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Camden County Board of Adjustment
Record of Proceedings
January 5, 2004
7:00 PM
Senior Center Conference Room
Courthouse Complex

Chairman Roger Lambertson called to order a meeting of the Camden County Board of Adjustment with the following members present: Roger Lambertson, Morris Kight, William McPherson, Tony Royle, Emory Upton and Patrick Duckwall. Also present were Dave Parks, Permit Technician and Melissa Joines, Clerk to the Board. Board members absent were Calvin Forbes.

Chairman Lambertson called for consideration of the agenda. Chairman Lambertson stated there were no changes to the agenda.

Chairman Lambertson called for consideration of the June 2, 2003 minutes. Kight made a motion to approve the minutes as read. Upton seconded the motion. The motion passed 5-0.

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

New Business

Item #1 Variance Application (UDO 2003-11-17) from Jamie Nash on UDO Article 12 Section 1210 (1.112) to install a temporary mobile home located on Ivy Neck Road, Courthouse Township

Chairman Lambertson called for a motion to open the public hearing. McPherson made a motion to open the public hearing. Royle seconded the motion. The motion passed 5-0.

The applicant requested to be last on the agenda.

Chairman Lambertson hearing no objections called for a motion to close the public hearing. McPherson made a motion to close the public hearing. Royle seconded the motion. The motion passed 5-0.

Item #2 Variance Application (UDO 2003-11-13) from Thomas Oxley on UDO Article 12 Section 1210 (1.112) to install a temporary mobile home on property to provide health care located at 101 Sharon Church Road, South Mills Township

Chairman Lambertson called for a motion to open the public hearing. McPherson

made a motion to open the public hearing. Royle seconded the motion. The motion passed 5-0.

The applicant Thomas Oxley was sworn in and stated the variance is a request to place a doublewide on his property to care for his wife's grandparents. Mr. Oxley stated the surrounding neighbors did not have a problem with him moving a doublewide on the property. He would like for the grandparents to be close so they can be cared for.

Chairman Lambertson stated he feels a Class A doublewide would be expensive and harder to move off the property when it is no longer needed.

Mr. Oxley stated a doublewide is more accessible for a wheelchair.

Kight stated a Class A doublewide would be difficult and expensive because of the foundation being bricked in.

Chairman Lambertson stated he was concerned with a Class A doublewide being moved off the property when it is no longer needed and that a less permanent foundation would be easier to move.

Mr. Oxley stated he understood the concern but would like for the grandparents to be close and the foundation would be bricked in for a doublewide.

Glen Carey of 202 Sharon Church Road was sworn in and stated he felt the applicants were good people and their request would not be a burden on the county. Mr. Carey stated he understood the process would be expensive but he asked the board to consider the application.

After hearing no more comments for the applicant or the public, Chairman Lambertson called for a motion to close the public hearing. Upton made a motion to close the public hearing. Kight seconded the motion. The motion passed 5-0.

Chairman Lambertson called upon staff, Dave Parks stated that staff recommends disapproval to temporarily install a Class A doublewide manufactured home, but would recommend approval of temporarily installing a Class B singlewide.

Chairman Lambertson then continued with the variance questions:

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

Applicant response: Yes, but the request for the variance will be only a temporary use until the provision for medical care for my grandfather is no longer required. Currently, the UDO states that you cannot put two dwellings on one lot. I am in the process of rehabbing the existing house myself and all the bedrooms are located on the second floor. The complete rehab will take me approximately 5 years. My grandfather cannot climb up and down stairs due to his current medical condition. My grandmother is currently on the list for a liver transplant which restricts her movement and any lifting. Current zoning does not permit me to subdivide land as it requires two acres. Based on this, I feel I cannot make reasonable use of the land to enable me to provide adequate health care for my grandparents.

Staff Response: If applicant complies with the provisions of the Ordinance, he can make reasonable use of property. In the past the county has approved singlewides as temporary lodging for the provision of providing health care, but has never approved a doublewide as it is considered more of a permanent structure than a singlewide.

Chairman Lambertson made a motion that if applicant complies with the provisions of the Ordinance, he can make reasonable use of property. Royle 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: Yes, the hardship is suffered by my family, as my grandparents require medical attention and should reside within close proximity to my wife and I. They also desire their privacy and would prefer not to live with us, but next to us in their own dwelling.

Staff response: The hardship is suffered by the applicant and not by the neighbors or general public.

Chairman Lambertson made a motion that the hardship is suffered by the applicant and not by the neighbors or general public. McPherson seconded the motion. The motion passed 5-0.

3. **The hardship relates to the applicant's land, rather than personal circumstances.**

Applicant response: The hardship relates to personal circumstances and the land as my property of almost 3 acres is not large enough to subdivide (zoning requires two acres).

Staff response: The hardship relates to the land and personal circumstances as member desires to provide the necessary health care but current zoning laws prohibit having two dwellings on one lot and doublewides are not permissible in a R3-2 zoning district.

Chairman Lambertson made a motion that the hardship relates to personal circumstances as member desires to provide the necessary health care but current zoning laws prohibit having two dwellings on one lot and doublewides are not permissible in a R3-2 zoning district. McPherson 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: Yes, hardship is unique as to provide the medical assistance that my grandfather needs and honoring my grandparent's wishes to live separately, I feel that this is the only way to assist my grandparents.

Staff response: The hardship is unique.

Chairman Lambertson made a motion that the hardship is unique. Kight seconded the motion. The motion passed 5-0.

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

Applicant response: The hardship is not the result of my actions.

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

McPherson made a motion that the hardship is not the result of the applicant's own actions. Upton seconded the motion. The motion passed 5-0.

6. **The Variance will neither result in the extension of a nonconforming situation in violation of Article 14 nor authorize the initiation of a nonconforming use of land.**

Staff response: If variance is approved, this will create a temporary nonconforming situation.

Chairman Lambertson made a motion that if variance is approved, this will create a nonconforming situation. McPherson seconded the motion. The motion passed 5-0.

Chairman Lambertson called for a motion. McPherson made a motion to approve the variance with the condition of installing a singlewide for temporary use. Kight seconded the motion. The motion passed 5-0.

Chairman Lambertson called for a five minute recess.

Chairman Lambertson called the meeting back to order.

Item #1 Variance Application (UDO 2003-11-17) from Jamie Nash on UDO Article 12 Section 1210 (1.112) to install a temporary mobile home located on Ivy Neck Road, Courthouse Township

Chairman Lambertson called for a motion to open the public hearing. McPherson made a motion to open the public hearing. Upton seconded the motion. The motion passed 5-0.

Jamie Nash, applicant and Chris Waugaman were sworn in. Ms. Nash stated she and her fiancé were to be married on February 14, 2004. Ms. Nash stated she was in college and was only able to work part time and they could not afford in install a modular or build a home due to finances. Ms. Nash stated she was given the property as an early wedding gift and she felt that she and her fiancé have exhausted every possibility in looking for a home and found they can afford to install a doublewide mobile home on the property. They would not have to pay for the land and they could afford a payment on a doublewide. Ms. Nash stated she wished to install a doublewide rather than a singlewide due to the interest rates are lower and she feels that a doublewide looks more like a home. The doublewide that the applicant wishes to install is only 10 square feet larger than a singlewide. Ms. Nash stated that because a brick foundation is more permanent, they would skirt the home if that was the requirement of the board.

Chairman Lambertson stated that Camden County requires a doublewide to be bricked in.

McPherson questioned the size of the property. Ms. Nash stated that the property was an acre and a half but could receive more property if it were required.

Harry Nash of 247 Ivy Neck Road was sworn in and stated that he and his wife installed a singlewide on the adjacent property and moved the home within five years. Mr. Nash stated he felt a doublewide would bring more revenue to the county.

Linda Nash of 247 Ivy Neck Road was sworn in and stated the property in questioned belonged to her father and the land had been passed down in the family. Mrs. Nash stated she felt having a trailer would give the applicant more time to save money and

stated the doublewide would only be temporary.

Chris Waugaman stated the doublewide is not a large but a small one as it will only be temporary until they can build a home.

Ms. Nash stated there were three reasons they would rather have a doublewide than a singlewide: the financial cost and interest rates, a doublewide is much wider than with a utility room and if they were able to keep the doublewide in excellent condition the resale value would be much greater.

Hearing no more comments from the applicant or public, Chairman Lambertson called for a motion to close the public hearing. McPherson made a motion to close the public hearing. Upton seconded the motion. The motion passed 5-0.

Chairman Lambertson called upon staff. Dave Parks stated that staff recommends approving a singlewide for a temporary use rather than a doublewide due to the permanent foundation.

Chairman Lambertson then continued with the variance questions:

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

Applicant response: My fiancé and I cannot make reasonable use of this property at this time if we abide by the provisions of the UDO. Financially, we are unable to build a home or buy a modular home, which is all the land is zoned for. Also, we have exhausted all other possibilities as far as renting other dwellings, modular homes, and site built homes, and none of these are financially feasible for us at this time. Therefore, we cannot use this land for any other use.

Staff response: If applicant complies with the provisions of the Ordinance, she can make reasonable use of property by installing a Modular or Site Built home.

McPherson made a motion that if applicant complies with the provisions of the Ordinance, she can make reasonable use of property by installing a modular or site built home. Lambertson 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: This specific hardship is suffered solely by the applicant and not by neighbors or general public. We plan on building a site built home in 2-3 years when I graduate from my masters program at college. However, until then we do need somewhere to reside. The land was given to me by my mother.

Staff response: The hardship that the applicant suffers is one suffered by a lot of young couples these days getting started. Their finances dictate what they can do.

Chairman Lambertson made a motion that the hardship that the applicant suffers is one suffered by a lot of young couples these days getting started. Their finances dictate what they can do. McPherson seconded the motion. The motion passed 5-0.

3. The hardship relates to the applicant's land, rather than personal circumstances.

Applicant response: The particular hardship relates to personal circumstances. It does not relate to the property in question. The personal circumstances include financial inability that does not permit us to build on this land or buy a modular home at this time.

Staff response: The hardship relates to personal circumstances as the applicant is going to school full time, working part time and will be relying on fiancés income until she graduates and gets a full time job.

Royle made a motion that the hardship relates to personal circumstances as the applicant is going to school full time, working part time and will be relying on fiancés income until she graduates and gets a full time job. 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: The hardship is unique. I am currently working hard in graduate school and only able to work part-time. I will be beginning my internship next year and will not be paid for the work I am doing, so we cannot assume a costly mortgage to pay at this time. We would like to live on our own after we get married, but financially that is impossible if we cannot move this doublewide (temporarily) onto the land that was given to us as an early wedding present.

Staff response: The hardship is not unique, as most young people starting their lives can't initially afford the cost of sight built homes until they are established financially.

McPherson made a motion that the hardship is not unique. Royle seconded the motion. The motion passed 5-0.

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

Applicant response: This hardship is not the result of our actions. I am only trying to further my education and better myself so that in the next 2 to 3 years, my fiancé and I could afford a new site built home. After we are married, our goal is to live independently and plan for a better future. We hope you will help make this a reality for us.

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

McPherson made a motion that the hardship is not the result of the applicant's own actions. Upton seconded the motion. The motion passed 4-1 with McPherson, Kight, Royle and Upton voting yes and Chairman Lambertson voting no.

6. The Variance will neither result in the extension of a nonconforming situation in violation of Article 14 nor authorize the initiation of a nonconforming use of land.

Applicant response: We are only requesting a temporary nonconforming use of the land until we are financially stable to afford to build a house (a conforming use).

Staff response: If variance is approved, this will create a temporary nonconforming use of land.

Chairman Lambertson made a motion that if variance is approved, this will create a nonconforming use of land. Royle seconded the motion. The motion passed 5-0.

Chairman Lambertson called for a motion. Kight made a motion to approve the

variance and allow for a temporary use of a doublewide. Upton seconded the motion. The motion passed 4-1 with McPherson, Kight, Royle and Upton voting yes and Chairman Lambertson voting no.

Items for Board members and staff

The Board or Staff had no extra items.

Information

Board of Commissioners Minutes – Sept. 15, 2003 – Oct. 20, 2003
Planning Board Minutes – September 24, 2003

Consideration for date of next meeting – February 2, 2004

The next Board of Adjustment meeting will be held on February 2, 2004.

Adjournment

Kight 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 8:30 p.m.

Approved: _____

Chairman

ATTEST:

Melissa Joines, Clerk to the Board