

## FRANKLIN COUNTY BOARD OF ADJUSTMENT

August 24, 2015

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, August 24, 2015 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

**Present:** Armenta Eaton, Robert Carlson, Scott Lerew, Stuart May, and Jim Roberson  
**Staff:** Jason Rogers and Scott Hammerbacher

Chairman Scott Lerew called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. Mr. May made the motion to approve the agenda, seconded by Ms. Eaton, the motion passed unanimously. Mr. May made a motion, seconded by Ms. Eaton, to approve the minutes from the June 22, 2015 meeting, the motion passed unanimously.

1. A variance requested by Mathew Winslow from Section 29-7 Utilities of the UDO at 777 NC 96 HWY E on 75.6 acres. 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 non-residential development shall be allowed at a maximum impervious surface ratio of twelve percent (12%).

Mr. Lerew opened the public hearing.

Mr. Winslow stated that he was familiar with this part of the ordinance because he helped write it when he was employed with the County. He stated that it was initially intended to help grow the County's water customer base. He said he is asking to be allowed for individual wells due to the poor soils limiting the potential development of the property. He said the poor soils were unique to this property.

Mr. Lerew stated that the soils should have nothing to do with the wells.

Mr. Winslow responded that the poor soils are limited the number of lots and development potential of this tract of land. He said if 77 lots were possible then a community water system would be more feasible.

Mr. Lerew questioned if the only reason for the variance request was because the community water system was cost prohibitive?

Mr. Winslow replied no, but cost prohibitive is something that can be considered. He further stated that he does not have the density to install the community water system.

Mr. Lerew questioned that you do not have the soils to support the community well.

Mr. Roberson asked Mr. Winslow if he had a sealed geotech report?

Mr. Winslow responded yes. Mr. Winslow submitted sealed geotech soils report to the Board Members for their review.

Mr. Roberson asked Mr. Winslow if he had considered requesting a change in the UDO?

Mr. Winslow said no.

Mr. Carlson question if there had been any discussion about a possible change in the UDO?

Mr. Hammerbacher stated yes, in the past there was some discussion. He further stated that he hasn't had any discussion with the Public Utilities director on this subject.

Mr. Carlson asked if there were any plans for water in this area of the County?

Mr. Winslow said no.

Mr. Lerew stated that the letter submitted by Mr. Winslow strictly focuses on the septic systems.

Mr. Winslow stated yes, that is correct. It limits the lot yield, therefore making a community water system not feasible.

Mr. Lerew asked if he performed the soil study before or after he purchased the property?

Mr. Winslow stated that he had not purchased the property yet.

Mr. Winslow stated that if you could get one acre per lot then you could make a community water system work. Water lines are a huge expense.

Ms. Eaton asked since the lots are so large would it take a larger amount of piping?

Mr. Hammerbacher stated the private utilities have to be located outside of DOT right-of-way and ultimately the responsibility of the HOA.

Mr. Lerew asked Mr. Winslow if he has to put in the community water system would you not pursue the subdivision.

Winslow responded yes, it is cost prohibitive.

Mr. Lerew said I don't see anything other than costs to approve a variance.

Mr. Winslow said if that's the case you have, then you have taken the value away from the property.

Mr. Roberson stated that cost can be considered as a factor but should not be the only factor.

Mr. Winslow stated that the features of the property should be considered.

Mr. Lerew stated that this is not the only way the land can be used.

Mr. Winslow responded yes, but you can not get the same value. It's not a profit issued, it's a practicality issue. Cost of development versus cost of land.

Mr. Carlson asked if you are selling lots to builders, which is better? Thirty three (33) wells versus one (1) community well?

Mr. Winslow said some builders don't want to build in a community well development.

Mr. Roberson asked if the County has considered an ordinance amendment?

Mr. Hammerbacher replied, This Board could ask staff to take a look at that. This has been a non-issue for some time. This rule was put in place to increase the water customer base.

Mr. Roberson stated that he is wondering if this is a situation for a UDO amendment.

Robert Oakes 955 NC HWY 96 E. Youngsville

Mr. Oakes stated that he is an adjoining land owner. I have a moderate to less than moderate well. I have a lot of trouble with my septic and well. Individual or community it would affect all of us greatly. I would like to see the County bring water out to the area.

Mr. Roberson asked Mr. Oakes if he knew the depth and flow rate of his well.

Mr. Oakes said he well was less than 52 feet deep and less than one gallon per minute.

Amanda Seger 687 NC 96 HWY E. Youngsville

Ms. Seger stated that she lives behind this site. The Board should be concerned with protect the citizens. She said her water quality will suffer if this variance is granted.

Mr. Roberson questioned how will her water quality suffer?

Ms. Seger responded that the run-off from houses and the wells will reduce the amount of drinking water in the area.

John Teel 310 Rudd Rd. Youngsville

Mr. Teel stated that his primary concern is water. People run out of water in his area during droughts.

Mr. Roberson asked Mr. Teel if he knew what the depth and gallons per minute of his well.

Mr. Teel said his well was 120 feet deep but he did not know the gallons per minute.

Nancy White 762 NC HWY 96 E Youngsville

Ms. White stated that storm water drains across her property. She stated that if a variance was granted a precedent would be set.

Mr. Roberson asked Ms. White if she knew the depth of her well.

Ms. White replied no, I do not. She said she has ran out of water in the past.

Jeff Pollock 664 NC HWY 96 E Youngsville

Mr. Pollock stated that he has better water pressure than most. He questioned the validity of the soils report.

Mr. Lerew stated that is was performed by a licensed soil scientist.

Mr. Roberson asked Mr. Pollock if he knew the depth and gallons per minute of his well.

Mr. Pollock said 100 plus feet and 2 to 3 gallons per minute.

Mr. Roberson asked Mr. Winslow if he knew what the standards were for a community well.

Mr. Winslow stated that each house requires 2 to 3 gallons per minute per house. He said a scientific report is required and it is also checked by the County. Mr. Winslow stated the shallow bored wells the adjoining property owners were using are fed by the rain or surface water. He said standards for wells are different now and the average well depth is 250 feet.

Curtis White 762 NC 96 HWY E. Youngsville

Mr. White stated that he dug his well over 39 years ago. He said he has plenty of water. Mr. White said that Mr. Winslow should be required to follow the rules. We want to protect our drinking water.

Mr. Lerew asked if a community well State monitored.

Mr. Hammerbacher said they all have to be inspected. Community Water standards are much greater. They require monitoring and periodically maintained. The Home Owner's Association will ultimately be responsible.

Robert Pavlosky 700 NC 97 HWY E Youngsville

Mr. Pavlosky stated that rules are in place to be followed. The rules need to be enforced.

Mr. Roberson asked Mr. Pavlosky if he knew the depth of his well.

Mr. Pavlosky stated his well was 350 feet deep.

Mr. Hammerbacher reminded the Board that Mr. Winslow has not purchased the property and that any subdivision proposal would need to be reviewed by staff and approved by the Planning Board.

Mr. Lerew closed the public hearing.

Mr. Carlson stated that he feels like it's more of an inconvenience and expense but doesn't know if it's enough to justify a variance.

Mr. Hammerbacher reminded the board that each decision by this Board does not set a precedent.

Mr. Roberson stated that it appears that most of the neighbors have shallow wells. He stated that he was involved in a well study and that most shallow wells are contaminated. The deeper ones were not.

Mr. Carlson made a motion that the findings of fact had been satisfied, seconded by Ms. Eaton. The motion passed unanimously.

Mr. Carlson made a motion to deny the variance request, seconded by Mr. Roberson. The variance request was denied by unanimous vote.

2. Nell Rose & Jerry Glenn Holmes requested a Conditional Use Permit for a Conference Center/Retreat Facility on approximately 56.22 acres at 1587 Beasley Rd. in Louisburg Township. The applicants are proposing to use the existing grounds and horse barn for weddings and other events. The applicant's personal residence is located on the property. The site plan shows a one acre area designated for parking off the existing gravel 25' gravel driveway to accommodate approximately 250 guests. The existing tree line and vegetation will meet Article 14 Landscape Requirements for screening. NCDOT has indicated in the attached email that a driveway permit will not be required for this site. NCDOT has asked the applicant to widen the driveway eight feet (8') to ensure safety of wedding traffic coming in and out of the drive. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Office & Institutional. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

Nell Rose Holmes 1587 Beasley Rd. Louisburg

Ms. Holmes stated that her daughter wanted to have her wedding at home. The guests were so impressed with the wedding that they said she should open this up to other brides. Ms. Holmes said she did not know that she needed to get approval until she stopped by the Planning office to get permit for permanent bathroom facilities. She stated she had ample parking. She also noted that she had been in contact with NC DOT and Franklin County Inspections staff.

Mr. Lerwe opened the public hearing.

Mr. Lerew asked if she had a maximum number of people that would attend events.

Ms. Holmes said she had enough space to accommodate 250 people.

Mr. Hammerbacher stated that Ms. Holmes is already in compliance.

Joanne Beasley 3657 NC 39 HWY Louisburg

Ms. Beasley said she attended Ms. Holmes daughter's wedding and it was beautiful. She said it was the perfect place for wedding events. She has no objections.

Mr. Lerew closed the public hearing.

Motion was made by Mr. May that the findings of fact had been met, seconded by Ms. Eaton. The motion passed unanimously that the findings of fact had been met.

Motion was made by Mr. May to approve the Conditional Use Permit as presented with the suggested conditions by staff, seconded by Ms. Eaton. The motion passed unanimously to grant the Conditional Use Permit as presented with suggested conditions of approval.

3. Richard C. Paschall, Jr petitioned the board for a variance from Section 6-2 Note 4. (G) of the Unified Development Ordinance in order to place an accessory building (Carport) in the front yard at 86 Admiralty Way. The property is located within the R-30 zoning district. It is less than five (5) acres in size therefore; it does not meet section (I) of Note 4. It states that accessory structures or buildings may be located in the front of the principal structure if the parcel is five (5) acres or more in size and the accessory structure is setback two hundred (200) feet from any right-of-way. In no case may the accessory structure encroach into any building setback. The variance petition states that the applicant would like to install a carport to protect a travel trailer from the weather. The applicant has noted within the petition that proposed location is the best available location without impacting the septic system and underground wiring. If the variance is granted, Mr. Paschall plans to erect a 12' W X 31' L X 13' H carport on his property. The attached site plan indicates the proposed location for this structure being over 400 feet from Admiralty Way. Additionally the aerial photography shows a heavily wooded area between the proposed carport location and Admiralty Way.

Mr. Lerew opened the public hearing.

Mr. Lerew questioned is that the only location. Where is the septic tank located?

Mr. Paschall pointed out the septic tank location and repair area. He stated he has lived out there since 2002 and he had never thought about a structure until the recent hail storm. He stated that it caused over forty thousand (40,000) dollars in damage. He stated that it was impractical to clear the trees and cost prohibitive. He stated that he intends to use the existing tall trees to help hide the structure.

Mr. Lerew said it would be impractical to locate it in the repair area.

Mr. Paschall said that the two adjoining property owners were his relatives and had no problem with the request.

Mr. Roberson asked Mr. Paschall if he plans to keep it open sided.

Mr. Paschall said yes, and plans for it to be green so that it blends in with the trees.

Mr. Roberson stated that a building permit would not be required as long as 50% of sides are open.

Mr. Lerew closed the public hearing.

Mr. Roberson made a motion that the findings of fact had been met, seconded by Ms. Eaton. The motion passed unanimously.

Mr. May made a motion to grant the variance as presented, seconded by Ms. Eaton. The motion passed unanimously.

With there being no further business before the Board of Adjustment, Chairman Lerew adjourned the meeting at 9:00 P.M.

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Scott Lerew, Chairman  
Franklin County Board of Adjustment

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Jason Rogers, Clerk  
Franklin County Board of Adjustment