

FRANKLIN COUNTY BOARD OF ADJUSTMENT

October 27, 2014

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, October 27, 2014 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

Present: Robert Carlson, Armenta Eaton, Scott Lerew, Stuart May, and Jim Roberson
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 Ms. Eaton, the motion passed unanimously. Mr. May made a motion, seconded by Mr. Carlson, to approve the minutes from the September 22 meeting, the motion passed unanimously.

1. A Conditional Use Permit requested by Calvin Brody of Moccasin Creek Development to construct a duplex on approximately 1.367 acres at 1151 Bethlehem Church Rd. in Harris Township. The applicant is proposing to build an 84 X 32 duplex on the property. The applicant owns the surrounding tract of land consisting of 52.31 acres where there is a double-wide manufactured home. The site plan indicates that there is a 30' Wake Electric Power Easement located across the rear portion of the lot. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as 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.

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

- Street trees shall be planted along Bethlehem Church Rd. in accordance with Section 14-6 of the Unified Development Ordinance.
- Must secure all zoning, septic, and building permits.

Chairman Lerew opened the public hearing, Mr. Brody was sworn in. Mr. Brody submitted pictures of an already completed duplex on the neighboring property, this duplex was approved by the board earlier this year, and the new duplex will be built to the same standards.

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

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

2. William and Jaqueline Holden are requesting a Conditional Use Permit expand an existing Day Care Center on approximately 2.515 acres at 583 Flat Rock Church Rd. in Harris Township. The applicant is proposing to build a 80' X 120' building on the property to use in conjunction with

the day care operations. There is an existing day care building and existing parking area on the subject property. The applicant has indicated to staff that the function of the proposed building will be to provide before/after school care to school age children. According to the Comprehensive Land Use Plan, the subject parcel and surrounding parcels are designated as Low-Medium 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. 2012 North Carolina Fire Prevention Code for Fire Department access.

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

- Must meet 2012 North Carolina Fire Prevention Code for Fire Department Access.

Ms. Jaqueline Holden was sworn in and stated that the addition will be used for a large number of before and after care students requesting spots in the center. They intend to add 30 students in the short term and possibly more in the future. The total capacity will be determined by state measurements. Parking will not be an issue, as the owners provided extra parking spaces during the initial development of the site.

The applicant has been in contact with the Building Inspections department regarding fire access. As one of the conditions of approval, the applicant is aware of the importance of fire safety and access.

Mr. Carlson asked if a new septic system will be installed. The current septic tank is adequate at this time, and the center is on the county waterline. The addition will not be located on the current septic field.

With the board's questions answered to their satisfaction, a motion was made by Mr. May to approve the findings of fact. Mr. Carlson seconded the motion, and the findings of fact were approved unanimously.

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

3. Mark and Jena Clark are petitioning the board for a variance from the side setback requirements. The existing single-family structure is encroaching the side setback by seven (7) inches. According to the UDO, the setbacks for Residential-1 (R-1) are 30' Front, 10' Side, and 25' Rear. As indicated on the attached site plan, the applicant would require a side setback reduction of seven (7) inches. The applicant stated within the petition that the narrow lot dimensions, steep slope to the rear, and required location of septic system as reasons for the location of the house on the property. The applicant also stated that an attempt was made to work out a trade with the adjoining property owner but the adjoining owner respectfully

declined. The applicant noted that she was not aware of the encroachment until she placed her house on the market to sell. She stated the variance is needed in order to sell the property.

Ms. Jena Clark was sworn in and provided the board with a variance approval from the Lake Royale Property Owners Association. Her neighbor is unable to sell or trade land because his lot is narrow as well.

Mr. Lerew asked if they are the original owners of the house. They are, and they served as their own general contractor during construction. The land was surveyed after the foundation was poured, and the violation went unnoticed until the current owners attempted to sell the house.

Mr. Roberson stated that the owners did the right thing when hiring a surveyor, and were not at fault for the violation going unnoticed.

Mr. May asked if the current setbacks were in place at time of construction, 1998. They have been the standard since 1976.

Ms. Eaton asked if the Lake Royale POA approved construction of the house. The POA did approve the house, but it did not have an inspections program at the time.

Mr. Lerew clarified that without the approval of this variance request, the sale of this house was in jeopardy. He then closed the public hearing and stated that there were two schools of thought regarding this matter: either the surveyor was at fault for failing to notice the violation and inform the homeowners, or the homeowners were at fault.

Ms. Eaton stated that the property owners did what the hired surveyor told them to do.

With no further discussion needed, Mr. May made the motion to approve the findings of fact as discussed, seconded by Ms. Eaton. The motion passed unanimously.

Mr. May made the motion to approve the variance request, seconded by Mr. Roberson, the motion was approved unanimously.

4. Other Business: Mr. Hammerbacher updated the board on the role of alternate members and how the department will be contacting all board members to ensure a quorum will be met. It is the staff's intent to establish a quorum as quickly as possible for the best interest of all parties involved, and it will be doing so the Thursday before each scheduled board meeting, with a 24-hour window for confirmation by each board member.

With there being no further business before the Board of Adjustment, Chairman Lerew adjourned the meeting at 7:45 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Kevin Lewis, Clerk
Franklin County Board of Adjustment