

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

NOVEMBER 28, 2006

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, November 28, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

Members Absent: Johnnie Sledge.

Others: Scott Hammerbacher, Jason Rogers and Bryan Batton.

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 Scott Lerew to approve the agenda as presented. The motion passed unanimously.

Stuart May made a motion, seconded by Scott Lerew to approve the minutes from the October 23, 2006 meeting. The motion passed unanimously.

Agenda Items:

#1. Request for a Variance from Section 29-5 (Streets, Required Improvements and Minimum Standards of Design) of the Franklin County Unified Development Ordinance for Tony & Valerie Mitchell located on Andrew Denton Road in the R-30 District in the Harris Township.

Scott Hammerbacher stated that the petitioners would like to subdivide their property and give one lot to their children. The existing easement is 25 feet wide that is approximately 4000 feet in length. The remaining 1000 feet of easement is 60 feet wide. The easement currently serves seven parcels as well as six residences. The creation of a new lot would require the road to be upgraded to Type II DOT standards under the current family exception rule. This requires 4 inches of compacted stone, graded ditches and 45 feet of easement. This would allow for two additional lots to be created. The UDO further states that every lot shall have access to a road that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property to comply with current regulations. The petitioners informed Planning Staff that they purchased the land three years ago. At that time Planning Staff informed the Petitioners that they would be allowed to subdivide their property under the current family exception rule. The family exception rule (Article 27, Section 27-4) was amended on Dec. 15, 2003. The Petitioners have stated to Planning

Staff that they do not have financial ability or the right to make the improvements necessary to comply with current regulations.

Tony and Valerie Mitchell were sworn in. Tony Mitchell stated that they had bought the property 4 years ago. He said that he had been to the Planning Department when he bought the property to make sure that he would be able to subdivide. Mr. Mitchell informed to Board that Planning Staff told him that he would be able to with no problems.

Valerie Mitchell stated that she intended to give the property to their son as a wedding gift. She said she recently contacted the Planning Department and was informed that she could not.

Mr. Lerew asked where their residence was located.

Mr. Mitchell stated at the end of Andrew Denton Rd.

Scott Hammerbacher stated that the ordinance was changed in 2001.

Ms. Mitchell stated that there are 4 homes on the easement.

Mr. Batton asked if there was a current Road Maintenance Agreement.

Mr. Mitchell stated No.

Mr. William Dwight Denton, 1002 Cooke Rd. Louisburg, NC 27549 was sworn in. Mr. Denton stated that he did not have a problem with the people building on it. The path has very little up keep. He said there needs to be an agreement to keep the road up.

Mr. Griffin asked how many people live on the road.

Mr. Howard said 5.

Ms. Mitchell said that they had helped maintain the road.

Scott Hammerbacher entered in staff findings.

Ms. Mitchell asked if they could not get permission to improve the road then they would be able to give their son any land.

Mr. Lerew asked if they had contacted the property owners about sharing the cost.

Ms. Mitchell said No.

Mr. Griffin asked if the Mitchells own any of the easement.

Ms. Mitchell said No.

Mr. Brantley closed the public hearing.

Stuart May made a motion seconded by Chuck Griffin to open the public hearing.

Ayes: May, Brantley, Griffin, Carlson.

Noes: Lerew

Mr. Denton asked if the road is approved could Mr. Manners subdivide his lots further.

Mr. Hammerbacher stated yes.

Mr. Mitchell asked what was reasonable. He also said that he maintains the road with his tractor and box blade. He said his children have been living with him and all have automobiles. There would not be any more stress on the road.

Shane Brantley closed the public hearing.

Robert Carlson made a motion, seconded by Stuart May that the Findings of Fact located within Section 24-2, (B) of the UDO, have been satisfied for the variance requested for the property located on 485 Andrew Denton Rd.

Vote on Motion

Ayes: May, Brantley, Carlson

Noes: Griffin, Lerew

Chuck Griffin made a motion, seconded by Stuart May to approve the variance.

Vote on Motion

Ayes: May, Brantley, Griffin

Noes: Carlson, Lerew

Due to the lack of a four-fifths majority vote to approve, the variance was denied.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Jason Rogers, Temporary Clerk
Franklin Co. Board of Adjustment