



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR VARIANCE 15-VAR-03 777 North Carolina 96 Highway East

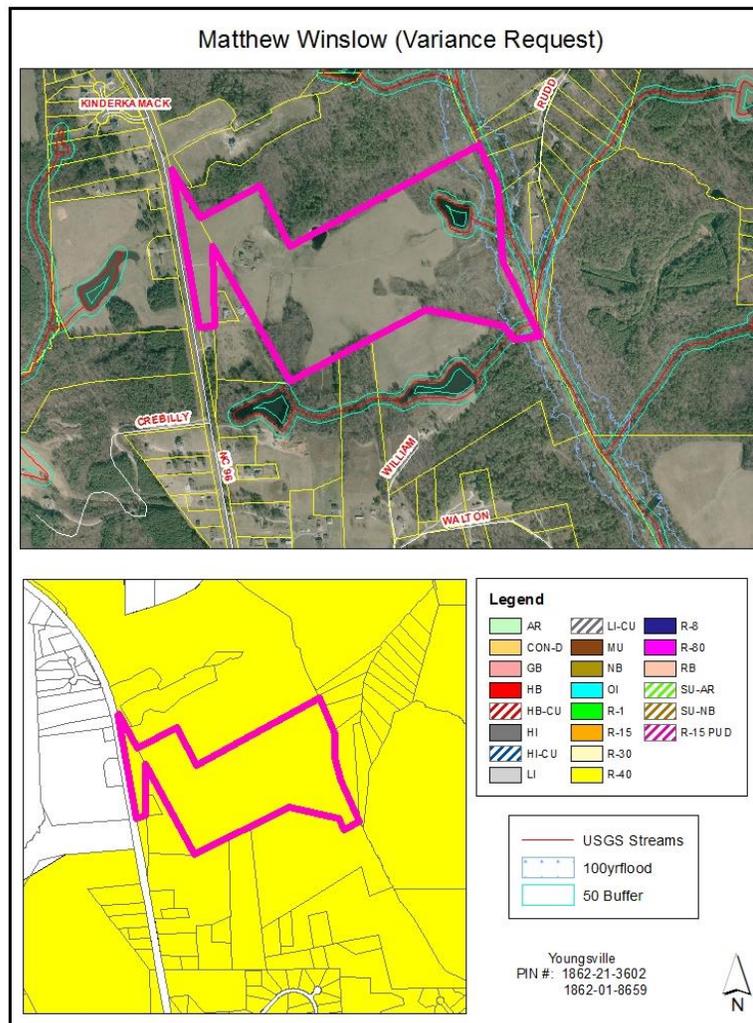
**PETITIONER(S):**

Name of Petitioner: Matthew Winslow  
Address: 112 Wheaton Ave Suite C  
CityStateZip: Youngsville, NC 27596

**OWNER(S):**

Name of Owner: Raymond Keith  
Address: 206 Carolyn Drive  
CityStateZip: Benson, NC 27504

**LOCATION:**



**ATTACHMENTS:**

Variance of Application  
Site Plan

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Raymond Keith	1862-21-3602	R-40	70.622
	1862-01-8659	R-40	4.978
<b>TOTAL</b>			<b>75.6</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Properties</b>	R-40	Residential SFD/Vacant Residential
<b>North</b>	R-40	Residential
<b>South</b>	R-40	Residential
<b>East</b>	R-40	Residential
<b>West</b>	Youngsville ETJ	Residential

**VARIANCE REQUEST**

**Variance 15-VAR-03 requested by Matthew Winslow to allow for a Variance from the Unified Development Ordinance Article 27: Required Improvements and Minimum Standards of Design, Section 7: Utilities to allow for individual well and septic systems on each lot within a new, 33 lot subdivision located at 777 NC 96 Highway East, Youngsville, Franklin County PINs 1862-21-3602 and 1862-01-8659.**

**UDO Requirements:**

Article 27: Required Improvements and Minimum Standards of Design

Section 7: Utilities

(B) *Water Facilities*

Within Franklin County’s jurisdiction, every lot in all new major subdivisions of (16) sixteen lots or more which are approved subsequent to the effective date of this amendment are required to connect, at the expense of the subdivider or developer, to a public water system. If all lots within the subdivision are of five acres or more, the resulting subdivision will not be subject to these provisions. Such public system may be maintained, installed and operated by a private corporation, however, engineered plans, site specific improvements shall be approved by the Franklin County Public Utilities Department. All public and private community water systems shall be designed and constructed to provide potable water and a minimum fire flow of five hundred (500) GPM (gallons per minute) at twenty (20) PSI (pounds per square inch).

**BACKGROUND INFORMATION**

The applicant is petitioning the board for a variance to allow for individual well and septic systems in a new subdivision of 32 lots. According to the Franklin County UDO, all new subdivisions of 16 lots or more must connect to a public water system, either a community well or through Franklin County Utilities. The applicant stated in his petition that, based on the density of the development as well as the poor soils located on the property, a community water system or connection to Franklin County public water is cost prohibitive. Additionally, the property is located in a protected watershed district, therefore single-family residential uses shall be allowed at a maximum density of one (1) dwelling unit per forty thousand (40,000) square feet. The built-upon area of all residential and nonresidential development shall be allowed at a maximum Impervious Surface Ratio of twelve percent (12%).

**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

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- (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

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- (2) 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 of a variance shall not be regarded as self-created hardship

FINDING \_\_\_ Yes \_\_\_ No

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- (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

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***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 777 NC 96 Highway East, Franklin County PINs 1862-21-3602 and 1862-01-8659.**

**Suggested Motion #2:**

**Based upon the Board’s Findings of Fact, I move to approve/deny Variance requested by Matthew Winslow to allow for a Variance from the Unified Development Ordinance, Article 27: Required Improvements and Minimum Standards of Design, Section 7: Utilities to allow for individual well and septic systems on each lot within a new, 33 lot subdivision located at 777 NC 96 Highway East, Youngsville, Franklin County PINs 1862-21-3602 and 1862-01-8659.**