

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

November 24, 2008

The Franklin County Board of Adjustment held its regular monthly meeting on November 24, 2008 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

Absent: Tammy Ray

Staff: Tammy Davis, Jason Rogers and Darnell 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 adopt the agenda as presented. The motion passed unanimously. Scott Lerew made a motion, seconded by Stuart May to adopt the October 27, 2008 minutes as presented. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance from the Front Setback Requirement of the Unified Development Ordinance (Article 8 – Table of Area, Yard and Height Requirements) by Cedric Rodebaugh located at 114 Osage Drive (Lot 2972 Lake Royale) on 0.48 Acre in Cypress Creek Township in the R-1 (Residential) Zoning District.

Jason Rogers stated the applicant was issued a zoning permit on September 7, 2006 indicating that the house would be placed 150-feet from the front property line. He stated the applicant revised the site plan on November 3, 2006 indicating that the house would be placed 30-feet from the front property line. He stated the violation was discovered after the surveyor performed a foundation survey. He stated Environmental Health has indicated that the proposed house located on each submitted site plan would allow for the placement of a septic system on the property. He stated Environmental Health has indicated that a front setback reduction would not be necessary to accommodate a septic system. He stated the applicant has to have a 3.83 foot reduction in the front setback in order to complete the home.

Irvin Staton (Surveyor), John Davis Jr. (Soil Scientist) and Cedric Rodebaugh (Applicant) were affirmed so they could provide evidence regarding the variance request. Mr. Staton stated the corner of the lot was destroyed during the grading of the lot and it had to be resurveyed. He stated the house location was staked out and the foundation was put in. He stated when he did the foundation survey he discovered that the foundation was located in the front setback. He stated he visited the site with the soil scientist to layout the septic system and discovered the layout that Environmental Health proposed was too close to the home. John Davis presented the original plot plan he did in January which indicated the soils are suitable. He stated the drainage way cuts the lot in half. He explained the plot plan with the septic layout and the two drain fields (one on each side). He stated it would be more beneficial to make it two segments instead of three segments. He stated he feels if the house is moved back, it could cause a premature failure.

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

Scott Lerew made a motion, seconded by Chuck Griffin to affirm that the Findings of Fact have been satisfied for the variance requested. The motion passed unanimously.

Scott Lerew made a motion, seconded by Chuck Griffin to approve the variance requested to allow for a reduction of the front setback requirements from 30-feet to 26.17-feet with the condition that Environmental Health approves the new septic layout plan. The motion passed unanimously.

#2. Request for a Variance from the Unified Development Ordinance (Article 7-3: Cabinet/Woodworking Shop – to allow for the building to exceed 1,200 square feet and owner/operator living on site) by Perry Holding Company located at 1184 Tant Road on 3.04 Acres in Dunn Township in the HB (Highway Business) District.

#3. Request for a Conditional Use Permit by Perry Holding Company for a Cabinet/Woodworking Shop located at 1184 Tant Road on 3.04 Acres in Dunn Township in the HB (Highway Business) District.

Items 2 and 3 would be presented at the same time by staff. Jason Rogers stated according to the UDO Cabinet/Woodworking shops are not to exceed 1,200 square feet in size and the owner/operator is required to live on site. He stated the UDO doesn't provide staff with criteria for exemptions to the policy. He stated there is an existing 6,000 square foot building on the property that they would like to use as a cabinet shop. He stated there is a motorcycle shop adjacent to the proposed site. He stated the site appears to meet all applicable UDO requirements for minimum lot size, parking, screening and landscaping. He stated it has been indicated that the property was previously used as a cabinet shop before it was utilized as a plumbing business. He stated staff is in the process of working on an amendment to present to the Planning Board that would allow Cabinet/Woodworking shops as a permitted use within the Highway Business District.

Jeff Perry was sworn in and stated he is the current owner and wishes to sell the property. He stated the buyers want to use the facility to operate Witherspoon Woodworks, which build cabinets for residential and commercial businesses. Darnell Batton (County Attorney) questioned the urgency in getting a variance as opposed to waiting for the text amendment. Mr. Perry stated the Offer to Purchase expires at the end of the year. Jason Rogers explained that the text amendment wouldn't be completed until February. Mr. Batton questioned why there is a 1,200 square foot maximum building size and requirement that owner/operator reside on the property. Mr. Rogers stated that most cabinet shops are located in the owner/operator's backyard and the use is currently listed as a Conditional Use in the Highway Business district.

Jeff Witherspoon (Witherspoon Woodworks) was sworn in and stated he is interested in purchasing the property and it was discovered during negotiations that the property didn't meet all of the requirements of the UDO. He stated his company is a custom woodworking business and consists of three employees. He stated he currently leases a 10,000 square foot building that is located in downtown Raleigh. He stated his company uses 7,000 square feet for his shop and he leases out the remaining portion of the building. He stated the proposed property is convenient to US Hwy 64. He stated he doesn't see a need to live on-site. He stated his office space alone would occupy the 1,200 square foot requirement. He stated there was no way possible that his company could operate out of a 1,200 square foot building.

He explained that all operations are done indoors. He stated his standard hours of operation are 7:00 A.M. – 5:00 P.M. but sometimes he does work over but everything is done indoors. He stated January and February are his slowest months and he is trying to coordinate with this time span to move so it wouldn't affect any of his customers.

Darnell Batton explained that a rezoning procedure is better than granting variances. Mr. Rogers explained that rezoning procedures would operate on the same timeline as the proposed text amendment that staff is working on. He stated the applicant feels the variance request would be more appropriate due to the time constraints of the Offer to Purchase. Chairman Brantley closed the public hearing and the Board proceeded to go through the Variance worksheet and the Conditional Use Permit worksheet.

Chuck Griffin made a motion, seconded by Shane Brantley to affirm that the Findings of Fact have been satisfied for the Variance request. The motion passed by a 4/5ths vote with Scott Lerew voting against the motion.

Scott Lerew made a motion, seconded by Stuart May to approve the Variance requested by Perry Holding Company to allow for a variance from the UDO, Article 7-3 Cabinet/Woodworking Shops, to allow for building size to exceed 1,200 square feet and requirement that owner/operator live on site. The motion passed unanimously.

Scott Lerew made a motion, seconded by Chuck Griffin that the Findings of Fact have been satisfied for the Conditional Use requested. The motion passed unanimously.

Scott Lerew made a motion, seconded by Chuck Griffin to approve the Conditional Use Permit requested by Perry Holding Company to allow for a Cabinet/Woodworking shop with the following conditionals of approval:

- Adherence to all other applicable UDO requirements.
- Light shall be contained on site and not spill onto adjacent properties.
- Outdoor hours of operation shall be limited to 7:00 A.M. – 7:00 P.M.
- Screening in place shall be maintained.
- Compliance with all other local and state regulations.

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.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment