

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

OCTOBER 23, 2006

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, October 23, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

Members Absent: Chuck Griffin and Johnnie Sledge

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

Chairman Shane Brantley called the meeting to order at 7:05 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 September 25, 2006 meeting. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance (Article 8, Table of Area, Yard and Height Requirements) for George Miller located at 1487 Sagamore Drive (Lot 1342C Lake Royale) in the AR District in the Cypress Creek Township.

Scott Hammerbacher stated the property owner/applicant was notified by the Lake Royale Property Owner's Association that previously installed structures located on the site doesn't meet UDO requirements for front setback requirements. He stated the property in question currently has a camper and an attached deck in addition to two sheds. He stated permits were issued by Franklin County for a roof-over on December 4, 2003, based upon a site plan submitted by the applicant, which met all applicable setback requirements. He stated on September 13, 2006, the County issued a building permit to allow for the deck enclosure, which is attached to the camper to be enclosed based upon the submitted site plan, which again met all applicable UDO requirements for setbacks.

Mr. Hammerbacher stated Lake Royale POA has notified the applicant that the submitted site plan was not correct and the property line in question adjacent to Sagamore Drive was in fact closer to the camper and deck than previously believed. He stated County staff has advised the applicant that it may be advisable to retain the services of a professional surveyor to prepare an accurate site plan to determine the extent of the various necessary if at all. He stated the

applicant has requested a variance and resubmitted a site-plan, which to the best of his knowledge represents existing conditions on the site without the benefit of a survey.

George Clayton Miller was sworn in and stated his parents had no knowledge of the violation when they purchased the property. He stated they only want to improve what is already there. Scott Lerew questioned (listed). Chairman Brantley questioned when the Millers purchased the property. Mr. Miller stated his parents purchased the property on August 25, 2006. Lerew questioned if the owners had the benefit of a survey. Attorney Bryan Batton advised that the property owners had to present their own case unless they are represented by an attorney.

Judith Miller was sworn in and stated they did not get a survey. She stated they couldn't relocate the deck due to the location of the septic system. Batton questioned if this was a vacation home. Mrs. Miller stated this is a camper but they would eventually like to use the camper for their disabled son. Scott Hammerbacher presented the board with a copy of staff comments to the Board of Adjustment Findings. Chairman Brantley closed the public hearing and the Board proceeded to go through the variance worksheet.

Scott Lerew made a motion, seconded by Stuart May that the Findings of Fact located within Section 24-2, (B) of the UDO, have not been satisfied for the variance requested for the property located at 1487 Sagamore Drive.

Vote on Motion

Ayes: Carlson, Lerew, Brantley, Lerew and May

Noes: None

Stuart May made a motion, seconded by Lemon Long to approve the Variance requested by George Miller to allow for a Variance from the UDO, Article 8, Table of Area, Yard and Height Requirements, to allow for a reduction of corner side setback requirements from 20 feet to 12 feet for the property located at 1487 Sagamore Drive.

Vote on Motion

Ayes: Long, Brantley and May

Noes: Carlson and Lerew.

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

- #2. 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 7:50 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment