



CAMDEN COUNTY

NORTH CAROLINA • USA

Boundless Opportunities.

BOARD OF ADJUSTMENT

FEBRUARY 15, 2023

7:00PM

Regular Meeting

Camden County Public Library

Board Room

**CAMDEN COUNTY
BOARD OF ADJUSTMENT
AGENDA ITEM SUMMARY SHEET**

Item Number: III
Meeting Date: July 20, 2022
Attachments: Minutes (2 pages)
Submitted by: Planning Clerk

ITEM TITLE: Minutes, July 20, 2022

SUMMARY: Swear In

RECOMMENDATION:

For Discussion and Possible Approval

MOTION MADE BY:	
M. Stimac	_____
S. Bradshaw	_____
N. Lilley	_____
L. Powell	_____
B. Robey	_____
R. Lambertson	_____
T. White	_____
R. Albertson	_____
NO MOTION	_____
VOTE:	
M. Stimac	_____
S. Bradshaw	_____
N. Lilley	_____
L. Powell	_____
B. Robey	_____
R. Lambertson	_____
T. White	_____
R. Albertson	_____
ABSENT	_____
RECUSED	_____

ITEM I. CALL TO ORDER & WELCOME

The meeting was called to order by Chairman Steven Bradshaw at 8:00 PM. Also Present: Vice-Chairman Nathan Lilley, Board Members Ray Albertson and Wayne “Roger” Lambertson. Staff Present: Planning Director Amber Curling, Clerk to the Board Karen Davis and Permit Clerk Trisha Sabo.

ITEM II. CONSIDERATION OF AGENDA

None

ITEM III. CONSIDERATION OF MINUTES

None

ITEM IV. COMMENTS from the PUBLIC

None

ITEM V. OLD BUSINESS

None

ITEM VI. NEW BUSINESS

Approval of Chairman (Steven Bradshaw) and Vice Chairman (Nathan Lilley) of Board of Adjustments.

RESULT:	APPROVED [4-0]
MOVER:	Wayne “Roger” Lambertson
SECONDER:	Ray Albertson
AYES:	Nathan Lilley, Steven Bradshaw, Ray Albertson, Wayne “Roger” Lambertson
ABSENT:	Michael Stimac, Marshall “Lee” Powell

Swear in to Office for Board of Adjustments. Wayne “Roger” Lambertson is already a member of the Board of Adjustment and did not need to swear in. Ray Albertson is here at the Board of Adjustment from the Planning Board meeting. Ray Albertson, Steve Bradshaw and Nathan Lilley were sworn in as a Member of Board of Adjustments.

ITEM VII. INFORMATION FROM BOARD AND STAFF

None

ITEM VIII. CONSIDER DATE OF NEXT MEETING

None

ITEM VIII. ADJOURN

Steven Bradshaw made a Motion to adjourn.

RESULT:	PASSED [4-0]
MOVER:	Steven Bradshaw
SECONDER:	Nathan Lilley
AYES:	Steven Bradshaw, Nathan Lilley, Ray Albertson, Wayne “Roger” Lambertson
ABSENT:	Michael Stimac, Marshall “Lee” Powell

There being no further matters for discussion Chairman Steven Bradshaw adjourned the meeting at 20:23 PM.

ATTEST:

Steven Bradshaw, Chairman
Camden County Board of Adjustment

Patricia Sabo
Permit Clerk

**CAMDEN COUNTY
BOARD OF ADJUSTMENT
AGENDA ITEM SUMMARY SHEET**

Item Number: IV.1
Meeting Date: February 15, 2023
Attachments: Staff Report (4-42 Pages)
Submitted by: Staff

ITEM TITLE: 1. Variance Request, James D
Bach, Porch Coffee LLC

SUMMARY: Request for a variance to setbacks and lot coverage on the property located on Main Street in South Mills next to Citgo Gas Station.

RECOMMENDATION:

For Discussion and Possible Approval

MOTION MADE BY:	
M. Stimac	_____
S. Bradshaw	_____
N. Lilley	_____
L. Powell	_____
B. Robey	_____
R. Lambertson	_____
T. White	_____
R. Albertson	_____
NO MOTION	_____
VOTE:	
M. Stimac	_____
S. Bradshaw	_____
N. Lilley	_____
L. Powell	_____
B. Robey	_____
R. Lambertson	_____
T. White	_____
R. Albertson	_____
ABSENT	_____
RECUSED	_____

STAFF REPORT

UDO 2022-10-011 Variance Application Request Porch Coffee, LLC for 200 Main Street

PROJECT INFORMATION

File Reference: 2022-10-011
Project Name: 200 Main Street
PIN: 017989045197250000

Applicant: Porch Coffee LLC
Address: 1008 Sullivan Lane
Chesapeake, VA 23322

Phone: 703-505-6079
Email: jdonald9246@gmail.com

Agent for Applicant: Porch Coffee LLC
Address: 1008 Sullivan Lane
Chesapeake, VA 23322

Phone: 703-505-6079
Email: jdonald9246@gmail.com

Current Owner of Record: Applicant

Meeting Dates:
Neighborhood Meeting- November 10, 2022
Board of Adjustment Meeting-February 15, 2023

Application Received: October 24, 2022
By: Amber Curling, Planning

Application Fee paid: \$500.00 Ck#173

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A.** Application and Plan
- B.** Recorded Deed and Surveys
- C.** Neighborhood Meeting Comments
- D.** Notice to Owner and Adjacent Owners
- E.** Relevant UDO sections

PROJECT LOCATION/DESCRIPTION:

Street Address: 200 Main Street, South Mills, NC 27976

Location Description: West Side of Draw Bridge on North side Main street in South Mills Township. The property is located on the west side abutting the intercoastal waterway.

REQUEST: The applicant is requesting a variance for impervious surface and setback.

Located in Core Village of South Mills Township



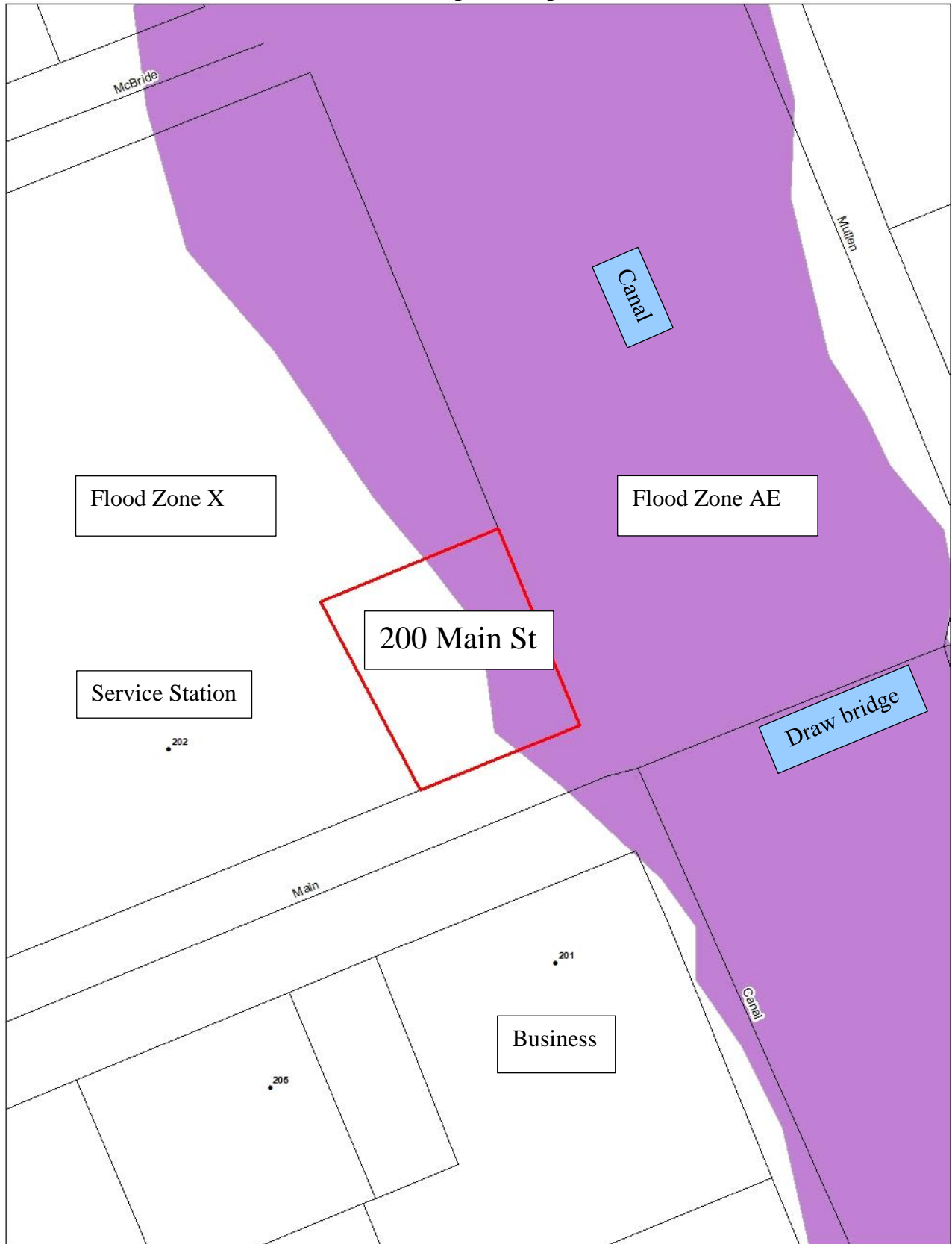
Village Commercial Zoning District



CAMA Land Suitability:



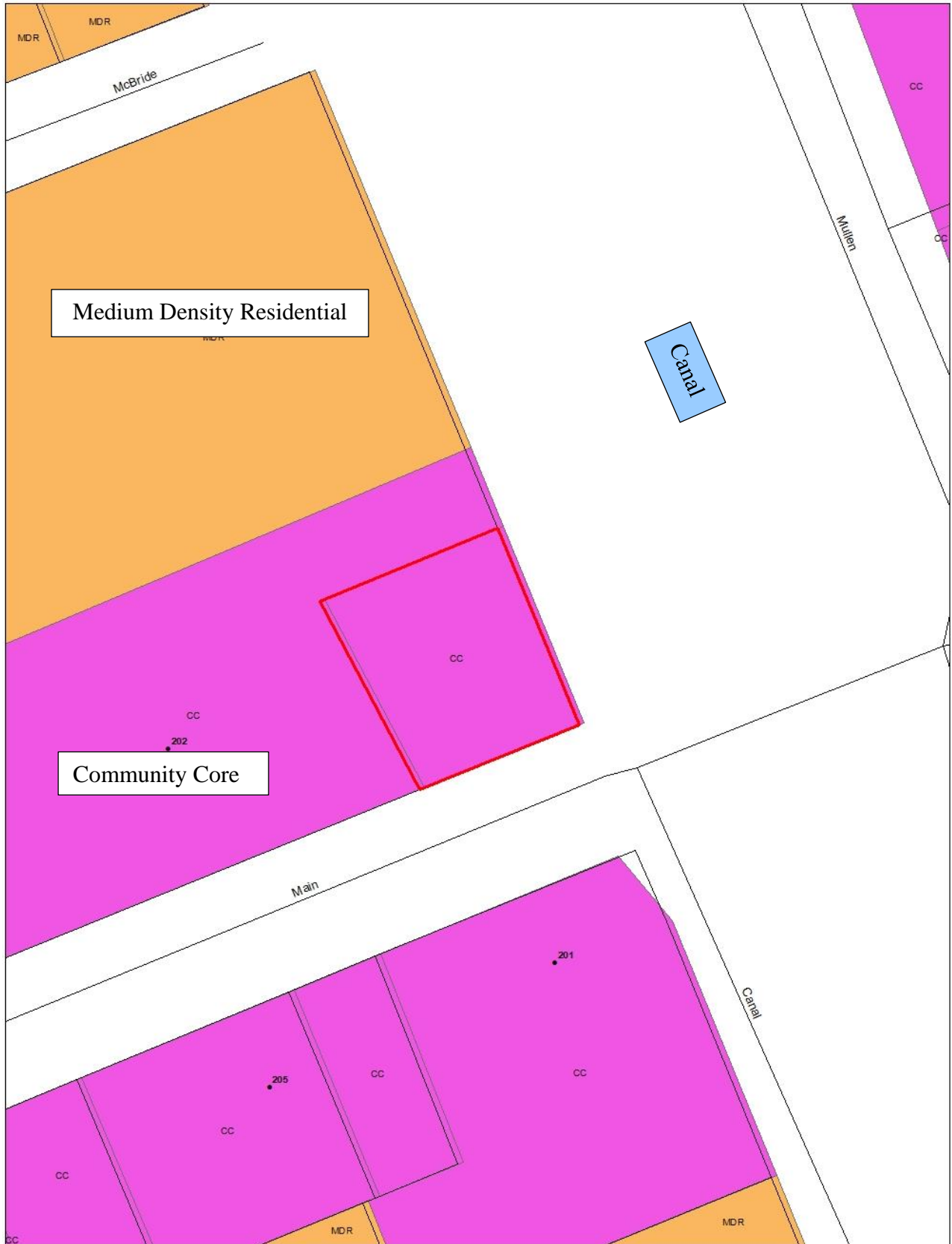
Floodplain Map



Comprehensive Future Land Use Plan – Village Center



CAMA Future Land Use Map – Community Core



SITE DATA, INFRASTRUCTURE & COMMUNITY FACILITIES

Size of Lot:	Approximately 0.167 acres (7275 Square Feet)
Flood Zone:	X, AE
Zoning District(s):	Village Commercial
Existing Land Uses:	Vacant
Adjacent Property Uses:	Fuel Station/Convenience Store, Flea Market/Retail Store and intercoastal water way
Water:	Water lines are located adjacent to property along Main Street
Sewer:	Sanitary Sewer lines are located adjacent to property along Main Street
Fire District:	South Mills Fire District
Traffic:	NCDOT requirements will be address at development stage.

REQUEST: The applicant is requesting a variance for impervious surface and setback.

Applicant Specific Request: The existing lot is only 7,830 square feet, but had historically been the site of structures from the late 1940's until the late 1990's totaling as much as 4,000 square feet in 1952. The structures had been immediately adjacent to the highway at that time to take full advantage of the commercial traffic. There were no zoning restrictions at that time, but the zoning in place today would result in the parcel being restricted to 24% (1,879 square feet) and a 35-foot setback (lot is only 90 feet deep). This request is for the increase of Lot Coverage to 50% (3,915 square feet) and a reduction of the front setback to 20 feet.

FINDINGS: When unnecessary hardship would result from carrying out the strict letter of the zoning Ordinance, the Board of Adjustment shall vary any of the provisions of this chapter upon a showing of all of the following:

Required Findings:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

STAFF RESPONSE: The unnecessary hardship results from the strict application of the ordinance. The small less than 8000 square feet lot has existed since before 1960. The Village Commercial dimensional requirement minimum lot area is 10,000 square feet with connection to County water and sewer. A County Engineer approved stormwater management plan will be required at development stage. The Village Commercial dimensional requirement for front setback is a minimum of Zero and a maximum of 35 feet.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

STAFF RESPONSE: The small less than 8000 square feet (0.167 acres) lot has existed since before 1960. The adjacent Service Station lot size is approximately 1.641 acres and business directly across Main Street is 0.393 acres.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.

Staff Response: The setback and impervious surface restrictions were derived by Camden County and not the applicant/property owner.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Staff Response: The proposed setback and impervious surface request will be consistent with the intent of the Unified Development Ordinance and Future Land Use Plans. The property is in an area of village type environment in the Core Village of South Mills intended to allow development that can adequately be served with public amenities.

Relevant Factors for Issuance of a Variance – Applicant Questions and Response

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed findings that:

1. The alleged hardship is suffered by the applicant as a result of the application of the Ordinance. (Variances cannot be granted if the hardship is the result of restrictions other than those of the ordinance, restrictive covenants are an example)

Applicant Response: The lot as it sits today is the same dimensionally as it was in 1957 where at the time there was a mercantile store on the premises. The UDO as adopted has established restrictions that make developing the parcel as Commercial property nearly impossible.

2. The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances. (Hardships suffered by the applicant should be the result of factors directly related to the applicant's land and not ordinance requirements)

Applicant Response: The current lot size is less than that of the minimum area established for new lots under the Village Commercial (VC) designation. Access to the property is restricted to the road frontage as the neighboring property (once under same ownership) no longer allows access.

3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. (A hardship suffered by the applicant in common with surrounding neighbors does not justify a variance. The proper remedy is an amendment to the ordinance in such cases. Courts have held that boards granting variances based on such factors amounts to attempted usurpation of legislative power).

Applicant Response: The proximity to the Canal and Bridge, couple with the small lot size make the restrictions more pronounced than other similar size parcels in the village.

4. The hardship is not the result of the applicant's own actions. (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot claim expenses as a hardship, otherwise no one would ever comply with the ordinance.

Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self-imposed).

Applicant Response: The current property owners purchased the land as is and have not made alterations to the property boundaries. The former non-conforming structures were removed long before the current owners purchase.

5. The variance will not authorize the initiation of a nonconforming use of land. Must show that the variance requested represents the least possible deviation from the letter of the ordinance, and that it will allow reasonable use of the property without creating a nonconforming use of same property.

Applicant Response: Based on preliminary plans, it appears that with the variances from these two items, all other requirements can be met

Summary

Planning Staff recommends approval of the request for lot coverage due to the fact Article 151.7.1.3 requires the Camden County Engineer to approve the stormwater management plan for the major commercial site plan.

Unified Development Ordinance Sections are attached:

151.2.26 Variance

1513.6.3 Village Commercial District


151.7.1 Stormwater Management

Relevant Factors for Issuance of a Variance

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it makes detailed findings that:

- A. **The alleged hardship is suffered by the applicant as a result of the application of the Ordinance.** (Variances cannot be granted if the hardship is the result of restrictions other than those of the ordinance, restrictive covenants are an example). The lot as it sits today is the same dimensionally as it was in 1957 where at the time there was a mercantile store on the premises. The UDO as adopted has established restrictions that make developing the parcel as Commercial property nearly impossible.
- B. **The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances.** (Hardships suffered by the applicant should be the result of factors directly related to the applicant's land and not ordinance requirements). The current lot size is less than that of the minimum area established for new lots under the Village Commercial (VC) designation. Access to the property is restricted to the road frontage as the neighboring property (once under same ownership) no longer allows access.
- C. **The hardship is unique, or nearly so, rather than one shared by many surrounding properties.** (A hardship suffered by the applicant in common with surrounding neighbors does not justify a variance. The proper remedy is an amendment to the ordinance in such cases. Courts have held that boards granting variances based on such factors amounts to attempted usurpation of legislative power). The proximity to the Canal and Bridge, couple with the small lot size make the restrictions more pronounced than other similar size parcels in the village.
- D. **The hardship is not the result of the applicant's own actions.** (Where a property owner has either knowingly or unknowingly violated the ordinance by erecting a forbidden structure, he/she cannot claim expenses as a hardship, otherwise no one would ever comply with the ordinance. Similarly, when a person buys property and certain restrictions exist, he/she cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self-imposed). The current property owners purchased the land as is and have not made alterations to the property boundaries. The former non-conforming structures were removed long before the current owners purchase.
- E. **The variance will not authorize the initiation of a nonconforming use of land.** Must show that the variance requested represents the least possible deviation from the letter of the ordinance, and that it will allow reasonable use of the property without creating a nonconforming use of same property. Based on preliminary plans, it appears that with the variances from these two item, all other requirements can be met.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property during reasonable business hours for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant

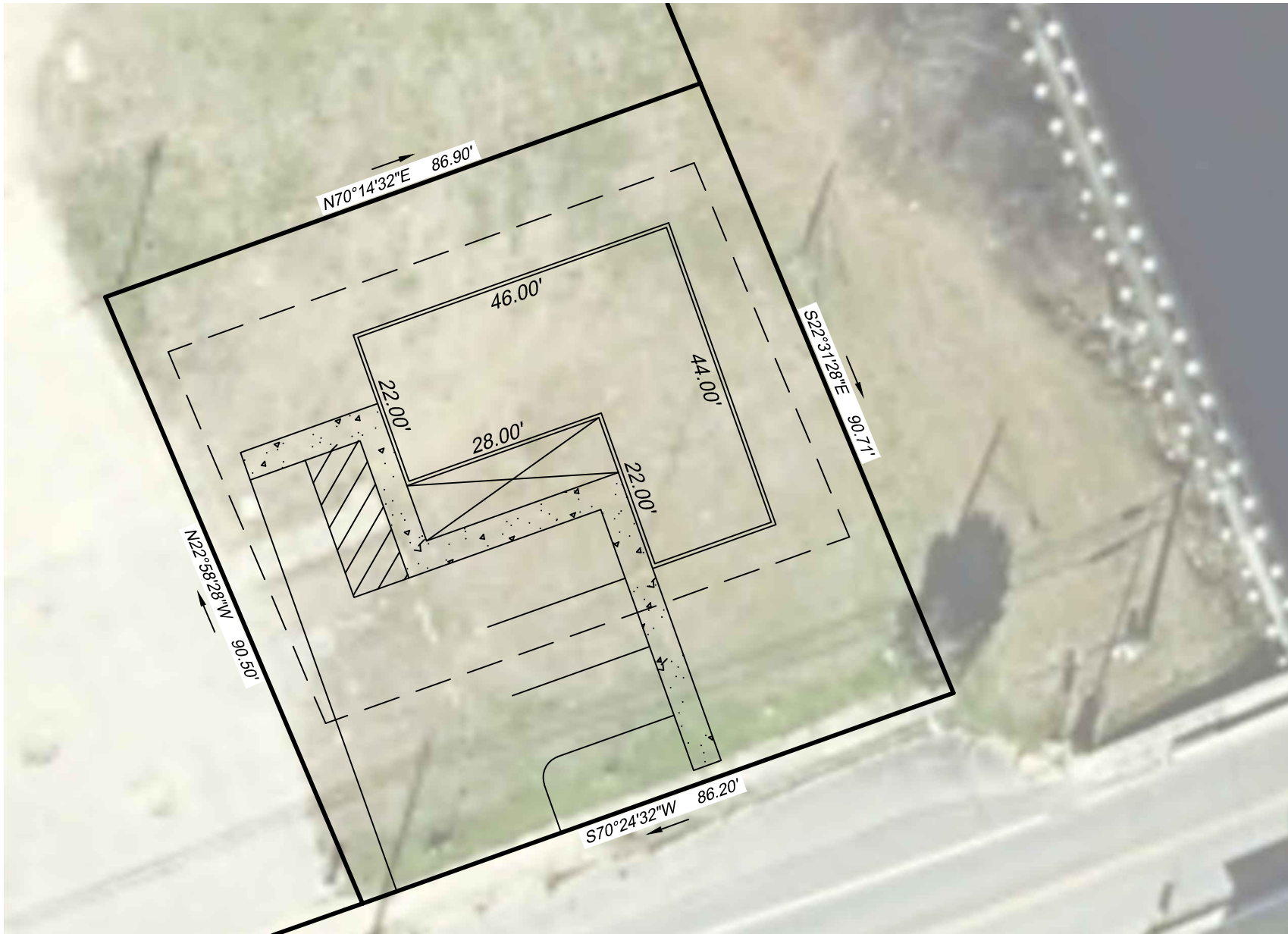
9/9/2022

Date

Note: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants, a signature is required for each.

Preliminary

02/18/2022 5:56:15 PM



200 Main Street, South Mills, NC
Scale: 1" = 20'

Camden COUNTY
Jun 26 2000 \$55.00

FILED in Camden County, NC
on Jun 28 2000 at 10:01:25 AM
by: Peggy C. Kight
Register of Deeds *AK*

STATE OF NORTH CAROLINA
1000001761
REAL ESTATE EXCISE TAX

BOOK 137 PAGE 186

NORTH CAROLINA EXCISE STAMPS
DETACHED AND CANCELLED \$55.00

\$2.00 per 1,000 Value

Excise Tax

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 01-7989-04-51-9725
Verified by *227-01-LG* County on the *26th* day of *June*, 2000
by *27,400 - 274.00 Paid SBS*

Mail after recording to Hornthal, Riley, Ellis & Maland
P. O. Box 220, Elizabeth City, NC 27907-0220

This instrument was prepared by J. Fred Riley, Attorney

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 23rd day of June, 2000, by and between

GRANTOR
W. W. OWENS & SONS MOVING & STORAGE, INC., A
North Carolina Corporation

GRANTEE
ELTON E. SAWYER, SR.
AND
JUDY A KOTRBA, jointly with right of
survivorship

P. O. BOX 414
South Mills, NC 27976

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, South Mills _____ Township, _____ Camden _____ County, North Carolina and more particularly described as follows:

Beginning at a point situated on the northern right of way line of Main Street (U.S. Highway 17, 60 foot wide right of way) in South Mills, North Carolina, which beginning point is further situated at the east side of the Dismal Swamp Canal (160 foot wide right of way), and running thence from said point of beginning along the northern right of way line of Main Street South 78° 56' 00" West 86.20 feet to a point represented by a hole in the sidewalk; thence North 14° 27' 00" West 90.50 feet to an existing iron pin, cornering; thence North 78° 46' 00" East 86.90 feet to an existing iron pin, cornering; thence South 14° 00' 00" East 90.71 feet to the point of beginning, this being the same property that is delineated on plat entitled in part, "Property Being Conveyed To Elton E. Sawyer, Sr. and Judy A. Kotrba," prepared by Edward T. Hyman, Jr., Professional Land Surveyor, under date of June 5, 2000, a copy of which plat is attached to and by reference made a part of this deed.

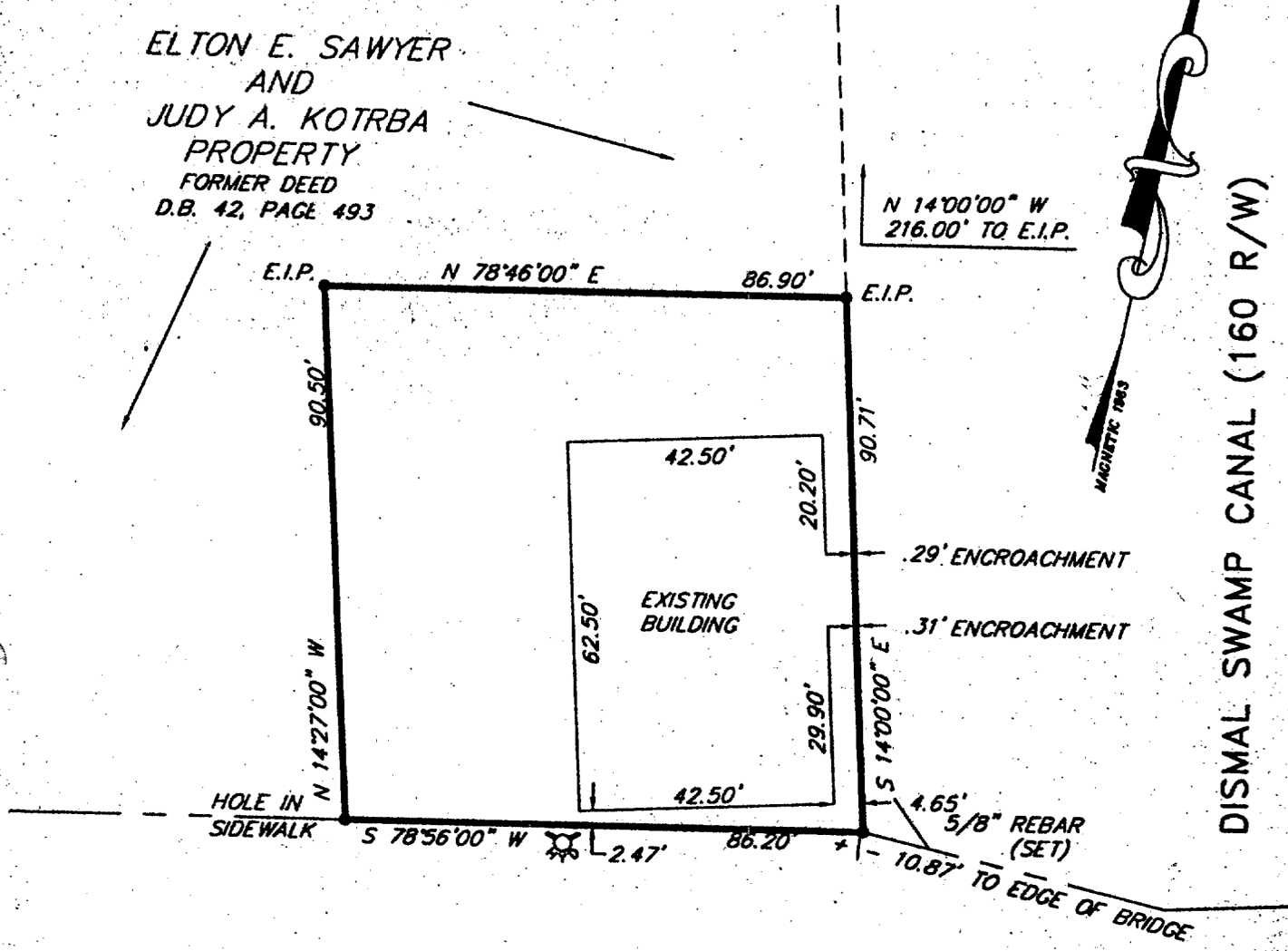
PROPERTY BEING CONVEYED TO
ELTON E. SAWYER, SR
AND
JUDY A. KOTRBA
SOUTH MILLS TOWNSHIP
CAMDEN COUNTY, NORTH CAROLINA

SCALE 1" = 30'

JUNE 5, 2000

REFERENCE IS MADE TO P.C. 1, SLIDE 116A

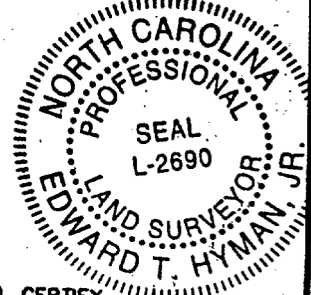
ELTON E. SAWYER
AND
JUDY A. KOTRBA
PROPERTY
FORMER DEED
D.B. 42, PAGE 493



MAIN STREET (U.S. HIGHWAY 17) (60' R/W)

NORTH CAROLINA, CAMDEN COUNTY.

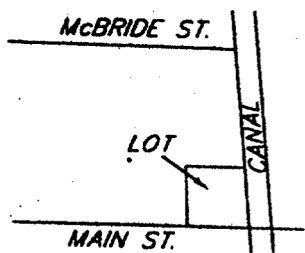
I, Mary M. Rhodes REVIEW OFFICER OF Camden COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.



Mary M. Rhodes
REVIEW OFFICER

I, EDWARD T. HYMAN, JR. PLS-2690, CERTIFY,
C. THAT THIS PLAT IS OF AN EXISTING PARCEL(S) OF LAND.

VICINITY MAP



I, EDWARD T. HYMAN, JR. CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY MADE UNDER MY SUPERVISION; THAT THE DEED DESCRIPTION FOR SAID PROPERTY IS RECORDED IN D. B. . . . P. . . . THAT THE ERROR OF CLOSURE IS 1:10,000+ . . . THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH BOARD RULES, WITNESS MY ORIGINAL SIGNATURE, REG. NUMBER AND SEAL THIS 7 DAY OF JUNE . . . 2000

NOTE: THIS PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C.

Edward T. Hyman, Jr.

EDWARD T. HYMAN, JR. P.L.S. L-2690
PO BOX 2174
ELIZABETH CITY, N.C. 27906-2174
(252) 338 2913 FAX # (252) 338 5552

DISMAL SWAMP CANAL (160 R/W)

FILE # 00 - 7835
FIELD BOOK # 185

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 86 at Page 380 in the Camden County Registry.

attached hereto. A map showing the above described property is recorded in Flat Book XXXXXXXXXXXXXXXXXXXXXXX pages.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

The year 2000 ad valorem taxes which are to be assumed in full by Grantee.



IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

W. W. OWENS & SONS MOVING & STORAGE, INC. (Corporate Name)

By: W.C. Owens, Jr. President

ATTEST: Renee Bessy Secretary (Corporate Seal)

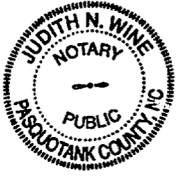
USE BLACK INK ONLY

SEAL-STAMP NORTH CAROLINA, Pasquotank County.

I, a Notary Public of the County and State aforesaid, certify that Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 23 day of June, 2000. My commission expires: 11-11-2001 Notary Public

SEAL-STAMP NORTH CAROLINA, Pasquotank County.

I, a Notary Public of the County and State aforesaid, certify that Renee Bessy, Secretary of W.W. Owens & Sons Moving & Storage, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this 23 day of June, 2000. My commission expires: 11-11-2001 Judith N. Wine Notary Public

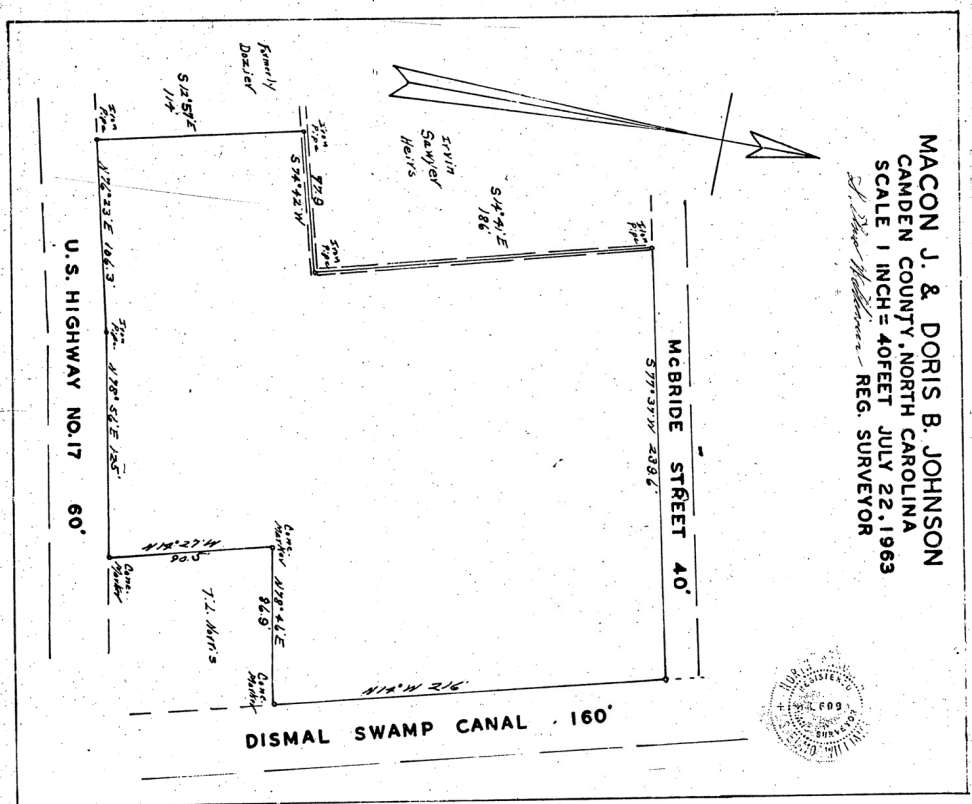


The foregoing Certificate(s) of Judith N. Wine, Notary Public of Pasquotank County, North Carolina

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: Peggy C. Knight REGISTER OF DEEDS FOR CAMDEN COUNTY Deputy/Assistant - Register of Deeds

MACON J. & DORIS B. JOHNSON
 CAMDEN COUNTY, NORTH CAROLINA
 SCALE 1 INCH = 40 FEET JULY 22, 1963
St. Mark Williams REG. SURVEYOR



*Revised Feb 3 1975
 Fred Long, Register of Deeds*





1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

COMMUNITY MEETING REPORT FOR 200 MAIN STREET, SOUTH MILLS – VARIANCE REQUEST

Project: Porch Coffee, LLC – 200 Main Street, South Mills
Facilitator: Jason Mizelle – Timmons Group
Date & Time: Nov. 11, 2022 @ 6:00 PM
Location: Camden County Public Library

In preparation for the Community Meeting, fifteen notices were mailed out notifying the adjoining property owners & the County Staff about the meeting. Jason Mizelle (Timmons), Jim Bach (applicant) and Amber Curling (Camden Co) were in attendance. No residents attended the meeting:

After sufficient time had passed and no one else showed up, the meeting was concluded.

We did receive three phone calls prior to the meeting. All three indicated no issues with the proposed variance request and provided additional historical references to the property former mercantile business. Those property owners were: New Lebanon Lodge, Rebecca Tarkington and Benny Elkins.

No other inquiries were made from residents by phone or email.

Respectfully submitted,

Jason A. Mizelle, PLS
Timmons Group

Cc Camden County Planning

Enclosed: Meeting Notification Letter
Mailing List (from County GIS)
Location Map
Historical Exhibit



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

October 25, 2022

RE: Proposed Variance

To Whom It May Concern:

You are receiving this notice because you own property near a parcel of land proposed for variance from the following UDO requirements:

UDO Section 3.6.3.B (D): Maximum Lot Coverage for Non-residential Use

A community meeting has been scheduled for November 10, 2022 at 6:00 pm in the Boardroom of the new Camden County Public Library located at 118 N Carolina Hwy 343 South (across the street from the Historic Camden County Courthouse). At the meeting, the project will be presented to the community and you will have an opportunity to provide comments to the applicant and Camden County.

If you are unable to attend the meeting or would like to discuss the project prior to the meeting, please feel free to contact me via 252.621.5030.

Sincerely,

Jason Mizelle, PLS

FLOYD ALBERTSON
186 NOSAY ROAD
SOUTH MILLS, NC 27976

DANNY ANGEL
100 JONES AVENUE
SOUTH MILLS, NC 27976

WILLIAM G. TULLAR
PO BOX 111
GRAND RIVERS, KY 42045

VARAHI PROPERTY MANAGEMENT LLC
202 MAIN ST
SOUTH MILLS, NC 27976

BENNY ELKINS
205 MAIN ST
SOUTH MILLS, NC 27976

ERNEST & JANET INGE
PO BOX 30
SOUTH MILLS, NC 27976

AMBROSE STAPLES
202 SPENCER AVENUE
SOUTH MILLS, NC 27976

HERBERT TAYLOR MULLEN
101 E. ELIZABETH STREET
ELIZABETH CITY, NC 27909

REBECCA TARKINGTON
12530 MERRY DRIVE
CHESTER, VA 23831

EBENEZER BAPTIST CHURCH
115 MAIN STREET
SOUTH MILLS, NC 27976

DONALD READ
PO BOX 6920
CHESAPEAKE, VA 23323

PORCH COFFEE LLC
1008 SULLIVAN LANE
CHESAPEAKE, VA 23322

NEW LEBANON LODGE NO. 314
120 CHAMBERLAIN RD
SOUTH MILLS, NC 27976

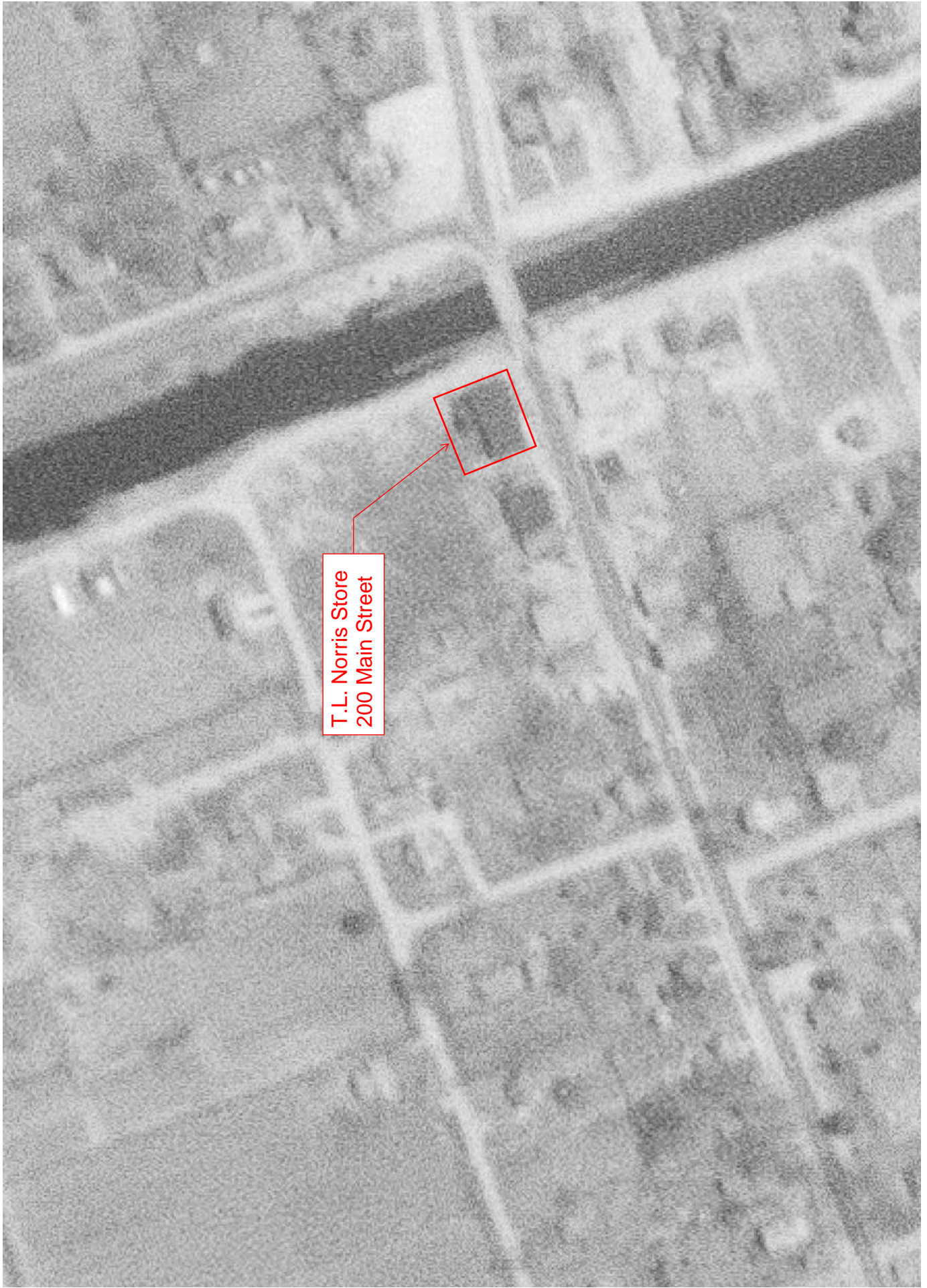
DAVID WHITE
640 FIRETOWER RD
ELIZABETH CITY, NC 27909

CAMDEN COUNTY PLANNING
C/O AMBER CURLING
PO BOX 74
CAMDEN, NC 27921

Parcel Proposed for Variance



USGS Aerial - March 29, 1952



T.L. Norris Store
200 Main Street

Notice to Adjacent Property Owners

Camden County
P.O. Box 74
117 North Highway 343
Camden, NC 27921
252-338-1919 ext. 235

Mailed late PM
on 2/1/2023
aye

TO: Adjacent Property Owners

FROM: Amber Curling, Planning Department
(252) 338-1919 Ext: 235

DATE: February 1, 2023

TOPIC: Public Hearing for UDO no. 2022-10-11, Variance Application

Pursuant to Article 151.2.2.6 of the Camden County Unified Development Ordinance, the Camden County Board of Adjustment will hold a public hearing on Wednesday, February 15, 2023 at 7pm, or soon thereafter as the agenda will allow. The meeting will be held in the Board Room in the Camden County Library at 118 NC Hwy 343 N. On the agenda is UDO no. 2022-10-11, a Variance Application for 200 Main Street in South Mills. The Variance request is to Article 151.3.6.3 of the Camden County Unified Development Ordinance, dimensional requirements (setback and lot coverage).

A copy of the Variance Request and supporting documentation is available at the Camden County Planning Office or from www.camdencountync.gov website under Department of Planning, Zoning, and Flood Management. For any inquires contact the Planning Department at 252-338-1919 ext. 235.

The public is invited to attend and make comments to the board. Any changes to the application may be made after the public hearing.

Sincerely,



Amber Curling
Planning Department

BOARD OF ADJUSTMENT
STEVEN BRADSHAW
Chairman

NATHEN LILY
Vice Chairman

ROGER LAMBERTSON
RAY ALBERTSON
BRYANT ROBEY
LEE POWEL
TOM WHITE



**CAMDEN
COUNTY**
NORTH CAROLINA • USA
Boundless Opportunities

Amber Curling
Planning Director

PATRICIA SABO
Clerk to the Board

JOHN S. MORRISON
County Attorney

Mailed late PM on
2/1/2023
ayc

February 1, 2023

Porch Coffee, LLC
James D Bach
1008 Sullivan Lane
Chesapeake, VA 23322

RE: Public Hearing for UDO no. 2022-10-11, Variance Application

Dear Mr. Bach,

This is to inform you, Pursuant to Article 151.2.2.6 of the Camden County Unified Development Ordinance, the Camden County Board of Adjustment will hold a public hearing on Wednesday, February 15, 2023 at 7pm, or soon thereafter as the agenda will allow. The meeting will be held in the Board Room in the Camden County Library at 118 NC Hwy 343 N. On the agenda is UDO no. 2022-10-11, a Variance Application for 200 Main Street in South Mills. The Variance request is to Article 151.3.6.3 of the Camden County Unified Development Ordinance, dimensional requirements (setback and lot coverage).

You or your representative must be in attendance for your application to be heard.

If you have any questions, contact the Planning Office at (252) 338-1919 ext. 232.

Sincerely,

Amber Curling
Planning Department

cc: file
Patricia Sabo
Jason Mizelle

FLOYD ALBERTSON
186 NOSAY ROAD
SOUTH MILLS NC 27976

DANNY ANGEL
100 JONES AVENUE
SOUTH MILLS NC 27976

WILLIAM G. TULLAR
P.O. BOX 111
GRAND RIVERS KY 42045

VARAHI PROPERTY MANAGEMENT LLC
202 MAIN ST
SOUTH MILLS NC 27976

BENNY MICHAEL ELKINS
205 MAIN ST
SOUTH MILLS NC 27976

ERNEST BEALE INGE
PO BOX 30
SOUTH MILLS NC 27976 0030

JANET SANDERLIN INGE
PO BOX 30
SOUTH MILLS NC 27976

JANET S. & E. BEALE INGE
P.O. BOX 30
SOUTH MILLS NC 27976

AMBROSE R. STAPLES
202 SPENCER AVENUE
SOUTH MILLS NC 27976

JANET S. & E. BEALE INGE
P.O. BOX 30
SOUTH MILLS NC 27976

JANET S. & E. BEALE INGE
P.O. BOX 30
SOUTH MILLS NC 27976

HERBERT TAYLOR MULLEN
101 E ELIZABETH STREET
ELIZABETH CITY NC 27909

REBECCA TARKINGTON
12530 MERRY DRIVE
CHESTER VA 23831

REBECCA TARKINGTON
12530 MERRY DRIVE
CHESTER VA 23831

EBENEZER BAPTIST CHURCH
115 MAIN STREET
SOUTH MILLS NC 27976

DONALD T. READ
P.O. BOX 6920
CHESAPEAKE VA 23323

PORCH COFFEE LLC
1008 SULLIVAN LANE
CHESAPEAKE VA 23322

NEW LEBANON LODGE NO 314
C/O THOMAS SIMPSON
120 CHAMBERLAIN RD
SOUTH MILLS NC 27976

DAVID SCOTT WHITE
640 FIRETOWER ROAD
ELIZABETH CITY NC 27909

COVER SHEET

County of Camden
P.O. Box 74
117 North 343
Camden, NC 27921
252-338-1919 ext. 232

EMAIL TO: legals@apgenc.com
The Daily Advance
Attn: Lisa Bailey

FROM: Amber Curling Planner

Date: February 1, 2023

URGENT Reply ASAP _____ Please Comment _____

Review _____

RE: Account #2100210

Number of Pages: 1

Please publish the following Public Notice in the Friday, February 3, 2023 and Friday, February 10, 2023 editions of the Daily Advance.

Any questions, please call Amber Curling at 338-1919 ext. 232.

Pursuant to Article 151.2.2.6 of the Camden County Unified Development Ordinance, the Camden County Board of Adjustment will hold a public hearing on Wednesday, February 15, 2023 at 7pm, or soon thereafter as the agenda will allow. The meeting will be held in the Board Room in the Camden County Library Building at 118 NC Hwy 343 N. On the agenda is UDO no. 2022-10-11, a Variance Application for 200 Main Street in South Mills. The Variance request is to Article 151.3.6.3 of the Camden County Unified Development Ordinance, dimensional requirements (setback and lot coverage).

A copy of the Variance Request and supporting documentation is available at the Camden County Planning Office or from www.camdencountync.gov website under Department of Planning, Zoning, and Flood Management. For any inquires contact the Planning Department at 252-338-1919 ext. 235.

The public is invited to attend and make comments to the board. Any changes to the application may be made after the public hearing.

2/1/2023 emailed

2.3.26. VARIANCE

A. Purpose and Intent

The purpose of this section is to allow certain deviations from the dimensional standards of this Ordinance (such as height, setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner’s control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the County’s watershed protection standards in Section 3.8.5, Watershed Protection Overlay (WPO).

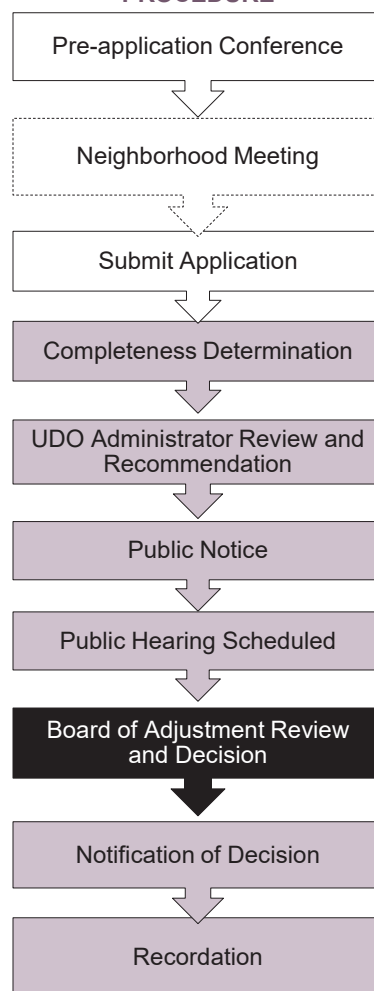
B. Applicability

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.
3. In addition to the standards for variance from the basic zoning-related provisions of this Ordinance, this section also includes provisions for the consideration of variances to the watershed protection standards in Section 3.8.5, Watershed Protection Overlay (WPO).
4. Variances to the special flood hazard area provisions in Section 3.8.3, Special Flood Hazard Area Overlay (SFHA), are processed in accordance with the procedure described in this section and the standards in Section 3.8.3, Special Flood Hazard Area Overlay (SFHA).

C. Variance Procedure

1. **Pre-Application Conference**
Applicable (see Section 2.2.2, Pre-Application Conference).
2. **Neighborhood Meeting**
Optional (see Section 2.2.3, Neighborhood Meeting).
3. **Application Submittal**
Applicable (see Section 2.2.4, Application Submittal).
4. **Staff Review and Action**
 - a. Applicable (see Section 2.2.5, Staff Review and Action).
 - b. The UDO Administrator shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.3.26.D, Variance Review Standards.
5. **Public Notice**
Applicable (see Section 2.2.6, Public Notice).
6. **Board of Adjustment Review and Decision**
 - a. Applicable (see Section 2.2.9, Action by Review Authority, and Section 2.2.7.C, Quasi-Judicial Public Hearings).
 - b. The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
 - c. The decision shall be based on the evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the appropriate standards in Section 2.3.26.D, Variance Review Standards.
 - d. The decision shall be one of the following:
 1. Approval of the variance as proposed;
 2. Approval of the variance with revisions; or
 3. Denial of the variance.
 - e. Each decision shall be made in writing and reflect the BOA’s determination of contested facts and their application to the standards in this Ordinance.
 - f. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
 - g. The decision of the BOA shall be effective upon the filing of the written decision.
7. **Procedure for Consideration of a Variances to the Watershed Protection Standards**

FIGURE 2.3.26: VARIANCE PROCEDURE



ARTICLE 151.2 Procedures

Section 2.3 Specific Review Procedures

2.3.26 Variance

a. Variances Distinguished

1. Minor Variance

The BOA shall review and decide applications for a minor variance from the standards in Section 3.8.5, Watershed Protection Overlay (WPO), in accordance with the procedure in this section. A minor variance application addresses requests for the following:

- A. A reduction of up to five percent of a buffer width;
- B. A reduction to the minimum lot area requirements of five percent or less;
- C. An increase of up to five percent of the maximum allowable density or built-upon area requirement under the high-density option; or
- D. A reduction of up to 10 percent of any management requirement under the low density option.

2. Major Variance

A. The BOA shall review and make a recommendation on an application for a major variance from the standards in Section 3.8.5, Watershed Protection Overlay (WPO), in accordance with Section 2.3.26.C.7.b, Procedure.

- B. A major variance application includes requests for the following:
1. The relaxation, by a factor greater than 10 percent, of any management requirement under the low density option;
 2. The relaxation, by a factor of greater than 5 percent, of any management requirement under the low density option; or
 3. Any variation in design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

b. Procedure

1. Minor Variance

Applications for a minor variance to the watershed protection standards shall be processed in accordance with the standards and requirements in Section 2.3.26.C, Variance Procedure.

2. Major Variance

Applications for a major variance to the watershed protection standards shall be processed in accordance with the standards and requirements in Section 2.3.26.C, Variance Procedure, except for the following:

- A. The Board of Adjustment shall make a recommendation on major water-related variance applications pertaining to water supply watershed standards based on the competent, material, and subsequent evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section 2.3.26.D.3, Watershed Protection Variance Review Standards. The recommendation shall be one of the following:
 1. Approval of the variance as proposed;
 2. Approval of the variance application with revisions; or
 3. Denial of the variance.
- B. Each recommendation shall be made in writing and reflect the BOA's determination of facts and their application to the standards in this Ordinance.
- C. The written recommendation shall be signed by the Chair or other duly authorized member of the BOA.
- D. The application materials, along with the recommendation of the BOA shall be forwarded to the North Carolina Environmental Management Commission.
- E. The final decision regarding a major water-related variance shall be made within 90 days of receipt by the North Carolina Environmental Management Commission in accordance with all applicable State law.
- F. Any decision by the EMC shall be subject to review by the Superior Court of the county where located.
- G. Denials of a major water-related variance application shall not be forwarded to the North Carolina Environmental Management Commission by the BOA.

8. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

9. Recordation

ARTICLE 151.2 Procedures

Section 2.3 Specific Review Procedures

2.3.26 Variance

If a variance application is approved, the notice of decision shall be recorded by the County in the office of the Camden County Register of Deeds.

D. Variance Review Standards

1. Zoning Variance Review Standards

a. Required Findings

A zoning variance shall be approved on a finding the applicant demonstrates all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

b. Other Considerations

In addition to the making the required findings in subsection (a) above, the BOA may also consider the following:

1. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure;
2. All property taxes on the land subject to the variance application have been paid in full;
3. None of the following may be used as the basis for approving a variance:
 - A. Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;
 - B. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
 - C. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
 - D. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
 - E. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
 - F. Financial hardship.

2. Special Flood Hazard Area Variance Review Standards

The standards for variance to the special flood hazard area provisions is in [Section 2.3.26.C, Variance Procedure](#).

3. Watershed Protection Variance Review Standards

Decisions or recommendations on applications to the watershed protection standards shall be based on the following three findings (subsections a-c), which shall be supported by written findings of fact and conclusions of law:

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the BOA must find that all of the five following conditions exist.
 1. If he or she complies with the provisions of this Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit to be made from the property will not be considered adequate to justify the BOA in granting a variance. Moreover, the BOA shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that will make possible the reasonable use of his or her property.
 2. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates this Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the BOA for relief.

ARTICLE 151.2 Procedures

Section 2.3 Specific Review Procedures

2.3.26 Variance

5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- c. In granting the variance, the public safety and welfare have been assured and substantial justice has been done. The BOA shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

E. Insufficient Grounds for Approving Variances

The following factors shall not constitute sufficient grounds for approval of any variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
2. Hardships resulting from factors other than application of requirements of this Ordinance;
3. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

F. Conditions of Approval

In granting a variance, the BOA may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

1. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
2. Violation of a condition of approval shall be deemed a violation of this Ordinance.
3. If a violation or invalidation of a condition of approval occurs, the UDO Administrator may revoke the certificate of occupancy for the development subject to the variance.

G. Effect

1. General

Approval of a zoning variance or special flood hazard area variance authorizes only the particular regulatory relief approved by the BOA. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

2. Notification Regarding Flood Insurance Costs

- a. An applicant for whom a special flood hazard area variance is approved shall be provided written notice by the UDO Administrator specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is built. The notice shall inform the applicant about the risks to life and property from construction below the BFE and that issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance.
- b. The notification shall be maintained by the UDO Administrator with the record of the special flood hazard area variance action.

3. Records

Upon request, the UDO Administrator shall report all special flood hazard area variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

H. Amendment

Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. Expiration

1. If the BOA does not include a time period by which development subject to a zoning variance or a special flood hazard area variance expires, development shall commence within 12 months of the date of issuance of the variance or the variance shall expire and become null and void.
2. A major or minor watershed protection variance shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within six months from the date of the decision.
3. A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

J. Appeal

1. Appeal of a decision on a variance shall be subject to review by the District 1 Superior Court by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class

ARTICLE 151.2 Procedures

Section 2.3 Specific Review Procedures

2.3.26 Variance

mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 151.3 Zoning Districts

Section 3.6 Commercial Districts

3.6.3 Village Commercial (VC) District

3.6.3. VILLAGE COMMERCIAL (VC) DISTRICT

<h1 style="margin: 0;">VC</h1> <h2 style="margin: 0;">Village</h2> <h3 style="margin: 0;">Commercial</h3>	A. Purpose Statement			
	<p>The Village Commercial district intended to foster high quality, compact, pedestrian-oriented development on lots within designated village centers. Development in the VC district is human-scaled and designed to promote visual interest for pedestrians. Ground-level retail and personal services that promote pedestrian activity along the street are highly encouraged and large, monolithic, automobile-oriented developments are prohibited. New development in the district is located close to the street, provides passers-by with clear views into the building's ground floor, and fosters sidewalk dining, outdoor seating, and interaction among pedestrians. The district requires urban-style open space (greens, seating areas, plazas, pocket parks, roof gardens, etc.) to be included as a part of new development. In addition to commercial uses, the district allows a variety of moderate-density residential development. New commercial, mixed-use, and multi-family developments in the district are subject to the design standards in ARTICLE 151.5 DEVELOPMENT STANDARDS.</p>			
B. Dimensional Requirements				
#	STANDARD TYPE	REQUIREMENT		
		RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT	NONRESIDENTIAL DEVELOPMENT
A	Maximum Residential Density (units/acre)	2.17 [1]	4.35	N/A
B	Minimum Lot Area (square feet)	20,000 per unit [2]	40,000	
C	Minimum Lot Width (feet)	100 [3] [4] [5]	100 [3] [6]	
D	Maximum Lot Coverage (% of lot area) [7]	24 [8]	24	
E	Minimum Open Space (% of development area)	15		
F	Minimum Front Setback (feet) [10]	10 [11]	None	None
G	Maximum Front Setback (feet)	None	35	35 [9]
H	Minimum Corner Side Setback (feet) [10]	10	15	15
I	Minimum Interior Side Setback (feet) [11] [12]	10	5; 10 from residential development	
J	Minimum Rear Setback (feet)	10 [11]	10	
K	Min. Distance Between Buildings, Front-to-Back (feet) [13]	20		
L	Min. Distance Between Buildings, Side-to-Side (feet) [13]	10		
M	Minimum Accessory Building Setback (feet)	10	5	
N	Maximum Building Height (feet) [14]	35	40	35
NOTES:				
[1] Maximum residential density may be increased to 4.35 units per acre on lots served by public sewer.				
[2] Minimum lot area per unit may be reduced to 10,000 square feet on lots served by public sewer.				

ARTICLE 151.3 Zoning Districts

Section 3.6 Commercial Districts

3.6.3 Village Commercial (VC) District

- [3] Lots on a cul-de-sac street shall maintain a minimum frontage of 35 feet and shall maintain 80 percent of the required minimum lot width at a point located 50 feet from the street right-of-way edge.
- [4] Single-family attached dwelling lots shall maintain a minimum width of 16 feet.
- [5] Applied to the entire development or parent parcel. In no instance shall an individual lot for a dwelling other than attached single-family residential have a width of less than 25 feet.
- [6] May be reduced to 75 feet on lots on lots served by public sewer.
- [7] The maximum lot coverage may be increased with approval from NCDEQ and compliance with all applicable stormwater management requirements.
- [8] May be increased to 30% on lots of less than 20,000 square feet in area.
- [9] May be increased to the minimum necessary to accommodate two rows of parking in cases where outdoor dining or seating areas of at least 20 feet in depth are provided in front of the building.
- [10] Minimum setbacks are increased by an additional 25 feet from lot lines adjacent to an arterial street (US 17, NC 34, NC 343, Old Swamp Road, Sandy Hook Road, and the portion of US 158 east of the railroad tracks).
- [11] Setbacks are measured from the perimeter of the development to an individual structure.
- [12] Setbacks are 0 feet from lot lines occupied by party walls.
- [13] Applied in cases where there are two or more principal buildings on a single lot.
- [14] Height is measured from base flood elevation (BFE).

C. Lot Pattern Example



D. District Dimensional Standards

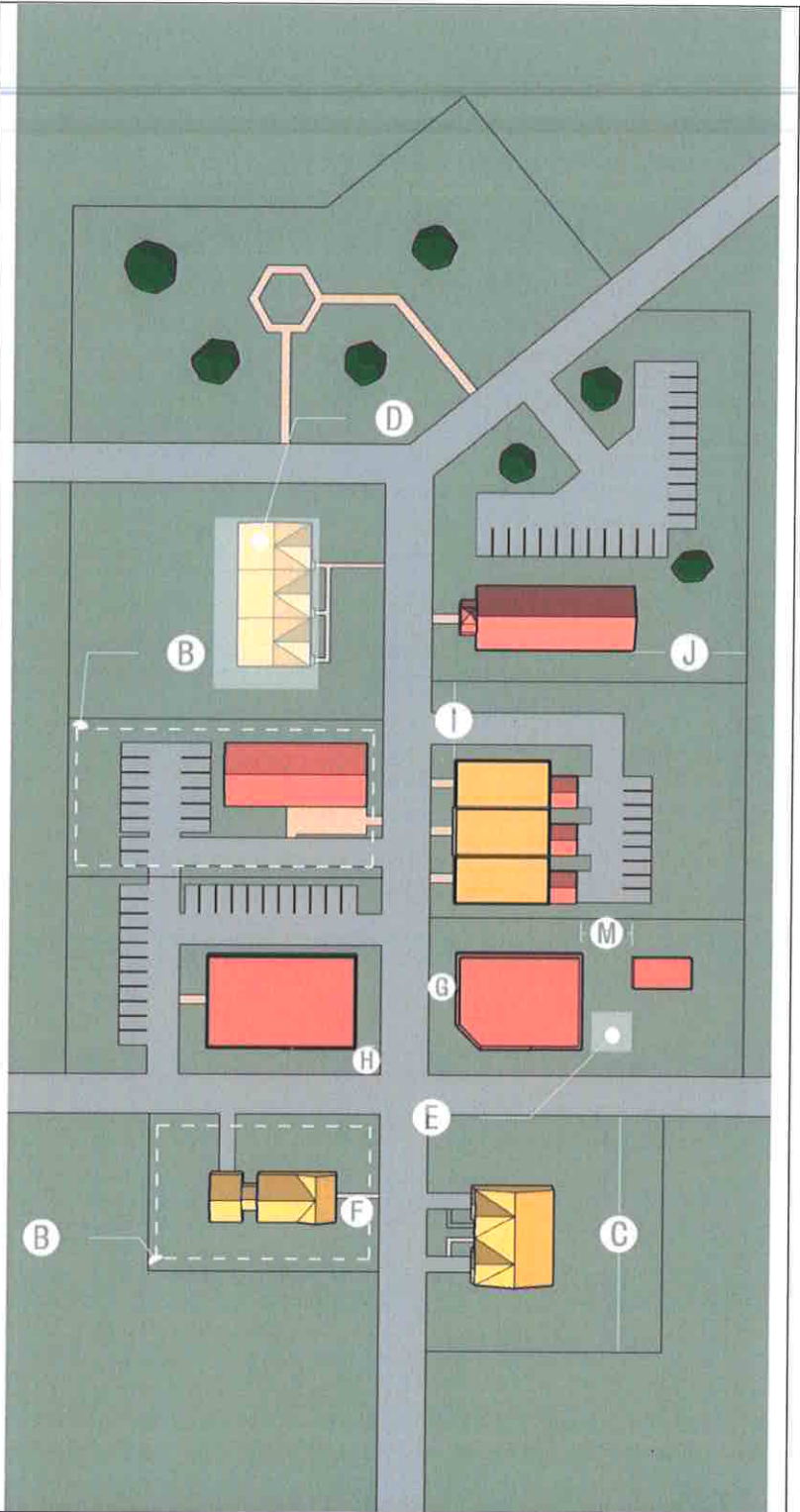
E. Preferred Development Examples



ARTICLE 151.3 Zoning Districts

Section 3.6 Commercial Districts

3.6.3 Village Commercial (VC) District

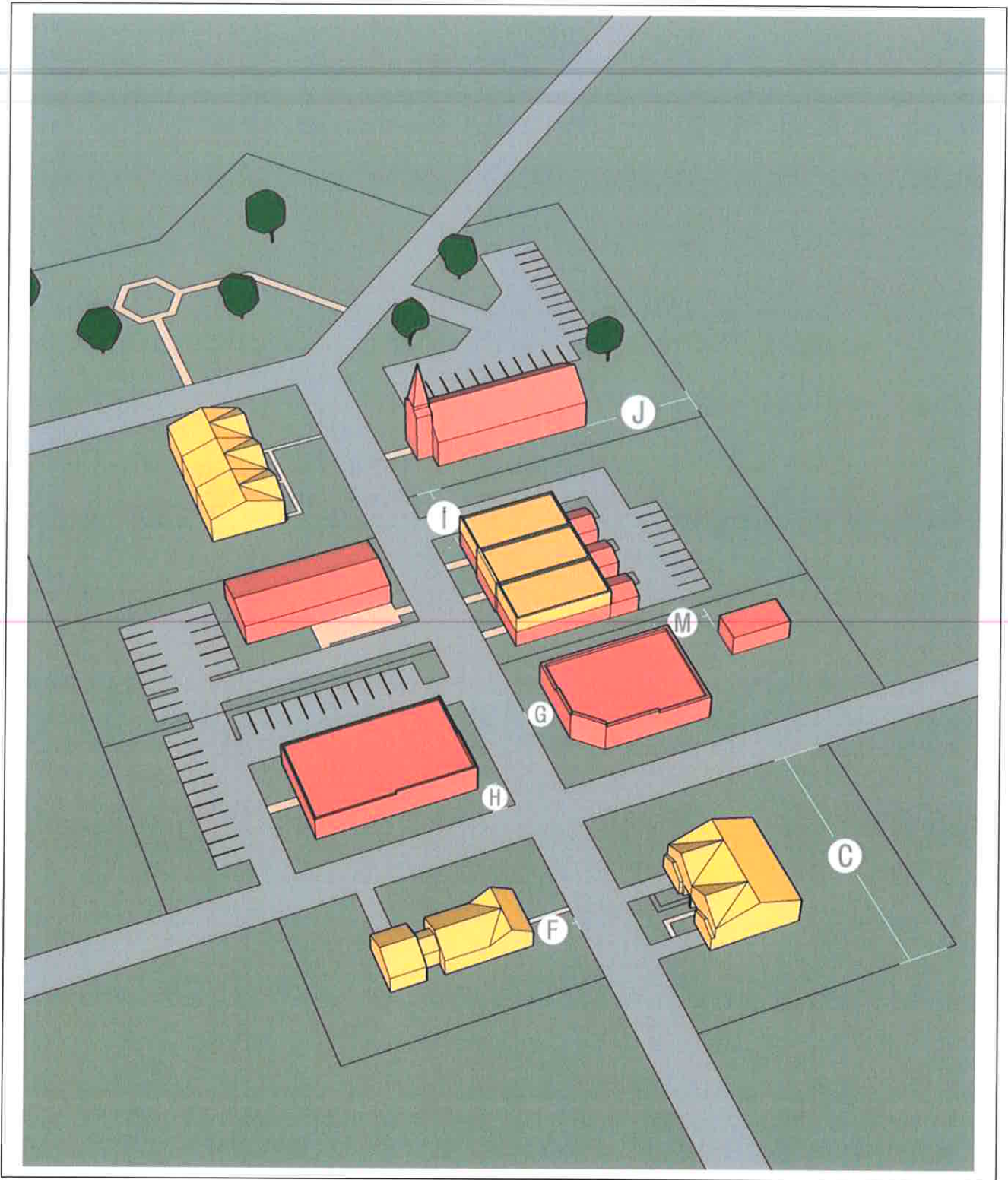


F. Development Configuration Example

ARTICLE 151.3 Zoning Districts

Section 3.6 Commercial Districts

3.6.3 Village Commercial (VC) District



7.1. STORMWATER MANAGEMENT

7.1.1. PURPOSE AND INTENT

These stormwater management standards are proposed to ensure new and existing development is configured to retain and slowly release stormwater to help avoid nuisance flooding on surrounding lands. These standards are intended to:

- A. Establish basic requirements for stormwater management for all uses across the County;
- B. Identify the types of development required to file a stormwater management plan to control stormwater in accordance with this section;
- C. Clarify the maintenance responsibilities for stormwater management devices;
- D. Recognize the County's Stormwater Drainage Design Manual as a resource for applicants subject to requirements to prepare stormwater management plans; and
- E. Ensure that deposition of soil or fill material on a lot does not create negative stormwater runoff impacts for adjacent lots.

7.1.2. APPLICABILITY

A. Stormwater Management Required

The stormwater management standards in this section shall apply to all the following forms of development:

- 1. New residential development (including subdivisions of land) that disturbs one acre of land area or more;
- 2. All residential subdivisions of land except exempt subdivisions, transfer plats, and minor subdivisions creating only one lot;
- 3. New non-residential and mixed-use development where 10,000 square feet of land area or more is disturbed; and
- 4. There is a grade differential of nine inches or more between adjacent lots either prior to or after grading or other construction activity, regardless of the size of the lot.

B. Land Disturbance

- 1. The standards pertaining to the land disturbance, including deposition of fill, in [Section 7.2, Standards for Land Disturbance](#), shall apply to all new development in the County, including construction of single-family detached dwellings on individual lots.
- 2. The standards for land disturbance shall also apply to any land disturbing activities on an existing non-residential, mixed-use, or multi-family development site after February 4, 2019.

7.1.3. STORMWATER MANAGEMENT PLAN REVIEW

Stormwater management plans shall be prepared and reviewed in accordance with [Table 7.1.3: Stormwater Management Plan Review](#).

TYPE OF DEVELOPMENT PROPOSED	STORMWATER MANAGEMENT PLAN REQUIRED?	STORMWATER MANAGEMENT PLAN REVIEWED BY COUNTY STORMWATER ENGINEER [1]
Exempt Subdivision	No	No
Transfer Plat	No	No
Expedited Subdivision	Yes	No
Minor Subdivision	Yes [2]	Yes if 3 or more lots proposed
Preliminary Plat (Major Subdivision)	Yes	Yes
Minor Site Plan	No	No
Major Site Plan	Yes	Yes
NOTES: [1] In cases where a stormwater management plan is required but review by the County Stormwater Engineer is not required, the stormwater management plan will be reviewed by the UDO Administrator. [2] Minor subdivisions creating only one lot are not required to submit a stormwater management plan.		

- A. Stormwater management plans shall be prepared by a professional engineer or land surveyor licensed by the State of North Carolina with proven experience in stormwater drainage.
- B. Stormwater management plans shall be prepared in accordance with Section 6 of the County's Stormwater Drainage Design Manual.

ARTICLE 151.7 Environmental Provisions

7.1 Stormwater Management

7.1.4 Stormwater Management Standards

- C. When stormwater management plan review by the County's stormwater engineer is required, the review shall be at the applicant's expense.
- D. The plan shall clearly indicate the steps that will be taken for restoring a stormwater management facility to design specifications if a failure occurs.
- E. Nothing shall limit the ability of an applicant for a preliminary plat to file a conceptual or preliminary stormwater management plan for consideration by the Planning Board and Board of Commissioners as part of the approval of a preliminary plat. However, a final stormwater plan, meeting all the standards in the Stormwater Drainage Design Manual, shall be approved by the County prior to the commencement of any construction activities associated with the preliminary plat.

7.1.4. STORMWATER MANAGEMENT STANDARDS

- A. **Compliance with Camden County Stormwater Drainage Design Manual**
 - 1. New development shall comply with the applicable portions of the Camden County Stormwater Drainage Design Manual in addition to the standards in this section.
 - 2. In the event of conflict between the standards in the Camden County Stormwater Drainage Design Manual and the standards in this Ordinance, the standards in the Manual shall control.
- B. **Utilize Natural Drainage System**
 - 1. To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
 - 2. To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built only by altering such drainage ways.
- C. **Disruption of Stormwater Flow Prohibited**

All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:

 - 1. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 - 2. No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- D. **Undue Retention of Stormwater Prohibited**

All developments subject to these standards shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on a development site. Surface water shall not be regarded as unduly retained if:

 - 1. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater management plan; or
 - 2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- E. **Stormwater Management Facility Performance**
 - 1. Stormwater management facilities shall include both a means of on-site temporary storage of stormwater as well as a system for the controlled release of collected stormwater run-off into off-site areas, including through ground absorption.
 - 2. The total release rate of stored stormwater run-off on a site shall not exceed the rate of stormwater run-off that would result from the area in its pre-development state during a ten-year storm event. For the purposes of these stormwater management standards, a "pre-development state" is defined in the Camden County Stormwater Drainage Design Manual.
 - 3. All free-flowing stormwater removal systems within a subdivision shall be designed to accommodate a 24-hour ten-year storm event, or the NCDOT road drainage specifications, whichever is greater.
 - 4. Whenever practicable, the drainage system of a development shall connect to and not interfere with the drainage systems or drainage ways on surrounding developments or streets.
 - 5. No stormwater run-off water may be channeled or directed into a sanitary sewer.
 - 6. Downstream drainage impediments that restrict stormwater run-off flow to a point of making a proposed subdivision unable to comply with these standards shall be addressed by the subdivider through additional storage of excess stormwater on site, improving downstream flow with the consent of all property owners adjacent to the drainage way, or a combination of both.
- F. **Stormwater Management Along Streets**

Use of drainage swales along streets, as opposed to traditional curb, gutter, and storm drains, is permissible in areas specified by the Camden County Stormwater Drainage Design Manual.
- G. **Requirements for New Swales and Ditches**

ARTICLE 151.7 Environmental Provisions

7.1 Stormwater Management

7.1.5 Maintenance Requirements

1. All swales or ditches in a development's stormwater system shall be protected from erosion prior to issuance of a final plat or building permit (as appropriate).
2. Compliance with these standards shall be reached solely through the establishment of vegetative cover or installation of a stabilized vegetative mat. Immature or unestablished vegetation is insufficient for complying with the standards of this section.

H. Development Subject to CAMA Permit Requirements

Any development that requires a CAMA Major Development Permit or a sedimentation and erosion control plan shall be subject to the state stormwater runoff policies promulgated in 15 NCAC 2H Section 1000, unless exempted by those regulations.

I. Facility Location and Access

1. Stormwater management facilities shall, to the maximum extent practicable, be designed and configured to allow on-going maintenance of the facility, including periodic dredging, as appropriate.
2. Stormwater management facilities serving a subdivision shall be located on their own lot or on a lot in common ownership. In no instance shall a facility serving a subdivision be located upon building lot intended for private ownership. Nothing shall limit the placement of a stormwater run-off conveyance on a private lot provided it is also located within a stormwater easement that permits periodic inspection and maintenance.

J. Stormwater Easement May Be Required

1. Nothing shall prohibit the County from requiring establishment of a permanent access and maintenance easement in favor of the County from a public right-of-way or other acceptable form of ingress and egress to a stormwater management facility.
2. Such easement shall be the minimum size and configuration necessary to allow the County to maintain the stormwater management facility, as determined in the sole discretion of the County.
3. The County shall not be responsible for damage to landscaping, fencing, walls, or other features located within the easement that results from routine inspection and maintenance of the facility.

K. Certification Upon Installation

1. Following installation of a stormwater management facility, a professional engineer licensed by the State of North Carolina shall certify the installation was performed as designed and verified by an as-built survey.
2. A certificate of occupancy shall not be issued for any building within the permitted development until the stormwater management facility has been certified and the certification has been accepted by the County.

7.1.5. MAINTENANCE REQUIREMENTS

A. Maintenance Required

1. Stormwater management facilities established on private lands in accordance with these standards shall be regularly maintained to ensure it maintains the minimum level of required functionality in terms of stormwater run-off retention, release, and conveyance. Determination of an acceptable level of functionality shall rest solely with the County.
2. Guidelines on stormwater management facility maintenance are included in Division 12 of the County's Stormwater Drainage Design Manual. At a minimum, the facility shall be regularly maintained to ensure continued structural integrity, retention of stormwater run-off holding capacity, avoidance of sedimentation and soil subduction, as well as regular and on-going maintenance of vegetation and trash removal in accordance with the applicable nuisance provisions in the County Code of Ordinances.

B. Responsible Party

1. Maintenance responsibility for stormwater management facilities shall be upon the owner of the property where the facilities are located, or on an entity that has legally agreed to be responsible for their maintenance.
2. Nothing in these standards shall prohibit the transfer of maintenance responsibility for stormwater management facilities from a landowner to another entity, such as transfer from a developer to a homeowner's association.
3. The stormwater management plan prepared in accordance with Section 7.1.2.A, Stormwater Management Required, shall specify the party responsible for stormwater management facility maintenance.
4. In the event a subdivision is established with an owner's association taking responsibility for maintenance of common features like stormwater management facilities, the documents establishing the association and its operating procedures shall specify the association's responsibility for stormwater management facility maintenance.

C. Vegetation

Vegetation shall not be established or allowed to mature in areas proximate to a stormwater management facility if the integrity of a stormwater management facility is diminished or threatened, or access to the facility is interrupted.

D. Annual Inspection Required

ARTICLE 151.7 Environmental Provisions

7.1 Stormwater Management

7.1.6 Maintenance Warranty Required

An annual inspection report on each stormwater management facility shall be performed by a knowledgeable expert and documented on forms provided by the County. Annual inspection reports shall be submitted to the County in accordance with the schedule outlined in the approved stormwater management plan. Failure to prepare an inspection report or falsification of report findings shall be a violation of this Ordinance subject to the standards and requirements in ARTICLE 151.9, Enforcement.

E. Inspection by County

Regardless of the timing or contents of an annual inspection report, the County may inspect stormwater management facilities located on private property. Inspection may include, but is not limited to: testing of structures, water, or vegetation as the County determines may be useful to determine the history or performance of the stormwater management facility.

7.1.6. MAINTENANCE WARRANTY REQUIRED

Final approval of all stormwater management facilities required by the County shall be conditioned on the posting of a maintenance warranty for the purpose of maintenance and repair of the facility, in accordance with the following:

A. Acceptable Form of Warranty

1. Prior to final inspection and certification of a stormwater management facility, the responsible party shall deposit either cash or an evergreen letter of credit with the County as a maintenance warranty that the stormwater management facility will be properly maintained.
2. All evergreen letters of credit shall be in a form readily convertible into cash at face value.
3. In the event of transfer of maintenance responsibility from one entity to another, maintenance warranties shall be transferred along with maintenance responsibility.

B. Amount of Warranty

1. The cash or evergreen letter of credit shall be in an amount equal to 15 percent of the total cost of the stormwater management facility or the estimated cost of maintaining it over a ten-year period, whichever is greater.
2. The estimated cost of maintaining the stormwater management facility shall be consistent with the approved plan provided to the County by the developer.

C. Default

1. Upon failure of the responsible party to properly maintain the stormwater management facility in accordance with these standards or the applicable stormwater management plan, the County shall obtain and use all or any portion of the maintenance warranty to conduct necessary maintenance. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the responsible party to comply with these maintenance requirements.
2. The County shall not return any of the unused deposited cash funds, which shall be retained for further maintenance.

D. Warranty not a Substitute for Maintenance

Posting of a maintenance warranty in accordance with this section shall not absolve a responsible party from maintaining a stormwater management facility in accordance with the standards in Section 7.1.5, Maintenance Requirements.