

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

MARCH 26, 2007

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, March 26, 2007 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

ABSENT: None.

STAFF: Bryan Batton, Tammy Davis, Scott Hammerbacher and Jason Rogers.

Chairman Shane Brantley called the meeting to order at 7:00 P.M. and welcomed those in attendance. The Board agreed to move item 1 to the end of the agenda since the petitioners weren't present at the time.

Stuart May moved, seconded by Scott Lerew, to approve the agenda with the correction. The motion passed unanimously.

Stuart May moved, seconded by Scott Lerew, to approve the minutes from the February 26, 2007 meeting. The motion passed unanimously.

- #1. Request for a Variance from Article 8 (Table of Area, Yard and Height Requirements) of the Franklin County Unified Development Ordinance for Jordan Chapel Church located at 1926 Alert Road in the AR District in the Sandy Creek Township.

Scott Hammerbacher stated is petitioning for a variance from the front setback requirement in order to add a covered porch, two bathrooms, handicap ramp, and brick to the existing structure. He stated the structure is nonconformity and granting a variance would increase its nonconforming status. He stated the front setback for non-residential use in the AR district is 40 feet and the existing structure is 38 feet from the front property line. He stated the applicant would require a setback reduction of 18 feet in order to construct the addition.

Cornell Milon (Jordan Chapel Church) was sworn in and stated the church wants to add on a covered front porch, a handicap ramp and two bathrooms to improve the existing church.

Michael Leonard (Michael Leonard Builders) was sworn in and stated the bathrooms would come out five feet from the front of the building. He stated the existing building is 38 feet from the highway before any additions. Scott Lerew questioned if it was

possible to do the addition on the side of the building. Mr. Leonard explained there are stained glass windows on the right side of the building. Scott Lerew questioned if there was any other alternatives. Mr. Leonard stated they had exhausted all other options. Carlson questioned how long church had been at the location. Mr. Milton stated the church has been there for 30 years.

Chairman Brantley closed the public hearing and Board proceeded to go through the variance worksheet. Scott Lerew moved, seconded by Stuart May, to approve the findings of fact have been satisfied for the variance requested.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

The motion passed unanimously.

Stuart May moved, seconded by Chuck Griffin, to approve the variance requested by Jordan Chapel Church.

Vote on Motion

AYES: Shane Brantley, Chuck Griffin and Stuart May

NAYES: Robert Carlson and Scott Lerew

The motion was denied due to the lack of a 4/5ths vote of approval.

- #3. Request for a Variance from Article 8 (Table of Area, Yard and Height Requirements) of the Franklin County Unified Development Ordinance for Bobby Davis located at 128 Big Horn Drive (Lot 1404C Lake Royale) in the AR District in the Cypress Creek Township.

Scott Hammerbacher stated the applicant had been notified by the Lake Royale Property Owner's Association that previously installed structures located on the site didn't meet UDO requirements for front setback requirements. He stated the proposed lot currently has a camper with an attached deck. He stated the applicant is requesting a reduction of the front setback from 30 feet to 14 feet.

Bobby Davis was sworn in and stated he had never been notified by Lake Royale that he was in violation of anything. He stated he became aware of the problem when he was ready to sell his property. He stated he purchased the property five years ago and he has never changed anything. He presented the Board with a copy of the permit issued by Lake Royale in 1988 for the previous owner to add on a new room to a camper.

Jackie Piper was sworn in and stated she is the real estate agent representing Mr. Davis. She stated she didn't understand how a permit was issued in 1988 if the camper was in violation. She stated the variance is needed in order for Mr. Davis to sell his property. Scott Lerew expressed he didn't understand why the variance is needed if there are

going to be no changes made to the property. Mrs. Piper stated Lake Royale says if Mr. Davis doesn't get a variance; the new buyer would have to move the existing structures off of the property.

Chairman Brantley closed the public hearing and the board proceeded to go through the variance worksheet. Stuart May moved, seconded by Chuck Griffin, to affirm that the Findings of Facts have been satisfied.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

The motion passed unanimously.

Chuck Griffin moved, seconded by Stuart May, to approve the variance requested by Bobby Davis.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

The motion passed unanimously.

- #4. Request for a Variance from Article 6-2 (Accessory Uses, Buildings and Structures) for Mark & Brenda Pearson located at 356 Hill Road in the R-15 District in the Youngsville Township.

Scott Hammerbacher stated the petitioners would like to build an accessory structure on their property. He stated the UDO prohibits accessory structures from being placed past the front façade of the principal structure. He stated a variance is needed for the applicant to be able to locate the accessory building in the front yard. He stated the applicant has informed staff that due to the current location of a drainage ditch, driveway access and current location of the septic fields is reasons for the accessory structure to be placed in a location that would be in violation of UDO standards. He stated the applicant informed staff that the house was built to the rear of the property to increase privacy and avoid traffic noise. He presented the Board with photographs provided by the petitioner.

Mark Pearson was sworn in and stated he wants to build a garage on his property. He stated if he knew he couldn't put the garage in the proposed location, he would have never built his home as far back on the property. He stated this is the only place he can build a garage on his property. He stated he would have to put in an additional driveway in order to put the garage on the other side of the home. Scott Lerew questioned if it could be placed at the end of the existing path. Mr. Pearson stated that would put it in the drainage field of the septic system.

Chairman Brantley closed the public hearing and the board proceeded to go through the variance worksheet. Scott Lerew moved, seconded by Stuart May to affirm that the findings of facts have been satisfied for the variance.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES:None

The motion passed unanimously.

Scott Lerew moved, seconded by Stuart May, to approve the variance requested by Mark and Brenda Pearson.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

The motion passed unanimously.

- #4. Request for a Conditional Use Permit for Directional Sign for Vance Wilkins (Baxter's Ale House) located at Hwy 401 & E.F. Cottrell Road in the HB (Highway Business) District in the Louisburg Township.

Request for a Conditional Use Permit for Directional Sign for Vance Wilkins (Baxter's Ale House) located on US Hwy 401 & NC Hwy 30 in the AR District in the Louisburg Township.

Jason Rogers stated the applicant is petitioning for two off-premise directional advertisement signs. He stated Baxter's Ale House is located at 200 East Nash Street in Louisburg. He stated at the proposed locations, the signs would not block the view of oncoming traffic and do not present any traffic hazards. He stated there are currently two directional advertisement signs located at the US Hwy 401 South location. He stated the proposed signs appear to meet all current UDO standards. Scott Lerew questioned if the signs were already up. Mr. Rogers stated the sign on Hwy 39 is the only sign already up.

Vance Wilkins was sworn in and stated he didn't realize he a Conditional Use Permit was needed to put up a directional sign and for this he apologized for the sign located on the Cottrell property. Scott Lerew questioned if the petitioner would be willing to provide Planning staff with better sight plans showing the sign location if approved. Mr. Hammerbacher stated the petitioner would have to supply the staff with sight plans showing the exact locations.

Chairman Brantley closed the public hearing and the Board proceeded to go through the Conditional Use worksheet. Scott Lerew moved, seconded by Stuart May, to affirm that the findings of fact had been satisfied for the conditional use requested.

Vote on Motion

AYES: Shane Brantley, Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

The motion passed unanimously.

Scott Lerew moved, seconded by Stuart May, to approve the Conditional Use Permit for Vance Wilkins (Baxter's Ale House) with the condition that a proper site plan is provided to the Planning Department.

Vote on Motion

AYES: Robert Carlson, Chuck Griffin, Scott Lerew and Stuart May

NAYES: None

Chairman Brantley abstained from the voting. The motion passed by majority vote.

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

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

Shane Brantley – Chairman
Franklin County Board of Adjustment

Tammy Davis – Clerk
Franklin County Board of Adjustment