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**Camden County Board of Adjustment**  
Record of Proceedings  
June 2, 2003  
7:00 PM  
Senior Center Conference Room  
Courthouse Complex

Chairman Roger Lambertson called to order a meeting of the Camden County Board of Adjustment with the following members present: Roger Lambertson, Morris Kight, William McPherson, Tony Royle, Emory Upton, Patrick Duckwall and Calvin Forbes. Also present were Dave Parks, Permit Technician and Melissa Joines, Clerk to the Board.

Chairman Lambertson called for consideration of the agenda. Chairman Lambertson stated there were no changes to the agenda.

Chairman Lambertson called for consideration of the May 5, 2003 minutes. Kight made a motion to approve the minutes as read. Upton seconded the motion. The motion passed 5-0.

Chairman Lambertson called for comments from the public. Hearing none Chairman Lambertson continued with the agenda.

**Old Business**

**Item #1 Variance Application (UDO 2003-05-10) from Jim Walter Homes on Appearance Standards UDO Article 2 Section 210(2)(A) located at 301 Stingy Lane, South Mills Township – attachments**

Chairman Lambertson made a motion to open the public hearing. Royle seconded the motion. The motion passed 5-0.

Mike Wall of Jim Walter Homes was sworn in and stated that he had only been with Jim Walter Homes for about four months during which time the original salesperson had been moved to another store and the original framer, who had the corrected 6/12 roof pitch plans had been taken off the job. Therefore in the change of employees the correct marked up plans had been taken. Mr. Wall stated he did not know about the plans to change to roof pitch.

Chairman Lambertson called upon staff who recommend disapproval of the application. Staff stated that Jim Walter Homes had submitted house plans with a 5/12 roof pitch and staff had called to correct the plans. Staff stated on the plans the person who they spoke with, date and time of the conversation.

Wendy McPherson, property owner, was sworn in and stated she feels that this is a Jim Walter Homes mistake and they admit to being wrong. Mrs. McPherson feels her family will be put out and stated that she feels this is not a normal circumstance. Mrs. McPherson stated changing the roof pitch would be a hardship on her family.

Hearing no more comments from the applicants or the public, Chairman Lambertson made a motion to close the public hearing. Royle seconded the motion. The motion passed 5-0.

Chairman Lambertson then continued with the questions:

- 1. If the applicant complies strictly with provisions of the Ordinance, he can make no reasonable use of his property.**

Applicant response: Yes, roof can be torn off, but due to over site, we pray this will not be the outcome. At which will be great cost to builder and be hardship for home owner.

Staff response: If applicant complies with the provisions of the Ordinance, he can make reasonable use of property.

**Chairman Lambertson made a motion that if applicant complies with the provisions of the Ordinance, he can make reasonable use of property. Kight seconded the motion. The motion passed 5-0.**

- 2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.**

Applicant response: Yes, applicant only – if home is turned down home will be unlivable. As built now per Jim Walter Plans, due to over site of county codes on roof pitch, roof would have to be torn off and rebuilt costing time and money, and hardship to homeowner.

Staff response: The hardship that the applicant suffers was one that was created by the applicant by not meeting the 6/12 roof pitch as indicated on plans submitted to Planning Office.

**Chairman Lambertson made a motion that the hardship that the applicant suffers was one that was created by the applicant by not meeting the 6/12 roof pitch as indicated on plans submitted to Planning Office. McPherson seconded the motion. The motion passed 5-0.**

- 3. The hardship relates to the applicant's land, rather than personal circumstances.**

Applicant response: Yes, home was being built by Jim Walter Homes as a single family dwelling, for the purpose of better, more comfortable lifestyle.

Staff response: The hardship relates to personal circumstances as applicant did not comply with the building plans submitted thus creating violation to roof pitch per UDO Section 210.

**Chairman Lambertson made a motion that the hardship relates to personal circumstances as applicant did not comply with the building plans submitted thus creating violation to roof pitch per UDO Section 210. Kight seconded the motion. The motion passed 5-0.**

- 4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.**

Applicant response: Yes, hardship was an over site on Jim Walter Homes employee and if variance is turned down will create greater hardship on home

owners due to time and living accommodations.

Staff response: The hardship is unique, as all other builders abide by the same appearance standards set forth in the Camden County Unified Development Ordinances.

**Chairman Lambertson made a motion that the hardship is unique, as all other builders abide by the same appearance standards set forth in the Camden County Unified Development Ordinances. Upton seconded the motion. The motion passed 5-0.**

**5. The hardship is not the result of the applicant's own actions.**

Applicant response: Per Jim Walter Homes, plans (change of personnel and sub contractors while house was under construction caused this great hardship on home owner and builder)

Staff response: The hardship is the result of the applicant's own actions, as the plans that were submitted reflected a 5/12 roof pitch. Staff informed person submitting building application of the error and called company and received verbal approval from Bill at Jim Walter Homes to change roof pitch to 6/12. Staff notated on plans the change in roof pitch to 6/12, date, time, and persons name authorizing change on plans.

**Chairman Lambertson made a motion that the hardship is the result of the applicant's own actions, as the plans that were submitted reflected a 5/12 roof pitch. Staff informed person submitting building application of the error and called company and received verbal approval from Bill at Jim Walter Homes to change roof pitch to 6/12. Staff notated on plans the change in roof pitch to 6/12, date, time, and persons name authorizing change on plans. Kight seconded the motion. The motion passed 5-0.**

**6. The Variance will neither result in the extension of a nonconforming situation in violation of Article 14 nor authorize the initiation of a nonconforming use of land.**

Staff response: If variance is approved, this will create a nonconforming situation and open the door for other building contractors to pursue this type of variance.

**Kight made a motion that if variance is approved, this will create a nonconforming situation and open the door for other building contractors to pursue this type of variance. McPherson seconded the motion. The motion passed 5-0.**

Chairman Lambertson made a motion to deny the variance application. Kight seconded the application. The motion passed 5-0.

**Items for Board members and staff**

The board questioned having a training session. Staff stated there would be a workshop on September 8, 2003.

**Information**

Board of Commissioners Minutes – March 3, 2003 & March 17, 2003  
Planning Board Minutes – April 16, 2003

**Consideration for date of next meeting – July 7, 2003**

The next Board of Adjustment meeting will be held on July 7, 2003.

**Adjournment**

Upton made motion that the meeting of the Camden County Board of Adjustment be adjourned. Kight seconded the motion. The motion passed 5-0. The meeting adjourned at 7:35 p.m.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Melissa Joines, Clerk to the Board