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Camden County Board of Adjustment
Record of Proceedings

July 27, 2005

7:00 PM

Camden County Courthouse Courtroom
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 William McPherson, Emory Upton, Tony Royle, Patrick Duckwall and Douglas Lane

The following members were absent: none

Also present were Dave Parks, Permit Officer, Dan Porter, Planning Director and Melissa Joines, Clerk to the Board.

Chairman Lambertson stated the voting members would be Chairman Lambertson, Vice-Chairman Kight, Emory Upton, William McPherson and Patrick Duckwall.

Old Business

Item #1 Appeal (UDO 2005-06-20) from Brian Loftus in opposition to the "Stop Work Order" placed on his business located at 630 Main Street, South Mills Township

Chairman Lambertson read a summary prepared by him stating the events from the previous meeting.

- The July 11, 2005 Camden County Board of Adjustment was held to hear an appeal of the county's Stop Work Order and Revocation of permit of Mr. Brian Loftus, trading as Gizmo's.
- Camden County Permit Officer, Mr. David Parks presented facts about the case and the process by which Mr. Loftus was issued a Zoning Permit and the conditions placed on him in that permit. He reviewed the violations of those conditions and the process by which Mr. Loftus was notified and warned of the consequences of continued violation of those conditions.
- During the public hearing that was held Mr. Loftus and many other citizens gave evidentiary testimony concerning the case.
- Many citizens praised Mr. Loftus for his good work and for his helping provide a place for teens to learn a trade and, perhaps, stay out of trouble.

- Mr. Loftus admitted under oath to violating the number of vehicles (24 versus 15) to be allowed on the property as specified in the permit.
- In his appeal, Mr. Loftus claimed in writing that "Camden County did not have the authority to require Appellant to obtain a Zoning Permit as the use was an existing nonconforming use on the date the ordinance was adopted." He added that he should not have been made to have a zoning permit because there had been an automobile repair and body shop located on the premises within six months of his opening his business. If that was the case there was an existing non-conforming use which would have negated the requirement to have a new zoning permit with the conditions applied.
- At the July 11th hearing, property owner Mrs. Beatrice Franklin testified that Mr. Loftus contacted her within three (3) months of the previous body shop occupant.
- Mr. Jackson, a neighbor, testified that the previous occupant used the facility as a storage shed. He testified also that Gizmo's was operating on Sundays, which was also a violation of the permit conditions. He provided photographs to back up his claim.
- To resolve this contradictory testimony, the hearing was continued until tonight, July 27, 2005 so that Ms. Franklin could bring records of who rented the facility and for what purpose during the time frame from 1998 to present.
- During the 16 days since we last met, I have reviewed the facts presented, the county ordinances, and pertinent zoning laws again in some detail, and I will review my findings.
- On September 15, 2004, the zoning permit with conditions was issued by the County.
- This was an administrative decision by County staff.
- The appeal of the county's June 8, 2005 order, which was also an administrative decision or Order, was filed by Mr. Loftus within 10 days of the order as required by county ordinance (151.530(B)).
- Since Mr. Loftus admitted to violation of some of the conditions of the permit, this appeal now rests on the claim that a zoning permit was not required.
- The appellant is essentially asking the Board of Adjustment to overturn the administrative decision that was made on September 15, 2004, about 10 months ago.
- Whether or not Mr. Loftus required a zoning permit is a moot point.
- The Camden County Board of Adjustment does not have the authority to hear what amounts to an appeal of a county administrative decision that was made 10 months ago. Overturning the county's administrative decision of September 15, 2004 is not possible at this time, as the time is long since past that an appeal to that decision could be made.
- An appeal of the September 15, 2004 administrative decision could have been made to this board, but would have had to been filed by September 25, 2004. This was not done. Rather Mr. Loftus signed his permit and agreed to abide by the conditions placed on it.
- The Board Chairman apologizes to Mrs. Franklin for the work that she did to bring in the requested information, which after further review really has no relevance to this case.
- The Public Hearing on this case was opened and closed on July 11, 2005 and we will not reopen it.
- The Board will now deliberate on the appeal.
- The same members of the Board who heard the testimony presented on July 11, 2005 are present and will remain voting members.

Chairman Lambertson stated he had ridden by the property but did not get out of the vehicle and had counted approximately 20 unregistered vehicles still located on the property.

Mr. Loftus, applicant, arrived at the meeting at 7:10pm.

There was no discussion from the board.

Chairman Lambertson called for a motion on the appeal. Duckwall made a motion to deny the appeal. Kight seconded the motion. The motion passed 5-0 with Chairman Lambertson voting yes, McPherson voting yes, Kight voting yes, Upton voting yes, and Duckwall voting yes.

Items from Board Members and Staff

Staff stated there would be a training date scheduled for August 22, 2005.

Adjournment

Chairman Lambertson made motion that the meeting of the Camden County Board of Adjustment be adjourned. Upton seconded the motion. The motion passed 5-0. The meeting adjourned at 7:15 p.m.

Approved: _____
Date

Chairman

ATTEST:

Melissa Joines
Clerk to the Board