



Franklin County Communique to the Board of Adjustment

REQUEST FOR VARIANCE 21-VAR-03 366 Camping Creek Rd.

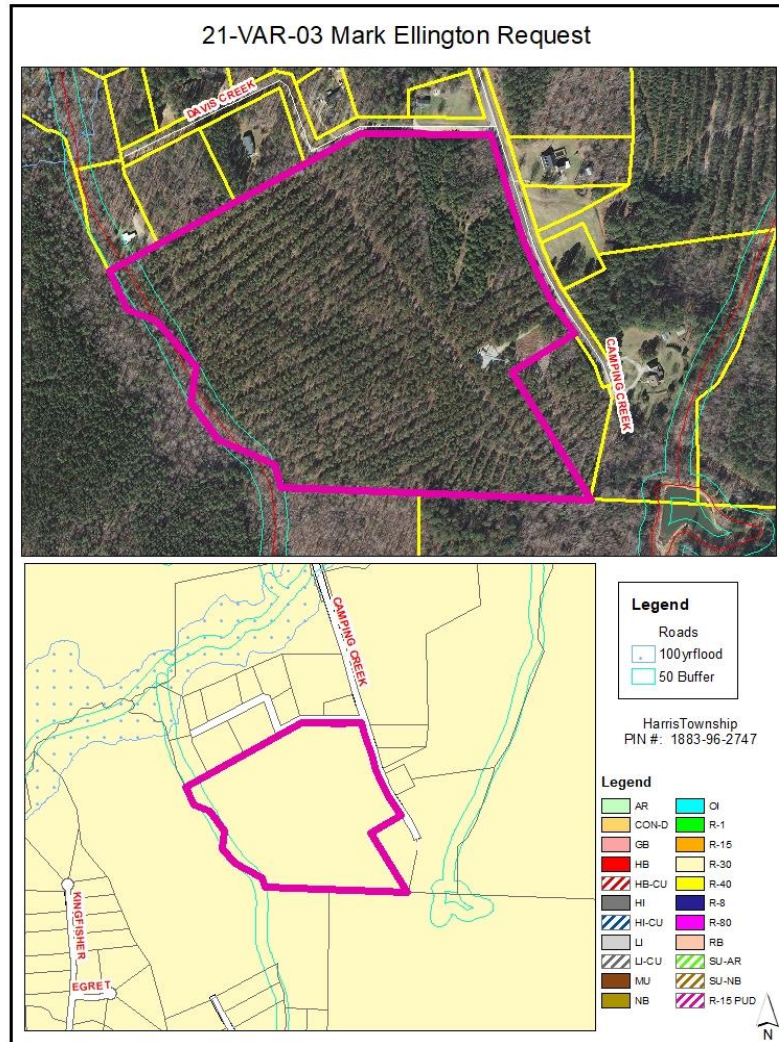
PETITIONER(S):

Name of Petitioner: Mark Ellington
Address: 1023 Roxboro Rd
CityStateZip: Oxford, NC 27565

OWNER(S):

Name of Owner: Timberlake Brothers, LLC
Address: 1694 US 401 Hwy
CityStateZip: Louisburg NC 27549

LOCATION:



ATTACHMENTS:

Variance Application with Letter
Existing Conditions Site Map

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Timberlake Brothers, LLC	1883-96-2747	R-30	41.29
TOTAL			41.29 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	R-30	Vacant with Cell Phone Tower
North	R-30	Residential
South	R-30	Agriculture
East	R-30	Residential
West	R-30	Residential

VARIANCE REQUEST

Variance 21-VAR-03 requested by Mark Ellington to allow for a Variance from the Unified Development Ordinance Article 15-8, Lot Size and Setbacks, for the height of the tower plus twenty percent (20%) setback requirements at 336 Camping Creek Rd. Franklin County PIN 1883-96-2747.

UDO Requirements:

Section 15-8. Lot Size and Setbacks.

All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way, existing or proposed structures, and road and street lines by the greater of the following distances: A distance equal to the height of the proposed wireless telecommunications facility structure plus twenty percent (20%) of the height of the facility or structure, or the existing setback requirement of the underlying zoning district, whichever is greater.

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS ¹		
	Area in Sq.Ft.	Sq.Ft. per Dwelling Unit	Frontage In Feet	Front Yard Setback in Feet	Side Yard Width in Feet	Rear Yard Depth in Feet
R-30 Residential District				40	30	50

BACKGROUND INFORMATION

The applicant is petitioning the board for a variance from the setback requirements. According to the UDO Article 15-8, the setback from abutting parcels, recorded rights-of-way, existing or proposed structures, and road and street lines must meet the distance equal to the height plus twenty percent (20%) of a communications tower to accommodate for a fall zone. The ordinance intends to protect surrounding areas from potential falling towers. The applicant has stated within the petition that the proposed land is in the process of being developed into a 45-lot subdivision. Within the petition, the applicant has provided a letter stating that the tower on-site, under the design requirements of the building code, has a theoretical fall zone of zero feet. The applicant believes that the ordinance is an unnecessary hardship that would cause the property not to be developed. This is due to the loss of 8 potential lots which would cause the increase in necessary road infrastructure to generate the remaining lots leading to an increase in costs above development standards.

BOARD OF ADJUSTMENT FINDINGS

NOTE: Board of Adjustment Members should use the following area to make notes on evidence presented related to each of the required Findings as it is presented during the public hearing.

Section 24-2, (B) A variance may be granted by the board of adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use be made of the property.

FINDING ___ Yes ___ No

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

FINDING ___ Yes ___ No

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that the circumstances

exist that may justify granting or a variance shall not be regarded as self-created hardship

FINDING___ Yes ___No

- (4) The requested variance is consistent with the spirit, purposes, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

FINDING___ Yes ___No

In granting any variance, the Board of Adjustment may impose reasonable conditions concerning the use or development of the subject property to:

- a. Insure that the criteria for the granting of such approval will be complied with; and***
- b. Reduce or minimize any potentially injurious effect of the variance of development standards on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.***

BOARD OF ADJUSTMENT MOTION

Please note that 4/5 vote is required for approval of all motions.

Suggested Motion #1:

I move to affirm that the Findings of Fact located within Section 24-2, (B) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 336 Camping Creek Rd., Franklin County PIN 1883-96-2747.

Suggested Motion #2:

Based upon the Board’s Findings of Fact, I move to approve/deny Variance 21-VAR-03 requested by Mark Ellington to allow for a Variance from the Unified Development Ordinance Article 15-8, Lot Size and Setbacks, for the height of the tower plus twenty percent (20%) setback requirements at 336 Camping Creek Rd. Franklin County PIN 1883-96-2747.