10012500	8/16/2024



BUILDING SECTIONS

DESCRIPTION	SQFT	RATE	COST NEW	VALUE
BASE	1,026	\$129.40	\$132,765	\$107,540
WOOD DE	228	\$20.43	\$4,658	\$3,773
GRG W/B	528	\$112.49	\$59,394	\$48,109
OP BRK	28	\$46.18	\$1,293	\$1,047
2ND FIN	1,200	\$103.52	\$124,227	\$100,623

OTHER FEATURES TOTAL VALUE \$12,963 Total Sections Value **\$274,055**

TOTAL PARCEL VALUE

LAND	BUILDING	OUT BUILDINGS	ASSESSED VALUE	LESS DEFERRED	TOTAL
\$67,280	\$274,055	\$500	\$341,835	\$0	\$341,835

TAXABLE VALUE **\$341,835**

SOUTH MILLS

4 Jan 2025

From: Drake, Levi Kent of 102 Summer Way, Camden NC 27921

To: Camden County Planning and Zoning Staff and all others concerned.

Subject: Summary of Neighborhood Meeting Concerning 102 Summer Way.

On the morning of January 4, 2025 at 10:00 I held a meeting to discuss the installation of a shed in my yard at 102 Summer Way, Camden North Carolina 27921 and the application for a variance to the Unified Development Ordinance. I mailed invitations to all invited on December 20th 2024 via certified mail.

Those invited include

Ernest Sutton and Shanese Baker
116 Cedar Branch Road
Camden NC 27921

Stephen Chopek and Leah Chopek
115 Summer Way
Camden NC 27921

Robert Eason and Rhonda Eason
108 Summer Way
Camden NC 27921

James Wilson Hollomon Jr
114 Marcy Drive
Yorktown VA 23693

Ellen Tolliver and Lee A. Tolliver Jr.
114 Summer Way
Camden NC 27921

Kendall Greene and Shelley Greene
105 Tulip Tree Drive
Camden NC 27921

In attendance at the meeting were Robert Eason and Hunter Munro (Camden County Planner).

After a brief discussion about my project and the need for a variance Robert told me he had no feedback or any problem with my plan.


L K Drake

Hello and Happy Holidays,

Levi Drake of 102 Summer Way, I'm writing to you concerning a project I have going on. You're invited to a "Neighborhood Meeting".

I'm in the process of getting a "Hardship Variance" to the County's "Unified Development Ordinance" (UDO). Specifically, the purpose of the meeting will be to explain why I need a "hardship variance" and get any feedback you have prior to the actual board hearing my case. I believe my case qualifies for a hardship because of the topographical conditions, shallowness, shape, and the prior development of the lot. Read more about variances in the UDO Article 151.2.3.26.D.1 "Zoning Variance Review Standards".

The people at the County planning office recommended I have a "neighborhood meeting" it's NOT mandatory in this case but I wanted to be a good neighbor. You can read the details about the Neighborhood Meeting in UDO Article 151.2.2.3.

Long story short, I want to put a shed in my yard, but the ordinance says a lot my size at .94 acres shall place it behind the front plane of the house. I will also be non-conforming with the set back of 50 feet. UDO Article 151.3.5.3.B "Dimensional Requirements" and UDO Article 151.4.5.3.F "General Standards for Accessory Structures".

The meeting will be on Saturday the 4th of January in my front yard at 1000 A.M. The county planning staff will be in attendance as well. All listed below have been invited based on the recommendation of the County Office.

The details.

The shed is 14 by 36 feet. I intend to paint it to match the house. You can see where I have staked out the proposed location, if you look in my front yard off to the south side of the row of trees along the road. The shed will be 30 feet back from the asphalt, and I will soon be planting a row of Leyland Cypress trees along the property line. This row of trees will screen the "side yard" area and the back of the shed.

Why not behind the house in the northeast corner? The land there is topographically unlevel not to mention occupied by a large crape myrtle tree. This is the only fenced in area where I can put my dog out.

Why not immediately to the south side of the house? This is the where the septic tank and the main septic field is located for approximately 100 ft.

Why place it beyond the septic field to the south of the house? This area is topographically uneven and breaks the 50-foot setback from the road building rule.

Why not along the East side of the yard? The northeast corner of the lot is the “back yard” fenced in area. Just south of the privacy fence area there is a large oak tree and a smaller shed. Just south from those is the Starboard family cemetery (flat granite headstone) past that to the south it is topographically sloped and is within the 50-foot set back.

Article 151.4.5.3.F.1. States “On lots of two acres in area or smaller, an accessory structure shall not be located between the principal structure and a street bounding the lot”

This language is sort of vague or confusing especially in my situation because of my property begin shallow and wide there is a lot of area to the south of my house that is closer to the street than my house, but anything in that area would not be “located between the principal structure and a street.”

Another challenge on my lot regarding Article 151.4.5.3.F.1 is how my house is backed very close to the northeast corner at an angle. The location of the house causes the front plane of the house to cut off most of the yard. The front plane of the house extends out to the southeast corner leaving only a small triangle area along the east side of the lot. As described above this area is topographically sloped, occupied by a cemetery, shed, trees, and the small fenced in back yard area.

If you are unable or don't desire to attend but have feedback my contact information is below.

Ernest Sutton and Shanese Baker
116 Cedar Branch Road
Camden NC 27921

Stephen Chopek and Leah Chopek
115 Summer Way
Camden NC 27921

Robert Eason and Rhonda Eason
108 Summer Way
Camden NC 27921

James Wilson Hollomon Jr
114 Marcy Drive
Yorktown VA 23693

Ellen Tolliver and Lee A. Tolliver Jr.
114 Summer Way
Camden NC 27921

Kendall Greene and Shelley Greene
105 Tulip Tree Drive
Camden NC 27921

Very Respectfully,
Levi Drake
757-389-1673
levikdrake@gmail.com



Levi Drake
102 Summerway
Camden, NC 27921-8325



7022 2410 0002 1371 3788

Camden County Planning and Zoning Sta

P.O. Box 190

Camden NC 27921

Retail



RDC 99



27921

U.S. POSTAGE PAID
FCM LETTER
CAMDEN, NC 27921
DEC 20, 2024

\$5.58

S2324K500828-41

190

ARTICLE 151.4 Use Regulations

Section 4.5 Accessory Uses

4.5.1 Purpose

4.5. ACCESSORY USES

4.5.1. PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.2. PROCEDURES FOR ESTABLISHMENT

- A. Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use.
- B. With the following exceptions, no accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance:
 - 1. Agricultural uses;
 - 2. Docks, piers, and boat ramps; and
 - 3. Storage and maintenance sheds of up to 200 square feet in area.
- C. Establishment of an accessory use or structure shall require approval of a zoning compliance permit in accordance with the standards in Section 2.3.29, Zoning Compliance Permit, and the standards in this section.
- D. A lawfully-established nonconforming use or structure may be supplemented with an accessory use or structure provided the accessory does not increase the nonconformity.

4.5.3. GENERAL STANDARDS FOR ACCESSORY STRUCTURES

- A. **Permitted Accessory Uses and Structures**

Permitted accessory uses and structures include those listed in this section and those that the UDO Administrator determines meet the following:

 - 1. Are clearly incidental to an allowed principal use or structure,
 - 2. Are subordinate to and serving an allowed principal use or structure; and
 - 3. Contribute to the comfort, convenience, or needs of occupants, business or industry associated with the principal use or structure.
- B. **Located on Same Lot as a Principal Use**

All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance for specific accessory uses and structures.
- C. **Compliance with Ordinance Requirements**

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in ARTICLE 151.3, Zoning Districts, or the development standards in ARTICLE 151.5, Development Standards.
- D. **Dimensional Standards**

Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except as provided in Section 10.2.5, Setback Encroachments.
- E. **Maximum Size**

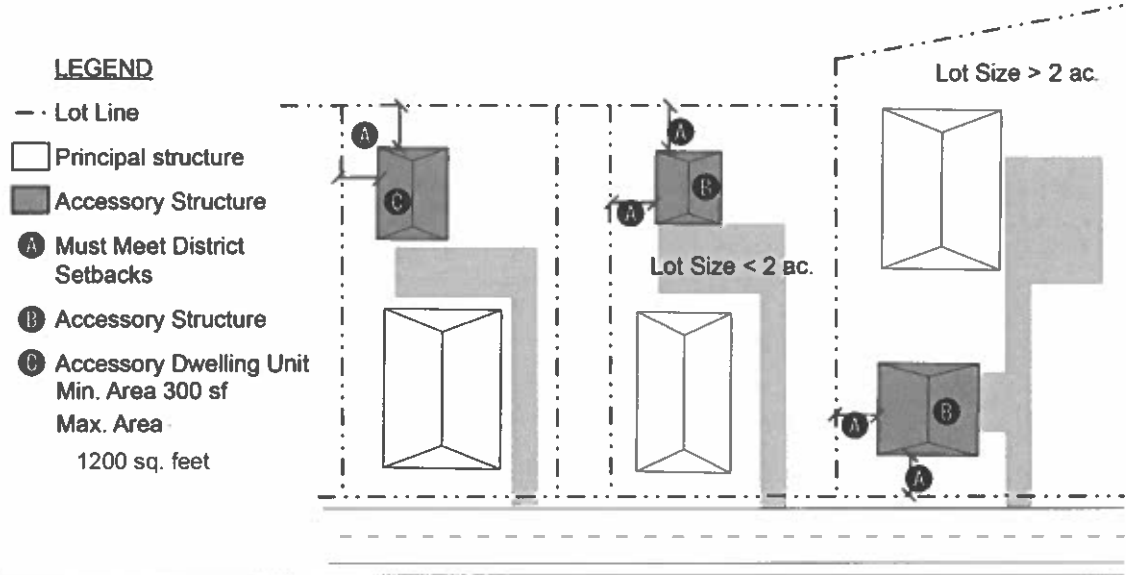
Except for accessory dwelling units or where expressly stated in this Ordinance, there are no limitations on the size of an accessory structure.
- F. **Where Located on the Lot**
 - 1. On lots of two acres in area or smaller, an accessory structure shall not be located between the principal structure and a street bounding the lot (see Figure 4.5.3.F, Accessory Structure Location).
 - 2. Accessory structures may be located between a principal structure and a street bounding the lot or site on lots or sites greater than two acres in area.

ARTICLE 151.4 Use Regulations

Section 4.5 Accessory Uses

4.5.4 Table of Allowable Locations

FIGURE 4.5.3.F: ACCESSORY STRUCTURE LOCATION



G. Easements

Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.

H. Conflict with District or Use-Specific Standards

In the event the standards in this section conflict with district-specific standards in [ARTICLE 151.3, Zoning Districts](#), or use-specific standards for a principal use in [Section 4.4, Use-Specific Standards](#), the zoning or use-specific standards shall control.

I. Location in the SFHA

Accessory uses or structures located in the SFHA shall comply with the standards in [Section 4.5, Accessory Uses](#), in addition to these standards.

4.5.4. TABLE OF ALLOWABLE LOCATIONS

A. Table as Guide

[Table 4.5.4, Common Accessory Use Table](#), is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

B. Listed Accessory Uses

[Table 4.5.4, Common Accessory Use Table](#), lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the accessory use or structure is not allowed in a zoning district, the cell is blank "-".
4. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan or terms and condition statement.
5. If there is a reference contained in the column entitled "Acc. Use-Specific Standard," see [Section 4.5.5, Standards for Specific Accessory Uses](#), for the additional standards that apply to the specific accessory use.

ARTICLE 151.2 Procedures

Section 2.3 Specific Review Procedures

2.3.26 Variance

2.3.26. VARIANCE

A. Purpose and Intent

The purpose of this section is to allow certain deviations from the dimensional standards of this Ordinance (such as height, setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the County's watershed protection standards in Section 3.8.5, Watershed Protection Overlay (WPO).

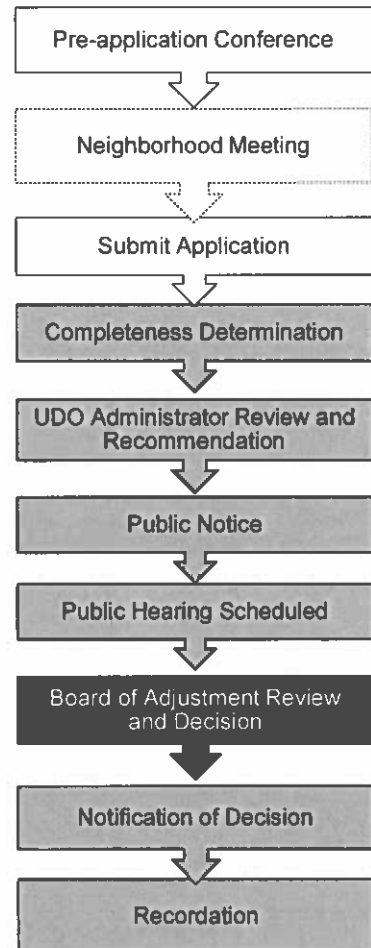
B. Applicability

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.
3. In addition to the standards for variance from the basic zoning-related provisions of this Ordinance, this section also includes provisions for the consideration of variances to the watershed protection standards in Section 3.8.5, Watershed Protection Overlay (WPO).
4. Variances to the special flood hazard area provisions in Section 3.8.3, Special Flood Hazard Area Overlay (SFHA), are processed in accordance with the procedure described in this section and the standards in Section 3.8.3, Special Flood Hazard Area Overlay (SFHA).

C. Variance Procedure

1. **Pre-Application Conference**
Applicable (see Section 2.2.2, Pre-Application Conference).
2. **Neighborhood Meeting**
Optional (see Section 2.2.3, Neighborhood Meeting).
3. **Application Submittal**
Applicable (see Section 2.2.4, Application Submittal).
4. **Staff Review and Action**
 - a. Applicable (see Section 2.2.5, Staff Review and Action).
 - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.26.D, Variance Review Standards.
5. **Public Notice**
Applicable (see Section 2.2.6, Public Notice).
6. **Board of Adjustment Review and Decision**
 - a. Applicable (see Section 2.2.9, Action by Review Authority, and Section 2.2.7.C, Quasi-Judicial Public Hearings).
 - b. The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
 - c. The decision shall be based on the evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the appropriate standards in Section 2.3.26.D, Variance Review Standards.
 - d. The decision shall be one of the following:
 1. Approval of the variance as proposed;
 2. Approval of the variance with revisions; or
 3. Denial of the variance.
 - e. Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.
 - f. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
 - g. The decision of the BOA shall be effective upon the filing of the written decision.
7. **Procedure for Consideration of a Variances to the Watershed Protection Standards**

FIGURE 2.3.26: VARIANCE PROCEDURE



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a. Variances Distinguished

1. Minor Variance

The BOA shall review and decide applications for a minor variance from the standards in Section 3.8.5, Watershed Protection Overlay (WPO), in accordance with the procedure in this section. A minor variance application addresses requests for the following:

- A. A reduction of up to five percent of a buffer width;
- B. A reduction to the minimum lot area requirements of five percent or less;
- C. An increase of up to five percent of the maximum allowable density or built-upon area requirement under the high-density option; or
- D. A reduction of up to 10 percent of any management requirement under the low density option.

2. Major Variance

A. The BOA shall review and make a recommendation on an application for a major variance from the standards in Section 3.8.5, Watershed Protection Overlay (WPO), in accordance with Section 2.3.26.C.7.b, Procedure.

B. A major variance application includes requests for the following:

1. The relaxation, by a factor greater than 10 percent, of any management requirement under the low density option;
2. The relaxation, by a factor of greater than 5 percent, of any management requirement under the low density option; or
3. Any variation in design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

b. Procedure

1. Minor Variance

Applications for a minor variance to the watershed protection standards shall be processed in accordance with the standards and requirements in Section 2.3.26.C, Variance Procedure.

2. Major Variance

Applications for a major variance to the watershed protection standards shall be processed in accordance with the standards and requirements in Section 2.3.26.C, Variance Procedure, except for the following:

A. The Board of Adjustment shall make a recommendation on major water-related variance applications pertaining to water supply watershed standards based on the competent, material, and subsequent evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section 2.3.26.D.3, Watershed Protection Variance Review Standards. The recommendation shall be one of the following:

1. Approval of the variance as proposed;
2. Approval of the variance application with revisions; or
3. Denial of the variance.

B. Each recommendation shall be made in writing and reflect the BOA's determination of facts and their application to the standards in this Ordinance.

C. The written recommendation shall be signed by the Chair or other duly authorized member of the BOA.

D. The application materials, along with the recommendation of the BOA shall be forwarded to the North Carolina Environmental Management Commission.

E. The final decision regarding a major water-related variance shall be made within 90 days of receipt by the North Carolina Environmental Management Commission in accordance with all applicable State law.

F. Any decision by the EMC shall be subject to review by the Superior Court of the county where located.

G. Denials of a major water-related variance application shall not be forwarded to the North Carolina Environmental Management Commission by the BOA.

8. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

9. Recordation

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If a variance application is approved, the notice of decision shall be recorded by the County in the office of the Camden County Register of Deeds.

D. Variance Review Standards

1. Zoning Variance Review Standards

a. Required Findings

A zoning variance shall be approved on a finding the applicant demonstrates all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

b. Other Considerations

In addition to the making the required findings in subsection (a) above, the BOA may also consider the following:

1. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure;
2. All property taxes on the land subject to the variance application have been paid in full;
3. None of the following may be used as the basis for approving a variance:
 - A. Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;
 - B. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
 - C. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
 - D. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
 - E. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
 - F. Financial hardship.

2. Special Flood Hazard Area Variance Review Standards

The standards for variance to the special flood hazard area provisions is in Section 2.3.26.C, Variance Procedure.

3. Watershed Protection Variance Review Standards

Decisions or recommendations on applications to the watershed protection standards shall be based on the following three findings (subsections a-c), which shall be supported by written findings of fact and conclusions of law:

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the BOA must find that all of the five following conditions exist.

1. If he or she complies with the provisions of this Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit to be made from the property will not be considered adequate to justify the BOA in granting a variance. Moreover, the BOA shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that will make possible the reasonable use of his or her property.
2. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates this Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the BOA for relief.

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5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- c. In granting the variance, the public safety and welfare have been assured and substantial justice has been done. The BOA shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

E. Insufficient Grounds for Approving Variances

The following factors shall not constitute sufficient grounds for approval of any variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
2. Hardships resulting from factors other than application of requirements of this Ordinance;
3. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

F. Conditions of Approval

In granting a variance, the BOA may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

1. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
2. Violation of a condition of approval shall be deemed a violation of this Ordinance.
3. If a violation or invalidation of a condition of approval occurs, the UDO Administrator may revoke the certificate of occupancy for the development subject to the variance.

G. Effect

1. General

Approval of a zoning variance or special flood hazard area variance authorizes only the particular regulatory relief approved by the BOA. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

2. Notification Regarding Flood Insurance Costs

- a. An applicant for whom a special flood hazard area variance is approved shall be provided written notice by the UDO Administrator specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is built. The notice shall inform the applicant about the risks to life and property from construction below the BFE and that issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance.
- b. The notification shall be maintained by the UDO Administrator with the record of the special flood hazard area variance action.

3. Records

Upon request, the UDO Administrator shall report all special flood hazard area variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

H. Amendment

Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. Expiration

1. If the BOA does not include a time period by which development subject to a zoning variance or a special flood hazard area variance expires, development shall commence within 12 months of the date of issuance of the variance or the variance shall expire and become null and void.
2. A major or minor watershed protection variance shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within six months from the date of the decision.
3. A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

J. Appeal

1. Appeal of a decision on a variance shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class

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mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

From: [Levi Drake](#)
To: [Hunter Munro](#)
Subject: On second thought
Date: Wednesday, January 15, 2025 3:57:28 PM

Hunter,
35 feet from street edge for shed.
That will give 28 ft setback. On the original Plat it had 25 foot setback.
V/r,
Levi

Sent from my iPhone