

# MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

MARCH 27, 2006

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, March 27, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**Members Present:** Scott Lerew, Robert Carlson, Chuck Griffin, Stuart May and Lemon Long.

**Members Absent:** Shane Brantley and Johnny Sledge.

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

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 Chuck Griffin to approve the agenda as presented. The motion passed unanimously.

Upon motion by Stuart May, seconded by Lemon Long to approve the minutes of the February 27, 2006 meeting. The motion passed unanimously.

## **Agenda Items:**

- #1. Request for a Conditional Use Permit by Richard & Dianne Bowen for a Kennel on 23.32 Acres on State Road 1242 (Julie McKnight Road) in the Agricultural Residential (AR) District in Hayesville Township.

Donna Wood stated the petitioners are in the process of constructing a new home on the property, and would like to use a portion of the property for breeding, training and sale of registered Labrador Retrievers. She stated the submitted site plan shows existing vegetation, the proposed house, puppy nursery, and the fenced kennel area. She stated an evergreen buffer would need to be provided in any areas where existing vegetation is not in place. She stated the surrounding area is primarily agricultural residential in nature. She stated planning staff recommends that the following conditions be considered:

1. Specific limited acreage of the property be utilized by the kennel.
2. A specified maximum number of dogs and puppies.
3. Limited hours of operation.
4. Documentation on valid waste disposal or other approved means for waste disposal by the county.
5. American Kennel Club (AKC) inspected and approved.

6. The conditional use permit approval for kennel is contingent upon the existing site continuity, with no further subdivision of the property allowed without renewal of the permit.

Richard Bowen was affirmed and provided an information packet on his kennel operation to the Board. He stated he has been breeding labs for fifteen years. He stated his current business is located in Ohio. He stated he is proposing to use 2-3 acres for his kennel business. He stated he is proposing at 50x50 foot building with a 150x300 feet fenced area for the dogs to run. He stated he will also have a fenced pasture area for their three horses and would like to use this area for dog training for daylight training. He stated all of his dogs are registered. He stated the AKC inspected his business eight years ago. He stated the AKC does random inspections without any prior notification. He stated his dogs are never allowed to run free and are always supervised when outside.

Chairman Lerew questioned if there will be any indoor facility. Mr. Bowen stated the kennel area would not be completely enclosed at first. He stated he plans to enclose the entire facility, as he financially is able. Chairman Lerew questioned the number of dogs. Mr. Bowen stated he currently has nineteen dogs, which sixteen are breeding dogs. He stated the 50x50 foot building will be set up to hold forty dogs and he doesn't plan on having more than the forty dogs. Chairman Lerew questioned Mr. Bowen on the number of dogs he felt would be reasonable. Mr. Bowen stated forty dogs maximum with twenty dogs being the minimum. Chairman Lerew questioned the closeness of existing houses. Mr. Bowen stated there is a home approximately six hundred feet to the south and no one lives on the other side of the kennel.

Chairman Lerew questioned the noise from the kennel. Mr. Bowen stated some noise is expected. He explained to the Board he will set up audio and visual equipment so he can see, hear and speak to his dogs. Chairman Lerew questioned would Mr. Bowen have a problem if the Conditional Use Permit had to come back to the Board if staff received a certain number of complaints. Mr. Bowen stated he wouldn't have any problem coming back before the Board. Chairman Lerew questioned how often the kennels would be cleaned. Mr. Bowen stated the kennels are cleaned daily. Chairman Lerew questioned how waste issues would be dealt with. Mr. Bowen stated he would like to put in a septic system in the next year. He stated he would have the waste hauled away until he is able to put in the septic system.

Charles Sneed (653 Julie McKnight Road) was sworn in and stated he was concerned at first with the request but he now doesn't see a problem with what the petitioner is proposing.

Grover Hobbs (72 Julie McKnight Road) was sworn in and expressed concern with the noise that the dogs can create in the middle of the night. He stated they

have numerous stray dogs in the neighborhood and he feels this would cause the Bowen's dogs to bark and create noise.

Malcolm Sneed (677 Julie McKnight Road) was sworn in and stated he is the next closest neighbor to the proposed property. He questioned if the septic system would be above ground or below ground. Chairman Lerew stated it would be a traditional septic system, which is below ground. Mr. Sneed stated he doesn't have a problem with the proposed use as long as the noise was controlled.

Chairman Lerew questioned what the hours of operation would be. Mr. Bowen stated he would be open Monday-Friday 10:00 A.M. to 7:00 P.M. and Saturday-Sunday 10:00 A.M. to 9:00 A.M. He stated the dogs would be kenneled by 7:00 P.M. Robert Carlson stated the site plan appears to have the 50x50 foot building open on all sides except the middle is closed in. Mr. Carlson questioned when the entire structure would be closed in. Mr. Bowen stated the proposed building is a 50x50 foot structure with a concrete slab with twenty feet runs. He stated he plans on completely enclosing the building within two years. He stated he wants to put in the septic system first. He stated that once the building is closed in, it would be a climate-controlled facility with insulation. Mr. Carlson questioned if there would be secondary fencing around the kennel fencing. Mr. Bowen stated there would be secondary fencing.

Chairman Lerew questioned how many acres would be needed for the kennel to function. Mr. Bowen stated 2-3 acres is needed. Bryan Batton (County Attorney) questioned if the maximum number of forty dogs include the puppies. Mr. Bowen stated the forty dogs would be adult dogs. He stated the puppies are kept in the nursery. He stated they primarily sell the puppies not the adult dogs. He stated he keeps puppies from time to time to replace adult dogs. Mr. Batton questioned the number of puppies at the same time. Mr. Bowen stated there could be 20-40 puppies at one time. He stated he doesn't always breed dogs when they can. He stated he couldn't have any more than six moms in the nursery. He stated the puppies are generally sold before they are eight weeks old.

Ann Foster (655 Julie McKnight Road) was sworn in and stated she is against the petition. She stated she live across the street from the proposed property. She stated she feels it is harder to undo a business once it is established. She stated she is concerned with all of Mr. Bowen's dogs barking when a stray dog comes around. She expressed concern with the increase of traffic coming to the kennel. Mr. Bowen stated customers come to the house by appointment only. He stated there would be no more than one customer at a time. He stated the dogs are kept in a wooded area and are not visible. Chairman Lerew questioned if there would be a hardship if the conditional use permit were not approved. Mr. Bowen stated he wouldn't be able to operate his business and would be forced to look for another property to run his business.

Sandra Holden (499 Julie McKnight Road) was sworn in and stated she has lived on her property for seventeen years. She stated she is constantly calling animal control in reference to the stray dogs. She questioned how could a commercial business be located in a residential area. Chairman Lerew explained there are certain business uses allowed in residential areas.

William Dunston (199 Person Sneed Road) was sworn in and stated he lives one mile from the property. He stated he feels the area is a retirement area. He stated when you retire, you want peace and quite and he feels the kennel would disturb that.

Dianne Bowen (710 Julie McKnight Road) was sworn in and stated stray dogs irritate her also. She stated she would like to be involved with some type of animal control in the community. She stated she feels her business will be good for the community. She stated she has raised dogs that assist the handicap and dogs that have been placed in law enforcement departments. She stated in Ohio they lived in the city and neighbors were all around. She stated her back neighbors were located thirty feet from the kennel and they never had any complaints on noise or smell. She emphasized that their dogs are well trained.

Chairman Lerew closed the public hearing and the Board proceeded to go through the Conditional Use Permit worksheet. Scott Lerew made a motion, seconded by Stuart May to approve the conditional use permit with the following conditions:

1. No more than three acres can be used for the kennel as outlined on the site plan that was provided.
2. No more than forty adult dogs.
3. Hours of operation will be 10:00 A.M. to 7:00 P.M. seven days a week.
4. Valid septic system and the 50x50 foot building must be a climate controlled enclosed facility with insulation completed within two years from the date of the conditional use permit.
5. AKC must inspect and approve after completion.

Vote on Motion

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

Noes: None

- #2. Request for a Conditional Use Permit by H&S Homes, LLC for a directional sign located at the intersection of US Hwy 401 and State Road 1110 (E.F. Cottrell Road) in the Highway Business (HB) District in Louisburg Township.

Donna Wood stated the size of the sign is limited to 32 square feet. She stated H&S Homes has a sales office located at 155 North Ridge Drive at North Ridge Estates, which is located off of E.F. Cottrell Road. She stated there are currently other older grandfathered signs on the west side of the intersection. She stated the property is zoned Highway Business. She stated the average daily traffic for US Hwy 401 is 7300 vehicles per day.

Bill Jordan was sworn in and stated he has been in the mobile home business for twenty-five years. He stated the subdivision was developed 4-5 years ago and the subdivision was abandoned. He stated there are currently nine homes occupied. He stated H&S Homes has hired him to complete the subdivision. He stated the subdivision has paved streets and streetlights. He stated there are government programs in place to provide no money down home loan for interested buyers. He stated he needs to sign to direct customers to the site.

Chairman Lerew questioned if Mr. Jordan could live with the sign being approved with the condition of directions only. Mr. Jordan stated that would be fine. Chuck Griffin questioned if the sign was already made. Mr. Jordan stated it has already been made. He stated he developed Fox Ridge Farms twenty years ago and at that time there wasn't a sign ordinance in place, so he didn't realize until he had already put the sign up and was told to remove it until the Conditional Use Permit is issued. Robert Carlson questioned the number of lots left unoccupied. Mr. Jordan stated Phase I is completed which has fifty lots completed. He stated Phase II hasn't been developed yet.

Chairman Lerew closed the public hearing and the Board proceeded to go through the Conditional Use Permit worksheet. Scott Lerew made a motion, seconded by Stuart May to approve the conditional use permit with the following conditions:

1. Remove "No Money Down (with approved credit)" from the existing sign.
2. Sign must be located within 10 feet from any existing signs.

Vote on Motion:

Ayes: Carlson, Griffin, Lerew, Long 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 8:40 P.M.

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Scott Lerew, Chairman  
Franklin County Board of Adjustment

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Tammy Davis, Clerk  
Franklin Co. Board of Adjustment