

## MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

March 10, 2009

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

**Present:** Ronnie Pearce, Mark McArn, Willie Bartholomew, Fannie Brown, Mary Solomon, Robert Mann, Henry Nelms, William Holden, Robert VanGraffeland and William Wallace.  
**Absent:** Melvin Cheaves, Ricky May, Richard Hoyle and Phillip Jeffreys.  
**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. Willie Bartholomew gave the invocation. William Wallace made a motion, seconded by Mary Solomon to approve the minutes from the February 10, 2009 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.

Scott Hammerbacher stated the proposed amendment was previously tabled at the February meeting due to the fact the Board requested additional information regarding septic tank regulations within Lake Royale. He stated staff contacted Environmental Health and they provided clarification on septic tank regulations in North Carolina and the information was provided to the Planning Board in their agenda packets. He stated the purpose for the proposed amendment is due to staff receiving nine variance requests over the past four years to allow for front setback reductions for existing camper lots. He stated the average of these variance requests is 12.22 feet. He stated the Board of Adjustment has unanimously recommended 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.

Mr. Hammerbacher went over example site plans showing the 30-foot setback compared to 15-foot setback. He stated under current regulations there is 3,200 square feet of buildable area but with the proposed this would increase to a 4,000 square foot buildable area. He showed the board examples of a lake front lot with the 50-foot setback requirement from the water and the 30-foot front setback which would provide hardly any buildable area compared to the proposed 15-foot front setback which did provide a buildable area.

William Wallace provided the board with a copy of the original plat dated December 1, 1971 of the Lake Royale community. The plat showed the original intended development along with the original covenants. The map stated residential lots size would be 75x200 (15,000 sq ft) and camper lots would be 60x100 (6,000 sq ft). He stated residential lots are not allowed in Nash County and they only allow recreational lots. He stated no one can live in campers in Nash County because they don't allow it. Mr. Wallace emphasized that the covenants state camping lots are to only be used for camping only and it clearly states that a camper lot cannot be used for a residence and such lots are to be used for recreational use for no more than a 60-day period of time.

Mr. Wallace stated he feels Environmental Health has assisted with people violating the rule regarding no camper lot to be used for residential use since they are allowing septic systems to be placed on camper lots. He stated the covenants for Lake Royale are more restrictive than the County's UDO in some areas. Ronnie Pearce questioned if Lake Royale is complying with the original covenants. Mr. Wallace stated they are no longer complying with all the regulations in the covenants. Chairman Nelms questioned if the Homeowners Association went to Environmental Health requesting septic tanks. Mr. Wallace stated he understood it was done on an individual basis of people requesting septic systems.

Robert VanGraffeland stated he is also the manager of the Lake Royale POA as well as serving as a member of the Franklin County Planning Board. He stated in 2007 there was discussion regarding setback problems and a sub-committee looked at different setbacks and submitted a request to the Planning Staff a proposed amendment which would reduce front setbacks on camper lots from 30-feet to 25-feet. He stated he wasn't aware of this request being forwarded to any of the County Boards. He stated he didn't want to have a structure too close to the roadway when people only visit their sites 1-2 times a year and also the over development issues. He stated these reasons are why the sub-committee agreed upon the proposed 25-foot front setback requirement. He questioned if the County really wanted lots on top of each other with 60% of the lot developed.

Mary Solomon questioned how people are able to live in the camper section if it's not in compliance with the regulations. Mr. VanGraffeland stated there have been many changes to the original documents over the years which kept allowing the changes. Robert Mann questioned if the amendments are allowing the additions to these temporary structures. Mr. VanGraffeland stated the Property Owners Association approved the amendments but they didn't change the setbacks. He stated they only defined the items which would be allowed. He stated covenants are Lake Royale regulations and have nothing to do with County regulations.

Mr. Hammerbacher stated Lake Royale was developed in the 70's and Franklin County didn't have a zoning ordinance until 1987 and the County has followed the North Carolina Building Code since 1983. Mr. Wallace stated that since the County allows septic tanks, it has been further approved to allow cottages with a minimum size of 900 square feet. Mr. VanGraffeland stated the County doesn't have the staff to enforce all regulations and he feels the reduction of the setbacks would create more problems. Mr. Wallace emphasized that 9 variance requests in 4 years (48 meetings) isn't a big number to justify a change in the setback requirements. Mr. Mann stated he isn't familiar with Lake Royale and he questioned if the original development was intended to be a mixed community of residential and camping section. Mr. VanGraffeland stated it was the intention and it still is. Mr. Wallace emphasized that the Lake Royale community doesn't need any less regulations that it already has.

William Wallace made a motion, seconded by Willie Bartholomew to recommend denial of the proposed text amendment. The motion passed unanimously.

#2. Proposed UDO Text Amendment: Article 6-1 (Table of Permitted Uses) for the Agricultural Residential District.

Scott Hammerbacher stated staff has received a second request from Sheila Hanna for the proposed UDO amendment. He stated the previous proposal was recommended to the Board of Commissioners for approval. He stated the Board of Commissioners unanimously voted for denial of the proposed text

amendment. He stated during that Commissioners meeting, Ronnie Goswick (Economic Development Director) expressed various concerns regarding the requested text amendment. He stated it was also stated by the Commissioners that it would be their preference to delay any revisions to the Table of Permitted Uses for all zoning districts until the completion of the Comprehensive Development Plan, which is anticipated to be adopted by August, 2009.

Ronnie Goswick presented the Board and went over a packet of information which contained the following items:

- County Zoning Map
- Article 9 (Special Uses) of UDO
- Note 11 (Mining Industries) of UDO

Mr. Goswick emphasized that less than 5% of the County is zoned heavy industrial and light industrial. He referenced the Special Use Permit that was submitted by Carolina Sunrock (this item was pulled by the petitioner) in which they wanted to open up rock quarry in Franklin County. He emphasized that a rock quarry has to go where the rock is located. He stated any type of natural resource business that wishes to locate in Franklin County would have to be located where the natural resources are or they will locate their business elsewhere.

Shelia Hanna presented the board with a powerpoint presentation which contained the following items:

- Types of development suggested to be removed from AR district
- Basis for Suggested Exclusion
- Addressed concerns of Planning Board member and County Commissioners
- Legal considerations

William Wallace stated he feels we need to leave these items as Special Uses because we may to look at these uses in the future. William Wallace made a motion, seconded by Ronnie Pearce to recommend denial of the proposed text amendment. The motion passed by majority vote with Robert VanGraffeland voting against the motion.

- #3. Other Business Reports/Discussion
- A.) Departmental Reports
  - B.) Other Business/Reports/Open Forum

With there being no further business before the Planning Board, Chairman Nelms adjourned the meeting at 8:05 P.M.

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Henry Nelms, Chairman  
Franklin County Planning Board

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Tammy Davis, Clerk  
Franklin County Planning Board