

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

October 26, 2009

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, October 26, 2009 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

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

Absent: Cynthia Hayes and Tammy Ray.

Staff: Tammy Davis 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 Chuck Griffin to approve the agenda as presented. The motion passed unanimously. Stuart May made a motion, seconded by Chuck Griffin to approve the minutes of the July 27, 2009 meeting. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance from UDO Article 8 (Table of Area, Yard and Height Requirements) to allow for a reduction of the side setback requirements by Michael Yopp for the property located at 152 Nakoma Drive on 0.38 Acre in the Cypress Creek Township in the R-1 (Residential) District.

Jason Rogers stated the site plan indicated that the house was encroaching on the side property line by 1.1 feet. He stated the final building inspection passed on January 30, 2009. He stated the applicant indicated that the setback violation was discovered after the owner purchased the property when a survey was performed. He stated the applicant also indicated that efforts have been made to contact the adjoining property owner in order to resolve the issue without seeking a variance but were unable to get a response. He stated the property is currently nonconforming and granting a variance would remove that status.

Michael Yopp was sworn in and stated he is an attorney that represents the owner. He stated the owner purchased the property during Summer 2009. He stated New Century Homes started building the home in 2006. He stated they were foreclosed on and the bank hired Frazier Construction to complete the home. He stated the survey was completed a week prior to the closing but he didn't receive a copy until the day of the closing. He stated the owner became aware of the violation when she contacted Lake Royale Property Owners Association about removing a tree. He stated the POA informed her of the violation after reviewing the survey map.

Mr. Yopp stated his client didn't create the violation and obtained the property with the violation in place so that is the reason for requesting the variance. He stated his client tried on numerous occasions to contact the adjoining property owner to purchase some additional land to remedy the violation but hasn't received any response. Scott Lerew questioned what would happen if the variance isn't granted. Mr. Yopp stated the POA can begin fining the property owner for the violation. He stated if the owner tries to sell the property in the future, the violation would create an issue with selling.

Floyd Edmondson was sworn in and stated he and his wife are the property owners. Scott Lerew questioned if there would be a problem if the variance was granted and no additions or improvements could be placed on the side of the house where the violation is located. Mr. Edmondson stated they have no plans for any additions or improvements on that side of the structure.

Chairman Brantley closed the public hearing and the Board proceeded to go through the Conditional Use worksheet. Chuck Griffin made a motion, seconded by Stuart May to affirm that the Findings of Fact had been satisfied. The motion passed by majority vote with Scott Lerew voting against the motion. Chuck Griffin made a motion, seconded by Stuart May to approve the variance requested to allow for a reduction of the side setback requirements from 10 feet to 8.9 feet. The motion passed unanimously.

- #2. 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 7:45 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment