

## MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

May 27, 2008

The Franklin County Board of Adjustment held its regular monthly meeting on Tuesday, May 27, 2008 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**PRESENT:** Shane Brantley, Robert Carlson, Stuart May, Tammy Ray and Cynthia Hayes.

**ABSENT:** Chuck Griffin and Scott Lerew.

**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. Stuart May made a motion, seconded by Cynthia Hayes to approve the agenda as presented. The motion passed unanimously. Stuart May made a motion, seconded by Chairman Brantley to approve the minutes from the April 28, 2008 meeting. The motion passed unanimously.

### Agenda Items:

- #1. Request for a Variance from Unified Development Ordinance Article 6-2 (Accessory Uses, Buildings & Structures) by Todd Darroch located at 124 Cedar Creek Lane on 2.63 Acres in the R-1 Residential District in the Youngsville Township.

Jason Rogers stated the petitioner is requesting a variance to allow for the placement of an accessory structure past the front façade of the principal structure. He stated the variance petition states that topography, streams, lot orientation and existing house location as justification for the variance request. He stated Mr. Darroch is planning to erect a two-stall horse barn with a tack room.

Todd Darroch was sworn in and stated he has lived in Franklin County since 1998. He stated he owns two horses and wants to fence an area for them and build a barn. He stated he found out there was a problem in April 2008 that he couldn't build his barn when he tried to obtain a building permit. He stated he has spoken with adjacent property owners and found they have no objection to his barn location. He stated he can't put the barn in the rear of his house since the land slopes in the back.

John Rowe (131 Cedar Creek Lane) was sworn in and stated he owns horses and doesn't have any objection to the petitioner building the barn.

Vicky Rowe (131 Cedar Creek Lane) was sworn in and stated another family on the road that has horses as well has a horse barn built in front of their home and it doesn't create any problems.

Robert Carlson questioned if there were any covenants that would object to the placement of the barn if the variance was granted. Mr. Darroch stated there were none. Mr. Carlson questioned the placement of the utility structure located on the site map that is located in front of the home. Mr. Darroch stated it is a garage and it was there when he purchased the home. Mr. Carlson questioned how this was done without a variance. Scott Hammerbacher stated it was built prior to the countywide rezoning in 2001, which states that accessory structures located in R-1 has to be located in the rear or side yard of the lot.

Chairman Brantley closed the public hearing and the Board proceeded to go through the variance worksheet.

Stuart May made a motion, seconded by Cynthia Hayes to affirm that the findings of fact have been satisfied for the variance request.

Ayes: Hayes, Brantley and May

Noes: Carlson and Lerew.

The motion was denied due to the lack of a 4/5ths vote of approval. The Board went back through the variance worksheet.

Stuart May made a motion, seconded by Cynthia Hayes to rescind the last vote on the findings of fact. The motion passed unanimously.

Stuart May made a motion, seconded by Robert Carlson to affirm that the new findings of fact have been satisfied for the variance request for the property located at 124 Cedar Creek Lane. The motion passed unanimously.

Stuart May made a motion, seconded by Cynthia Hayes to approve the Variance requested by Todd Darroch to allow for the placement of an accessory structure past the front façade of the principal structure at 124 Cedar Creek Lane. The motion passed unanimously.

#2. Request for a Conditional Use Permit for Telecommunications Tower for Piedmont Communications Co., Inc. located on Eaves Road on 3.00 Acres in the AR (Agricultural-Residential) District in the Hayesville Township.

Scott Hammerbacher stated Piedmont Communications is petitioning for a conditional use permit to allow for the construction of a 300' lattice-type telecommunications tower. He stated tower location meets the setback requirements from all property lines and there are not setback requirements from structures. He stated the applicant would be required to meet all UDO requirements and any other requirements of State and Federal Agency's including the FAA and FCC. He stated the Board of Adjustment may place any reasonable additional conditions on the property if it deems such action necessary. He stated after review by The Atlantic Group, planning staff has decided to utilize Section 15-19 (Waiver) of the UDO in order to avoid a variance petition on this item.

Erin Wall (Piedmont Communications) was sworn in and stated 2 years ago Piedmont Communications began helping Franklin County with communication problems. He stated they purchased 3 acres of land with a 45' easement for the tower. He stated Franklin County would be the primary user of the tower for fire, emergency and sheriff office needs. He stated they currently have 7 communication structures which are all over 300 feet.

Mrs. Lannie Wrenn was sworn in and questioned if the existing vegetation would remain in place. Mr. Wall stated the existing vegetation would remain in place and there would be 8-foot fencing with razor wire which is required by the insurance company. He stated he would install security cameras due to recent copper thefts. He stated that since Hurricane Katrina, federal laws have changed and require that towers must be built sturdier. Cynthia Hayes questioned since the requirements on how a tower is built have changed then a fall zone is not needed. Mr. Wall stated they still have a fall zone even though

it is not required. Darnell Batton (County Attorney) questioned if this would be a guyed wire tower. Mr. Wall stated this would not be a guyed wire tower per the County Commissioners request. Tammy Ray questioned how the petitioner guarantees that the tower would not interfere with adjoining residences televisions or satellites. Mr. Wall stated they would be operating in a much higher frequency than any television or satellite and they couldn't possibly cause interference.

Christy Shearin (911 Director) was sworn in and stated for past 2 years she and the Communications Committee have been working on upgrading the County's communication system. She stated Piedmont Communications contract is very cost efficient and beneficial to the County.

Chairman Brantley closed the public hearing and the Board proceeded to go through the Conditional Use Permit worksheet.

Stuart May made a motion, seconded by Cynthia Hayes to affirm that the Findings of Fact have 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 Piedmont Communications Company, Inc. to allow for a 300' lattice-type tower off Eaves Road subject to required improvements located in Section 15A1-5 (Non-Commercial Telecommunication Towers) of the UDO must be met. Approval is subject to the following conditions:

- Submission of final tower and foundation design drawings;
- Registration with the FCC and securing a FCC ASR number;
- Submission of a Phase I NEPA Assessment;
- Submit a response from NCSHPO;
- Adherence to all other UDO and NC Building Code requirements.

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, Chairman Brantley adjourned the meeting at 8:00 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