

45 **Consideration of the Minutes- September 10, 2007**

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47 Chairman Roger Lambertson called for the consideration of the minutes from the September
48 10, 2007 meeting. For purposes of approving these minutes, only those present at the
49 aforementioned meeting will vote on approval. Those members were: Chairman Roger
50 Lambertson, Vice Chairman John Sawyer, members Janice Hassell, William McPherson, and
51 Frank Eason. William McPherson made a motion to approve the minutes from the
52 September 10, 2007 meeting as written. Chairman Roger Lambertson seconded the motion.
53 The motion was approved with Chairman Roger Lambertson, Vice Chairman John Sawyer,
54 members Janice Hassell, William McPherson, and Frank Eason voting aye; none voting no;
55 none absent; none not voting.

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57 **Consideration of the Minutes- June 11, 2007**

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59 Chairman Roger Lambertson called for the consideration of the minutes from the June 11,
60 2007 meeting. For purposes of approving these minutes, only those present at the
61 aforementioned meeting will vote on approval. Those members were: John Sawyer,
62 William McPherson, and Frank Eason. Patrick Duckwall, who is no longer on the board,
63 was the 4th member present at that meeting. Since Mr. Duckwall is no longer a member,
64 only 3 persons voted on approval of the aforementioned minutes. Mr. Don Keaton, who is
65 now a new member, was an individual appearing before the board on June 11, 2007. In the
66 minutes for June 11, his name is listed as Lee Keaton. He requested his name be corrected to
67 read 'Don Lee Keaton'. William McPherson made a motion to approve the minutes from the
68 June 11, 2007 with the requested changes. Frank Eason seconded the motion. The motion
69 was approved with John Sawyer, William McPherson, and Frank Eason voting aye; none
70 voting no; 1 absent (no longer on board); none not voting.

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72 **Comments from the Public.**

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74 None

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76 **Old Business**

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78 None

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80 **New Business**

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82 **Item #1 Variance (UDO 2008-01-18) - South Camden Fire Department**

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84 Dave Parks was sworn in and gave a brief description of this variance application. South
85 Camden Fire Department has applied for a variance to article 151.060 of the Camden County
86 Code of Ordinances which deals with minimum lot sizes in general use districts. They have
87 approached the property owner that resides in the property adjacent to 1061 South NC 343
88 regarding purchasing the property at 1061, 3 acres of land, for purposes of construction of a
89 new Shiloh Fire Department building. The zoning in that area requires a minimum of 5 acres
90 for subdivision of land. George Tarkington was present and acted on behalf of Mr. Robbie
91 Tarkington, of the South Camden Fire Department. Staff submitted Findings of Facts as
92 evidence in this variance application (see next page).

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Findings of Fact

**UDO 2008-01-18
Variance Application
Camden County**

- 1. Name of Applicant:** South Camden Fire Department
- 2. Agent for Applicant:** Robbie Tarkington
- 3. Address of Applicant:** P. O. Box 190, 117 Hwy 343, Camden, NC 27921
- 4. File Reference:** UDO 2008-01-18
- 5. PIN:** 03-8963-00-30-9660
- 6. Street Address of Property:** 1061 South Highway 343
- 7. Location of Property:** Shiloh Township
- 8. Flood Zone:** Shaded X
- 9. Zoning District(s):** General Use District (GUD)
- 10. Is a Zoning Change Required for the Proposed Use?** No.
- 11. General Description of the Proposal:** Request variance to minimum lot size in the General Use zoning district.
- 12. Use Classification:** Camden County Code Article 151.060
- 13. Date Application Received by County:** January 22, 2008
- 14. Received by:** Dave Parks, Permit Officer
- 15. Application Fee Paid:** Waived
- 16. Completeness of Application:** Application is generally complete.
- 17. Documents Received Upon Filing Application or otherwise included:**
 - A. Variance Land Use/Development Application
 - B. Offer to Purchase Contract
 - C. Copy of Will
 - D. GIS aerial Map of Property
 - E. GIS aerial Map of current fire station
- 18. Adjacent Property Uses:**
 - A. Predominant: Agricultural
 - B. Other: Some Residential
- 19. Existing Land Use:** Agricultural
- 20. Findings Regarding Additional Requirements:**
 - A. Endangering the public health and safety. Proposed use will aid the public health and safety by providing land for a newer fire station.
 - B. Injure the value of adjoining or abutting property. Staff's opinion is the proposed use will not injure the value of adjoining property.
 - C. Harmony with the area in which it is located. Yes

- 133 1. If the applicant complies strictly with provisions of the Ordinance, he can make no
134 reasonable use of his property.
135 **Staff response:** If applicant complies strictly complies with provisions of the
136 Ordinance, staff feels they can not make reasonable use of the property as current
137 zoning requires five acres and the proposed use only requires three acres. Reasonable
138 use is in staffs opinion is only utilizing the amount of land for what you need and
139 preserving the rest at the existing use (farmland).
140
- 141 2. The hardship of which the applicant complains is one suffered by the applicant rather
142 than by neighbors or the general public.
143 **Staff response:** The hardship the applicant complains of is one that could affect other
144 entities (i.e. Sheriff, Post Office) when looking for property to locate new offices to
145 support the growth the County is experiencing. The hardship could also affect the
146 general public in the Fire Stations ability to provide adequate fire protection.
147
- 148 3. Does the hardship relate to the applicant's land, rather than personal circumstances?
149 **Staff response:** The hardship relates to keeping up with the growth and the demand for
150 Fire Protection. Current Shiloh station is located on approximately 1/2 acre of land
151 which is not adequate for current/future needs.
152
- 153 4. The hardship is unique, or nearly so, rather than one shared by many surrounding
154 properties.
155 **Staff response:** This hardship is not unique as the County is charged with providing
156 adequate facilities (to include fire protection) for the citizens. When looking for
157 property for a new station the Fire Department considers: 1) land costs; 2) location of
158 available property; and 3) amount of land needed.
159
- 160 5. The hardship is not the result of the applicant's own actions.
161 **Staff response:** The hardship is not the result of the applicant's actions as residential
162 and commercial growth dictates the need for their services.
163
- 164 6. The Variance will not result in the initiation of a nonconforming use of land.
165 **Staff response:** The Variance will not result in the initiation of a nonconforming use
166 of land as Fire Stations are a permitted use in the General Use District with the
167 approval of a Special Use Permit.
168

169 Staff Recommendations
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171 **Staff recommends approval of Variance to Article 151.060 (minimum lot size) with the**
172 **following conditions:**
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- 174 1. The Variance shall only apply to the land identified by the Property Identification
175 Number (PIN) listed above.
176 2. The applicant shall have twelve months from the date of approval to secure the
177 purchase of the property.
178 3. The applicant must sign before a notary public the Variance agreeing to the conditions
179 by February 29, 2008, or the Variance shall become null and void.
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181 At this time, Mr. George Tarkington was sworn in by Dave Parks, so that he might testify
182 and / or answer questions from the board.

183

184 Chairman Lambertson asked Mr. Tarkington why don't they just buy 5 acres. Mr.
185 Tarkington's response was that they only need 3 acres, and the construction of the station is
186 going to cost them a lot of money... so it really comes down to a money issue. Chairman
187 Lambertson made the comment that down the road they may wish they had the 5 acres, but if
188 it was a money issue, he understood that.

189

190 Mr. Tarkington also indicated that they intend to include a helicopter landing pad as part of
191 the fire station. Chairman Lambertson asked if the helicopter pad would be on the 3 acres.
192 Mr. Tarkington answered yes it would.

193

194 At this time, Chairman Lambertson went through the findings of facts item by item. After
195 reading each item, Chairman Lambertson asked if any member of the board wished to
196 discuss the item. Hearing no discussion, he moved on to read Staff Recommendations.
197 Chairman Lambertson then asked the board if there were any overall comments in regards to
198 this variance.

199

200 Brad Smith asked Dave Parks if the helicopter pad was considered when this variance was
201 applied for, the density around it and what it would affect. Mr. Parks response was that it
202 would be addressed when they apply for the special use permit for the actual use itself (the
203 fire station and all its amenities).

204

205 Chairman Lambertson then called for a motion on this variance. Vice Chairman John
206 Sawyer made a motion to accept Staff's Recommendations with the 3 conditions set. Brad
207 Smith seconded the motion. Chairman Lambertson asked if there was any further discussion,
208 hearing none, he called for a vote to either accept or reject staffs recommendations. The
209 motion was approved with Chairman Roger Lambertson, Vice Chairman John L. Sawyer,
210 Regular Members William McPherson, Bradley P. Smith, and Don Lee Keaton voting aye;
211 none voting no; none absent; none not voting. By a vote of 5-0, Staff Recommendations
212 were accepted.

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214 Chairman Lambertson then called for a vote to (a) Grant the variance with the conditions
215 recommended by staff, (b) Grant the variance with the conditions recommended by staff
216 and/or other conditions, or (c) reject the request for a variance. Brad Smith made a motion
217 to Grant the variance with the conditions recommended by staff. Chairman Lambertson
218 seconded the motion. Chairman Lambertson asked if there was any further discussion
219 regarding the granting of the variance, hearing none, he called for a vote. The motion was
220 approved with Chairman Roger Lambertson, Vice Chairman John L. Sawyer, Regular
221 Members William McPherson, Bradley P. Smith, and Don Lee Keaton voting aye; none
222 voting no; none absent; none not voting. By a vote of 5-0, the variance was granted.

223 Item #2 Board Request to Change the Date on which the Board of Adjustment Meets

224

225 The board has decided that they would like to change the meeting date. After some
226 discussion, the consensus of the board was that the 2nd Tuesday of each month would be a
227 better meeting date.

228

229 Dave Parks suggested that the ordinances be checked to make sure no specific meeting day is
230 listed in the Camden County Code of Ordinances.

231

232 John Sawyer made a motion that staff check into the ordinances, to see if the meeting day can
233 be changed, and if so, to change it to the 2nd Tuesday of each month. Chairman Lambertson
234 seconded the motion. Prior to a vote, Dan Porter suggested that if the ordinances contained a
235 specific meeting day, that the board also direct the Planning Department Staff to create a text
236 amendment to change the meeting day. John Sawyer amended his motion to include Dan
237 Porter's suggestion. Chairman Lambertson asked the board if the second Tuesday was ok
238 with everyone. Hearing no discussion, he called for a full board (including alternates) vote.
239 The motion was approved with Chairman Roger Lambertson, Vice Chairman John L.
240 Sawyer, Regular Members William McPherson, Bradley P. Smith, Don Lee Keaton,
241 Alternate Members Frank Eason, and Janice Hassell voting aye; none voting no; none absent;
242 none not voting. By a vote of 7-0 the board hereby requests the Planning Department Staff to
243 check the ordinances to see if the meeting date can be changed, and if so to change it to the
244 second Tuesday of each month. However if the ordinances do specify a meeting day, the
245 board requests Planning Staff prepare a text amendment to send to the Board of
246 Commissioners to seek a change in meeting day.

247

248 *(As an Aside: As of the date of the preparation of this document, there is no specific day listed in*
249 *the Camden County Code of Ordinances which specifies the day on which the Board of Adjustment*
250 *is to meet. Therefore, meeting day is at the discretion of the board. As such, the Board of*
251 *Adjustment will now meet on the second Tuesday of each month.)*

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253 **Information from Board and Staff**

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255 Staff invited the Board of Adjustment members to attend the Board of Commissioners
256 meeting on Monday night, February 18, 2008, at 7:00 pm. They will be presenting Emory
257 Upton a plaque for services rendered to the Board of Adjustment. Also, they will be
258 presenting a service plaque to James Burnham for services rendered to the Planning Board.

259

260 Chairman Lambertson made an official request for government training for the Board.

261 **Consider Date of Next Meeting – March 11, 2008**

262

263 **Adjournment**

264

265 At 7:40 PM, Frank Eason made a motion to adjourn the meeting. Chairman Lambertson
266 seconded the motion. The motion was approved with Chairman Roger Lambertson, Vice
267 Chairman John L. Sawyer, Regular Members William McPherson, Bradley P. Smith, Don
268 Lee Keaton, Alternate Members Frank Eason, and Janice Hassell voting aye; none voting no;
269 none absent; none not voting.

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272 Date: _____

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275 Approved: _____

276 Chairman Roger Lambertson

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279 Attested: _____

280 Amy Barnett, Clerk to the Board