

**Camden County Planning Board
Minutes
May 15, 2013, 7:00pm
Historic Courtroom
Camden County Courthouse Complex**

| Members Present: | Absent: |
|----------------------------|-----------------|
| Chairman Rodney Needham | Fletcher Harris |
| Vice Chairman Calvin Leary | David Bundy |
| Ray Albertson | |
| Michael Etheridge | |
| Patricia Delano | |

Call to Order & Welcome

Chairman Rodney Needham called to order the May 15, 2013 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

| Name: | Title: |
|-------------|-----------------------------|
| Dan Porter | Director of Planning |
| Amy Barnett | Clerk to the Planning Board |

OTHERS PRESENT

| Name/Residence: | Title: | Purpose / Representing: | Meeting Section: |
|-----------------|------------------------------|---|-----------------------|
| Eddie Hyman | Representative for Applicant | Tar Corner Village, Final Plat, Phase III | New Business, Item #2 |

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: Vice Chairman Calvin Leary.

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

Consideration of Minutes: February 20, 2013

Chairman Rodney Needham called for consideration of the minutes from the February 20, 2013 Planning Board meeting.

Motion to approve the minutes as written made by: Vice Chairman Calvin Leary.

Motion Seconded by: Michael Etheridge.

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

Comments from the Public

Dan Porter introduced Patricia Delano, who took John Aydlett's position on the Planning Board. Ms. Delano comes from the Whitehall Shores area and represents the Courthouse Township. We welcome her onto the Planning Board.

Old Business

NONE

New Business

New Business, Item #1

Ordinance 2013-05-01 Proposed Amendment to UDO (Accessory Apartment Standards)

Ordinance No. 2013-05-01

**A Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Article 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II: Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics and underlined (*italics*).

Article III: Amend Chapter 151 as amended of the Camden County Code which shall read as follows:

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.347 SPECIFIC STANDARDS.

(J) The following standards shall apply to all accessory apartments located within Camden County.

(1) If the property for which the application for accessory apartment is being made is subject to restrictive covenants prohibiting more than one dwelling unit per lot, that evidence shall serve as prima facie evidence of incompatibility with the surrounding neighborhood resulting in denial of the permit.

(2) No manufactured housing shall be utilized as an accessory apartment.

(3) Accessory apartments shall be detached from the principal dwelling.

~~————— (4) The deed to the property shall be amended stating~~

~~Camden County has granted to the Grantor pursuant to Article 151.334 of the Unified Development Ordinance, the right to maintain an accessory apartment on the premises in accordance with the regulations and ordinances of the county. As a requirement for obtaining this use, the Grantor does hereby declare this property shall be subject to the following declaration, which shall run with the land permanently. This declaration shall be enforceable by Camden County by injunction or any other civil remedy in addition to such fines and costs and other remedies as may be available to the County under its Unified Development Ordinance as it now exists or may hereafter be amended or replaced by like legislation.~~

~~Declaration:~~

~~"The property owner shall reside in either the main dwelling or accessory apartment"~~

~~————— (5) At the County's request, the property owner shall provide evidence (i.e. power bill, water bill) that reflects compliance with item four (4) above.~~

(~~6~~ 4) Only one accessory apartment shall be permitted per lot.

(~~7~~ 5) Accessory apartment shall not exceed a maximum 40% of the total square feet of the livable area of the principal structure or 800 square feet whichever is less. Minimum square footage shall be no less than 400 square feet.

(~~8~~ 6) Where there is no public sanitary sewer service available to the accessory apartment, the applicant shall provide approval from the Albemarle Regional Health Department prior to issuance of the Zoning/Building Permit.

(~~9~~ 7) For stormwater purposes total lot coverage shall not exceed 24% of impervious surfaces.

~~(40 8)~~ The accessory apartment shall not be served by a driveway separate from that serving the principal dwelling.

~~(41 9)~~ Accessory apartment shall observe a ten (10) foot side setback and the minimum front setback shall be equal to the front of the dwelling or fifty (50) feet which ever is greater.

~~(42 10)~~ Accessory apartments shall carry the same address as the principal structure followed by an alpha numeric letter (i.e. 384-A Barnett Street).

~~(43 11)~~ The following building design standards shall apply:

(a) Accessory apartment shall be limited to a maximum of two (2) bedrooms and shall have one full bathroom and kitchen with an optional living room.

(b) The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation.

Adopted by the Board of Commissioners for the County of Camden this _____ day of _____, 2013

County of Camden

Garry Meiggs, Chairman
Board of Commissioners

ATTEST:

Ashley Honaker
Clerk to the Board

Dan Porter described this amendment to the Camden County Code of Ordinances:

- Deals with an ordinance regarding Accessory Dwelling Units, which was previously approved by the PB and subsequently the BOC. (Specifically § 151.347).
- In that ordinance there was a restriction that the owner had to live in the principal or accessory unit.
- After researching this restriction with the School of Government, it was found that it is an issue of ownership. Additionally there have been court rulings that say that this type of restriction is not allowed to be added to a zoning ordinance, because the zoning ordinance only deals with the use of the land.
- After speaking with Commissioners and County Attorney, it was decided to remove the restriction. Also, removal should prevent any law suit that might arise if it were left in place.
- This also eliminates the requirement for having a deed restriction relevant to the ownership of the property.

Vice Chairman Calvin Leary asked if removing the restriction is worth the cost(s) that would be incurred should the county be sued regarding this restriction if it were left in place. Mr. Porter affirmed that it is worth the cost(s) as the county would incur significant costs should a law suit arise out of this.

Mr. Porter added that one of the primary reasons for wanting to regulate Accessory Dwelling Units is to enforce the requirement of a building permit and the inspections that go along with it where these units are concerned. He added that there have been many of these units built without Planning Department knowledge, permits, or inspections.

Chairman Rodney Needham commented:

- Tax assessments should pick up some of these
- Has a problem with the provision requiring that the size of the accessory dwelling shall not exceed 40% of the total sqft of the livable space in the principal dwelling
- For small houses the 40% rule would mean that any accessory dwelling would be a very small unit
- Wants the square footage of garages to be included in the total square footage that is considered when applying the 40% rule so that small houses would not be excluded from the ability to create an accessory dwelling.
- Doesn't think it is fair to those with smaller houses, that they would not be able to take advantage of the ability to build an accessory dwelling.

Dan Porter responded to Mr. Needham's comments:

- The ordinance states that the sqft of the accessory dwelling shall be no less than 400 sqft.
- In a case where 40% of the livable space of the principal dwelling would be less than 400 sqft, then an accessory dwelling would not be allowable on such a property. This is to prevent the accessory dwelling from becoming the principal dwelling.

Patricia Delano asked if additions built for the purpose of being used as an accessory apartment were subject to this space requirement.

Dan Porter responded to Ms. Delano's question:

- Additions to structures are allowed and are not considered as accessory structures
- Accessory Dwellings are detached
- In Mr. Porters opinion, Accessory Dwellings should not be larger than the principal structure

Chairman Needham expressed concerns regarding the 400 sqft vs. 40% of livable space. He reiterated that in his opinion that is too small of a space for any accessory dwelling.

Mr. Porter stated that Accessory Dwellings are required to have a bedroom, bathroom, and a kitchen at a minimum.

Chairman Needham then asked if, in the case of a principal dwelling that is not large enough for 40% to be equal to or greater than 400 sqft, there was anything the owners could do to get around that particular requirement.

Mr. Porter responded saying that this would not qualify for a variance because it would (1) be for the use, and (2) there is no real hardship dealing with the land, it would be a personal issue.

At this time, Chairman Rodney Needham asked if there were any further questions or comments from the board, hearing none he entertained a motion.

Motion Made: *"Approve Ordinance 2013-05-01 Proposed Amendment to UDO (Accessory Apartment Standards) as presented".*

Motion made by: Vice Chairman Calvin Leary.

Motion Seconded by: Michael Etheridge.

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

New Business, Item #2

Final Plat, Phase III, Tar Corner Village, UDO 2003-02-37

Final Plat
Phase III Tar Corner Village
UDO 2003-02-37

- | | | |
|----|--|-----------------------------------|
| 1. | Name of Applicant: | Mainstay Construction |
| 2. | Agent for Applicant: | Don Williams |
| 3. | Address of Agent: | P. O. Box 429 Moyock, NC 27958 |
| 4. | PIN: | 01-7090-00-83-7276-0000 |
| 5. | Name(s) of Current Owner(s) of Record: | Mainstay Construction |
| 6. | Street Address of Property: | Various |

- | | | |
|-----|--|--|
| 7. | Location of Property: | Tar Corner Village Major Subdivision, South Mills Township |
| 8. | Flood Zone: | X/AE |
| 9. | Zoning District(s): | Basic Residential (R3-2) |
| 10. | General Description of the Proposal: | Final Plat Phase III Tar Corner Village - 9 lots |
| 11. | Date Application Received by County: | April 19, 2013 |
| 12. | Have all the requirements of the Special Use Permit for Preliminary Plat been met? | Yes |
| 13. | Received by: | Dave Parks, Permits Officer |
| 14. | Application Fee Paid: | Yes, \$450.00 Check #1388 |
| 15. | Completeness of Application: | Application is generally complete. |
| 16. | Documents received upon filing application or otherwise included: | <ul style="list-style-type: none"> A. Land Use / Development Application B. Blue Line Copies of Final Plat C. Letters from Home Owners/Developer agreeing to donation of open space to County |
-

Dan Porter described this agenda item:

- Application from Mainstay Construction, Don Williams, for approval of Final Plat, Phase 3 of Tar Corner Village for 9 lots.
- Eddie Hyman is present to answer any questions
- All water taps have been paid
- An offer has been made by Mainstay and accepted by the county for the donation of open space.
- Execution of Deed is pending

Calvin Leary asked regarding the location of the open space area. Mr. Eddie Hyman of Hyman and Robey answered saying that the open space is at the end of Woodrows Drive, and is 8.16 acres.

Dan Porter commented, about dedication of open space in this development, that Mr. Williams was required to get, and has gotten, signatures from all home owners in the village stating that they are in agreement regarding the donation and subsequent dedication of open space.

Mr. Porter added:

- Currently the access to the open space is through the subdivision, but that at some point in the future hope to have a separate access outside of the subdivision.
- The dedicated space will have specific uses per the deed recorded with the register of deeds. Deed restrictions will be put in place such that it can only be used as park land or agriculture.

Ray Albertson pointed out an error on the plat: On the back where the plat should read "Linton Ditch", it says "Joys Creek". It is not Joys Creek, it is the Linton Ditch easement. Mr. Eddie Hyman stated he would have the correction made.

At this time, Chairman Rodney Needham asked if there were any further questions or comments from the board, hearing none he entertained a motion.

Member Ray Albertson recused himself from this vote because he farms lands adjacent to this development.

Motion: *"Approve Final Plat, Phase III Tar Corner Village, UDO 2003-02-37 (9 lots) as presented with the conditions as set forth by staff".*

Motion made by: Michael Etheridge.
Motion Seconded by: Vice Chairman Calvin Leary.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Michael Etheridge, and Patricia Delano voting aye, none voting no, Fletcher Harris and David Bundy absent, and Ray Albertson not voting (recused).

Information from Board and Staff

- Upcoming Board Re-Appointments: Rodney Needham & Calvin Leary
 - Both have agreed to continue to serve.

Consider Date of Next Meeting - June 19, 2013

Adjournment - 7:25 PM

Motion to adjourn by: Michael Etheridge
Seconded by: Ray Albertson

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

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk