

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – December 19, 2018

Camden County Planning Board
Regular Meeting
December 19, 2018 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on December 19, 2018 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Absent	
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM

Planning Staff Present:

Attendee Name	Title	Status	Arrived
Dave Parks	Permit Officer	Present	6:35 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

Also Present:

Also present for purposes of speaking in regards to UDO 2018-11-13 Rezoning Request, McPherson & Hess, GUD to R-3-1, were Attorney Herbert Mullen who represented Alvin Hess, who was also present.

CONSIDERATION OF AGENDA

Motion to Approve Agenda as Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick McCall, Board Member
SECONDER:	Steven Bradshaw, Board Member
AYES:	Leary, Harris, McCall, Bradshaw, Saunders
ABSENT:	Albertson

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29 **CONSIDERATION OF MINUTES**

30 *Motion to Approve 11-14-18 Minutes As Written*

31	RESULT:	PASSED [UNANIMOUS]
32	MOVER:	Steven Bradshaw, Board Member
33	SECONDER:	Rick McCall, Board Member
34	AYES:	Leary, Harris, McCall, Bradshaw, Saunders
35	ABSENT:	Albertson

36 **OLD BUSINESS - NONE**

37 **NEW BUSINESS**

38 *A. UDO 2018-11-13 Rezoning Request, McPherson & Hess, GUD to R-3-1*

39
40 Dave Parks described this agenda item and went over the staff report as incorporated herein
41 below:

42 -----
43 -----
44 **STAFF REPORT**
45 **UDO 2018-11-13**
46 **ZONING MAP AMENDMENT**

47
48 **PROJECT INFORMATION**

49
50 **File Reference:** UDO 2018-11-13
51 **Project Name:** N/A
52 **PIN:** 01-8916-00-08-2247
53 **Applicant(s):** Woodrow McPherson & Alvin Hess Jr.
54 **Address(es):** 865 & 729 NC Hwy 343 North, Respectively
55 **Phone(s):** 252-771-8011 / 252-455-1920
56 **Email:**
57 **Agent for Applicant:**
58 **Address:**
59 **Phone:**
60 **Email:**
61 **Current Owner of Record:** Woodrow Gus McPherson Jr., LE
62
63 **Meeting Dates**
64 **Planning Board:** 12/19/2018
65
66 **Application Received:** 11/19/2018
67 **By:** David Parks, Permit Officer
68
69 **Application Fee Paid:** \$650.00, Check # 1014
70

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71 **Completeness of Application:** Generally Complete

72
73 **Documents received upon filing of application or otherwise**
74 **included:**

- 75 **A.** Rezoning Application
- 76 **B.** Aerial of portion of property requested to be rezoned.
- 77 **C.** Deed
- 78 **D.** GIS Aerial, existing zoning, Comprehensive Plan future
- 79 land use, and CAMA Land Use Plan Suitability Maps

80
81 **PROJECT LOCATION**

82
83 **Street Address:** Property located at 729 NC Hwy 343 North
84 Location Description: South Mills Township

85
86 **REQUEST:** Request rezone 1 acre to include existing house at 729
87 NC Hwy 343 North from General Use District (GUD) to Basic
88 Residential (R3-1). **This is a resubmittal of a request for**
89 **rezoning of the property filed under (UDO 2017-08-07) that was**
90 **denied by the Board of Commissioners on a 3-2 vote.**

91
92 **SITE DATA**

93
94 **Lot Size:** Entire tract is approximately 73 acres.
95 Area to be rezoned is 1 acre.
96 **Flood Zone:** Zone X
97 **Zoning District(s):** General Use District (GUD)
98 **Existing Lane Uses:** Agriculture / Residential

99
100 **Adjacent Zoning & Uses:**

	North	South	East	West
Zoning	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)
Use & Size	Farm / Woodland	Farm / Woodland	Farmland / Housing	Woodland

101
102 **Proposed Use(s):**
103
104 The use already exists as residential

105
106 **Description of property:**
107
108 Property abuts NC Hwy 343 North.

109

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110 **Maps Show:**

111 **Vicinity Map:** Located at 729 NC 343 North, House & 1 Acre

112 **CAMA Land Suitability:** Moderate

113 **Comprehensive Plan Future Land Use Map:** Rural Preservation

114 **CAMA Future Land Use Map:** Low Density Residential

115 **Zoning Map:** General Use

116

117 **ENVIRONMENTAL ASSESSMENT**

118

119 **Streams, Creeks, Major Ditches:** None

120 **Distance & description of nearest outfall:** Pasquotank River is

121 less than ½ mile to the west.

122

123 **INFRASTRUCTURE & COMMUNITY FACILITIES**

124

125 **Water** Water lines are located adjacent to property

126 along NC Hwy 343

127 **Sewer** Sewer lines located adjacent to property along NC

128 Hwy 343

129 **Fire District** South Mills Fire District. Property located over

130 6 miles from Station off Main Street. Property

131 located just over 5 miles from South Camden Fire

132 Station on Sawyers Creek Road.

133 **Schools** Impact already exists.

134 **Traffic** Staffs opinion is traffic will not exceed road

135 capacities.

136

137 **PLANS CONSISTENCY**

138

139 CAMA Land Use Plan Policies & Objectives: Inconsistent; The

140 proposed zoning change is inconsistent with the CAMA Land Use

141 Plan which was adopted by the Camden County Board of

142 Commissioners on April 4, 2005 in that this is classified as

143 spot zoning.

144

145 2035 Comprehensive Plan: Inconsistent; Inconsistent with

146 Comprehensive Plan (Adopted 2012) as Future Land Use Maps

147 reflect land identified as Rural Preservation.

148

149 Comprehensive Transportation Plan: Consistent; Property abuts

150 NC Hwy 343 North.

151

152 Other Plans Officially adopted by the Board of Commissioners:

153 N/A

154

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155 **FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

156
157 **Will the proposed zoning change enhance the public health,**
158 **safety, or welfare?** Yes; **Reasoning:** The proposed zoning
159 change will enhance the welfare of Mr. Alvin Hess, as it will
160 legally allow him the ownership of the house lot that his late
161 Mother Evelyn Williams thought she left him.

162
163 **Is the entire range of permitted uses in the requested**
164 **classification more appropriate than the range of uses in the**
165 **existing classification?** No; **Reasoning:** The use as
166 residential for this lot already exists and is permissible in
167 both zoning districts.

168
169 **For proposals to rezone to non-residential districts along major**
170 **arterial roads:**

171
172 **Is this an expansion of an adjacent zoning district of the**
173 **same classification?** N/A; **Reasoning:** N/A.

174
175 **What extraordinary showing of public need or demand is met**
176 **by this application?** N/A; **Reasoning:** N/A.

177
178 **Will the request, as proposed, cause serious noise, odors,**
179 **light, activity, or unusual disturbances?** No; **Reasoning:** All
180 uses allowed in the requested zoning classification should not
181 cause any serious noise, odors, light, activity, or unusual
182 disturbances.

183
184 **Does the request impact any CAMA Areas of Environmental Concern?**
185 No; **Reasoning:** Property is outside any CAMA Areas of
186 Environmental Concern.

187
188 **Does the county need more land in the zoning class requested?**
189 No; **Reasoning:** Staff's opinion is that the requested zoning
190 classification is needed, but not in this area. Opinion is
191 based on the County's Comprehensive Plan.

192
193 **Is there other land in the county that would be more appropriate**
194 **for the proposed uses?** No; **Reasoning:** Proposed use already
195 exists.

196

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197 **Will not exceed the county's ability to provide public**
198 **facilities:** No.
199 **Schools** - Impact already exists.
200 **Fire and Rescue** - Minimal Impact.
201 **Law Enforcement** - Minimal Impact.
202 **Parks & Recreation** - Minimal Impact.
203 **Traffic Circulation or Parking** - N/A.
204 **Other County Facilities** - No.

205
206 **Is this a Small Scale "Spot" Rezoning Request Requiring**
207 **Evaluation of Community Benefits?** Yes.

208
209 **If Yes (regarding small scale spot rezoning) - Applicants**
210 **Reasoning:**

	Personal Benefits / Impact	Community Benefits / Impact
With Rezoning	Will allow owner to cut house out of the farm. See Staff Commentary.	None.
Without Rezoning	See Staff Commentary	No Change.

212
213
214 **STAFF COMMENTARY:**
215
216 In 2015 staff talked to then the current property owner (Mrs.
217 Williams) and her attorney (Mr. Mullen) about information on
218 subdividing the house out of the farm for her son. I informed
219 her that she could subdivide out an acre of land as a deed of
220 gift from a parent to a child and if she went through the
221 regular minor subdivision process and the current zoning on
222 property (GUD) minimum lot size would be 5 acres.

223
224 Prior to her passing, she sold to Mr. Gus McPherson Jr. what she
225 believed was everything but the house on one acre. Her attorney
226 (Mr. Mullen) drew up the deed which created an illegal
227 subdivision as he gave a description of the house lot containing
228 +/- one acre of land as being exempt. Deed was recorded in the
229 Registry of Deeds. There was never any survey recorded
230 subdividing that one acre or deed transferring the property.

231

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232 It is staffs opinion that since the survey/deed for the house
233 lot was never drawn up and recorded that the current owner, Mr.
234 Gus McPherson, owns the house and lot. Mr. McPherson wants to
235 get this error corrected as Mrs. Williams' son lives in the
236 house and should be the rightful owner.

237
238 2016, 2017, 2018 taxes owed on house lot approximately
239 \$3,386.03.

240
241 **STAFF RECOMMENDATION:** Though this would definitely be spot
242 zoning and not consistent with the Comprehensive Plan or CAMA
243 Land Use Plan, Staff recommends approval of this Zoning Map
244 Amendment as the situation was created at no fault of the
245 previous/current property owner and it is in the best interest
246 of the public as it will allow Mr. Alvin Hess to legally obtain
247 the land and house his mother intended to give him at her
248 passing.

249 -----

250
251 At this time, Mr. Parks opened the floor to public comments. Mr. Herbert Mullen, Attorney for
252 Mr. Hess, spoke.

253
254 Herbert Mullen, Attorney at Law:

- 255 • Mrs. Williams sold her property to Mr. McPherson with the exception of the house and
- 256 lot it sits on.
- 257 • Deed was drawn up for Mr. McPherson's property exempting the house and lot

258
259 Chairman Calvin Leary asked why the Board of Commissioners denied the rezoning request
260 when it was initially heard during 2017. Mr. Parks replied that there was an adjacent property
261 owner who spoke out during the public hearing saying that it would be unfair to allow the
262 rezoning when she herself was denied the ability to do something similar in the past.

263
264 Chairman Leary further asked what the chances were that the Board of Commissioners would
265 approve it this time. Mr. Parks stated that the applicants and attorney will have a chance to speak
266 their case at the public hearing. The issue of the taxes owed on the house and lot needs to be
267 cleared up and paid by whom ever ends up being the end owner.

268
269 Mr. Mullen noted that there are adjacent lots in the area that are smaller than the 5 acre minimum
270 for General Use District. Mr. Parks replied saying that those lots are what is termed legal non-
271 conforming uses and they have no bearing on this case.

272

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273 At this time, Mr. Alvin Hess spoke:

- 274 • Stated he is a 71 year old veteran.
275 • He is the son of the previous owner of the property, Mrs. Williams.
276 • He stated he does not want to become homeless should this be denied.
277

278 At this time, Mr. Parks explained what the consistency statement should be (see below), after
279 which motions were made as follows:
280

281 ***Motion to Approve Consistency Statement: Rezoning of 1 Acre to include existing house at***
282 ***729 North 343 from GUD to R31 is inconsistent with both the CAMA Land Use Plan and the***
283 ***Comprehensive Plan.***

284	RESULT:	PASSED [UNANIMOUS]
285	MOVER:	Rick McCall, Board Member
286	SECONDER:	Steven Bradshaw, Board Member
287	AYES:	Leary, Harris, McCall, Bradshaw, Saunders
288	ABSENT:	Albertson

289 ***Motion to Approve Rezoning of 1 Acre to include existing house at 729 North 343 from GUD***
290 ***to R31 as it serves the best interest of the public.***

291	RESULT:	PASSED [UNANIMOUS]
292	MOVER:	Rick McCall, Board Member
293	SECONDER:	Steven Bradshaw, Board Member
294	AYES:	Leary, Harris, McCall, Bradshaw, Saunders
295	ABSENT:	Albertson

296
297 Board member Rick McCall pointed out to those present that the Planning Board is only a
298 recommending board, and that this still must be heard before the Board of Commissioners, who
299 will make the final decision on this matter. Mr. Parks stated that this will go to the Board of
300 Commissioners, in their January consent agenda, to set the public hearing date which will be for
301 their February meeting.

302 **INFORMATION FROM BOARD AND STAFF**

303
304 Mr. Parks updated the Planning Board on the status of the UDO rewrite.
305 Planning Clerk Amy Barnett spoke briefly regarding the 2019 schedule for the Planning Board.
306

307 **CONSIDER DATE OF NEXT MEETING - JANUARY 16, 2019**

308

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309 **ADDITIONAL MATTERS TO COME BEFORE THE BOARD**

310
311 Due to the resignation of previous Vice Chairman of the Planning Board, Patricia Delano, the
312 position of Vice Chairman was left vacant. To resolve the vacant position, the following motion
313 was made:
314

315 *Motion to Appoint Steve Bradshaw to position of Vice Chairman of Planning Board.*

316	RESULT:	PASSED [UNANIMOUS]
317	MOVER:	Rick McCall, Board Member
318	SECONDER:	Cathleen M. Saunders, Board Member
319	AYES:	Leary, Harris, McCall, Bradshaw, Saunders
320	ABSENT:	Albertson

321
322 **ADJOURN**

323 *Motion to Adjourn*

324	RESULT:	PASSED [UNANIMOUS]
325	MOVER:	Rick McCall, Board Member
326	SECONDER:	Cathleen M. Saunders, Board Member
327	AYES:	Leary, Harris, McCall, Bradshaw, Saunders
328	ABSENT:	Albertson

329
330 The meeting adjourned at 7:25 PM.

331
332
333
334
335

*Chairman Calvin Leary
Camden County Planning Board*

336 *ATTEST:*

337
338
339
340
341

*Amy Barnett, Permit Clerk
Camden County Planning Department*