

**Camden County  
Board of Adjustment  
Minutes**

**March 12, 2007**

**7:00pm**

Historical Courtroom  
Camden County Courthouse

Chairman Roger Lambertson,  
Vice Chairman Patrick Duckwall  
Members Emory Upton, William McPherson,  
John L. Sawyer  
Alternates: Douglas Lane and Francis Eason

Call to Order & Welcome

Chairman Roger Lambertson called to order the March 12, 2007 Board of Adjustment meeting. Chairman Lambertson stated the Board of Adjustment interprets and applies the standards set by the Board of Commissioners in the County's Code of Ordinances. As a quasi judicial body, the Board of Adjustment hears sworn testimony under oath with evidence presented in determining issues concerning Appeals and Variances within Camden County.

Election of Vice Chairman

At this time, Chairman Lambertson stated that the board will need to nominate a new vice chairman due to recent reappointments to the board. Chairman Lambertson reminded the board that his time will be up within the year and for the ease of the board to please take into consideration that a Vice Chairman should be someone who is knowledgeable of the issues and procedures.

A nomination for William McPherson was made to serve as Vice Chairman. Mr. McPherson respectfully declined as his time served puts him in a position to be replaced within the year in addition to the fact that he has served before.

A motion was made to nomination Patrick Duckwall by Roger Lambertson and seconded by William McPherson. The Clerk asked if there were any other nominations. Hearing none, the motion passed with Chairman Lambertson, members Emory Upton, John Sawyer, Patrick Duckwall, and William McPherson voting aye; none voting no; none absent; and none not voting.

A motion was made by Patrick Duckwall and seconded by Douglas Lane to nominate Roger Lambertson to stay as Chairman. Hearing no other nominations, the clerk called for a vote. The motion passed with Chairman Lambertson, Vice Chairman Patrick Duckwall, members Emory Upton, John Sawyer, and William McPherson voting aye; none voting no; none absent; and none not voting.

At this time, Chairman Lambertson officially stated for the record that John Sawyer has been appointed by the Board of Commissioners as a regular voting member to replace Morris Kight. Mr. Frank Eason has been voted in as an alternate.

Consideration of Agenda

Hearing no additions to the agenda or comments, the meeting proceeded.

Consideration of the December 11, 2006 Minutes

Chairman Lambertson called for a consideration of the December 11, 2006 minutes. Hearing no corrections or comments, Vice Chairman Patrick Duckwall made a motion to approve the minutes. William McPherson seconded the motion. The motion was approved Chairman Roger Lambertson, Vice Chairman Patrick Duckwall, members Emory Upton, John Sawyer, and William McPherson voting aye; none voting no; none absent; and none not voting.

Comments from the Public

Chairman Lambertson asked if there were any comments from the public other than what is on the agenda. Hearing no comments, the meeting proceeded.

Award Presentation: Morris Kight

Chairman Lambertson took this opportunity to recognize Morris Kight for the twelve years of faithful service he gave while serving under the Board of Adjustment. A plaque was given to him by Chairman Lambertson on behalf of the Board.

**New Business:**

Item #1- UDO 2006-12-26 Variance/ April White- 267-A Ivy Neck Road

The following application was presented to the Board of Adjustment:

Findings of Facts  
UDO 2006-12-26  
April White

1. **Name of Applicant:** April White
2. **Agent for Applicant:** None
3. **Address of Applicant:** P.O. Box 1384, Pinellas Park, FL 33780
4. **File Reference:** UDO 2006-12-26
5. **PIN:** 02-8944-00-68-4850
6. **Street Address of Property:** 267-A Ivy Neck Road
7. **Location of Property:** Courthouse Township
8. **Flood Zone:** X/AE

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 Article 151.069 minimum 6/12 roof pitch.
12. **Use Classification:** Camden County Code Article 151.069
13. **Date Application Received by County:** February 13, 2007
14. **Received by:** Dave Parks, Permit Officer
15. **Application Fee Paid:** \$250.00 check #3155
16. **Completeness of Application:** Application is generally complete.
17. **Documents Received Upon Filing Application or otherwise included:**
  - A. Variance Land Use/Development Application
  - B. Deed
  - C. List of adjacent property owners
  - D. GIS aerial Map
18. **Adjacent Property Uses:**
  - A. Predominant: Residential
  - B. Other: Agriculture
19. **Existing Land Use:** Residential
20. **Utilities**
  - A. Does the applicant propose the use of public sewage systems? N/A
  - B. Does the applicant propose the use of public water systems? Existing.
  - C. Distance from existing public water supply system: N/A
  - D. Is the area within a five-year proposal for the provision of public water? N/A
  - E. Is the area within a five-year proposal for the provision of public sewage? No.
21. **Findings Regarding Additional Requirements:**
  - A. Endangering the public health and safety. The proposed request will not endanger the public health or safety.
  - B. Injure the value of adjoining or abutting property. It is staffs opinion it will not injure the value of adjoining or abutting property.
  - C. Harmony with the area in which it is located. Yes
  - D. Conformity with the Plans
    - (1). Land Use Plan – Yes, property is zoned residential.
    - (2). Thoroughfare Plan – N/A
    - (3). Other Plans officially adopted by the Board of Commissioners – N/A
  - E. Will not exceed the county’s ability to provide public facilities
    - (1). Schools – No.
    - (2). Fire and rescue – No
    - (3). Law Enforcement – No
    - (4). Other County Facilities – No
22. **Minimum requirements for approval:**
  - A. Is the requested permit within its jurisdiction according to the Table of Permissible Uses? N/A
  - B. Is the application complete? Yes.
  - C. Does the application fail to comply with one or more requirements of the Unified Development Ordinance? Yes, Article 151.069

1. If the applicant complies strictly with provisions of the Ordinance, he/she can make no reasonable use of his property.

**Applicant response:** The applicant could make use of the property only after much time and expense to change the roof, which does not seem reasonable to pick up 1’ 2” more in height and only 4 ½ degrees of slope.

**Staff response:** The use already exists as there is an existing singlewide on the property that the applicant desires to replace with this house.

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.

**Applicant response:** By the applicant only in this case.

**Staff response:** The hardship is suffered by the applicant as she was unaware of the roof pitch requirement in Camden County Unified Development Ordinance when she purchased the house from the Currituck School System. Currituck County does not have a minimum roof pitch requirement in their Unified Development Ordinance.

3. Does the hardship relate to the applicant's land, rather than personal circumstances?

**Applicant response:** Property.

**Staff response:** The hardship relates to the circumstances that neither the applicant nor the school system in Currituck was aware of Camden County's design standard requirement on minimum roof pitch prior to purchasing the house.

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

**Applicant response:** This hardship is unique in the fact that the house in question was purchased from a High School Educational project. The house was built with a 5/12 slope to minimize the height for moving purposes. With this span, a 6/12 slope would only result in a 1' 2" difference in height which is a lot when moving, but does not alter the appearance of final product.

**Staff response:** The hardship is unique as most modular units are purchased through dealers that are aware of the County's design standards as with builders.

5. The hardship is not the result of the applicant's own actions.

**Staff response:** The hardship is not the result of the applicant's actions as the shell of the dwelling was constructed as a school project in another county that does not have design standards on roof pitch.

6. The Variance will not result in the initiation of a nonconforming use of land.

**Staff response:** The Variance will not result in the initiation of a nonconforming use of land as property is zone for residential use.

**Approved on a 5-0 vote with the following conditions:**

1. The applicant must strictly abide by all other requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall obtain a valid building permit within 15 working days of approval of Variance.
3. Applicant shall remove the single-wide mobile home within 30 days of issuance of the Certificate of Occupancy by the Building Inspector.
4. The applicant must sign before a notary public the Variance agreeing to the conditions by April 13, 2007, or the Variance shall become null and void.

The clerk swore in staff member, Dave Parks, under oath. Mr. Parks stated that the staff recommends approval of the Variance for April White based on the finding of facts presented. Mr. Parks further stated that Mrs. White purchased a house that was built in Currituck County that had a 5/12 roof pitch that does not meet Camden current 6/12 roof pitch standard. While building code differs between the two counties, she was unaware of this detail before making the purchase.

At this time, Chairman Lambertson called April White forward so that she may be sworn in under oath for the purpose of asking her questions in this matter.

April White was sworn in under oath by the clerk. Chairman Lambertson asked Mr. White to state her current address. Mrs. White stated her current mailing address is PO Box 1384 Pinellas Park, Florida.

Chairman Lambertson questioned Ms. White's plans and intentions for the property. She stated that she currently rents a singlewide trailer on the site at 267 –A Ivy Neck Rd. She intends to place the home on the trailer site and possibly sell it to the current renters.

Chairman Lambertson asked how tall the building will be. Specifically, is it a two story home?

Mrs. White stated that in fact it is.

Vice Chairman Duckwall and Mr. Eason expressed concern about the property and easements. Will there be an easement or right of way issue?

No. Staff stated that a pre- recorded easement was filed.

At this time, the staff stated that should the Board grant the request by the applicant, the staff would like to add an additional condition to the Variance stating that the trailer must be removed from the property after 30 days in order to comply with the County Codes.

Chairman Lambertson asked the Board to approve the evidence presented as stated in the finding of facts and the applicants testimony. Vice Chairman Patrick Duckwall made a motion to accept the evidence presented by the staff in the finding of facts as well as April Whites sworn statements. Emory Upton seconded the motion. The motion passed with Chairman Lambertson, Vice Chairman Patrick Duckwall, members Emory Upton, John Sawyer, and William McPherson voting aye; none voting no; none absent; and none not voting.

At this time, Chairman Lambertson asked for a motion to approve or deny the Variance. Vice Chairman Patrick Duckwall made a motion to pass the Variance # UDO 2006-12-26 at property located at 267-A Ivy Neck Rd, with the conditions read by the Chairman with the addition to condition #3 to include the removal of the singlewide from the property within 30 days after the trailer is replaced. Chairman Lambertson seconded the motion. The motion passed with Chairman Lambertson, Vice Chairman Patrick Duckwall, members Emory Upton, John Sawyer, and William McPherson voting aye; none voting no; none absent; and none not voting.

#### Information from Board and Staff

Mr. Duckwall stated that he noticed many buildings in Camden that do not conform to the current code. Staff believes that that particular ordinance was not adopted until 2001.

The staff polled the board to determine who would be interested in inviting Steve Davenport to give a presentation about running an affective meeting. Chairman Lambertson stated that he may have the contact number for Mr. Davenport from a previous training course. Many of the members expressed an interest. Staff will contact them at a later date on this issue.

Consider Date of Next Meeting- April 18, 2007

Adjournment

Hearing no further business, Chairman Lambertson asked for a motion to adjourn. Vice Chairman Patrick Duckwall made a motion to adjourn. William McPherson seconded the motion. The motion passed with Chairman Lambertson, Vice Chairman Patrick Duckwall, members Emory Upton, John Sawyer, and William McPherson voting aye; none voting no; none absent; and none not voting.

Approved: \_\_\_\_\_  
Date

Attested: \_\_\_\_\_  
Planning Secretary, Lori Tuss

Chairman: \_\_\_\_\_  
Roger Lambertson