

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

JANUARY 23, 2006

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, January 23, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

Members Absent: Chuck Griffin and Johnnie Sledge

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

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

Chairman Lerew stated that Pat Young wanted to move item 4-B to the front of the agenda due to an illness. Upon motion by Chairman Lerew, seconded by Stuart May to approve the agenda with the change. The motion passed unanimously.

Upon motion by Stuart May, seconded by Lemon Long to approve the minutes from the November 28, 2005 meeting. The motion passed unanimously.

Agenda Items:

#4.B Off-Premise Directional Advertisement Sign

Pat Young gave a power point presentation that provided a status report and information on possible modifications and amendments to the provisions of the Franklin County Unified Development Ordinance. Chairman Lerew questioned if Mr. Young was looking for a modification of the UDO or how the Board approves signs. Mr. Young stated he was researching both.

Chairman Lerew stated he feels there are no criteria in place to allow the Board of Adjustment the right to turn down a sign. Mr. Young stated that all sister counties handle signs administratively. Mr. Young stated he would give the same presentation to the Planning Board in February and then proceed to the Board of Commissioners. He stated he also hopes to present the Commissioners with possible members to appoint to a special committee to look at advertisement signs.

- #1. Request for a variance by Cawthorne, Moss & Panciera, PC from the Street Connectivity requirement of the Franklin County Unified Development Ordinance, Subdivision Ordinance for a Single Family Residential Subdivision on approximately 92 acres on State Road 1100 (Tarboro Road) in Harris Township in the R-15 District.

Donna Wood stated Cawthorne, Moss, & Panciera, representing the property owners, are requesting a variance from the street connectivity ratio of not less than 1.40. She stated Section 29-5: Streets, (F) Coordination with Surrounding Streets, (1) states the street network for any subdivision shall achieve a connectivity ratio of not less than 1.40. She stated the phrase “connectivity ratio” means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads. She stated the link to node ratio provides connectivity between subdivisions for improved traffic flow and emergency access from several points. She stated the petitioner states that the property has Tar-Pamlico buffered streams and ponds on each side, and just off the rear of the property as well as a stream through the middle. She stated these stream locations do not allow for a connectivity ratio of 1.4 and the connectivity ratio of the 91 lot proposed subdivision is 1.18. She stated Planning staff has reviewed the proposed subdivision plan, and feels restraints on this property due to the streams and ponds limits the number of connecting and stub-out roads that can be provided to neighboring properties. She stated the Unified Development Ordinance does not provide staff with criteria for exemptions to the connectivity ratio standard.

Michael Moss was sworn in and stated the property is unique due to the fact it has ponds on each side and streams at the rear and in the middle. He stated he wanted to propose a third entrance but the Department of Transportation wouldn’t allow a third entrance on Tarboro Road due to the lack of sight distances. Chairman Lerew questioned Mr. Moss if it was his experience that the characteristics of the land with the ponds and streams justify that a variance was the only way to develop this property. Mr. Moss stated a variance was the only way. Mr. Moss stated eliminating cul-de-sacs would create stub-outs on adjoining properties.

Chairman Lerew closed the public hearing and the Board proceeded to go through the variance worksheet. Stuart May made a motion, seconded by Shane Brantley to approve the variance.

Vote on Motion:

Ayes: Carlson, Brantley, Lerew, Long and May

Noes: None

- #2. Request for a variance by Howard Doyle from the minimum front yard setback requirement of the R-40 District at Country Club Farms, Lot 3 in Dunn Township.

Mrs. Wood stated Mr. Doyle is requesting a variance from the 50-foot R-40 front yard setback requirement along Country Club Lane to thirty (30) foot as per the original covenants of the subdivision. She stated Mr. Doyle wishes to market the property for a residence. She stated Country Club Farms was approved in November 1985, and the Phase I final plat was recorded in December 1987. She stated the property is zoned R-40 which has a residential 50 foot minimum front yard setback requirement. She stated the Franklin County Unified Development Ordinance (UDO) defines front lot line as a boundary line of a lot running along a street right-of-way line. She stated this front lot line definition was an amendment included in the 2003 Unified Development Ordinance revision. She stated Lot 3 of Country Club Farms is a corner lot; therefore, a 50-foot setback is required along Williams White Road and Country Club Lane.

Mrs. Wood stated the petitioner states that the present setback requirement leaves an envelope of 30 feet for a building and with the covenant minimum of a 1,100 square feet dwelling, this renders the lot virtually unmarketable. She stated for every day 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. She stated the rationale for each reason should be discussed and considered when making a decision on setback variances.

Howard Doyle was sworn in and stated he purchased the property in 1999. He presented the Board with a copy of the septic approval from 1999. He stated he feels without the variance he can't do anything with the property. Chairman Lerew questioned Mr. Doyle if it would be a detriment to him if the variance were not granted. Mr. Doyle stated it would be a detriment because the builder will not purchase the lot.

Glenning Scharf Jr. was sworn in and stated he lives on Lot 8, which is located on Country Club Lane. He stated a septic permit would not work because the well on Lot 4 is located at the rear of the property near the septic location of the proposed lot. He stated he doesn't have a problem with the petition as long as the proposed house faces Williams-White Road to make it conform with the other houses. He stated he feels it would affect his market value if the house were not facing Williams-White Road.

Chairman Lerew closed the public hearing and the Board proceeded to go through the variance worksheet. Shane Brantley made a motion, seconded by Stuart May to approve the variance with the condition the house must face Williams-White Road.

Vote on Motion:

Ayes: Carlson, Brantley, Lerew, Long and May

Noes: None

- #3. Request for a variance by Cliff Alford Trucking, Inc. from the minimum front yard setback requirement of the Highway Business District at 1348 NC Hwy 561E in the Louisburg Township.

Donna Wood stated Mr. Alford is requesting a variance from the 50-foot Highway Business front setback requirement for additional office space. She stated the petition states that additional office space is needed, and the new office is the same distance from the highway as the existing building. She stated Mr. Alford came to the Franklin County Planning Office to obtain (or inquire about) a building permit for an office addition. She stated he was informed by Planning Staff that a 50-foot front yard minimum setback is required or a variance would need to be requested and granted. She stated the Planning Department later received a complaint that an office addition had been constructed on Mr. Alford's property without proper permits. She stated upon inspection by Planning Staff, it was discovered that Mr. Alford had erected an office addition without proper zoning and building permits. She stated Mr. Alford is now requesting a variance from the 50-foot front yard setback requirement. She stated the office addition is located thirty-nine (39) feet from the right-of-way of NC Hwy 561 and Mr. Alford is subject to a \$250 fine for building without proper permits.

Cliff Alford was sworn in and stated he came into the Planning Office in August 2005 to inquire about the permit and was told he couldn't build where he wanted to, so he built it anyway. Chairman Lerew questioned why Mr. Alford built the addition without permits. Mr. Alford stated he needed the additional office space and needed it then. Chairman Lerew stated that basically Mr. Alford wanted forgiveness instead of permission. Mr. Alford stated that was correct. Chairman Lerew questioned if the need for office space was due to expansion of business. Mr. Alford stated he bought another business and moved it to Franklin County. Mr. Alford stated the existing building was built in 1984 and he purchased the building eight years ago.

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

Vote on Motion:

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

Noes: None

With there being no further business before the Board, Chairman Lerew adjourned the meeting at 8:10 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin Co. Board of Adjustment