

**Camden County Planning Board  
Minutes  
January 18, 2012, 7:00pm  
Historic Courtroom  
Camden County Courthouse Complex**

Members Present:	Absent:
Chairman Rodney Needham	John Aydlett
Vice Chairman Calvin Leary	
Fletcher Harris	
Ray Albertson	
David Bundy	
Michael Etheridge	

**Call to Order & Welcome**

Chairman Rodney Needham called to order the January 18, 2012 meeting at 7:00 PM.

**Others Present at Meeting**

**STAFF PRESENT**

Name:	Title:
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Amy Barnett	Planning Clerk/Clerk to the Board
Michael Renshaw	County Manager

**OTHERS PRESENT**

Name/Residence:	Title:	Purpose / Representing:	Meeting Section:
Steven Bradshaw	Applicant	Rezoning Application	New Business #1

### **Consideration of Agenda**

Chairman Rodney Needham called for consideration of the agenda.

Motion to approve the agenda as presented made by: Michael Etheridge.

Motion Seconded by: Calvin Leary.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydlett absent, and none not voting.

### **Consideration of Minutes: December 21, 2011**

Chairman Rodney Needham called for consideration of the minutes from December 21, 2011.

Motion to approve the minutes as presented made by: Fletcher Harris.

Motion Seconded by: Michael Etheridge.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydlett absent, and none not voting.

### **Comments from the Public**

None

### **Old Business**

None

## New Business

### *New Business, Item #1*

#### *Rezoning Application (UDO 2011-12-14) Steven Bradshaw*

Dave Parks introduced this rezoning application and went over the information in the findings of fact:

- This is a rezoning request to go from GUD to R-2
- Requested zoning is adjacent to existing R-2 zoning so would be an expansion of existing zoning area
- Property is located outside the 100 year flood zone
- ARHS has done perk tests on lots 15 and 20
  - Lot 15 came back unsuitable without substantial improvements
  - Lot 20 came back suitable
- Property topography includes elevations of the property. There is a 3-4 foot drop in elevation from front to back of the property.
- Rezoning will reduce the minimum lot size and will make housing in the area more affordable.
- Rezoning to R-2 will allow double and triplewide mobile homes as well as stick and modular homes. This is the only change that will occur in the table of permissible uses due to this rezoning.
- County infrastructure (6" water line) runs adjacent to the property on Bartlett and Sandy Hook Roads
- Staff recommends approval of the rezoning
- With regards to the results of the perk tests, there are some issues with drainage and placement of septic systems which the developer will have to address when he comes in for the subdivision process

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### Findings of Facts

#### **UDO 2011-12-14 Minor Zoning Map Amendment**

- 1. Name of Applicant:** Steve Bradshaw
- 2. Agent for Applicant:**
- 3. Address of Applicant:** 102 Avery Drive  
Shiloh, NC 27974
- 4. PIN:** 03-8964-00-94-3691-0000
- 5. File Reference:** UDO 2011-12-14
- 6. Name(s) of Current Owner(s) of Record:** See attached deed.
- 7. Street Address of Property:** Intersection of Bartlett and Sandy Hook Roads
- 8. Location of Property:** Shiloh Township
- 9. Flood Zone:** X
- 10. Zoning District(s):** General Use District (GUD)

11. **General Description of the Proposal:** Request rezone approximately 22 acres from General Use District to Mixed Single Family Residential (R-2)
12. **Date Application Received by County:** December 30, 2011
13. **Received by:** David Parks, Permit Officer
14. **Application fee paid:** \$770.00, Check # 152
15. **Completeness of Application:** Application is generally complete.
16. **Documents received upon filing of application or otherwise included:**
  - A. Rezoning Application
  - B. Deed
  - C. Letter from Avery's granting permission for Steve Bradshaw to act on their behalf
  - D. Health Department soil testing results
  - E. GIS Ariel, Zoning, Flood Plain, and Soils Map of property to be rezoned
  - F. Adjacent property owner notice
17. **Adjacent Property Uses:**
  - A. Predominant: Agriculture
  - B. Other: Residential along Sandy Hook Road
18. **Existing Land Uses:** Agriculture
19. **Lot size:** Approximately 22 acres
20. **Findings Regarding Additional Requirements:**
  - A. How will the proposed zoning change enhance the public health, safety or welfare?  
The proposed zoning change will enhance the public health, safety or welfare by providing affordable housing by reducing the size of land. County water is adjacent to Bartlett Road so there will be no additional costs for the county to expand infrastructure.
  - B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The range of permitted uses is the requested classification allows for the inclusion of doublewide mobile homes along with Modular and Site Built homes.
  - C. For proposals to re-zone to non-residential districts along major arterial roads:
    - (1) Is this an expansion of an adjacent zoning district of the same classification? N/A
    - (2) What extraordinary showing of public need or demand is met by this application?  
N/A
  - D. Conformity with the Plans:
    - (1) Land Use Plan - The requested zoning is generally in compliance with the Land Use Plan as:
      - Provides for development adjacent to major arterial road (Sandy Hook)
      - Provides for development outside the flood plain
      - No expansion of County infrastructure needed
      - This is not spot zoning as requested zoning is adjacent to property.
    - (2) Thoroughfare Plan - Access to property is off Bartlett Road.
    - (3) Other Plans officially adopted by the Board of Commissioners - N/A
  - E. Will not exceed the county's ability to provide public facilities:
    - (1) Schools - Will have minimal impact on Schools.
    - (2) Fire and Rescue - Will have minimal impact on Fire and Rescue.
    - (3) Law Enforcement - Will have minimal impact on law enforcement.
    - (4) Parks & Recreation - Will have minimal impact on Parks & Recreation.
    - (5) Other County Facilities -

**Staff recommended approval as the requested zoning is generally in compliance with the Land Use Plan as:**

- Land Suitability ranges from moderate to very high**
- Does not result in Spot Zoning**
- The uses in the requested and existing zoning classification are the same except for the requested zoning allows for Doublewide Mobile Homes.**
- There is a 6” water line extending down Bartlett and Sandy Hook Roads**
- ARHS soil evaluation indicates land suitable for conventional septic systems with some minor modifications.**

**The only non-compliance with the Land Use Plan is that the property is located approximately 3 miles outside the Shiloh Core Village lines.**

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Questions from the Board:

Rodney Needham asked for clarification regarding the letter from ARHS on the perk tests. Dave Parks responded that the letter means that the area that is not suitable would have to be improved, and suggests that the developer seek the help of an engineer or soil scientist to come up with a plan for improvement of that area in order to address the issues with regard to suitability for septic systems and drainage problems that would be an issue in those areas. Such plan would have to be submitted to ARHS for approval.

Mr. Parks mentioned that the approved subdivision Lakes at Shiloh is just across the street from the property which is the subject of consideration in this rezoning request.

Calvin Leary asked if this was the same as the Lakes at Shiloh. Dan Porter clarified that it is a different developer, but that if approved at R-2, it would share the same zoning classification.

Ray Albertson inquired regarding the layout map and how one would get to lot # 4 which is landlocked according to the layout map. Mr. Steven Bradshaw clarified that there is an easement for that lot. He went on to say that the layout map is only conceptual at this point, and when submitted for subdivision all lots would have access ways to them.

Dan Porter stated that with this rezoning application, what is of major concern here is the existing versus future uses of the property.

There was some conversation regarding topography and wetness. Mr. Bradshaw said that if acreage is a problem when it comes to the topography and wetness of the area that he could do a run-off pond to address some of the drainage in the area. Mr. Parks said that these issues can be addressed at subdivision.

Calvin Leary asked about allowing doublewides and triplewides and asked for clarification regarding the zoning across the street at Lakes at Shiloh versus zoning here (which if rezoning is approved would be the same) and if such housing would be allowed. Dan Porter said that at present time, they are allowed across the street and if approved, they would be allowed here as well. He went on to say that Lakes at Shiloh would be preventing such housing through a Home Owners Association and applicable covenants to restrict double and triplewides, but that the table of permissible uses would allow such housing in any R-2 zone.

