

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

February 10, 2009

The Franklin County Planning Board held its regular scheduled monthly meeting on Tuesday, February 10, 2009 in the Commissioners Meeting Room at the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

Present: Henry Nelms, Willie Bartholomew, Richard Hoyle, Melvin Cheaves, Ricky May, William Wallace, Mark McArn, Mary Solomon and Phillip Jeffreys.

Absent: Fannie Brown, Robert Mann and Ronnie Pearce.

Staff: Tammy Davis, Scott Hammerbacher and Jason Rogers.

Chairman Henry Nelms called the meeting to order at 7:00 P.M., and welcomed everyone in attendance. William Wallace gave the invocation. Willie Bartholomew made a motion, seconded by Ricky May to approve the agenda as presented. Richard Hoyle made a motion, seconded by Willie Bartholomew to approve the minutes from the November 10, 2008 meeting. The motion passed unanimously.

Agenda Items:

- #1. Proposed UDO Text Amendment: Article 8 (Table of Area, Yard and Height Requirements) – Front Yard Setback Requirement for Existing Camper Lots at Lake Royale.

Jason Rogers stated staff has received nine separate variance requests over the past four years to allow for front setback reductions for existing camper lots at Lake Royale. He stated the average of these variance requests was 12.22 feet. He stated it is common practice that several variance requests are received and subsequently approved that there is a deficiency within the UDO. He stated during the September 2008 Board of Adjustment meeting, Chairman Shane Brantley made a motion to recommend to the Planning Board a front setback reduction on existing camper lots. He stated the Board of Adjustment is recommending that the Planning Board consider recommending to the Board of Commissioners amending current regulations to allow for a reduction of the front setback from 30-feet to 15-feet for existing camper lots at Lake Royale provided that one off-street parking space is available.

Shane Brantley (Board of Adjustment Chairman) stated lots in Lake Royale were established in 1976 and are considered grandfathered. He stated the lots are 30'x70' in the camper section. He stated the 30-foot front setback requirement makes it hard to install a septic system. Jason Rogers stated that out of the nine variance requests, seven of them were existing violations and two in 2007 were vacant lots. He stated it is hard for the Board of Adjustment to come up with justification to grant a variance. Mr. Brantley stated people can't sell their property since they can't come into compliance.

Scott Hammerbacher referenced an attachment of an email sent to him by Robert VanGraffeland with the Lake Royale POA. Mr. Hammerbacher stated temporary structures are allowed as a seasonable use by the UDO. He stated staff doesn't have the available resources to provide enforcement of this regulation. Richard Hoyle questioned what Planning Staff would recommend regarding this matter. Mr. Hammerbacher stated staff is recommending approval of the proposed UDO amendment. He stated they have researched it and other regulations and couldn't find a comparable use. William Wallace

stated he lives at Lake Royale and has been involved with the POA for many years. He emphasized that he doesn't want a septic pool, which would cause property values to bottom out. He stated Environmental Health allows septic tanks to be placed on these lots. Mr. Hammerbacher stated they don't have to have a repair area. Phillip Jeffreys questioned why repair areas are not required. Shane Brantley stated there were no repair areas prior to 1976. He stated the majority of the water front lots have no or little repair area.

Shane Brantley stated on the waterfront lots, you can't put anything within 50-feet of the water. He stated when there is a septic system failure, you can put in a treatment system and this is very costly. He stated the majority of Lake Royale's soils are excellent for septic. Mr. Wallace disagreed with Mr. Brantley by stating most of the residential lots do meet the requirements for a repair area. He stated the camper lots don't meet the requirements for a repair area. Mr. Wallace questioned if Mr. Brantley's septic business is getting requests to install septic systems in Lake Royale. Mr. Brantley stated no, he just sees it as an ongoing problem. Mr. Wallace stated he didn't understand why there isn't a requirement for repair areas since he was required to have one when he built his home in 1989. Mr. Brantley stated repair areas aren't required and this is not a new rule.

William Wallace made a motion, seconded by Willie Bartholomew to table this agenda item to research it further and clarify the properties regarding this matter and clarification from Environmental Health on rules and regulations. The motion passed unanimously.

#2. Proposed UDO Text Amendment: Article 6-1 (Table of Permitted Uses) – Cabinet/Woodworking Shop

Jason Rogers stated staff is proposing to amend the UDO to allow for Cabinet/Woodworking Shops as a permitted use within the Highway Business zoning district. He stated the UDO currently requires a Conditional Use Permit for Cabinet/Woodworking Shop operations within the Highway Business district. He stated the proposed amendment is in conformance with criteria established within the Comprehensive Land Use Plan in addition to regulations for the Highway Business district as established in the UDO.

Mr. Wallace stated he feels manufacturing business should be allowed as a permitted use. He questioned how many requests that staff receives for this. Scott Hammerbacher stated the Highway Business district is primarily located along major thoroughfares. Mark McArn stated his experience in working with groups in the past is that woodworking businesses can't afford the cost of land along the major thoroughfares. He stated they are located out in rural areas and don't bother anyone in the area. Mr. Hammerbacher stated a recent request in the Pilot area was approved but they had to maintain a 50-foot buffer along surrounding property lines. Mr. Wallace stated he feels with dust and odors, manufacturing businesses should remain as a Conditional Use Permit so the adjoining owners are notified of a public hearing.

William Wallace made a motion, seconded by Ricky May to recommend denial of the proposed text amendment. The motion passed by majority vote with Melvin Cheaves voting against the motion.

#3. Proposed UDO Text Amendment: Article 28-4 (C) (Major Subdivision Procedure – Final Plat) – Voluntary Agricultural District.

Jason Rogers stated staff is proposing to amend the UDO to include a Voluntary Agricultural District disclosure statement certificate to be placed on final plats. He stated the proposed amendment would provide clarification for the location of existing Voluntary Agricultural Districts and/or enhanced Voluntary Agricultural Districts and their proximity with an approved major subdivision. He stated the amendment would let individuals who buy a lot in a subdivision that they are near a farm and there is a possibility of odors. Scott Hammerbacher stated it's a safeguard for farms that are being encroached by residential development.

Henry Nelms made a motion, seconded by Willie Bartholomew to recommend approval of the proposed text amendment. The motion passed unanimously.

#4. Other Business/Report/Discussion
A.) Departmental Reports
B.) Other Business/Report/Discussion

The Board conducted the Election of Officers. William Wallace made a motion, seconded by Ricky May to nominate Henry Nelms as Chairman. With there being no other nomination, the Board voted and unanimously elected Mr. Nelms as Chairman.

Ricky May made a motion, seconded by Phillip Jeffreys to nominate Willie Bartholomew as Vice-Chairman. With there being no other nomination, the Board voted and unanimously elected Mr. Bartholomew as Vice-Chairman.

Henry Nelms made a motion, seconded by William Wallace to nominate Tammy Davis as Clerk to the Board. With there being no other nomination, the Board voted and unanimously elected Mrs. Davis as Clerk.

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

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board