

## STAFF REPORT

### UDO 2018-06-19 Zoning Map Amendment

#### PROJECT INFORMATION

<b>File Reference:</b>	UDO 2018-06-19	<b>Application Received:</b>	6/14/2018
<b>Project Name;</b>	N/A	<b>By:</b>	David Parks, Permit Officer
<b>PIN:</b>	01-7090-00-16-3805	<b>Project Address/Location:</b>	101 Sharon Church Road, South Mills
<b>Applicant:</b>	Dana & Patrick Smith	<b>Application Fee paid:</b>	\$650 Check #3120
<b>Address:</b>	101 Sharon Church South Mills, NC	<b>Completeness of Application:</b>	Application is generally complete
<b>Phone:</b>	(252) 698-0215	<b>Documents received upon filing of application or otherwise included:</b>	
<b>Email:</b>		<b>A.</b>	Rezoning Application
<b>Agent for Applicant:</b>		<b>B.</b>	Deed
<b>Address:</b>		<b>C.</b>	GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps
<b>Phone:</b>			
<b>Email:</b>			
<b>Current Owner of Record:</b>	Dana & Patrick Smith		
<b>Meeting Dates:</b>			
7/18/2018	<b>Planning Board</b>		

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**REQUEST:** Rezone approximately 3 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

**From:** Basic Residential (R3-2)

**To:** Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

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Vicinity Map:



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**SITE DATA**

**Lot size:** Approximately 2.98 acres

**Flood Zone:** Zone X

**Zoning District(s):** Basic Residential (R3-2)

**Existing Land Uses:** Residential

**Adjacent Zoning & Uses:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	Basic Residential (R3-1)	Basic Residential (R3-2)	Residential (R3-2)	Basic Residential (R3-2)
<b>Use &amp; size</b>	55 acres – Mill Run Open Space Subdivision - Lot size 25,000 sf.	36 acres – Woodland/Wetlands	55 acres – Mill Run Subdivision	Woodland/Open Space Mill Run

**Proposed Use(s):**

The Uses will remain the same; just the density change is requested from two to one acre.

**Description of property:**

Property abuts Sharon Church and Keeter Barn roads. Property has house on it and at one time had a Singlewide. A second septic tank is located on the property.

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**ENVIRONMENTAL ASSESSMENT**

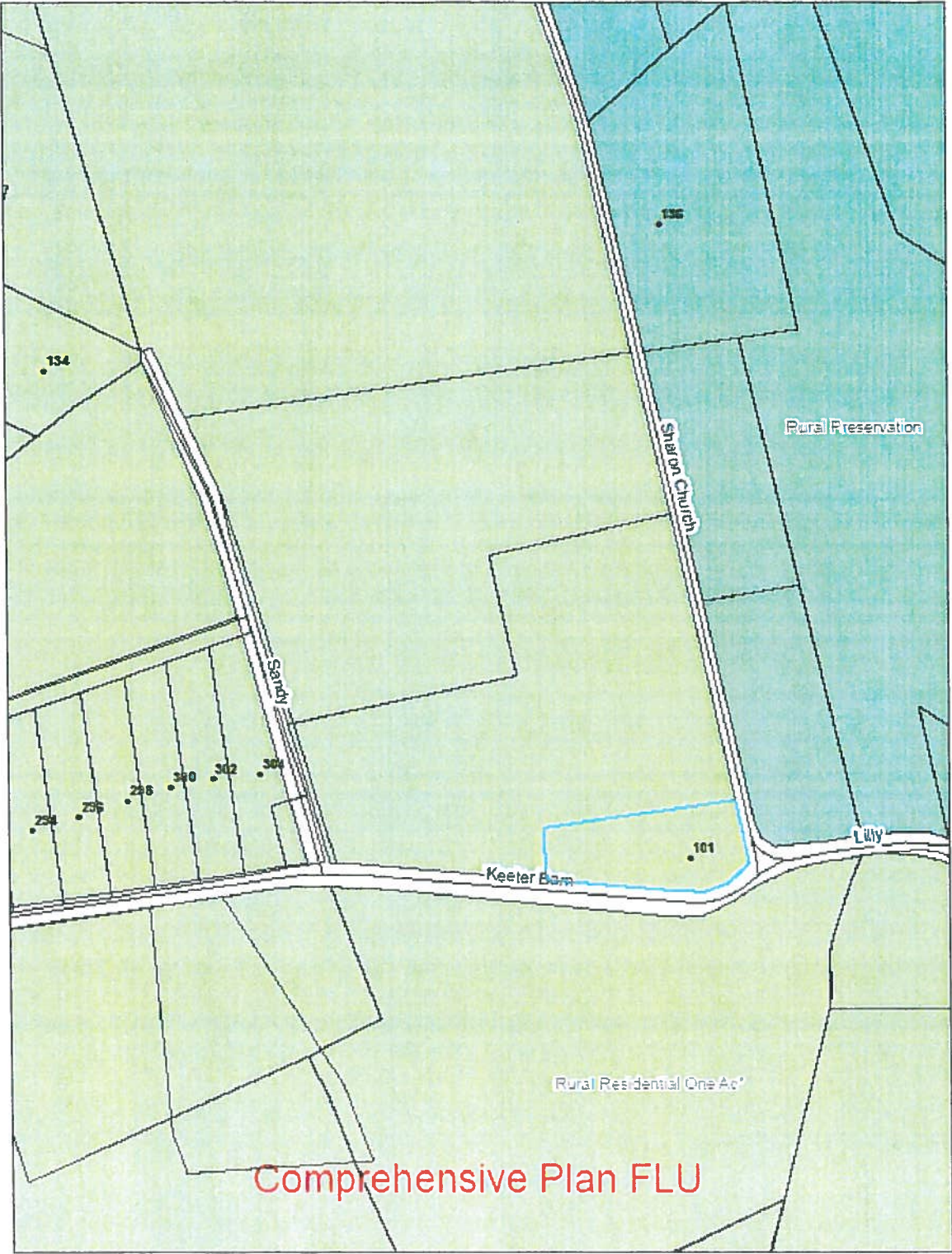
**Streams, Creeks, Major Ditches:** Mill Run Ditch.

**Distance & description of nearest outfall:** Less than 1 mile.

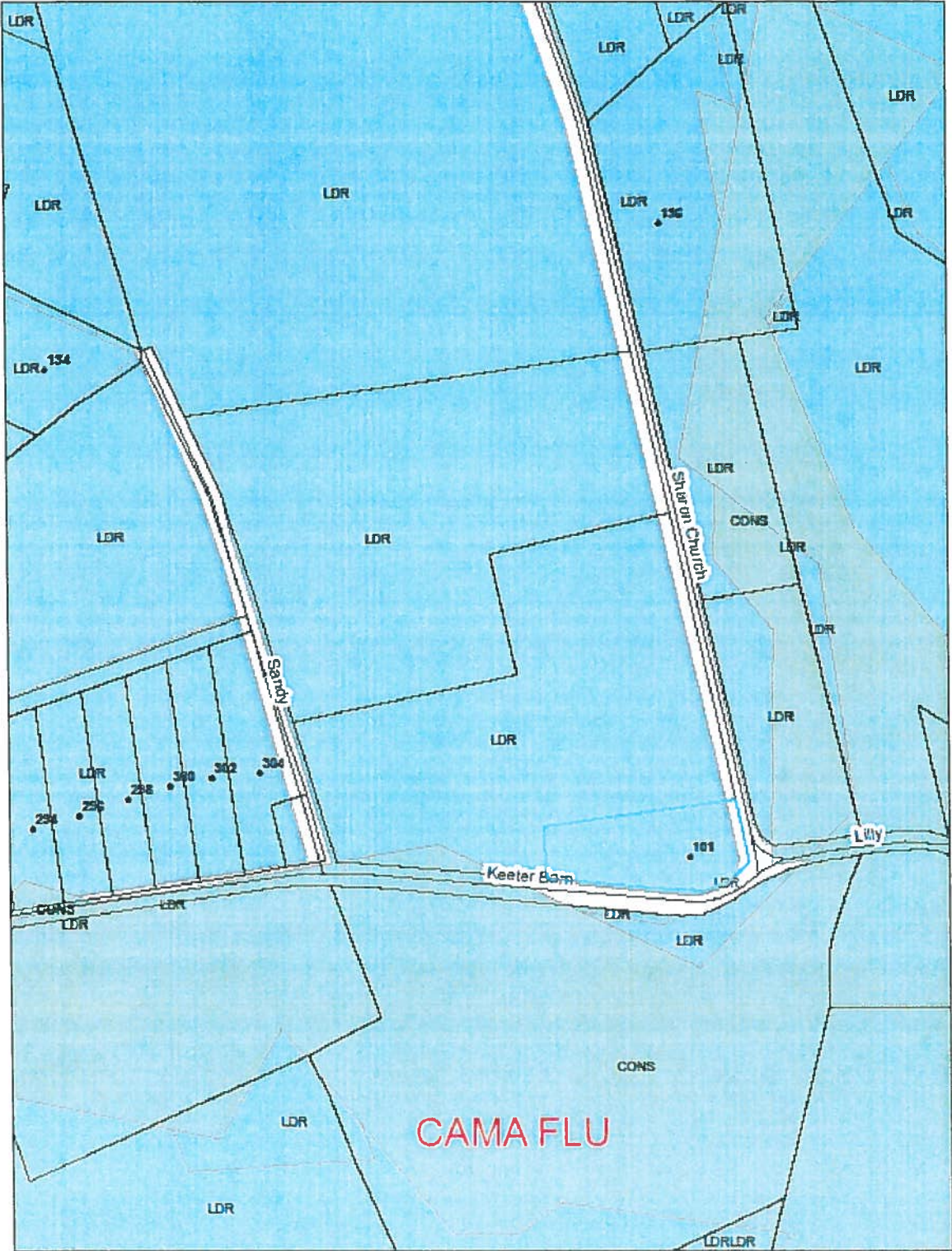
**CAMA Land Suitability:**



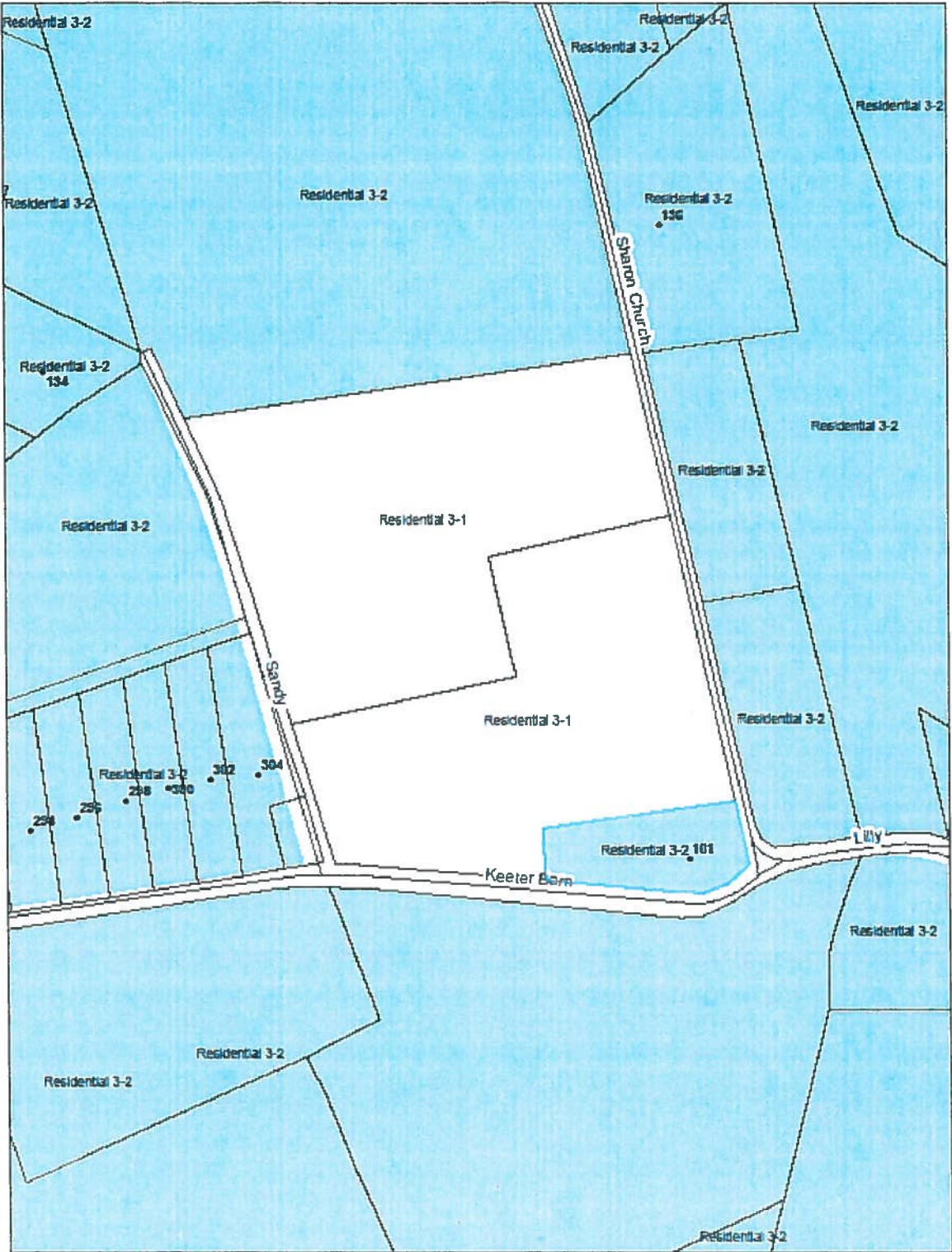
Comprehensive Plan Future Land Use Map\



CAMA Future Land Use Map



**Zoning Map:**



**INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Water lines are located adjacent to property along Sharon Church and Keeter Barn roads.
<b>Sewer</b>	There are 2 septic systems on property.
<b>Fire District</b>	South Mills Fire District. Property located approximately 3 miles from Station on Keeter Barn Road.
<b>Schools</b>	Impact calculated at subdivision.
<b>Traffic</b>	Staffs opinion is traffic will not exceed road capacities.

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**PLANS CONSISTENCY**

**CAMA Land Use Plan Policies & Objectives:**

Consistent  Inconsistent

The proposed zoning change is consistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the Future Land Use Maps has area as Low Density Residential 1-2 acres or greater.

**PLANS CONSISTENCY – cont.**

**2035 Comprehensive Plan**

Consistent  Inconsistent

Consistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Residential 1 acre lots.



**PLANS CONSISTENCY – cont.**

**Comprehensive Transportation Plan**

Consistent       Inconsistent

Property abuts Sharon Church and Keeter Barn Roads.

**Other Plans officially adopted by the Board of Commissioners**

N/A

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

Yes       No       **Will the proposed zoning change enhance the public health, safety or welfare?**

**Reasoning:** The proposed zoning change will neither enhance nor adversely affect the public health, safety, or welfare.

Yes       No       **Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**  
N/A

**Reasoning:** The allowable uses in the R3 (Basic Residential) zoning will not change as the request is for higher density from two acres to one acre.

Yes       No       **For proposals to re-zone to non-residential districts along major arterial roads:**

Yes       No       **Is this an expansion of an adjacent zoning district of the same classification? N/A**

**Reasoning:**

Yes       No       **What extraordinary showing of public need or demand is met by this application? N/A**

**Reasoning:**

Yes  No

**Will the request , as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

**Reasoning:** All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes  No

**Does the request impact any CAMA Areas of Environmental Concern?**

**Reasoning:** Property is outside any CAMA Areas of Environmental Concern.

Yes  No

**Does the county need more land in the zoning class requested?**

**Reasoning:** Higher density development in areas identified in the Comprehensive and CAMA plans provides needed roof tops to support commercial development.

Yes  No

**Is there other land in the county that would be more appropriate for the proposed uses?**

N/A

**Reasoning:** Proposed uses will not change.

Yes  No  **Will not exceed the county's ability to provide public facilities:**

**Schools** – The possible additional lot will have minimal impact on the school.

**Fire and Rescue** – Minimal impact.

**Law Enforcement** – Minimal impact.

**Parks & Recreation** – Minimal impact

**Traffic Circulation or Parking** – N/A

**Other County Facilities** – No.

Yes  No  **Is This A Small Scale "Spot" Rezoning Request Requiring Evaluation Of Community Benefits?**

**If Yes (regarding small scale spot rezoning) – Applicants Reasoning:**

	<b>Personal Benefits/Impact</b>	<b>Community Benefits/Impact</b>
<b>With rezoning</b>	Will allow owner to either create a lot for child or create a 1 lot minor subdivision.	Little to no Community Benefits
<b>Without rezoning</b>	Property owner will not be able to create lot for child as parcel is just under 3 acres and current zoning requires residual lot meet current zoning of 2 acres (lot is 2.98 acres).	No Change.

**STAFF COMMENTARY:**

The owner would like to do either a parent to child exempt subdivision or a one lot minor subdivision. Under the parent to child exempt residual would have to meet 2 acres under current zoning. This is an expansion of an adjacent zoning and is in conformity with adopted plans.

**Staff recommends the following:**

**Consistency Statement:**

The requested Map Amendment is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for densities as low as one acre and is an expansion of an adjacent zoning.

**Recommendation:**

Staff recommends approval of this rezoning request from Basic Residential (R3-2) to Basic Residential (R3-1).

Zoning Change Application  
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Applicant's Name: Dana & Patrick Smith

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 101 SHARON CHURCH RD  
SO. MILLS, NC 27976

Daytime Phone Number: (252) 698-0215 Direct dial office or (252) 305.7801 cell

Street Address Location of Property: 101 SHARON CHURCH RD. SO. MILLS NC 27976

General Description of Proposal: request rezone approx 3 ac from basic residential (R3-2) to (R3-1).

*I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.*

Signed: Saman Smith

Dated: 06/14/2018

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

\* Information to be filled out by Planning Department

\* Is the Property in a Watershed Protection area? \_\_\_\_\_

\* Flood Zone (from FIRM Map): X \_\_\_\_\_ \* Taxes paid? yes / no \_\_\_\_\_

Please Do Not Write in this Box
PIN: <u>01-7090-00-16-3805</u>
UDO# <u>2018-06-19</u>
Date Received: <u>6/14/18</u>
Received by: <u>WP</u>
Zoning District: <u>R3-2</u>
Fee Paid: \$ <u>650.<sup>00</sup></u>

CK #  
7120  
WP

## Zoning Change Application Questions

*The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.*

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

**The proposed zoning change request will allow us to subdivide an acre lot in an area that allows for higher density. Though not a significant impact like the residential subdivision next to us, it will provide needed roof tops for commercial development.**

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

**The range of permitted uses are the same (according to the Planning Department) as the zoning will not change, only the density.**

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(1) Is this an expansion of adjacent zoning district of the same classification?

**Not applicable.**

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

**Not applicable.**

\$2.00 per 1000 value

### NORTH CAROLINA GENERAL WARRANTY DEED

**Excise Tax:**

Parcel Identifier No. 01-7090-00-16-3805 Verified by Camden County on the 29 day of June, 2010  
By: 18 239900.00 / 2399.00 per lot No delinquent taxes

Mail/Box to: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

This instrument was prepared by: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

Brief description for the Index: HL 101 SHARON CHURCH ROAD, SOUTH MILLS, NC

THIS DEED made this 11th day of June, 2010, by and between

GRANTOR	GRANTEE
WILBER L HINES and wife, PAULA M. HINES 805 Windsor Point Chesapeake, VA 23320	PATRICK W. SMITH and wife, DANA M. SMITH 101 Sharon Church Road South Mills, NC 27976

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:

SEE ATTACHED "EXHIBIT A" WHICH IS INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed does include the primary residence of the Grantors.  
The property hereinabove described was acquired by Grantor by instrument recorded in Book 258 page 275.

A map showing the above described property is recorded in Plat Book 4 Cabinet 4 Slide 77-A page 77-A.

Beginning at a point, said point being presently designated by an iron pin and located at the intersection of Lilly Road, State Road Number 1225, and Sharon Church Road, State Road Number 1231, and from said point of beginning thence continuing along State Road Number 1225 South 64° 58' 14" West 87.40 feet to a point; thence South 83° 44' 58" West 77.42 feet to a point; thence North 77° 41' 26" West 94.07 feet to a point; thence North 74° 51' 22" West 385 feet to a point, cornering; thence North 7° 59' 59" East 155.04 feet to a point; thence South 87° 37' 28" East 586 feet to a point, said point being located on the western right-of-way of State Road Number 1231; thence South 3° 23' 52" East 52.10 feet to a point; thence South 3° 34' 34" East 152.76 feet to a point, being the said POINT AND PLACE OF BEGINNING. Reference is made to that certain map or plat entitled "Brenda J. Hamilton", prepared by S. Elmo Williams, Registered Surveyor, dated May 22, 2003, recorded in Plat Cabinet 4, at Slide 77A, of the Camden County Registry, and said plat is incorporated herein by reference for a more particular description of the tract of land described herein. And being the same tract of land conveyed to Wilber L. Hines and wife, Paula M. Hines by Deed dated December 27, 2007, recorded December 27, 2007 in Deed Book 258, at Page 275, of the Camden County Registry.



the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

\_\_\_\_\_  
(Entity Name)

Wilber L. Hines (SEAL)  
WILBER L. HINES

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Paula M. Hines (SEAL)  
PAULA M. HINES

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

State of North Carolina - County of Pasquotank

I, the undersigned Notary Public of ~~the~~ Camden County and State aforesaid, certify that WILBER L. HINES and wife, PAULA M. HINES personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 28<sup>th</sup> day of June, 2010.

My Commission Expires: 09/18/2011

Candy P. Compton  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he is the \_\_\_\_\_, a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf and its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

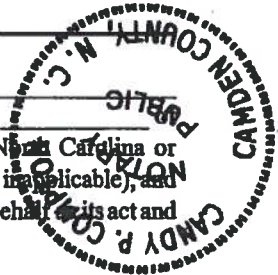
Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ 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: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds



Plat C-4 Slide 77A

MINOR SUBDIVISION  
 BRENDA J HAMILTON  
 CAMDEN COUNTY, NORTH CAROLINA  
 SOUTH MILLS TOWNSHIP  
 SCALE 1 INCH = 100 FEET MAY 22, 2003

Certificate of Ownership and Accuracy  
 I, Brenda J Hamilton, owner of the property described herein, which property is located within the subdivision jurisdiction of Camden County, North Carolina, hereby certify that I have personally surveyed the land shown on this plat as streets, alleys, walks, paths, open space, and easements except those specifically indicated as private, and that I will maintain all such areas until the date of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be dedicated to the use of the other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

Brenda J Hamilton  
 Owner  
 Date: 9-23-03

Certificate of Approval  
 I hereby certify that the Minor Subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Camden County Unified Development Ordinance, and that therefore this plat has been approved by the Camden County Administrator subject to its being recorded in the office of the Camden County Register of Deeds within thirty (30) days of the date below.

[Signature]  
 Administrator  
 Date: 9/23/03

I, K Alison Bony, a notary public of Camden County, North Carolina, do hereby certify that ATTEST personally appeared before me this day and acknowledged the due execution of the foregoing certificate.

K Alison Bony  
 Notary Public  
 My commission expires: 9-21-08

I, [Signature], a notary public of Camden County, North Carolina, do hereby certify that the residual parcel(s), if any, meet or exceed the minimum lot size as specified within the Camden County Unified Development Ordinance.

[Signature]  
 Notary Public  
 Date: 9/23/03

I, [Signature], Register of Deeds of Camden County, North Carolina, do hereby certify that the map or plat to which this certification is affixed meets all existing requirements for recording.

[Signature]  
 Register of Deeds  
 Date: 9/23/03

I, [Signature], Register of Deeds of Camden County, North Carolina, do hereby certify that the map or plat to which this certification is affixed meets all existing requirements for recording.

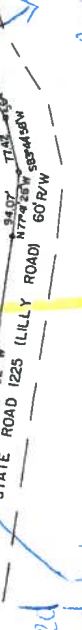
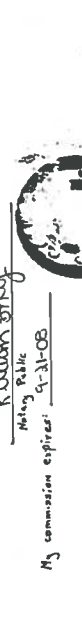
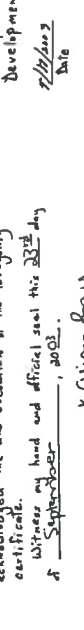
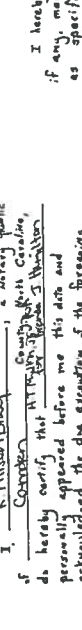
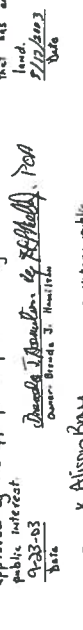
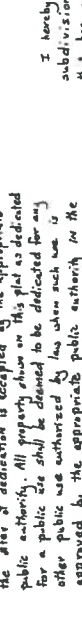
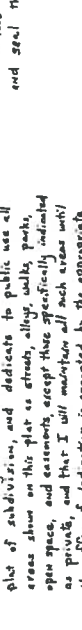
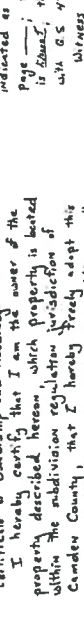
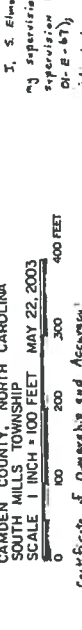
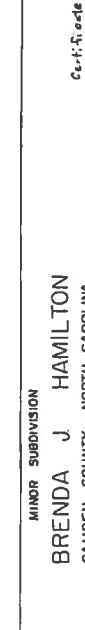
[Signature]  
 Register of Deeds  
 Date: 9/23/03

I, [Signature], Register of Deeds of Camden County, North Carolina, do hereby certify that the map or plat to which this certification is affixed meets all existing requirements for recording.

[Signature]  
 Register of Deeds  
 Date: 9/23/03

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[Signature]  
 Register of Deeds  
 Date: 9/23/03



Site Data: 1) Acres in total lot: 2.98 Acres  
 2) Average lot size: 2.98 Acres  
 3) Number of lots: 1.

Note: This property is in flood zone C.

Print and record in the Office of Public Works, Camden County, North Carolina, on the 23rd day of September, 2003. C. K. [Signature]

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