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**Record of Proceedings
BOARD OF ADJUSTMENT
Special Meeting
Camden County
March 18, 2002**

Chairman Roger Lambertson called to order a special meeting of the Camden County Board of Adjustment at 12:00 p.m. on Monday, March 18, 2002 in the County Manager's Conference Room of the Courthouse Complex, Camden with the following members present: Morris Kight, Willie Gallop, Roger Lambertson, Robert Johnson, Emory Upton and Clayton Riggs. Also present were Carl Classen, County Manager, David Parks, Permit Technician and Melissa Gray, Clerk to the Board.

Old Business

Item #1 Variance Application (UDO 2002-02-07) from Troy Leary for a nonconforming lot at 186 Alder Branch Road, Shiloh Township

Chairman Lambertson called for a motion to open the public hearing for UDO 2002-02-07. Hearing no motion Chairman Lambertson called for any comments from the Board. Hearing none Chairman Lambertson called upon staff and Carl Classen spoke briefly discussing the Finding of Facts of UDO 2002-02-07 and stating staff recommendations.

Chairman Lambertson called for a motion to adopt the new Findings of Fact to include the letters from Alex Leary and Troy Leary indicating Alex Leary as the applicant. Riggs made a motion to adopt the new Findings of Fact to include the letters from Alex Leary and Troy Leary indicating Alex Leary as the applicant. Kight seconded the motion. The motion passed 5-0.

After some discussion among the board Chairman Lambertson continued on to the minimum requirements for approval as follows:

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

Response: The applicant created a twenty (±) foot strip of land along the rear of his property to comply with the minimum lot requirements at the time when he split off a parcel to his son, Troy Leary, in 1996. If a variance is denied, the Mr. Alex Leary would be bound in on a nonconforming lot by a state road, a heavily-used private right-of-way, and the adjacent parcel. Use of the twenty-foot strip, which was created to satisfy a local subdivision requirement, by a neighbor, could impair Mr. Alex Leary's

ability to quietly enjoy the rear portion of his property where Mr. Alex Leary has made substantial investment.

- **Riggs made a motion to approve question #1. Kight 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.
Response: No other neighbor suffers the same hardship.
- **Kight made a motion to approve question #2. Upton seconded the motion. The motion passed 5-0.**
3. The hardship relates to the applicant's land, rather than personal circumstances.
Response: The hardship relates to the applicant's land, rather than personal circumstances.
- **Kight made a motion to approve question #3. Riggs seconded the motion. The motion passed 5-0.**
4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
Response: The hardship is unique, or nearly so.
- **Johnson made a motion the approve question #4. Riggs seconded the motion. The motion passed 5-0.**
5. The hardship is not the result of the applicant's own actions.
Response: The hardship is not a result of the applicant's own actions.
- **Upton made a motion the approve question #5. Riggs seconded the motion. The motion passed 4-1.**
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.
Response: The variance will not result in the extension of a nonconforming situation in violation of Article 14 or authorize the initiation of a nonconforming use of land.
- **Kight made a motion to approve question #6. Riggs seconded the motion. The motion passed 4-1.**
7. 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 UDO 2002-02-07.

- (c) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this variance shall be void and have no effect.
- (d) The variance order must be noted on the recorded plat.
- (e) Per Section 1915, staff makes the following recommendations for reasonable requirements:
 - (1) Endangerment of the public health and safety. None
 - (2) Will not injure the value of adjoining or abutting property. None
 - (3) Harmony with the area in which it is located. Yes.
 - (4) Conformity with Plans:
 - A. Land Use – No recommendation.
 - B. Thoroughfare Plan – No recommendation.
 - C. Other Officially Adopted County Plan – No recommendation.
 - (5) Adequate Public Facilities:
 - A. Schools – No recommendation.
 - B. Fire and Rescue – No recommendation.
 - C. Law Enforcement – No recommendation.
 - D. Other County Facilities – No recommendation.
- (f) This variance shall not, in whole or in part, apply to any other structure constructed, installed, or otherwise placed on this property.

Chairman Lambertson called for consideration of the variance. Kight made a motion to approve the variance based on items 1-6 and item 7 conditions. Upton seconded the motion. The motion passed 4-1, with Kight, Riggs, Upton, and Johnson voting yes and Lambertson voting no.

Adjournment

Lambertson called for a motion that the meeting of the Camden County Board of Adjustment be adjourned. Upton made a motion that the meeting be adjourned. Riggs seconded the motion. The motion passed 5-0. The meeting adjourned at 12:20 p.m.

Approved: _____

Chairman

ATTEST:

Melissa Gray, Clerk to the Board