

FRANKLIN COUNTY BOARD OF ADJUSTMENT

January 26, 2015

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, January 26, 2015 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

Present: Dewey Botts, Shane Brantley, Robert Carlson, Armenta Eaton (non-voting), Scott Lerew, and Stuart May

Staff: Scott Hammerbacher, Jason Rogers and Kevin Lewis

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 Mr. Brantley, the motion passed unanimously. Mr. May made a motion, seconded by Mr. Brantley, to approve the minutes from the October 27 meeting, the motion passed unanimously.

1. A Variance requested by Daryl Cady of Cady Construction to reduce the setbacks of three lots on Grove Crossing Way in the Youngsville Township. Oak Grove Crossing Subdivision was recorded in Map book 2006 Page 291A, B. At that time Lot 1 (5004 Grove Crossing Way) of Oak Grove Crossing was primarily located in Wake County. Years of discrepancy prompted both Wake and Franklin County to re-establish the county line. In 2009 a survey was conducted by the North Carolina Geodetic Survey to re-establish the official county line. The county line was officially established in 2010 causing Lot 1 to require permitting through Franklin County. Lot 1 was originally subject to Wake County regulations that require a thirty (30) foot front setback, ten (10) foot side setback, and twenty-five (25) rear setback. The applicant has stated within the petition that a septic layout has been designed by a private soils engineer and the Franklin County fifty (50) setback would cause the single-family-dwelling to encroach into the proposed septic field. Within the application the applicant has stated that the other homes located along this side of the street are setback thirty (30) feet and would like to keep the neighborhood uniform. Lots 11 (5005 Grove Crossing Way) and 12 (5009 Grove Crossing Way) are located entirely on the Franklin County side. The applicant is requesting a variance from the front setback of fifty (50) feet to thirty (30) feet in order to keep neighborhood uniformity and accommodate septic systems designs.

Chairman Lerew opened the public hearing, Mr. Cady was sworn in. Mr. Cady stated that the subdivision is small, only 12 lots, and would like to keep the setbacks the same.

Chairman Lerew asked if the county line shifting and causing this subdivision to come under Franklin County zoning regulations was the cause of this problem. It was the cause.

Mr. Carlson asked if lots 11 and 12 have already been built, they have. He also asked if they were built before the line shifted, which they weren't. The houses were built when the front property line was the centerline of the road, not at the end of the right of way. This caused the confusion.

Chairman Lerew closed the public hearing.

Mr. Carlson asked staff if the setbacks will apply to all sides of the building or just the front. The setbacks will be changed to 30 feet from the front lot line, 10 feet from the sides, and 25 feet from the rear lot line.

With no further discussion from the board, Mr. Brantley made a motion to approve the findings of fact, seconded by Mr. May. The motion passed unanimously.

The motion was made, by Mr. May, to approve the conditional use permit, seconded by Mr. Brantley. The motion passed unanimously.

2. Gerald and Betsey Gilbert requested a Variance for the reduction of the minimum lot size on two lots at 337 and 339 Sagamore Drive. The reduction would reduce the minimum lot size requirement of 30,000 square feet to 19,602 square feet and the minimum frontage requirement of 100 feet to 53.83 feet. The applicant indicated within the petition that he is unable to obtain a valid septic permit from the Franklin County Environmental Health Department with the current lot configuration. On December 6, 2011, Mr. Gilbert recorded a recombination survey to combine lots LR1067, LR1066, and LR 1065 in order to correct a setback issue on lot LR1067, and create a larger lot for a future home on revised lots LR1066 and LR1065. The applicant applied for a septic permit on revised lot LR1066 and LR1065 but the lot would not pass. According to the applicant and the Franklin County Environmental Health Department if the lots are to their original configuration as recorded on P.B. 12 P.G. 28, a valid septic permit could be issued on both lots. The applicant has stated with the current lot configuration a valid septic permit cannot be issued therefore making the land useless. The average lot size in Lake Royale is 20,000 square feet. This request is consistent with the existing lot size within the Lake Royale Community. The applicant is requesting a variance to return the lots to the original configuration as recorded in P.B. 12 PG. 28 so that Environmental Health regulations can be met and reasonable use can be made of the property.

The following conditions of approval will be attached to the permit:

- Subject to original configuration as recorded in P.B. 12 P.G. 28 for LR 1067, must be recorded prior to issuance of new permits.
- Remove deck to eliminate encroachment on PIN 2831-51-4214, 337 Sagamore Dr.

Ms. Gerald Gilbert was sworn in and stated that the shift would move the lot line closer to the dwelling unit currently at 339 Sagamore Dr., restoring the lot lines to their original dimensions.

Mr. Brantley informed the Board that doing so, based on the lots location, would cause the lot to fall under the prior, grandfathered regulations, which exempt septic systems from some of the more stringent requirements.

Mr. Jeffery Wood, an employee at the Franklin County Environmental Health Department, was present to answer questions relating to this case.

Chairman Lerew asked Mr. Wood if going back to the original lot dimensions would reintroduce the prior regulations this lot faced. It would, and when the new lot was recorded, the exemptions were lost.

Mr. Brantley notified the board that the exemptions allowed for a reduced setback and eliminated the need for a repair field.

Mr. Gilbert added that he is requesting this variance in order to apply for a new septic permit and to make it easier in the future if need be.

With the board's questions answered to their satisfaction, a motion was made by Mr. May to approve the findings of fact. Mr. Brantley seconded the motion, and the findings of fact were approved unanimously. The Board felt that the hardship was created by Mr. Gilbert himself, however, not from the actions of someone else or another entity.

Chairman Lerew made the motion to approve the conditional use permit, seconded by Mr. May. The motion passed unanimously.

With there being no further business before the Board of Adjustment, Chairman Lerew adjourned the meeting at 7:30 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Kevin Lewis, Clerk
Franklin County Board of Adjustment