

## **Camden County Planning Board**

### **Minutes**

**September 19, 2007**

**7:00pm**

Upstairs Courtroom

Camden County Courthouse

Chairman James Burnham  
Vice Chairman Rodney Needham  
Terri Griffin, Ray Albertson, Calvin Leary,  
Mike Etheridge, John Aydlett

### **Call to Order & Welcome**

Chairman Burnham called to order the September 19, 2007 meeting at 7:04 PM.

### **Consideration of Agenda**

Chairman Burnham called for the consideration of the agenda. Dave Parks presented the board with an amended agenda, adding 2 items to new business. Also, Mr. Parks requested that item#3 (Ted and Brenda Nash-Special Use Permit) be moved to item#1. Terri Griffin made a motion to approve the agenda with the changes. Vice Chairman Rodney Needham seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

### **Consideration of the Minutes- June 20, 2007**

Chairman Burnham called for the consideration of the minutes from the August 15, 2007 meeting. Vice Chairman Rodney Needham made a motion to approve the minutes from the August 15, 2007 meeting as written. John Aydlett seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

### **Comments from the Public.**

There were no comments from the public.

## **New Business**

### ***Item # 1 Special Use Permit (Special Event), UDO 2007-08-15, Ted and Brenda Nash***

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

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#### **Findings of Facts** **Special Use Permit** **UDO 2007-08-15** **Special Event**

1. **Name of Applicant:** Ted & Brenda Nash
2. **Agent for Applicant:**
3. **Address of Agent:** 918 North Highway 343  
South Mills, NC 27976
4. **PIN:** 01-8907-00-25-3820
5. **Name(s) of Current Owner(s) of Record:** Ted & Brenda Nash
6. **Street Address of Property:** 947 North Highway 343
7. **Location of Property:** South Mills Township
8. **Flood Zone:** X/AE
9. **Zoning District(s):** General Use District (GUD)
10. **Is a Zoning Change Required for the Proposed Use?** No
11. **General Description of the Proposal:** Special Event - Auctions
12. **Date Application Received by County:** August 20, 2007
13. **Did the Applicant participate in a pre-application Conference?** Yes
14. **Received by:** Dave Parks, Permit Officer
15. **Application fee paid:** \$400.00 by check # 5893
16. **Completeness of Application:** Application is generally complete.
17. **Documents received upon filing application or otherwise included:**
  - A. Land Use/Development Application
  - B. Deed
  - C. GIS Map
  - D. Proposed Site Plan
18. **Adjacent Property Uses:**
  - A. **Predominant:** Farm Land
  - B. **Other:** Some Residential
19. **Existing Land Uses:** Old house - Vacant
20. **Lots:**
  - A. Lot size: Approximately 10 acres.
21. **Utilities:**
  - A. **Does the application include a letter or certificate from the District Health Department regarding septic tanks?** No.
  - B. **Does the applicant propose the use of public sewage systems?** No.

- C. Does the applicant propose the use of public water systems?** No.
- D. Distance from existing public water supply system:** Adjacent to property.
- E. Is the area within a five-year proposal for the provision of public water?** N/A
- F. Is the area within a five-year proposal for the provision of public sewage?**  
No.

**22. Landscaping:**

- A. Is any buffer required?** No.
- B. Will trees be required along dedicated streets UDO Article 151.156?** N/A

**23. Findings Regarding Additional Requirements:**

- A. Endangering the public health and safety:** No.
- B. Injure the value of adjoining or abutting property:** The application does not appear to injure the value of adjoining or abutting property.
- C. Harmony with the area in which it is located:** Yes, as there is limited residential near the property.
- D. Conformity with the Plans:**
  - 1. Land Use Plan:**
  - 2. Thoroughfare Plan:** Property abuts North Highway 343.
  - 3. Other plans officially adopted by the Board of Commissioners:**  
None
- E. Will not exceed the county's ability to provide public facilities:**
  - 1. Schools:** Proposed use will have no impact on schools.
  - 2. Fire and Rescue:** No.
  - 3. Law Enforcement:** No.
  - Other County Facilities:** None.
- F. Other:** None.

**Staff recommends approval with the following conditions and modifications:**

1. 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.
  2. The applicant shall complete the development strictly in accordance with the plans approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2007-08-15.
  3. Applicant limited to two (2) auctions a month on property.
  4. Applicant shall provide minimum of two porta johns at each event.
  5. On site advertising shall be limited to two weeks prior to event.
  6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
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Discussion: Member Terri Griffin asked how many auctions would be held per month. Mrs. Nash responded only up to 2 per month. Chairman Burnham inquired about parking. Mr. Nash responded that he had parking allocated on the back side of his property. Vice Chairman Rodney Needham inquired about any additional buildings or storage that might be required. Mr. and Mrs. Nash responded that items are in storage for up to 2 weeks in storage units which they have. Mr. Needham asked about signage. Mr. Nash responded that he has mobile signs that would be used when needed then rolled away and stored when not in use. Member Terri Griffin inquired about the hours of the auction house. Mrs. Nash responded that the hours would be from 10 or 10:30 until 3 or 3:30 on the auction day.

Vice Chairman Rodney Needham made a motion to approve Special Use Permit, UDO 2007-08-15, Ted and Brenda Nash, with the conditions and modifications recommended by staff. Member John Aydlett 2<sup>nd</sup> the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Special Use Permit, UDO 2007-08-15, Ted and Brenda Nash, was approved.

***Item # 2 Rezoning Request, UDO 2007-07-30, Tracy Swain***

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

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**Findings of Facts**

**UDO 2007-07-30  
Minor Map Amendment  
Tracy Swain**

- 1. Name of Applicant:** Tracy Swain
- 2. Agent for Applicant:** Hyman & Robey, PC
- 3. Address of Applicant:** 149 Lily Road  
South Mills, NC 27976
- 4. PIN:** 01-7979-00-94-5653
- 5. File Reference:** UDO 2007-07-30
- 6. Name(s) of Current Owner(s) of Record:** Swain & Temple Inc.
- 7. Street Address of Property:** Horseshoe Road (Not addressed)
- 8. Location of Property:** South Mills Township adjacent to 214 Horseshoe Road
- 9. Flood Zone:** AE
- 10. Zoning District(s):** General Use District (GUD)
- 11. General Description of the Proposal:** Request rezone property from General Use District (GUD) to Basic Residential (R-3-1)
- 12. Date Application Received by County:** July 26, 2007

- 13. Received by:** David Parks, Permit Officer
- 14. Application fee paid:** \$480.00 Cash
- 15. Completeness of Application:** Application is complete.
- 16. Documents received upon filing of application or otherwise included:**
- E. Rezoning Application
  - F. GIS Ariel Map
  - G. Tax Card
  - H. Letter authorizing Hyman & Robey to act as agent
- 17. Soil Classifications:**
- A. **Predominant:** Tomotley (ToA) Severe wetness, percs slowly
  - B. **Other:** Chowan (CoA) Severe flooding, wetness, percs slowly
- 18. Adjacent Property Uses:**
- A. Predominant: Agriculture
  - B. Other: Residential
- 19. Existing Land Uses:** Vacant Parcel
- 20. Lot size:** Approximately 11 acres.
- 21. Findings Regarding Additional Requirements:**
- G. How will the proposed zoning change enhance the public health, safety or welfare? The proposed zoning change will only benefit the owner.
  - H. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The entire range of permitted uses in the existing zoning classification are more appropriate at this time.
  - I. For proposals to re-zone to non-residential districts along major arterial roads:  
N/A
    - (1) Is this an expansion of an adjacent zoning district of the same classification?
    - (2) What extraordinary showing of public need or demand is met by this application?
  - J. Conformity with the Plans:
    - (1) Land Use Plan – Staff’s opinion is that the requested rezoning request is not consistent with the Land Use Plan. Opinion based on consideration of attached guidelines and land suitability/flood maps of the property.
    - (2) Other Plans officially adopted by the Board of Commissioners. None

**Staff recommends denial as the requested zoning change is not consistent with the Land Use Plan.**

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Mr. Parks notified the board that staff was recommending denial as the requested zoning change is not consistent with the Land Use Plan. Mr. Eddie Hyman, of Hyman and Robey, was present representing Tracy Swain. Mr. Hyman indicated that there were residential zones very near the land in question. Mr. Hyman also noted that the property was on the edge of the South Mills core area. As such, this rezoning would be compatible with the Smart Growth concept of gradually stepping down density.

Mr. Swain wants to rezone to residential and divide his land into 3 lots. Member Terri Griffin voiced a concern that if this were approved, the board would be doing what she termed 'creating spot zones'.

After further discussion and consideration, a motion to deny Rezoning Request, UDO 2007-07-30, Tracy Swain, was made by Chairman James Burnham. The motion was 2<sup>nd</sup> by Terri Griffin. The motion was passed with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Rezoning Request, UDO 2007-07-30, Tracy Swain, was denied.

***Item #3 Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely***

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

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**Findings of Fact  
UDO 2007-08-09  
Special Use Permit  
Zackery Gravely**

1. **Name of Applicant:** Zackery Gravely
2. **Agent for Applicant:** None
3. **Address of Applicant:** 151 Chamberlain Rd, South Mills, NC 27976
4. **File Reference:** UDO 2007-08-09
5. **PIN:** 01-7998-00-79-9760
6. **Street Address of Property:** 151 Chamberlain Rd, South Mills NC 27976
7. **Deed Book/Page:** Book page
8. **Location of Property:** South Mills Township
9. **Flood Zone:** X
10. **Zoning District(s):** R3-1
11. **Is a Zoning Change required for the Proposed Use?** No
12. **General Description of the Proposal:** Home Based Business – Home as Office for Asunder Inc. (Marking underground utilities)
13. **Use Classification:** Article 151.334 (Use # 1.700) Home Occupations
14. **Date Application Received by County:** August 13, 2007
15. **Received by:** Dave Parks, Permit Officer
16. **Application Fee Paid:** \$400.00 by check #2769
17. **Completeness of Application:** Application appears to be complete.
- A. **Items Needed:** None
18. **Proposal to be completed in phases:** No

**19. Documents Received Upon Filing Application or otherwise included:**

- A. Land Use Application
- B. GIS aerial photo of property
- C. Deed
- D. **Adjacent Property Use:** Residential

**20. Existing Land Use:** Residential

**21. Lot size:** 1 Acre

**22. Utilities:** None.

**23. Landscaping**

- A. Is any buffer required? No.
- B. Is any landscaping described in application: N/A

**24. Findings Regarding Additional Requirements**

- A. Endangering the public health and safety: Staff feels that there is no threat to public health and safety as house will be utilized as address for office.
- B. Injure the value of adjoining or abutting property: Staff feels that this would have no affect on adjoining or abutting property.
- C. Harmony with the area in which it is located: Home Occupations are a permitted use in R-3 Zoning.
- D. Conformity with the Plans
  - (1). Land Use Plan – Yes.
  - (2). Thoroughfare Plan – N/A
  - (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 – No
  - (2). Fire and rescue – No
  - (3). Law Enforcement – No
- F. Other County Facilities – No

**Staff recommends approval with the following conditions:**

1. 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.
  2. 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 2007-08-09.
  3. There shall be no advertising signs posted on the property.
  4. There shall be no visual evidence of a business on the property other than advertising on one vehicle.
  5. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect.
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Mr. Zackery Gravely is conducting a business providing services for locating underground utilities. All services are provided off site, the land use in question is used as a home office and mailing address for his business only. John Aydlett asked what kind of equipment was used to locate underground utilities, and if that equipment would be parked outside of Mr. Gravely's residence. Mr. Gravely informed Mr. Aydlett that the equipment consisted of mostly radio equipment, transmitter and receiver, and can be stored in the trunk of a car.

No big equipment will be stored outside of Mr. Gravely's residence. Vice Chairman Rodney Needham asked if this business was similar to 'Call Before You Dig' program. Mr. Gravely responded that it was, and that his primary customers right now consist of military bases that have private utilities. Terri Griffin asked staff why this business needed a special use permit. Dan answered that Camden County does not have business licenses, and that any home occupation requires a special use permit. So anytime anyone needs documentation associated with business licenses or permits, then they apply for a business permit, which is a special use permit. Until such time as the Board of Commissioners approves a change to the Table of Permissible Uses to allow home occupations to be a zoning permit in all zones, a special use permit and public hearing process will be required.

After further discussion and consideration, a motion to approve Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely, was made by member Ray Albertson. The motion was 2<sup>nd</sup> by Terri Griffin. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Special Use Permit (Home Occupation), UDO 2007-08-09, Zackery Gravely, was approved.

***Item # 4 Rezoning Request, UDO 2007-09-21, Camden County***

Staff presented the finding of facts (see below) and asks for approval with recommendations stated in the finding of facts.

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**Findings of Facts**

**UDO 2007-09-21  
Major Zoning Change Application  
Camden County**

- 1. Name of Applicant:** Camden County
- 2. Agent for Applicant:** Planning Department

3. **Address of Applicant:** 117 N. Hwy 343, P.O. Box 190  
Camden, NC 27921
4. **PIN:** 01-7071-00-67-6843
5. **File Reference:** UDO 2007-09-21
6. **Name(s) of Current Owner(s) of Record:** Camden County
7. **Street Address of Property:** Not addressed
8. **Location of Property:** Off Mcpherson Road, South Mills Township
9. **Flood Zone:** X
10. **Zoning District(s):** Basic Residential (R3-2)
11. **Is a Zoning Change Required for the Proposed Use?** Yes.
12. **General Description of the Proposal:** Rezone approximately 360 acres from Basic Residential (R3-2) to approximately 50 acres Highway Commercial (HC) and approximately 316 acres to General Use District (GUD)
13. **Date Application Received by County:** September 17, 2007
14. **Received by:** David Parks, Permit Officer
15. **Application fee paid:** waived.
16. **Completeness of Application:** Application is complete.
17. **Documents received upon filing of application or otherwise included:**
  - A. Rezoning Application
  - B. Deed
  - C. GIS Map
  - D. Current zoning map
  - E. Proposed zoning map
  - F. Adjacent property owner
18. **Soil Classifications:**
  - A. **Predominant:** Toa (Tomotley)-- Severe wetness; percs slowly
  - B. **Other:** Ata (Augusta) -- Severe wetness
19. **Adjacent Property Uses:**
  - A. Predominant: Agriculture
  - B. Other: Residential
20. **Existing Land Uses:** Spray field for Sewer and Agriculture
21. **Lot size:** approx 366 acres
22. **Findings Regarding Additional Requirements:**
  - A. How will the proposed change enhance the public health, safety or welfare?:  
The proposed change will enhance the public health and welfare by providing area for infra-structure and commercial use.
  - B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?: The requested zoning classification is more appropriate for this area.
  - 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?:  
The 50 acres of HC is an expansion of an adjacent zoning of the same classification.

(2) What extraordinary showing of public need or demand is met by this application?

The need for commercial.

**D. Conformity with the Plans:**

- (1) Land Use Plan — Yes. In accordance with Policies P.17 and P21 regarding Commercial/Industrial, the county supports commercial development at the intersections of major roads (i.e. in a nodal fashion) and in areas that are already similarly developed. In accordance with Policy 32, Camden County supports providing adequate community services and facilities which meet the needs of Camden County's citizens, businesses, and industries. Land Suitability Map reflects area for high growth.
- (2) Thoroughfare Plan — Property abuts Highway 17 North.
- (3) Other Plans officially adopted by the Board of Commissioners — None

**E. Will not exceed the county's ability to provide public facilities:**

- (1) Schools — No.
- (2) Fire and Rescue -- No.
- (3) Law Enforcement -- No.
- (4) Other County Facilities –

**Recommendations**

**Staff recommends approval to rezone property to Highway Commercial (HC) and General Use District as indicated on proposed zoning amendment map as it is consistent with the Land Use Plan.**

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Staff asked for rezoning to allow telemetry tower to be placed on that property. Special Use Permit to follow. Staff wanted to ensure the county was abiding by it's own laws. The 50 acre for highway commercial is a marketable piece of land, current zoning will not be able to market it as well as the proposed zoning.

After considerable discussion and consideration, member Terri Griffin made a motion to approve Rezoning Request, UDO 2007-09-21, Camden County. Member Ray Albertson 2<sup>nd</sup> the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Rezoning Request, UDO 2007-09-21, Camden County, was approved.

*Item #5 Special Use Permit, UDO 2007-09-20, Camden County*

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

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**Special Use Permit  
UDO 2007-09-20  
Camden County**

- 1. Name of Applicant:** Camden County
- 2. Agent for Applicant:** Planning Department
- 3. Address of Applicant:** P.O. Box 190, Camden, NC 27921
- 4. File Reference:** UDO 2007-09-20
- 5. PIN:** 01-7071-00-67-6843, 01-7989-00-49-3600, 02-8935-03-42-5651
- 6. Street Address of Property:** 151 U.S. 158 E., 129 Keeter Barn Road, off Mcpherson Road.
- 8. Location of Property:** South Mills Township and Courthouse Township
- 9. Flood Zone:** X
- 10. Zoning District(s):** General Use District and Highway Commercial
- 11. Is a Zoning Change required for the Proposed Use?** No
- 12. General Description of the Proposal:** Universal Towers for Sewer infrastructure (40 feet in height)
- 13. Use Classification:** Article 151.334 (Use # 18.300)
- 14. Date Application Received by County:** September 17, 2007
- 15. Received by:** David Parks, Permit Officer
- 16. Application Fee Paid:** Waived
- 17. Completeness of Application:** Application appears to be complete.
  - A. Items Needed:** None
- 18. Proposal to be completed in phases:** No
- 19. Documents Received Upon Filing Application or otherwise included:**
  - A.** Land Use Application
  - B.** Sight Plan for each location
  - C.** Utility Easement and/or Right-of-Way Agreement for 151 U.S. 158 E.
  - D.** Tower Plans
- 20. Adjacent Property Use:** Varies from residential to commercial to agriculture
- 21. Existing Land Use:** Spray Field, Sewer Plant, Day Care Center
- 22. Lot size:** Varies — 360 acres, 12 acres, and 1 acre
- 23. Utilities:** None.
- 24. Landscaping**
  - A.** Is any buffer required? Type A landscaping
  - B.** Is any landscaping described in application: No.
- 25. Findings Regarding Additional Requirements**

- A. Endangering the public health and safety: Staff feels that there is no threat to public health and safety.
- B. Injure the value of adjoining or abutting property: Staff feels that this would have no affect on adjoining or abutting property.
- C. Harmony with the area in which it is located: Yes, proposed use is in harmony with the area.
- D. Conformity with the Plans
  - (1). Land Use Plan — Yes.
  - (2). Thoroughfare Plan — County has no adopted thoroughfare plan.
  - (3). Other Plans officially adopted by the Board of Commissioners — NIA
- E. Will not exceed the county's ability to provide public facilities
  - (1). Schools — No
  - (2). Fire and rescue — No
  - (3). Law Enforcement — No
- F. Other County Facilities — No

**Staff recommends approval with the following conditions:**

1. 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.
2. 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 2007-09-20.
3. In accordance with Article 151.139 type A landscaping required for proposed site at 151 U.S. 158 East.
4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect.

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Special Use Permit is for the telemetry tower for sewer infrastructure, to be placed on the property where the spray field is located.

After considerable discussion and consideration, Chairman James Burnham made a motion to approve Special Use Permit, UDO 2007-09-20, Camden County. Vice Chairman Rodney Needham 2<sup>nd</sup> the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting. By a vote of 5-0, Special Use Permit, UDO 2007-09-20, Camden County, was approved.

**Information from Board and Staff**

1. Economic Development Committee – Volunteers requested.

Chairman Burnham appointed Terri Griffin and Rodney Needham to serve on the Economic Development Committee.

2. A copy of the minutes from the joint meeting with the Board of Commissioners was included in the planning board packet for this month.
3. Staff discussed Major Subdivision application processing with the board.

**Consider Date of Next Meeting – October 17, 2007**

**Adjournment**

At 8:39 PM, Vice Chairman Rodney Needham made a motion to adjourn the meeting. Member John Aydlett seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Terri Griffin, Ray Albertson, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

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

Approved: \_\_\_\_\_  
Chairman James Burnham

Attested: \_\_\_\_\_