

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

APRIL 24, 2006

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, April 24, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

Members Present: Scott Lerew, Shane Brantley, Robert Carlson, Lemon Long, and Stuart May.

Members Absent: Johnnie Sledge

Others: Also present were Planning Staff members Donna Wood, Tammy Davis, Jason Rogers and Patrick Young.

Chairman Scott Lerew called the meeting to order at 7:00 P.M., and welcomed everyone in attendance.

Upon motion by Stuart May, seconded by Shane Brantley to approve the agenda as presented. The motion passed unanimously.

Upon motion by Stuart May, seconded by Shane Brantley to approve the minutes of the March 27, 2006 meeting. The motion passed unanimously.

Agenda Items:

- #1. Request for a Conditional Use Permit by Michael Santoro & Ron Walston for a Hunting Lodge located at State Road 1449 (Collins Mill Road) in the Agricultural Residential (AR) District in Gold Mine Township.

Donna Wood stated the petitioners plan to build a structure that will be used to lodge up to eight to ten guests per week. She stated the petitioner says the lodge and its supporting buildings will look to be nothing more than a slightly above average size single family home with normal out buildings of a small farm or what might be expected of someone living in a rural area. She stated an evergreen buffer will need to be provided in any areas where existing vegetation is not in place. She stated the surrounding area is zoned Agricultural Residential and is primarily agricultural residential in nature.

Michael Santoro and Ron Walston were affirmed in so they could answer questions from the Board. Mr. Santoro stated they are proposing a four month per year business. He stated invited guests will stay three to five days at the lodge to hunt. He stated there will be no dog hunting and still hunting is the only type of hunting allowed. He stated they leased land in Nash and Edgecombe Counties to

hunt on. He stated he feels the proposed use will have a positive impact and bring people into the area that will visit the local businesses.

Robert Carlson questioned if there would be any skeet shooting or setting gun sites on the property. Mr. Santoro stated no and nothing would be done half-hazard on the property. He stated he had spoken with the neighbors in the area and they expressed concern with trespassing. He stated since there would be no dogs being used it would eliminate the chance of any trespassing taking place. Chairman Lerew questioned if the proposed building would be a permanent structure or a temporary structure. Ms. Santoro stated it would be a permanent structure. Chairman Lerew questioned the number of people that would be at the lodge. Mr. Santoro stated the house is set-up to accommodate up to thirteen people. He stated the maximum number that he would like to be allowed is thirteen. Chairman Lerew questioned if the thirteen would include staff. Mr. Santoro stated the staff doesn't stay at the lodge. He stated people would come from other states as a group in one or two vehicles. He stated there would be no more than three or four vehicles at one time.

Carmen Parkhurst was affirmed in and stated he was an adjoining property owner. He stated he feels more at ease since listening to what the petitioners are requesting. He stated he does have some concern with there being no staff staying at the lodge with the guests. Mr. Santoro stated there will not be a staff person living at the lodge. He stated the staff will arrive before 4:00 A.M. and may not leave until midnight. He stated there will be staff at the lodge if there is a vacant bed. He stated their attorney will draw up a contract that all visitors must sign before they come to the lodge.

Chairman Lerew closed the public hearing and the Board proceeded to go through the Conditional Use Permit worksheet. Shane Brantley made a motion, seconded by Stuart May to approve the conditional use permit with the conditions that no more than fifteen people were allowed at the lodge and that no dogs would be allowed at the lodge.

Vote on Motion:

Ayes: Brantley, Long, Lerew, Carlson and May.

Noes: None

- #2. Request for a Variance from the minimum front yard setback requirement by Lauren Carlyle located at 112 Hopi Drive (Lot 1361C Lake Royale) in the Agricultural Residential (AR) District in Cypress Creek Township.

Donna Wood stated the petitioners park model recreational vehicle has been in place for approximately ten years. She stated the park model is located thirty feet from the edge of the pavement and is not thirty feet from the right-of-way. She stated the petition stated an existing septic tank on the property made placement of the park model difficult. She stated the property is located in the camper

section of Lake Royale which has a minimum front yard setback of thirty foot, and a five foot minimum side and rear setback requirement. She stated for everyday practical use, setback requirements are placed into the zoning ordinance for a number of reasons such as, protection of property value through predictability of development, safety for fire and rescue, and regulating density.

Lauren and Thomas Carlyle were affirmed in to answer any questions that the Board may have. Mrs. Carlyle stated there was an existing septic tank on the property when they purchased the property ten years ago. She stated she thought the park model had to be thirty feet from the pavement. She stated she never knew there was a problem until the Lake Royale Board of Directors notified them saying there was a violation. She stated they keep the lot well maintained and they haven't made anyone angry to justify this problem.

Patrick Young was affirmed in and stated camper lots aren't intended to be permanent structures and feels the deck would be the only structure that would require a building permit. Robert Carlyle stated it appears to him after reviewing the information provided, that if the petitioner had to move the park model sideways that the deck couldn't be used. Chairman Lerew questioned the cost if the park model had to be moved. Mrs. Carlyle stated it would cost them \$5,000 or more due to the fact they would lose the deck, landscaping and they would have to have a mobile home mover to move the park model.

Bryan Batton (County Attorney) stated the Board had to consider the uniqueness of the situation. He stated there was pre-existing conditions as to why they had to put the park model where it is located. He stated is it really reasonable to expect someone to pay \$5,000 or more to move a temporary structure that has been at the location for ten years. He stated the Board can consider pre-existing factors in their discussion. Mr. Young stated based on the GIS system and a staff measurement from the GIS system, the front of the structure is only four to seven feet from the right-of-way and twenty feet for the road. Mrs. Carlyle stated from the tongue of the structure to the right-of-way is 12 ½ feet and thirty feet from the roadway. She stated if Lake Royale ever widens the road, she would be more than happy to move their parking area for the lot.

Chairman Lerew closed the public hearing and the Board proceeded to go through the variance worksheet. Chairman Lerew made a motion, seconded by Shane Brantley to approve the variance request with the following conditions:

1. No other non-conforming improvements can be made to the property.
2. If the road is widened or acquired by Lake Royale, the parking area will be moved adjacent to the deck.

Vote on Motion:

Ayes: Brantley, Long, Lerew, Carlson and May.

Noes: None

- #3. Other Business Reports/Discussion
 - A.) Departmental Report
 - B.) Other Business/Reports/Discussion

With there being no further business before the Board, Chairman Lerew adjourned the meeting at 8:15 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin Co. Board of Adjustment