

MINUTES FOR THE FRANKLIN COUNTY BOARD OF ADJUSTMENT

October 27, 2008

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

PRESENT: Robert Carlson, Chuck Griffin, Stuart May, Scott Lerew and Cynthia Hayes.

ABSENT: Tammy Ray and Shane Brantley.

STAFF: Tammy Davis and Jason Rogers.

Vice-Chairman Stuart May called the meeting to order at 7:00 P.M., and welcomed everyone in attendance.

Scott Lerew made a motion, seconded by Cynthia Hayes to adopt the agenda as presented. The motion passed unanimously. Scott Lerew made a motion, seconded by Chuck Griffin to adopt the September 22, 2008 minutes as presented. The motion passed unanimously.

Agenda Items:

- #1. Request for a Conditional Use Permit for a Fire Station by Justice Rural Volunteer Fire Department located on NC Hwy 581 N. on 3.76 Acres in Cedar Rock Township in the AR (Agricultural Residential) Zoning District.

Jason Rogers stated Justice Rural Volunteer Fire Department serves on of the largest districts in Franklin County that encompasses a portion of Lake Royale. He stated Justice Fire Department is requesting a Conditional Use Permit to construct a new fire station. He stated the petitioner would have to meet all applicable UDO requirements as well as all parking and landscaping requirements.

Thomas Denton was sworn in and stated he is a volunteer fireman and serves on the Board of Directors for Justice Fire Department. He stated they need a new building and have acquired the land that the proposed fire station would be built on. He stated the new building would serve as the fire department and house the fire trucks. He stated it would be a metal building similar to other fire departments located in Franklin County. He stated their station is 100% volunteer and they raised the money through fundraisers.

Scott Lerew questioned what would happen to the old building that is currently being used for the fire station. Mr. Denton stated that hasn't been determined at this point but assumes it would be sold at a later date. Mr. Lerew questioned why they didn't remove the old building and build a new one in its place. Mr. Denton stated the existing building is located exactly one truck length from the highway and they have to back into the current building from Highway 581. He stated the new building would allow them to pull the trucks through. He stated it would cost more the fix the existing station than to build a new one.

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

Scott Lerew made a motion, seconded by Chuck Griffin to affirm that the Findings of Fact had been satisfied for the Conditional Use Permit requested by Justice Rural Volunteer Fire Department. The motion passed unanimously.

Scott Lerew made a motion, seconded by Cynthia Hayes to approve the Conditional Use Permit requested by Justice Rural Volunteer Fire Department to allow for Fire Department Operations subject to the following required improvements:

- Secure building permits within six months of the issuance of conditional use permit.
- Adherence to all other state and local regulations.

The motion passed unanimously.

#2. Request for a Conditional Use Permit for a Tattoo Shop by David Lewter located at 3822 US Hwy 401 on 0.25 Acre in Harris Township in the HB (Highway Business) Zoning District.

Jason Rogers stated David Lewter is petitioning the Board for a Conditional Use Permit to allow for a tattoo shop in an existing convenience store. He stated the submitted site plan meets all applicable UDO requirements. He stated the applicant is proposing to use 300 square feet of a 2,000 square foot building for the tattoo shop. He stated if the Conditional Use Permit approved, the applicant would be required to obtain all required permits from the Franklin County Health Department and secure all applicable zoning and building permits.

David Lewter was sworn in and stated he is a tattoo artist. He stated he feels the proposed site is a good location since there is no tattoo shops in Franklin County. He stated he wanted his business to be friendly and inviting environment.

Scott Lerew questioned why the proposed would be located in a convenience store. Mr. Lewter stated he would initially be sharing the building with the store but he hopes in the future of taking over the facility and enlarging his business. Robert Carlson questioned if there would be a separate entrance installed or use the existing store entrance. Mr. Lewter stated he would check with the Inspections Department to see what the requirements are but he didn't have a problem with installing a separate entrance if needed. Cynthia Hayes questioned if the petitioner had a license to operate this type of business. Mr. Lewter stated you have to have a location secured in order to be licensed. Ms. Hayes questioned what type of advertising is being proposed. Mr. Lewter stated he wants to put up a sign.

Scott Lerew questioned the hours of operation. Mr. Lewter stated he plans to open Tuesday-Saturday during the hours of 10:00 A.M. to 10:00 P.M. Mr. Lerew questioned the age limit for tattooing. Mr. Lewter stated you have to be 18 years old to get a tattoo. Mr. Lerew questioned the policies of loitering. Mr. Lewter stated no loitering would be allowed. Mr. Lerew questioned the set-up for the shop including the seating. Mr. Lewter stated he would have a small showroom that leads into a small clean room where the actual tattooing takes place and there would be seating for 5 people in the wait area. Mr. Lerew questioned what type of signage is being proposed. Mr. Lewter stated he would like to install a lighted 3'x5' sign. Mr. Lerew emphasized that a tasteful sign located on the building would work better in the neighborhood instead of a neon sign. He stated he wants to make sure the sign is in harmony with the area. Mr. Lerew questioned the name of the proposed business. Mr. Lewter stated Slashers Tattooing. He stated the sign would consist of letters only, no pictures or designs.

Vice-Chairman May closed the public hearing and the Board proceeded to go through the Conditional Use worksheet and discussed the conditions to be placed on the Conditional Use Permit if granted.

Chuck Griffin made a motion, seconded by Cynthia Hayes to affirm that the Findings of Fact have been satisfied for the Conditional Use Permit requested by David Lewter. The motion passed by majority vote with Scott Lerew voting against the motion.

Scott Lerew made a motion, seconded by Chuck Griffin the approve the Conditional Use Permit requested by David Lewter, to allow for a tattoo shop at 3822 US Hwy 401 subject to the following required conditions:

- Must secure all required permits from the Franklin County Health Department.
- Must obtain all applicable zoning and building permits prior to construction.
- Secure all other State and Local approvals.
- Maximum size of signage is 4'x8'
- No flashing sign
- No neon lighting
- Signage will consist of letters only – no pictures
- Flood light illumination only
- Signage is limited to 3 colors only
- Hours of Operation: 10:00 A.M. – 10:00 P.M. Tuesday-Saturday

#3. 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 presented the background information on the proposed variance request and it was decided that testimony was needed from the soil scientist regarding the placement of the foundation since being required to move the foundation is not a hardship. The item was tabled until the next meeting.

#4. Other Business Reports/Discussion
A.) Departmental Report
B.) Other Business/Reports/Discussion

With their being no further business before the Board, Vice-Chairman May adjourned the meeting at 8:15 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment