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Camden County Board of Adjustment
Record of Proceedings
October 4, 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:

Chairman Roger Lambertson
Vice Chairman Morris Kight
Members William McPherson, Tony Royle, Emory Upton, 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 called for consideration of the agenda. There were no changes and no motion made.

Chairman Lambertson called for consideration of the June 7, 2004 minutes. Upton made a motion to approve the minutes. Kight 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 2004-09-18) to Article 151-060 of the Camden County Code of Ordinances (Minimum Lot Size) in a Residential (R-2) zoned district located at 788 and 790 Sandy Hook Road, Shiloh Township

William Davis, 788 Sandy Hook Road and Stephanie Bradley, 790 Sandy Hook Road were sworn in.

Mr. Davis stated that his request was for a variance because his lot was not large enough to hold a septic system if his current septic system fails. He stated his daughter had agreed to give him a portion of her lot to hold a septic system. If the current septic system fails the health department would not allow him to put a new

septic system in and would condemn the property.

Stephanie Bradley stated that she is willing to give her father a portion of her property to allow him a new septic system if the current system fails.

Chairman Lambertson stated that if the variance is approved the board would be creating a non conforming lot. Chairman Lambertson questioned the adjacent property owners and if property could be purchased from them.

Mr. Davis stated that the adjacent property owners would not sell and property to him.

Hearing no more comments or questions, Chairman Lambertson 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: If we comply with current UDO, we cannot utilize land as residential due to current septic field conditions per Health Department.

Staff response: If applicant complies with the provisions of the Ordinance, he can make reasonable use of property. However if existing septic system fails, applicant does not have enough land for drain fields. Current fields expand under shop and onto adjacent property. Health Department stated that existing system was old and would not last much longer.

Lambertson made a motion that if applicant complies with the provisions of the Ordinance, he can make reasonable use of property. However if existing septic system fails, applicant does not have enough land for drain fields. Current fields expand under shop and onto adjacent property. Health Department stated that existing system was old and would not last much longer. 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: The hardship is suffered by us as existing structures were there prior to us purchasing the lot and previous owner stated that the septic tank was located elsewhere on the property. Also, daughter in process of selling her property (approx .95 acres) and once sold new owners may not be so inclined to sell the additional land needed.

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

McPherson made a motion that the hardship is suffered by the applicant and not by the neighbors or general public. 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 the land rather than personal circumstances

Staff response: The hardship relates to the land as it is a non conforming lot.

Kight made a motion that the hardship relates to the land as it is a non conforming lot. Royle 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.

Staff response: The hardship is unique.

Chairman Lambertson made a motion that the hardship is unique. Upton 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.

Kight made a motion that the hardship is not the result of the applicant's own actions. Royle 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 improve a non conforming lot and create another as the daughters' property will be under the minimum square footage (40,000) required for the R-2 zoned district. Daughter's property will be .68 acres (approx 30,000 sf).

Upton made a motion that if variance is approved, this will improve a non conforming lot and create another as the daughters' property will be under the minimum square footage (40,000) required for the R-2 zoned district. Daughter's property will be .68 acres (approx 30,000 sq ft). McPherson seconded the motion. The motion passed 5-0.

Chairman Lambertson made a motion to approve the variance with the conditions as recommended by staff and amended by board.

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. The applicant shall install new septic tank per Camden County Health Department regulations when required.
- C. Applicant to reflect on recombination survey "Variance granted by Camden County Board of Adjustment October 4, 2004.
- D. The applicant must sign before a notary public the Variance agreeing to the conditions by November 18, 2004 or the Variance shall become null and void.

McPherson seconded the motion. The motion passed 5-0.

Items for Board members and staff

Dan Porter was introduced to the board as the new Planning Director.

Information

Board of Commissioners Minutes – August 2, 2004
Planning Board Minutes – July 21, 2004

Consideration for date of next meeting – November 1, 2004

The next Board of Adjustment meeting will be on Monday, November 1, 2004.

Adjournment

Upton 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 7:30 p.m.

Approved: _____

Chairman

ATTEST:

Melissa Joines, Clerk to the Board