

## MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

May 26, 2009

The Franklin County Board of Adjustment held its regular monthly meeting on Tuesday, May 26, 2009 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**Present:** Robert Carlson, Shane Brantley, Scott Lerew, Cynthia Hayes and Stuart May.

**Absent:** Tammy Ray and Chuck Griffin

**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. Tammy Davis informed the Board that item #1 should be moved to item #3 so that the Board could review old business prior to any new business. Stuart May made a motion, seconded by Scott Lerew to adopt the agenda with the proposed correction as stated by Mrs. Davis. The motion passed unanimously. Stuart May made a motion, seconded by Scott Lerew to adopt the minutes from the April 27, 2009 meeting as presented. The motion passed unanimously.

### Agenda Items:

#1. Request for a Conditional Use Permit by PSNC Energy for a Public Utility Station located on US Hwy 1 on 1.80 Acres in the Franklinton Township in the HB (Highway Business) District.

Jason Rogers stated PSNC wishes to construct a natural gas regulator station. He stated the proposed regulator station would need to meet all applicable UDO requirements. He stated the site plans provided by the petitioner appear to meet all UDO requirements. He stated staff has provided additional conditions of approval for the board's consideration.

Andrew Moore (PSNC Representative) was sworn in and stated that Stay Right (adjoining property owner) and PSNC have agreed on a mutual route for the easement. He stated it is a verbal agreement until the property is surveyed. Chairman Brantley closed the public hearing and the board proceeded with the Conditional Use Permit worksheet.

Stuart May made a motion, seconded by Cynthia Hayes to affirm that the Findings of Fact had been satisfied for the Conditional Use requested. The motion passed unanimously. Stuart May made a motion, seconded by Cynthia Hayes to approve the Conditional Use Permit requested by PSNC Energy to allow for a public utility station with the following conditions:

- All lighting must be directed on the site and shall not spill over onto adjacent properties.
- Secure all necessary building permits from Franklin County Planning and Inspections office.
- Perimeter of site shall be screened by opaque fence.
- Access must meet all North Carolina Fire requirements.
- All necessary emergency contact information must be displayed on the site.

The motion passed unanimously.

#2. Request for a Variance from UDO Sections 29-5 Streets (N) Private Roads & Article 8 Table of Area, Yard and Height Requirements; to allow for the subdivision of a property by David Allen

Hicks located at 290/300 Harris Road on 2.00 Acres in the Youngsville Township in the R-40 (Residential) District.

Jason Rogers stated in order for the applicant to subdivide the property, Harris Road would need to be upgraded to Type III DOT standards. He stated the existing lot currently has 220 feet of total road frontage, which does not leave enough to meet the minimum requirement of 125 feet for each lot. He stated two separate variances would be required in order for the applicant to subdivide the proposed parcel of land. He stated there are two separate residences currently located on this property.

David Allen Hicks was sworn in and stated his brother owned the property prior to his death. He stated he obtained the property from his estate. He stated he has tenants living in homes located on the property. He stated the property was originally five 1-acre lots but somehow the proposed property ended up one lot consisting of 2-acres. He stated the two Hispanic families living on the property were buying their homes and land from his brother. He stated when he obtained the property, he continued with the agreement the families had with his brother. He stated the tenant at 300 Harris Road wanted to pay out his debt and this is when he discovered the lot was one 2-acre tract instead of 2 1-acre lots. He emphasized there would be no financial gain on his part by subdividing the property.

Scott Lerew questioned if there was any documentation available regarding the agreement between the tenants and the deceased. Mr. Hicks stated he didn't have anything and the tenants weren't present to answer any questions regarding their agreement with his brother. Mr. Lerew stated the Board needed more evidence and information regarding the timeframe of the recombination and the agreement between tenants and deceased. Darnell Batton (County Attorney) told Mr. Hicks that he needed to have an attorney or surveyor to research and determine when the recombination was done.

Cynthia Hayes made a motion, seconded by Scott Lerew to table the item until the next meeting to allow applicant to consult with an attorney and/or a surveyor. The motion passed unanimously.

#3. Request for a Conditional Use Permit by Wammock Utility Buildings LLC for an Off-Premise Directional Sign located at 1170 Sledge Road on 0.76 Acre in the Dunn Township in the AR (Agricultural Residential) District.

Jason Rogers stated the applicant currently has 5 off-premise directional advertisement signs at various locations. He stated if approved, the applicant would have the maximum number of off-premise directional advertisement signs allowed by the Franklin County UDO. He stated the proposed sign would need to meet all applicable UDO requirements. He stated the sign would be required to be located outside of DOT right-of-way in order to prevent obstruction of view of oncoming traffic and not present any traffic hazards. He stated staff has provided additional conditions of approval for the board's consideration.

David Wammock was sworn in and stated the purpose of the proposed sign would be to direct customers to his business in Louisburg. Scott Lerew questioned the distance from the proposed site to his business. Mr. Wammock stated his business is located 10 miles from proposed site. Scott Hammerbacher stated GIS measures the distance from the proposed site to the business is 8 miles. Mr. Lerew questioned the size of the sign. Mr. Wammock stated the sign would be 4'x6' which is smaller than his current signs that are already installed. Chairman Brantley 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 affirm that the Findings of Fact have been satisfied for the Conditional Use Permit. The motion passed unanimously. Scott Lerew made a motion, seconded by Cynthia Hayes to approve the Conditional Use Permit requested by Wammock Utility Buildings LLC to allow for the Directional Signage with the following conditions:

- Provide Planning Staff with a copy of proposed sign indicating dimensions and content.
- Secure all state permits and approvals from NCDOT
- Sign can not be altered without approval from Planning Staff
- Secure zoning permit prior to installation of sign
- Sign is not to exceed six feet in height when measuring from the ground to top of the sign
- Sign is to be removed if Wammock Utility Buildings LLC stops operation or relocates.

The motion passed unanimously.

- #4. 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 7:40 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