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Camden County Board of Adjustment
Minutes

Record of Proceedings

January 9, 2006

7:00 PM

Camden County Courthouse
Courthouse Complex

Chairman Roger Lambertson called to order a meeting of the Camden County Board of Adjustment with the following members present:

Chairman Roger Lambertson
Vice Chairman Morris Kight
Members Emory Upton, Patrick Duckwall and Douglas Lane

The following members were absent: William McPherson

Also present were Dan Porter, Director of Planning, Dave Parks, Permit Officer, and Lori Tuss, Clerk to the Board of Adjustments.

Chairman Lambertson called for consideration of the agenda. Chairman Lambertson announced that the Camden County Commissioners unanimously voted in favor of Patrick Duckwall as a regular voting member of the Camden County Board of Adjustments.

Chairman Lambertson called for consideration of the November 15, 2006 minutes. Patrick Duckwall made a motion to approve the minutes as amended. Emory Upton seconded the motion. The motion passed 5-0: none opposed.

Chairman Lambertson called for comments from the public. Hearing none, he continued with the agenda.

New Business

Item #1 Variance Application (UDO 2005-11-44) from G Matt Wood to Article 151.060 of the Camden County Code (Minimum Lot Sizes) in Highway Commercial (HC) zone located at 131 Gumberry Road, Courthouse Township

Permit Officer Dave Parks was sworn in and stated that the staff recommends granting the applicant, G. Matt Wood, a variance based on the fact that under the provisions of the current ordinance, the applicant can make no reasonable use of his property. Dave Parks stated that Mr. Harrell is available for questioning.

Chairman Lambertson addressed the staff in order to clarify the variance and finding of facts for this property.

The Board made note to question the finding of facts question # 21. Mr. Parks acknowledged the corrections. The corrections were made.

Matt Harrell, acting as a representative for G. Matt Wood, was sworn in and Chairman Lambertson asked Mr. Harrell if he understood the restrictions that will apply to this variance. Mr. Harrell acknowledges that he understands the conditions of the variance and what it entails.

Tracy Cartwright was sworn in and Chairman Lambertson asked her about her business on the property in question and how long the business has been in operation.

Having heard all sworn testimony and verifying the finding of facts which included question about the water, sewage, and intension's for the use of this property at 131 Gumberry Road, Chairman Lambertson asked the Board to vote on all six questions. The results are as follows:

1. If the applicant complies strictly with provisions of the Ordinance, he can make no reasonable use of his property. Applicant's response: Property cannot be transferred to the current tenant thus no improvements can be made by tenant.

Staff response: If applicant complies with the provisions of the Ordinance and with the location and size of this particular piece of the parcel, it cannot be utilized for farming as the rest of the parcel thus restricting reasonable use. Nor can the property be used for any residential or commercial use due to the minimum lot size requirements.

Chairman Lambertson made a motion that if the applicant complies with the current ordinance, he cannot transfer the property to the current tenant or make proper use of the property. Patrick Duckwall seconded the motion. The motion passed 5-0: none apposed.

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public. Applicant's response: The hardship is suffered by the property owner as this portion is bound on all sides by public right of ways (NCDOT/ Railroad).

Staff response: The hardship is suffered by the applicant as this portion that is bound by right of ways and thus cannot be farmed. Under current zoning, the property is too small to subdivide. Applicant has made an offer for the sale of this portion to be utilized as a commercial business (already existing).

Patrick Duckwall made a motion to accept the staffs finding of facts. Vice Chairman Morris Kight seconded the motion. The motion passed 5-0; none opposed.

3. Does the hardship relate to the applicant's land, rather than personal circumstances? Applicant's response: The hardship relates to the land and its location.

Staff response: The hardship relates to the land and the way it is separated from the bona fide farm that sits across the railroad right of way.

Emory Upton made a motion to accept the staffs finding of facts. Douglas Lane seconded the motion. The motion passed 5-0; none opposed.

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. Applicant's response: Yes

Staff response: What is unique about this portion is that the land is separated by the Norfolk Southern Railroad from the larger tract. This portion is approximately 13,000 sq ft and is large enough to support the existing business, but not large enough to subdivide under current zoning, and the applicant does not desire to cut into his farm to create a lot. The portion across the railroad track would not be utilized by the business.

Vice Chairman Morris Kight made a motion to support the approval of the staff findings. Douglas Lane seconded the motion. The motion passed 5-0; none opposed.

5. The hardship is not the result of the applicant's own actions. Applicant's response: The hardship is not the result of my actions as the land has been in my family prior to the railroad right of way.

Staff response: The hardship is not the result of the applicant's actions.

Chairman Lambertson made a motion to accept the applicants request based on the finding of facts. Douglas Lane seconded the motion. The motion passed 5-0; none opposed.

6. The Variance will neither result in the extension of a nonconforming situation in violation of Articles 151.360-368 nor authorize the initiation of a non conforming use of land.

Staff response: If variance is approved, this will result in a nonconforming lot in respect to current density requirements.

The current use as a beauty salon is non-conforming. A variance will create a non conforming lot.

Douglas Lane made a motion to accept staff recommendation. Vice Chairman Morris Kight seconded the motion. The motion passed 5-0; none opposed.

Chairman Lambertson asked the applicant and the board members if they have read the following conditions to the Variance. All present have read and understand the following conditions:

- A. The applicant must strictly abide by all 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.

- B. Applicant shall subdivide out and record this portion within six months from date of approval of variance.
- C. The applicant must sign before a notary public the Variance agreeing to the conditions by February 10, 2006 of the Variance shall become null and void.
- D. Any violation of this Variance and its conditions will result in revocation.

Chairman Lambertson asks the Board to approve or deny the Variance with conditions (A-D). Douglas Lane made a motion to approve the Variance with conditions (A-D). Patrick Duckwall seconded the motion. The motion passed 5-0; none opposed.

The Variance is granted.

Items for Board members and staff

The staff and Board discussed future meetings.

The Chairman, Roger Lambertson, took the opportunity to remind everyone present that all testimony and or statements by the general public, applicants, staff, and attorneys must follow the rules for the Board of Adjustment; all testimony and statements must be sworn in under oath for the record of the Board of Adjustment.

Consideration for date of next meeting – February 13, 2006

Chairman Lambertson cannot be present according to the current schedule.

Adjournment

Emory Upton made a motion to adjourn. Chairman Lambertson seconded the motion. The motion passed 5-0; none opposed.

Approved: _____
Date

Chairman Roger Lambertson

ATTEST:

Lori Tuss
Clerk to the Board