

## MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

April 28, 2008

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, April 28, 2008 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**PRESENT:** Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May.

**ABSENT:** Tammy Ray and Cynthia Hayes.

**STAFF:** Tammy Davis, Scott Hammerbacher and Jason Rogers.

Chairman Shane Brantley called the meeting to order at 7:00 P.M., and welcomed everyone in attendance. Scott Lerew made a motion, seconded by Stuart May to approve the agenda as presented. The motion passed unanimously. Scott Lerew made a motion, seconded by Stuart May to approve the minutes from the February 25, 2008 meeting. The motion passed unanimously.

### Agenda Items:

1. Request for a Variance from the Unified Development Ordinance Article 29-5 (Cul-de-sacs) by Gregory Walker located at Lot 1397 Lake Royale on 23.7 Acres in the R-1 Residential District in the Cypress Creek Township.

Scott Hammerbacher stated the petitioner is requesting a variance in order to exceed the maximum cul-de-sac length of 1200 feet. He stated the Unified Development Ordinance states that cul-de-sacs are not to exceed 1200 feet in length. He stated the UDO doesn't provide staff the criteria for exemptions to the connectivity ratio standard in this instance. He stated a variance is needed in order to approve the subdivision preliminary plan as presented. He stated the petitioner have informed Planning Staff that existing environmental constraints as reasons for exceeding the maximum cul-de-sac length of 1200 feet. He stated existing topographic conditions, streams and floodplain are some of the conditions cited by the petitioner.

Gregory Walker was sworn in and showed the board the location of the greenway and streams. He stated they don't have anyway of getting in or out except for the existing stub out from Shawnee Drive. He stated the roads they will build would be done to DOT specifications, which are better than some of the roads in Lake Royale. He stated he is trying to make an improvement by making lots bigger than the average lot size of the Lake Royale lots (1/3 of an acre). Robert Carlson questioned what would be done with the common area. Mr. Walker stated he is planning on putting in nature trails.

James Murphy (surveyor) was sworn in and stated that access of emergency vehicles will not be a problem with the extra length added to the cul-de-sac. He stated based on soil maps, this is the best use of the property. Chairman Brantley closed the public hearing and the Board proceeded to go through the variance worksheet.

Chuck Griffin made a motion, seconded by Stuart May that the Findings of Fact have been satisfied for the variance requested for the property located off Shawnee Drive (PIN 2830-80-7684). The motion was denied with Robert Carlson and Scott Lerew voting against the motion.

Stuart May made a motion, seconded by Chuck Griffin to approve the Variance requested to allow for the cul-de-sac length to exceed 1200 feet on the proposed property. The motion passed unanimously.

2. Request for a Conditional Use Permit for Kennel Operations for Stacey & Julie West located at 132 T.K. Allen Road on 7.04 Acres in the AR (Agricultural-Residential) District in the Louisburg Township.

Jason Rogers stated the Unified Development Ordinance requires a Conditional Use Permit for kennel operations in the AR district. He stated the submitted site plan indicates that the applicants will use existing vegetation for landscaping and buffering requirement, and are proposing 15 gravel parking spaces to meet the parking requirements. He stated Planning Staff recommends that the following conditions be considered:

- A specified maximum number of dogs and puppies.
- Limited hours of operation.
- Documentation on valid waste disposal or other approved means for waste disposal by the County.
- Adhere to the Franklin County Animal Control Ordinance.

Stacy West was sworn in and stated he currently leasing property off East River Road (old Mort Harris farm) for dog training purpose. He stated he just wants an area for a kennel and there would be no dog training. He stated the proposed would be a heated/air conditioned indoor/outdoor facility. He stated he would only board dogs at the proposed property. Scott Lerew questioned if someone would be at the facility overnight. Mr. West stated he intends to build his personal home on the adjoining property. Mr. Lerew questioned Mr. West if he sees reason why neighbors should be concerned. Mr. West stated noise and odor would probably be a concern, but he guaranteed these will not be an issue. He stated disinfection would take place twice a day and the dogs will be inside during the evenings. Scott Hammerbacher questioned if there would be any runs. Mr. West stated there would be an indoor run that leads out to an outdoor run which is fenced. Mr. Lerew questioned the number of staff. Mr. West stated initially there would only be two employees. He stated would like to grow to a 50 dog boarding facility but he can only train up to 16 dogs to maintain the professionalism. Mr. Carlson questioned if there would be any breeding. Mr. West stated they raise 1-2 small litters a year which are raised inside his home.

Pat Baker (90 TK Allen Rd) was sworn in and stated her property is one property over from the proposed site. She stated she is concerned with the possibility of odor and noise. She stated she has migraines and doesn't want to hear a large number of dogs barking. She stated she is also concerned with dogs getting out since she has a fear of dogs. Mr. Lerew stated based on the applicant's testimony, the facility is sheltered mainly. Mr. Lerew questioned if Mr. West would build his home before or after the kennel. Mr. West stated he intends to build the kennel and then his home at a later date. Chuck Griffin questioned if all 48 dogs would be out at any one time. Mr. West stated no he would only have the 10 dogs out at any one time.

Mr. Brantley questioned what materials the kennel would be built of. Mr. West stated it would be constructed of concrete walls with insulation and a metal top. He stated the dogs can't get out since they would have to go through indoor locks and outdoor security fencing. He stated they deal with dogs of a high caliber (several clients have paid up to \$50,000 for a dog) and he can't afford for the dogs to

get loose. Chuck Griffin questioned the breed of dogs that would be housed at the kennel. Mr. West stated he would house mostly Labs and Retrievers, no breeds such as Pit Bulls or Rottweiler's.

Chairman Brantley closed the public hearing and the Board proceeded with the Conditional Use Permit worksheet and discussed placing additional conditions on the Conditional Use Permit.

Chuck Griffin made a motion, seconded by Stuart May that the Findings of Fact have been satisfied for the Conditional Use Permit requested for the property located at 132 T.K. Allen Road (PIN 2816-75-7198). The motion passed unanimously.

Scott Lerew made a motion, seconded by Chuck Griffin to approve the Conditional Use Permit requested with the following conditions:

- The kennel occupancy shall not exceed 48 adult dogs.
- Existing timber and vegetation shall be maintained to the fullest extent possible.
- The proposed kennel facility shall be constructed with additional security fencing surrounding outdoor dog runs.
- The building shall be constructed with sound retardant materials and building practices to the fullest extent possible.
- A forty foot (40') buffer shall be provided along side and rear property lines with the exception of areas designated on the site plan for driveway access.
- Hours of operation for visitors of the facility shall be limited to daylight hours.
- Documentation on valid waste disposal or other approved means for waste disposal shall be submitted to the County prior to the issuance of a Certificate of Occupancy for the facility.

The motion passed unanimously.

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

With there being no further business before the Board of Adjustment, Chairman Brantley adjourned the meeting at 8:00 P.M.

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Shane Brantley, Chairman  
Franklin County Board of Adjustment

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Tammy Davis, Clerk  
Franklin County Board of Adjustment