Calvin Leary asked Mr. Bradshaw what his intentions were with regard to selling off lots or developing the property himself. Mr. Bradshaw responded that at this point he was not sure. He went on to say that doublewides of today are better built than they were in years past, and indicated that he was not against them.

Michael Etheridge asked if approval required a statement as to why it has been approved. Mr. Parks responded that staff recommended approval because it is compatible with the land use plan, the only exception with the land use plan is that the property does lay outside the core village of Shiloh.

Dan Porter added that a comparison of the pros and cons with regard to land suitability, it is not directly next to the core area so it does not necessarily promote compact development in the core areas. Conversely, it is not in the flood plain, it appears to perk pretty well in most places, and it's adjacent to an existing zoning classification of the same type. Mr. Porter added that rezoning is all about minimum lot size and existing versus future uses (and the issue here is whether or not to allow double and triple wide trailers).

Dave Bundy asked regarding R-2 and if such trailers can be prevented. Dan Porter responded saying that they could not be prevented in R-2 zoning. R-2 significantly reduces the minimum lot size required and that such trailers would be allowed according to the table of permissible uses.

Rodney Needham stated his concerns:

- the area may not drain properly in instances of extreme rain due to the low areas on the property
- trying to set and keep standards with regard to housing type would be difficult
- afraid that the public would have issues with this if the board approved with R-2 zoning
- does not like the prospect of having a cul de sac, it would make access to large vehicles difficult (buses, emergency vehicles, etc.)
- if the land is sold, there would be no way to control whether or not the new owner could put a double or triplewide on the property

Dave Parks suggested that if the board is concerned with allowable uses, then maybe they could recommend a different zoning classification than what is being requested but that would still allow basically the same minimum lot size.

Mr. Bradshaw stated that if the only issue is whether or not trailers were to be allowed on the property, he is ok with a different zoning classification.

Dan Porter suggested R-3-1 which would allow a 1 acre minimum lot size instead of the .97 acre minimum which R-2 allows.

Rodney Needham then asked about the impacts to the schools. Dave Parks responded that using the formula which calculates the impacts to the schools, that only 8.4 students would be generated from this subdivision if the number of lots remains as is.

Rodney Needham then inquired about other county facilities (police, fire, etc.). Mr. Parks responded that since this would generate at most 20 lots, it would have a minimal impact on these services.

Mr. Needham stated that he is concerned with what the property could become in the future. Mr. Bradshaw reiterated that he has no problem with changing the requested zoning to R-3-1.

Ray Albertson observed that if it is rezoned to R-3-1, and then is subsequently sold, that it would bind the buyer to the restrictions of an R-3-1 zone.

At this point, the following motion was made:

Motion: Change the rezoning recommended by the board to R-3-1 instead of R-2 as initially requested by the applicant.

Motion Made By: Calvin Leary

Motion Seconded By: Fletcher Harris

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydlett absent, and none not voting.

Dan Porter stated that per general statutes, a land use consistency statement is required with any recommendation of this nature. Mr. Porter then suggested the following be included in the motion to approve the rezoning:

Statement of Consistency: This rezoning is consistent with the land use plan in that it is in a moderately suitable development area outside the flood plain, has accesses, but is not adjacent to the core village area.

The board then took another vote to approve the rezoning and incorporate the above statement of consistency into their recommendation.

Motion: Approve the request to rezone the property at the intersection of Bartlett and Sandy Hook Roads (approx 22 acres) from GUD to R-3-1 as it is generally consistent with the land use plan in that it is in a moderately suitable development area outside the flood plain, has accesses, but is not adjacent to the core village area of Shiloh.

Motion Made By: Calvin Leary

Motion Seconded By: Fletcher Harris

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydlett absent, and none not voting.

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*New Business, Item #2*  
*Proposed Ordinance on Accessory Apartments and Solar Farms*

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EMBED SCANNED IMAGE OF PROPOSED ORDINANCES HERE 4 PAGES

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Accessory Apartments

Dan Porter described this proposed ordinance.

- This will add to the table of permissible uses to allow accessory apartments in R-1, R-2, and R-3 and GUD without the need for a special use permit, making it an administratively approved zoning permit.

Dan Porter read through the Specific Standards as outlined in the proposed ordinance. The following items were discussed in line with said reading.

With regard to Specific Standard #4 which states that the property owner must live in either the main or accessory dwelling, Mr. Porter stated that this is so as to prevent the property owner from building one dwelling on the property and then adding an accessory apartment thus having 2 rental properties on one parcel of land.

Rodney Needham asked if it were possible for the property owner to be a relative not living there, such as a father not living there but the child lives there. Dan Porter answered stating that in such a situation, the relative should transfer the property to the related occupant, otherwise a situation might come into existence whereby there would be 2 rental properties on one parcel of land.

Rodney Needham asked how this would be enforced in the event that the property was sold. Dan Porter responded that deed restrictions that would go with the property when it is sold would be necessary.

David Bundy asked whether an accessory apartment that was connected to a house via a breezeway would be considered attached or detached. Dan Porter responded that an unheated unenclosed breezeway would be considered detached.

Dave Parks asked the board if staff should require a deed restriction that states that the property owner must reside in one of the dwelling units, either the principal or the accessory unit.

After some discussion regarding placing a deed restriction as mentioned above, Dan Porter stated he would have the county attorney look into this and render an opinion on this.

With regard to Specific Standard # 9, Mr. Porter stated that wider driveways may be necessary.

With regard to Specific Standard #10, Mr. Porter stated that current side setbacks are 5 feet, this would increase it to 10 feet on the side for accessory apartments. Mr. Porter stated that this can be modified to add that it shall not sit any further forward than the main structure.

Also with regard to #10, in a situation where a principal dwelling was constructed prior to the enactment of the current minimum front setbacks thus creating an instance where said dwelling encroaches on the current minimum front setback, the accessory apartment would not be exempt from the minimum front setbacks. I.e. if the main house sits 30 feet from the front, and the minimum front setback is 50 feet, then the accessory structure can sit no further front than the minimum frontal setback of 50 feet.

With regard to Specific Standard #12.b, Michael Etheridge asked for clarification. Dan Porter stated that the style and materials of the accessory apartment must be compatible in the basic style and materials as the main dwelling. It does not have to look exactly alike, just be compatible.

When Mr. Porter finished reading through the Specific Standards section of this proposed ordinance, he asked if the board wanted to consider moving this forward to the Board of Commissioners or have staff rework this and bring it back to the board.

At this point the following motion was made:

Motion: Approve the proposed changes to the permissible use table and specific standards as they relate to accessory apartments with the modifications as recommended by staff, in addition require a deed restriction stating that the property owner must reside in either the primary residence or the accessory apartment on the property.

Motion Made By: David Bundy

Seconded By: Calvin Leary

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydllett absent, and none not voting.

## Solar Farms

Dan Porter described this proposed ordinance, and read through the proposed ordinance, changes to the Table of Permissible Uses, Specific Standards, and Definitions.

David Bundy gave some electrical information regarding solar collectors; he said they were similar to HVAC in electrical connections as far as safety is concerned and saw no need for a fence. After a brief discussion, the board decided to strike W.3 (fencing) from the proposed ordinance.

At this point, the following motion was made:

Motion: Approve the proposed ordinance changes (Solar Farms) to the Table of Permissible Uses, Specific Standards, and Definitions with the modification recommended by the board regarding fencing.

Motion Made By: Calvin Leary

Seconded By: Ray Albertson

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye, none voting no, Member John Aydlett absent, and none not voting.

## **Information from Board and Staff**

Dan Porter gave the following information:

- Comprehensive Plan is still proceeding and there is a Steering Committee meeting on January 28<sup>th</sup>.
- Housing Assistance Programs are available to assist qualified homeowners with repairs and infrastructure hook up (water)

**Consider Date of Next Meeting - February 15, 2012**

**Adjournment**

At 8:22 PM, Ray Albertson made a motion to adjourn the meeting. David Bundy seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, and Michael Etheridge voting aye; none voting no; Member John Aydlett absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Amy Barnett, Planning Clerk