

FRANKLIN COUNTY BOARD OF ADJUSTMENT

March 24, 2014

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, March 24, 2014 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

Present: Scott Lerew, Robert Carlson, Stuart May, Jim Roberson, and Armenta Eaton
Alternates Present: Dewey Botts
Absent: Shane Brantley
Staff: Jason Rogers and Kevin Lewis

Chairman Scott Lerew called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. Stuart May made a motion, seconded by Armenta Eaton to adopt the agenda as presented. The motion passed unanimously. Stuart May made a motion, seconded by Armenta Eaton to approve the minutes from the January 27, 2014 meeting as presented. The motion passed unanimously.

1. Request for a Variance by Robin Ashbridge & Jennifer Kingfield from the Unified Development Ordinance Article 6-2; Note 4 (Accessory Uses, Buildings, and Structures) (I) to allow for the placement of an Accessory Structure past the front façade of the principal structure at 123 River View Drive, Franklinton Township, Residential-40 (R-40) Zoning District.

Jason Rogers was sworn in, and stated that the petitioner, Robin Ashbridge, was requesting to build an accessory structure in the front yard of his seven (7) acre lot. The placement accessory structure, in this case a 36X42 foot detached garage, past the front façade of the primary structure is permitted by right because the lot is five (5) acres or more in R-40 Zoning Districts. However, the petitioner is requesting approval to place the structure within the 200 foot setback because his property has a natural steep slope which severely limits the areas that would be the ideal location for the garage. The site plans indicates the proposed location for this structure being 100 feet from the road. There is a 65 foot tree buffer between the road and proposed location for the detached garage.

In addition to the site plan, the petitioner submitted signed letters of support from neighboring property owners that detailed the proposed addition. Mr. Roberson asked if we could accept the signed letters as evidence of support for the petitioner. The letters were not used as evidence by the Board during deliberations.

Mr. May asked if Planning Staff conducted a site survey in regards to the slope in the rear of the property. Mr. Rogers stated that when he placed the public notice sign at the property, he observed the sever slope and noted the difficulty associated with building on it.

Mr. Lerew opened the floor for the public hearing.

Mr. Ashbridge, the petitioner, stated his case.

Mr. Lerew asked about the location of the septic tank. It is located to the rear of the house, another obstacle in placing the garage outside of the 200 foot buffer. He also asked if the land directly to the north side of the house (to the right of the house from street view) is flat as well or sloped. Additionally, there was concern that the proposal appeared to be far from the primary structure. The land does slope drastically just north of the house and continues to the Tar River which borders the western property line.

Mr. Ashbridge indicates that the house sits just 150 feet from the street, and building the detached garage 200 feet from the road would place it in the septic field.

Mr. Roberson asked if staff received any calls from the public regarding this case. Mr. Rogers responded that there were inquires about the public hearing, but no objections or concerns were made.

Mr. Carlson asked what the purpose of the garage would serve. Mr. Ashbridge responded that the garage would be for storage of his cars and a small tractor. No construction or manufacturing will occur in the garage.

Mr. Roberson asked if the 60-65 foot tree buffer currently in place will remain. Mr. Ashbridge indicated it would.

Chairman Lerew closed the public hearing, and the Board affirmed the findings of fact.

Mr. Carlson made the motion to approve the Findings of Fact, seconded by Ms. Eaton. The motion passed unanimously.

Mr. Roberson made the motion to approve the Variance Request, seconded by Ms. Eaton. The motion passed unanimously.

2. Request for a Conditional Use Permit by Moccasin Creek Development, LLC for a Two-Family Duplex, 1.17 acres off Bethlehem Church Road, Harris Township, Residential-30 (R-30) Zoning District. Calvin Brodie is representing Moccasin Creek Development.

Mr. Rogers stated that the applicant is proposing to build an 84X32 duplex on the property. The applicant owns the surrounding tract of land consisting of 52.31 acres. The residual tract has a doublewide-manufactured home and an older uninhabitable dwelling that is planned to be removed in the future. There is an existing well, storage building, and above-ground pool on the property. The site plan indicates that there is a 30 foot Wake Electric Power Easement located across the center of the lot. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated Low-Density Residential. The submitted site plan meets all applicable UDO requirements. If the Board grants approval of this request, the applicant will be required to meet all other applicable local and state requirements.

Mr. Brodie states that he is proposing a three (3) bedroom duplex, which will be stick built and not a modular unit.

Mr. Lerew asked if the proposal will be cutting into the larger tract of land. It has already been recorded.

Mr. Carlson asks what the additional conditions for approval will be. The property owner will be required to plant street trees in accordance with Section 14-6 of the UDO, and must obtain all zoning, septic, and building permits.

There is concern regarding an existing tin storage shed, which sits in the utility easement. The petitioner states that he plans to keep the shed in place and use it for storage, but can removed it if requested. The Board discussed whether they can require the removal of the shed from the easement, or if it is up Wake Electric.

Chairman Lerew asked if the property will be a rental unit. Mr. Brodie confirmed it was.

Chairman Lerew closed the public hearing. The Board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- The petitioner must remove the above ground pool and old frame storage shed as indicated on the site plan.
- The petitioner must plant street trees in accordance with Section 14-6 of the UDO
- The petitioner must obtain all necessary zoning, septic, and building permits.

Mr. May made the motion to approve the Findings of Fact, seconded by Ms. Eaton. The motion passed unanimously.

Mr. Carlson made the motion to approve the Conditional Use Permit, seconded by Mr. Roberson. The motion passed unanimously.

With there being no further business before the Board of Adjustment, Chairman Lerew adjourned the meeting at 8.00 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Jason Rogers, Clerk
Franklin County Board of Adjustment