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Camden County Board of Adjustment
Record of Proceedings
November 15, 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, Patrick Duckwall and Douglas Lane

The following members were absent: Tony Royle

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

Chairman Lambertson called for consideration of the July 11, 2005 minutes. McPherson made a motion to approve the minutes. Kight seconded the motion. The motion passed 5-0.

Chairman Lambertson called for consideration of the July 27, 2005 minutes. Lane made a motion to approve the minutes. McPherson seconded the motion. The motion passed 5-0.

Chairman Lambertson called for comments from the public. No comments.

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

New Business

Item #1 Variance (UDO 2005-10-27) from Lynn Merritt to setback requirements on property located at 197 East Highway 158, Courthouse Township

Dave Parks, Permit Officer was sworn in and stated the application was for a variance to setback requirements in a commercial zoning district. There is a twenty five foot setback requirement in a commercial zoned area, and along a major arterial, there is an extra twenty five foot setback requirement. The applicant wishes to move their business to the property in question from the property they currently rent. There are currently mini storage warehouses on the rear of the property. Staff recommends approval of the application.

Lynn Merritt, 670 North 343, was sworn in as the applicant and stated she is requesting a variance to the setbacks to be able to move her businesses to the property. The front of the property sits between the highway and the railroad tracks and with the required setback there is only about eight feet of property to place a building. There are currently mini-storage warehouses on the back of the property.

Chairman Lambertson questioned would the widening of Highway 158 affect the property. Ms. Merritt stated the state would take their right-of-way but not her property.

Staff stated the variance would allow for a five foot rear structural setback, a twenty foot front structural setback and a ten foot front vehicular setback.

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

Applicant response: With the railroad running thru our property, the front of the property is not usable without a Variance.

Staff response: If applicant complies with the provisions of the Ordinance and with the railways set back, they cannot make reasonable use of this portion of the property for what they intend to.

Lane made a motion that if applicant complies with the provisions of the Ordinance and with the railways set back, they cannot make reasonable use of this portion of the property for what they intend to. McPherson seconded the motion. The motion passed 5-0.

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

Applicant response: It is a hardship on us as we own three businesses that could affect the general public if we have to relocate elsewhere.

Staff response: The hardship is suffered by the applicant and adjacent property owners along Highway 158. The proposed NCDOT widening project will affect all owners in one way or another. The current property owner at 247 E. Highway 158 will be losing applicants business of J & J Wholesales (Car lot) due to the widening project. Applicant desires to keep business in the County.

Chairman Lambertson made a motion that the hardship is suffered by the applicant and adjacent property owners along Highway 158. The proposed NCDOT widening project will affect all owners in one way or another. The current property owner at 247 E. Highway 158 will be losing applicants business of J & J Wholesales (Car lot) due to the widening project. Applicant desires to keep business in the County. Kight seconded the motion. The motion passed 5-0.

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

Applicant response: The hardship relates to our property and the future of our business in Camden County.

Staff response: The hardship relates to the land and the inability to utilize this portion with current ordinance requirements on setbacks.

McPherson made a motion that the hardship relates to the land and the inability to utilize this portion with current ordinance requirements on setbacks. Upton seconded the motion. The motion passed 5-0.

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

surrounding properties.

Applicant response: At this time I feel we are the only ones trying to utilize the front portion of their property.

Staff response: What is unique about this is that you have the Norfolk Southern Railroad with a 33 foot easement measured from the center of the track on either side, County Setbacks of 50' feet front when along major arterials and 10' feet rear setbacks which leaves only leaves approximately 8 feet of land. There exists a septic tank and water tap on this portion as there was at one time a singlewide utilized as a residential structure. Applicant is paying taxes and a monthly water tap fee on a portion of the property they can not utilize for commercial use.

Lane made a motion that what is unique about this is that you have the Norfolk Southern Railroad with a 33 foot easement measured from the center of the track on either side, County Setbacks of 50' feet front when along major arterials and 10' feet rear setbacks which leaves only leaves approximately 8 feet of land. There exists a septic tank and water tap on this portion as there was at one time a singlewide utilized as a residential structure. Applicant is paying taxes and a monthly water tap fee on a portion of the property they can not utilize for commercial use. Kight seconded the motion. The motion passed 5-0.

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

Applicant response: We are the result of others actions not our own.

Staff response: The hardship is not the result of the applicant's actions as with growth, comes improvements to infrastructure and roads as with the widening of 158 to four lanes.

Chairman Lambertson made a motion that the hardship is not the result of the applicant's actions as with growth comes improvements to infrastructure and roads as with the widening of 158 to four lanes. Lane seconded the motion. The motion passed 5-0.

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 nonconforming use of land.

Staff response: If variance is approved, this will result in a nonconforming situation in respect to current setbacks.

McPherson made a motion that if variance is approved, this will result in a nonconforming situation in respect to current setbacks. Lane seconded the motion. The motion passed 5-0.

7. Conditions:

- A. 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.
- B. Applicant shall adhere to a five (5) foot setback along the easement for the Norfolk Southern Railway and a 20 foot Structural setback and 10 foot vehicular set back from the front.
- C. Applicant shall provide County with NCDOT approval stating proposed use will not conflict with the widening of Highway 158 prior to issuance of Building

Permit.

- D. The applicant must sign before a notary public the Variance agreeing to the conditions by December 16, 2005 or the Variance shall become null and void.
- E. Any violations of this Variance and its conditions will result in revocation.

Chairman Lambertson called for a motion. Lane made a motion to approve the variance with the conditions as recommended by staff. Kight seconded the motion. The motion passed 5-0.

Items from Board Members and Staff

There are four members in which their term is ending December 31, 2005. Staff asked each member if they would be interested in another term.

Next Meeting Date

The next Board of Adjustment meeting will be Monday, December 5, 2005.

Adjournment

Lane made motion that the meeting of the Camden County Board of Adjustment be adjourned. Kight seconded the motion. The motion passed 5-0. The meeting adjourned at 7:35 p.m.

Approved: _____
Date Chairman

ATTEST:

Melissa Joines
Clerk to the Board