Camden County Planning Board
Regular Meeting
December 19, 2018 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES
The regular meeting of the Camden County Planning Board was held on December 19, 2018 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME
Planning Board Members Present:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calvin Leary</td>
<td>Chairman</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Fletcher Harris</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Rick McCall</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Ray Albertson</td>
<td>Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Steven Bradshaw</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Cathleen M. Saunders</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
</tbody>
</table>

Planning Staff Present:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Parks</td>
<td>Permit Officer</td>
<td>Present</td>
<td>6:35 PM</td>
</tr>
<tr>
<td>Amy Barnett</td>
<td>Planning Clerk</td>
<td>Present</td>
<td>6:35 PM</td>
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</tbody>
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Also Present:
Also present for purposes of speaking in regards to UDO 2018-11-13 Rezoning Request, McPherson & Hess, GUD to R-3-1, were Attorney Herbert Mullen who represented Alvin Hess, who was also present.

CONSIDERATION OF AGENDA
Motion to Approve Agenda as Presented

RESULT: PASSED [UNANIMOUS]
MOVER: Rick McCall, Board Member
SECONDER: Steven Bradshaw, Board Member
AYES: Leary, Harris, McCall, Bradshaw, Saunders
ABSENT: Albertson
CONSIDERATION OF MINUTES

Motion to Approve 11-14-18 Minutes As Written

RESULT: PASSED [UNANIMOUS]
MOVER: Steven Bradshaw, Board Member
SECONDER: Rick McCall, Board Member
AYES: Leary, Harris, McCall, Bradshaw, Saunders
ABSENT: Albertson

OLD BUSINESS - NONE

NEW BUSINESS

A. UDO 2018-11-13 Rezoning Request, McPherson & Hess, GUD to R-3-1

Dave Parks described this agenda item and went over the staff report as incorporated herein below:

----------------------------------------------------------------
STAFF REPORT
UDO 2018-11-13
ZONING MAP AMENDMENT

PROJECT INFORMATION

File Reference: UDO 2018-11-13
Project Name: N/A
PIN: 01-8916-00-08-2247
Applicant(s): Woodrow McPherson & Alvin Hess Jr.
Address(es): 865 & 729 NC Hwy 343 North, Respectively
Phone(s): 252-771-8011 / 252-455-1920
Email:
Agent for Applicant:
Address:
Phone:
Email:
Current Owner of Record: Woodrow Gus McPherson Jr., LE
Meeting Dates
Planning Board: 12/19/2018
Application Received: 11/19/2018
By: David Parks, Permit Officer
Application Fee Paid: $650.00, Check # 1014
Completeness of Application: Generally Complete

Documents received upon filing of application or otherwise included:
A. Rezoning Application
B. Aerial of portion of property requested to be rezoned.
C. Deed
D. GIS Aerial, existing zoning, Comprehensive Plan future land use, and CAMA Land Use Plan Suitability Maps

PROJECT LOCATION

Street Address: Property located at 729 NC Hwy 343 North
Location Description: South Mills Township

REQUEST: Request rezone 1 acre to include existing house at 729 NC Hwy 343 North from General Use District (GUD) to Basic Residential (R3-1). This is a resubmittal of a request for rezoning of the property filed under (UDO 2017-08-07) that was denied by the Board of Commissioners on a 3-2 vote.

SITE DATA

Lot Size: Entire tract is approximately 73 acres.
Area to be rezoned is 1 acre.

Flood Zone: Zone X

Zoning District(s): General Use District (GUD)

Existing Lane Uses: Agriculture / Residential

Adjacent Zoning & Uses:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>General Use District (GUD)</td>
<td>General Use District (GUD)</td>
<td>General Use District (GUD)</td>
<td>General Use District (GUD)</td>
</tr>
<tr>
<td>Use &amp; Size</td>
<td>Farm / Woodland</td>
<td>Farm / Woodland</td>
<td>Farmland / Housing</td>
<td>Woodland</td>
</tr>
</tbody>
</table>

Proposed Use(s):
The use already exists as residential

Description of property:
Property abuts NC Hwy 343 North.
Maps Show:

Vicinity Map: Located at 729 NC 343 North, House & 1 Acre
CAMA Land Suitability: Moderate
Comprehensive Plan Future Land Use Map: Rural Preservation
CAMA Future Land Use Map: Low Density Residential
Zoning Map: General Use

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: None
Distance & description of nearest outfall: Pasquotank River is less than ¼ mile to the west.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water: Water lines are located adjacent to property along NC Hwy 343
Sewer: Sewer lines located adjacent to property along NC Hwy 343
Fire District: South Mills Fire District. Property located over 6 miles from Station off Main Street. Property located just over 5 miles from South Camden Fire Station on Sawyers Creek Road.
Schools: Impact already exists.
Traffic: Staffs opinion is traffic will not exceed road capacities.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives: Inconsistent; The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that this is classified as spot zoning.


Comprehensive Transportation Plan: Consistent; Property abuts NC Hwy 343 North.

Other Plans Officially adopted by the Board of Commissioners: N/A
FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Will the proposed zoning change enhance the public health, safety, or welfare? Yes; Reasoning: The proposed zoning change will enhance the welfare of Mr. Alvin Hess, as it will legally allow him the ownership of the house lot that his late Mother Evelyn Williams thought she left him.

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? No; Reasoning: The use as residential for this lot already exists and is permissible in both zoning districts.

For proposals to rezone to non-residential districts along major arterial roads:

Is this an expansion of an adjacent zoning district of the same classification? N/A; Reasoning: N/A.

What extraordinary showing of public need or demand is met by this application? N/A; Reasoning: N/A.

Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances? No; Reasoning: All uses allowed in the requested zoning classification should not cause any serious noise, odors, light, activity, or unusual disturbances.

Does the request impact any CAMA Areas of Environmental Concern? No; Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Does the county need more land in the zoning class requested? No; Reasoning: Staff's opinion is that the requested zoning classification is needed, but not in this area. Opinion is based on the County's Comprehensive Plan.

Is there other land in the county that would be more appropriate for the proposed uses? No; Reasoning: Proposed use already exists.
Will not exceed the county's ability to provide public facilities: No.
197
Schools - Impact already exists.
199
Fire and Rescue - Minimal Impact.
200
Law Enforcement - Minimal Impact.
201
Parks & Recreation - Minimal Impact.
202
Traffic Circulation or Parking - N/A.
203
Other County Facilities - No.
204

Is this a Small Scale "Spot" Rezoning Request Requiring Evaluation of Community Benefits? Yes.
206

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

<table>
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<tr>
<th></th>
<th>Personal Benefits / Impact</th>
<th>Community Benefits / Impact</th>
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</thead>
<tbody>
<tr>
<td>With Rezoning</td>
<td>Will allow owner to cut house out of the farm. See Staff Commentary.</td>
<td>None.</td>
</tr>
<tr>
<td>Without Rezoning</td>
<td>See Staff Commentary</td>
<td>No Change.</td>
</tr>
</tbody>
</table>

STAFF COMMENTARY:

In 2015 staff talked to then the current property owner (Mrs. Williams) and her attorney (Mr. Mullen) about information on subdividing the house out of the farm for her son. I informed her that she could subdivide out an acre of land as a deed of gift from a parent to a child and if she went through the regular minor subdivision process and the current zoning on property (GUD) minimum lot size would be 5 acres.

Prior to her passing, she sold to Mr. Gus McPherson Jr. what she believed was everything but the house on one acre. Her attorney (Mr. Mullen) drew up the deed which created an illegal subdivision as he gave a description of the house lot containing +/- one acre of land as being exempt. Deed was recorded in the Registry of Deeds. There was never any survey recorded subdividing that one acre or deed transferring the property.
It is staff's opinion that since the survey/deed for the house lot was never drawn up and recorded that the current owner, Mr. Gus McPherson, owns the house and lot. Mr. McPherson wants to get this error corrected as Mrs. Williams' son lives in the house and should be the rightful owner.

2016, 2017, 2018 taxes owed on house lot approximately $3,386.03.

**STAFF RECOMMENDATION:** Though this would definitely be spot zoning and not consistent with the Comprehensive Plan or CAMA Land Use Plan, Staff recommends approval of this Zoning Map Amendment as the situation was created at no fault of the previous/current property owner and it is in the best interest of the public as it will allow Mr. Alvin Hess to legally obtain the land and house his mother intended to give him at her passing.

At this time, Mr. Parks opened the floor to public comments. Mr. Herbert Mullen, Attorney for Mr. Hess, spoke.

Herbert Mullen, Attorney at Law:

- Mrs. Williams sold her property to Mr. McPherson with the exception of the house and lot it sits on.
- Deed was drawn up for Mr. McPherson's property exempting the house and lot

Chairman Calvin Leary asked why the Board of Commissioners denied the rezoning request when it was initially heard during 2017. Mr. Parks replied that there was an adjacent property owner who spoke out during the public hearing saying that it would be unfair to allow the rezoning when she herself was denied the ability to do something similar in the past.

Chairman Leary further asked what the chances were that the Board of Commissioners would approve it this time. Mr. Parks stated that the applicants and attorney will have a chance to speak their case at the public hearing. The issue of the taxes owed on the house and lot needs to be cleared up and paid by whom ever ends up being the end owner.

Mr. Mullen noted that there are adjacent lots in the area that are smaller than the 5 acre minimum for General Use District. Mr. Parks replied saying that those lots are what is termed legal non-conforming uses and they have no bearing on this case.
At this time, Mr. Alvin Hess spoke:

- Stated he is a 71 year old veteran.
- He is the son of the previous owner of the property, Mrs. Williams.
- He stated he does not want to become homeless should this be denied.

At this time, Mr. Parks explained what the consistency statement should be (see below), after which motions were made as follows:

**Motion to Approve Consistency Statement:** Rezoning of 1 Acre to include existing house at 729 North 343 from GUD to R31 is inconsistent with both the CAMA Land Use Plan and the Comprehensive Plan.

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<tr>
<td>SECONDER:</td>
<td>Steven Bradshaw, Board Member</td>
</tr>
<tr>
<td>AYES:</td>
<td>Leary, Harris, McCall, Bradshaw, Saunders</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Albertson</td>
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</table>

**Motion to Approve Rezoning of 1 Acre to include existing house at 729 North 343 from GUD to R31 as it serves the best interest of the public.**

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<td>ABSENT:</td>
<td>Albertson</td>
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Board member Rick McCall pointed out to those present that the Planning Board is only a recommending board, and that this still must be heard before the Board of Commissioners, who will make the final decision on this matter. Mr. Parks stated that this will go to the Board of Commissioners, in their January consent agenda, to set the public hearing date which will be for their February meeting.

**INFORMATION FROM BOARD AND STAFF**

Mr. Parks updated the Planning Board on the status of the UDO rewrite.

Planning Clerk Amy Barnett spoke briefly regarding the 2019 schedule for the Planning Board.

**CONSIDER DATE OF NEXT MEETING - JANUARY 16, 2019**
ADDITIONAL MATTERS TO COME BEFORE THE BOARD

Due to the resignation of previous Vice Chairman of the Planning Board, Patricia Delano, the position of Vice Chairman was left vacant. To resolve the vacant position, the following motion was made:

Motion to Appoint Steve Bradshaw to position of Vice Chairman of Planning Board.

RESULT: PASSED [UNANIMOUS]
MOVER: Rick McCall, Board Member
SECONDER: Cathleen M. Saunders, Board Member
AYES: Leary, Harris, McCall, Bradshaw, Saunders
ABSENT: Albertson

ADJOURN

Motion to Adjourn

RESULT: PASSED [UNANIMOUS]
MOVER: Rick McCall, Board Member
SECONDER: Cathleen M. Saunders, Board Member
AYES: Leary, Harris, McCall, Bradshaw, Saunders
ABSENT: Albertson

The meeting adjourned at 7:25 PM.

Chairman Calvin Leary
Camden County Planning Board

ATTEST:

Amy Barnett, Permit Clerk
Camden County Planning Department