

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

June 22, 2009

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, June 22, 2009 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: Shane Brantley, Robert Carlson, Cynthia Hayes, Scott Lerew and Chuck Griffin.

Absent: Stuart May and Tammy Ray

Staff: Jason Rogers, Tammy Davis and County Attorney Darnell Batton.

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 Cynthia Hayes to approve the agenda as presented. The motion passed unanimously. Scott Lerew made a motion, seconded by Cynthia Hayes to approve the minutes from the May 26, 2009 meeting as presented. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance from UDO Section 8 (Table of Area, Yard and Height Requirements) to allow for a reduction of the side setback requirement by Keith and Kathy Miller located at 20 Boca Place on 1.74 Acres in the Harris Township in the R-40 (Residential) District.

Jason Rogers stated the applicants are requesting a variance from the side setback requirement. He stated the site plan indicates that the house is encroaching on the side property line by five feet. He stated the final building inspection passed on October 10, 2002. He stated the owners discovered the setback violation after they purchased the property. He stated if a variance is granted, the property would be deemed nonconformity and no further improvements would be allowed on this property.

Matthew Morrison (Attorney for Petitioners) was sworn in and stated the Miller's purchased the property with the home in violation. He stated his clients are requesting the variance to accommodate the home and make reasonable use of their property. He stated they are not proposing any change in the use of the property and moving the home would definitely be a hardship. Cynthia Hayes questioned if the owners had knowledge of the violation. Mr. Morrison stated they were not aware of the encroachment. Darnell Batton questioned if Mr. Morrison represented the title insurance company. Mr. Morrison stated yes and the home has been in non-conformance since its existence. Scott Lerew stated the variance would not allow any adjustments to be made to the home. Mr. Morrison stated they are not seeking any additions.

Darnell Batton questioned if any efforts had been made to acquire land from the adjoining property owner. Mr. Morrison stated he has left telephone messages and sent letters and has received no response. He stated they had erected a fence. Chuck Griffin questioned if it was common for the home to be purchased two times and no survey be conducted. Mr. Batton stated there should have been a current survey done since title insurance was done. Scott Lerew questioned if there was any proof of attempts to contact adjacent property owner. Mr. Morrison presented the Board with a copy of the letter that was sent in February, 2009. Mr. Batton stated without some type of relief, the property would be non-marketable and loose value. He stated the Board needs to determine if all options to solve the problem and if all options have been exhausted to remedy the issue. Mr. Lerew question if

there are any problems between the neighbors that would warrant the erection of the fence. Mr. Morrison stated he was not aware of any issues.

Chairman Brantley closed the public hearing and the Board proceeded to go through the Variance Worksheet. Chuck Griffin made a motion, seconded by Cynthia Hayes to affirm that the Findings of Fact have been satisfied. The motion passed by majority vote with Scott Lerew voting against the motion. Chuck Griffin made a motion, seconded by Cynthia Hayes to approve the variance requested to allow for a reduction of the side setback requirements from 20-feet to 15-feet with the condition that the 15-foot setback applies to the home only. The motion passed unanimously.

#2. Request for a Variance from UDO Section 6-2 (Accessory Uses, Buildings and Structures) to allow for the placement of an accessory building past the front façade of the principal structure by Chadd John Eisler located at 25 John Mitchell Road on 2.03 Acres in the Youngsville Township in the R-40 (Residential) District.

Jason Rogers stated the UDO prohibits accessory structures from being placed past the front façade of the principal structure. He stated the petitioner states that the location of existing septic system, location of the well, and lot shape, lot orientation and existing house location as justification for the variance request. He stated if the variance is granted, the petitioner plans to construct a 24x32 garage.

Chadd Eisler was sworn in and stated he wants to build a garage and the proposed location is the only place due to the well and septic location and the fact that he has two road frontages. Chairman Brantley closed the public hearing and the Board proceeded to go through the variance worksheet.

Scott Lerew made a motion, seconded by Chuck Griffin to affirm that the findings of fact have been satisfied. The motion passed unanimously. Scott Lerew made a motion, seconded by Chuck Griffin to approve the variance request to allow for the placement of an accessory structure past the front façade of the principal structure. 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 7:30 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment