

FRANKLIN COUNTY BOARD OF ADJUSTMENT

August 22, 2011

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, August 22, 2011 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

Present: Stuart May, Shane Brantley, Scott Lerew, Carol Holder and Robert Carlson.

Absent: Chuck Griffin and Cynthia Hayes.

Staff: Tammy Davis, Jason Rogers and Scott Hammerbacher.

Chairman Shane Brantley called the meeting to order at 7:13 P.M.; and welcomed everyone in attendance. Scott Lerew made a motion, seconded by Stuart May to approve the agenda as presented. The motion passed unanimously. Scott Lerew made a motion, seconded by Stuart May to approve the minutes of the May 23, 2011 meeting as presented. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance from Section 10-5 (A) Required Open Space by NRV Homes located at Cobblestone Subdivision (off Tarboro Road) on 17.55 acres in the Youngsville Township in the R-40 WSII Zoning District.

Jason Rogers stated the applicant is petitioning the board for a variance to allow the required open space within an easement rather than as a separate lot. He stated a preliminary plan was approved by the Planning Board on June 12, 2008. He stated the streets have been constructed and the waterlines have been installed and accepted by the Franklin County Public Utilities Department. He stated the revised plan submitted by the applicant utilizes the cluster option allowing for reduced setbacks provided there is 20% open space reserved. He stated the applicant has stated in their application that in order to meet NCDOT requirements of four lots on a cul-de-sac the variance is necessary. He stated the applicant has also expressed that the topography, environmentally sensitive areas, and shape of the property as justification for this variance request.

Matthew Winslow was sworn in and stated he purchased the property from Capital Bank. He stated he wants to make it a functional and usable neighborhood. He presented the Board with the original layout. He stated he feels 12 lots works better with each lot having its own septic. He stated he prefers the cluster development from the UDO to make the lots work. He stated the proposed would be lots that have an easement to be used for open space. He stated the hardship for the proposed include the shape of the land and the creek.

Scott Lerew questioned if the roads have already been built. Mr. Winslow stated the streets are paved and the water has already been installed. Scott Hammerbacher explained to the board that with a 12 lot subdivision, there wouldn't be a Property Owners Association in place to maintain an open space area. Mr. Lerew questioned if septic tanks could be placed in open space easements. Mr. Winslow stated the open space easements would be deeded to the Homeowners Association. Carol Holder questioned if the septic tanks have been installed yet. Mr. Winslow stated they weren't, just the streets and the water. He reminded the board that he's not only the developer/owner but he's also the builder for the subdivision.

Faye Perry was sworn in and stated she is concerned with the 45-foot easement that is used to access her daughters land and wants to ensure that the easement is maintained. Mr. Winslow stated he was actually interested in giving back the land that the easement is located on because he doesn't need it. Mr. Winslow stated his intentions are to get the subdivision to where it can meet DOT standards and be turned over to them so that the 12 property owners won't be responsible for maintaining the roads.

Chairman Brantley closed the public hearing and the board proceeded to go through the variance worksheet.

Scott Lerew made a motion, seconded by Carol Holder that the findings of fact had been satisfied. The motion passed unanimously. Scott Lerew made a motion, seconded by Robert Carlson to approve the variance. The motion passed unanimously.

- #2. Other Business Reports/Discussion
 - A). Departmental Reports
 - B). Other Business/Reports/Discussion

With there being no further business before the Board of Adjustment, Chairman Brantley adjourned the meeting at 7:50 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment