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Camden County Board of Adjustment
Record of Proceedings
November 15, 2004
Special Meeting
7:00 PM
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 Melissa Joines, Clerk to the Board.

Chairman Lambertson stated that Doug Lane would be a voting member.

Chairman Lambertson called for consideration of the agenda. There were no changes and no motion made.

Chairman Lambertson called for consideration of the October 4, 2004 minutes. Kight made a motion to approve the minutes. 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 2004-10-35) to Article 151.600 of the Camden County Code of Ordinances – Regulatory Flood Elevation located at 207 US Highway 158 East, Courthouse Township

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

Steven Forehand, speaking on behalf of the applicant, stated there were three reasons why Mr. Dunavant was requesting this variance. One reason would be the cost he would encounter to elevate the building. The building was ordered to the

previous flood ordinance. The second reason is there would be a large mound that the building would have to be built on and this would create a large run-off amount of water to the surrounding buildings on the property. The third reason would be the safety issues to the current employees. If the building was elevated, it would require ramps for the equipment moving in and out of the building. The ramps would not be safe for moving the large amount of steel required for the job.

Lambertson questioned the time frame to begin construction. Mr. Forehand stated that the building would most likely be delivered within the week and construction would start as soon as possible.

Lambertson questioned the flood zone. The current base flood elevation is five feet with two feet of freeboard.

Sharon Dunavant was sworn in and stated she was David Dunavant's wife. She stated that there would be a number of large jobs coming up the first of the year and they needed to start construction on the building as soon as possible.

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

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: Yes, I will be able to make reasonable use of the land, however as a commercial business owner, I also have to look out for the safety and welfare of my employees. Building 24" above the Base Flood Elevation will require me to install ramps for the ingress and egress of heavy equipment which is very unstable when off/on loading heavy equipment on an incline.

Staff response: If applicant complies with the provisions of the Ordinance, they can make reasonable use of property.

Lambertson made a motion that if applicant complies with the provisions of the Ordinance, he can make reasonable use of property. Lane 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 one that could affect other commercial developers as most commercial business have their buildings sitting at BFE.

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

Lane 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 both the property and personal circumstances as when I purchased my building on September 8, 2004, I ordered it based on the flood ordinance that was in effect. I would be incurring

an additional cost of up to \$20,000 to build it to current requirements. Prior to the new flood maps and ordinance adoption, the property was located in a un-numbered "A" zone and under the ordinance requirements the BFE was set at 2 foot with an additional 18" of freeboard. I ordered my building based off this requirement with no knowledge of the new flood maps. Existing structure on the property currently sits at 5 foot, 6 ½ inches (current BFE is set at 5) and my plan is to install the new building at the same height as my existing structure or better.

Staff response: The hardship relates to the land and personal circumstances as at the time the preliminary maps were issued to the County, there was not enough time to educate not only the staff, but the public as well. It also relates to personal circumstances as applicant will incur the additional cost of building his lot up to meet current requirements.

McPherson made a motion that the hardship relates to the land and personal circumstances as at the time the preliminary maps were issued to the County, there was not enough time to educate not only the staff, but the public as well. It also relates to personal circumstances as applicant will incur the additional cost of building his lot up to meet current requirements. Lane 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 not unique it will be a factor that will affect property owners in our area. The majority of the property adjacent to mine has existing buildings at lower elevations.

Staff response: The hardship is unique as the county did not quite understand the affect the new flood maps would have on the public. Planning Board and staff are reviewing the new Flood Plain Ordinance for possible amendment.

Lane made a motion that the hardship is unique as the county did not quite understand the affect the new flood maps would have on the public. Planning Board and staff are reviewing the new Flood Plain Ordinance for possible amendment. Kight seconded the motion. The motion passed 5-0.

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

Applicant response: No, as I purchased my new building based off the old flood plain ordinance and not knowing that they have changed.

Staff response: The hardship is with the implementation of the new flood maps and getting out the information to the public/business owners.

Upton made a motion that the hardship is with the implementation of the new flood maps and getting out the information to the public/business owners. Kight 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 nonconforming situation.

Kight made a motion that if variance is approved, this will improve a non conforming situation. Lane seconded the motion. The motion passed 5-0.

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 complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO2004-10-04 (Building Permit).
- C. The applicant must sign before a notary public the Variance agreeing to the conditions by December 31, 2004 or the Variance shall become null and void.
- D. If the building is damaged by flood, the applicant will not hold the county liable in any way.
- E. If a change is made to the ordinance prior to the start of construction of this building, the new ordinance will take precedence and this variance will be null and void.
- F. This variance is granted for this unique situation only, and is not to be considered as setting precedence to work around the new flood plain ordinance.

Chairman Lambertson made a motion to approve the variance with the conditions as recommended by staff and amended by board. Lane seconded the motion. The motion passed 5-0.

Item #2 Variance Application (UDO 2004-03-25) to install a Class A doublewide mobile home in a General Use District located at 203 Bourbon Street, Courthouse Township

Danielle Donolli, of Hobbs and Upchurch, stated that Mrs. Brown was one of the applicants chosen for the Scattered Site Housing Grant. Therefore she is eligible for a new doublewide mobile home but the property is zoned General Use which does not allow for mobile homes. The county has also condemned her current house.

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: Due to financial situation, I will not be able to make reasonable use of the property as I cannot afford a modular or site built home.

Staff response: If applicant complies with the provisions of the Ordinance, they can make no reasonable use of property as the existing house per the County's Building Inspector is condemnable (see attached photo) and unfit to live in.

Lambertson made a motion that if applicant complies with the provisions of the Ordinance, they can make no reasonable use of property as the existing house per the County's Building Inspector is condemnable (see attached photo) and unfit to live in. 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 me as my current financial situation will not enable me to purchase a new dwelling.

Staff response: The hardship that the applicant suffers is one that is suffered by other members of the county with low incomes Under guidelines of the CDBG

for Scattered Site Housing she has qualified for grant money to install a new doublewide mobile home on lot to include new septic system and paved driveway, which would drastically improve the appearance of the property and surrounding areas.

McPherson made a motion that the hardship that the applicant suffers is one that is suffered by other members of the county with low incomes Under guidelines of the CDBG for Scattered Site Housing she has qualified for grant money to install a new doublewide mobile home on lot to include new septic system and paved driveway, which would drastically improve the appearance of the property and surrounding areas. 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 particular hardship relates to personal circumstances.

Staff response: The hardship relates to personal circumstances, as the applicant on current income cannot afford to replace the dilapidated house.

Upton made a motion that the hardship relates to personal circumstances, as the applicant on current income cannot afford to replace the dilapidated house. Lane 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.

Staff response: The hardship is unique, as people shouldn't have to live in these types of conditions and when the opportunity comes along where the county can assist in improving the health, safety, and welfare of the people they should do everything in its power to do so.

McPherson made a motion that the hardship is unique, as people shouldn't have to live in these types of conditions and when the opportunity comes along where the county can assist in improving the health, safety, and welfare of the people they should do everything in its power to do so. Lane 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 the inability to find employment that would provide enough income to afford a new home.

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

Lane made a motion that the hardship is not the result of the applicant's own actions. Kight 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 nonconforming use of land.

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

Conditions as recommended by staff:

- 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 complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO2004-03-25.
- C. The applicant must submit a copy of the registration of the mobile home prior to issuance of a building permit to the Planning Office.
- D. The applicant must purchase a building permit from the Planning Department prior to moving the mobile home in the county.
- E. Applicant must supply for the mobile home its own individual sewer system.
- F. Applicant must install mobile home per health department regulations.
- G. Dilapidated house must be removed prior to issuance of the Certificate of Occupancy by the Building Inspector.
- H. The applicant must sign before a notary public the Variance agreeing to the conditions by December 31, 2004 or the Variance shall become null and void.

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

Items for Board members and staff

Chairman Lambertson stated that his term and McPherson's term would end on December 31, 2004.

Information

Board of Commissioners Minutes – Oct. 4, 2004 & Oct. 18, 2004
 Planning Board Minutes – September 15, 2004

Consideration for date of next meeting – November 1, 2004

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

Adjournment

Lane made motion that the meeting of the Camden County Board of Adjustment be adjourned. McPherson seconded the motion. The motion passed 5-0. The meeting adjourned at 7:31 p.m.

Approved: _____

 Chairman

ATTEST:

Melissa Joines, Clerk to the Board