

FRANKLIN COUNTY BOARD OF ADJUSTMENT

March 28, 2011

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, March 28, 2011 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: Shane Brantley, Stuart May, Robert Carlson, Scott Lerew and Chuck Griffin.
Absent: Cynthia Hayes and Carol Holder
Staff: Tammy Davis and Donna Wood

Chairman Shane Brantley called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. Scott Lerew made a motion, seconded by Stuart May to remove the minute approval of the September 27, 2010 meeting from the agenda. The motion passed unanimously. Scott Lerew made a motion, seconded by Stuart May to approve the amended agenda as presented. The motion passed unanimously.

Agenda Items:

- #1. Request for a Variance from the Front Setback Requirement of the Unified Development Ordinance for an Accessory Structure by Mollie Evans (CMMB Group, LLC d/b/a Kearney Grocery), 5568 US 401 Hwy, 1.45 Acres, Sandy Creek Township, Rural Business (RB) District.

Donna Wood stated the applicant is petitioning the board for a variance from Section 6-2 of the Unified Development Ordinance to allow for the extension of a gas canopy less than the required setback for an accessory structure. She stated the extension would be an 18x24 foot addition to the north to cover a new larger second gas pump. She stated the UDO prohibits an accessory structure within 20-feet of a street right-of-way line. She stated the petition states that a narrow tract of land doesn't allow the canopy to be moved closer to the existing building, and the new pumps are larger than the old small styles, therefore, more space between the pumps is required. She stated the petition also indicates the applicant has been working diligently for 4 years to get the store upgraded and open for business to better serve the community. Mrs. Wood explained the site-plan indicates that a concrete pad at the existing canopy extends slightly into the right-of-way, however, the existing canopy structure and proposed extension is located outside of the right-of-way. She stated the NCDOT had indicated that they would ask that no part of the canopy/structure would be located on or over the right-of-way.

Mollie Evans was sworn in and explained that she was requesting the variance due to the large size of the gas pumps. She stated the pumps wouldn't fit under the existing canopy, therefore, they needed the extension.

Robbie Oakes was sworn in and stated the extension would run parallel with Highway 401 right-of-way. He stated the proposed would not be in the right-of-way and it wouldn't be an unsightly obstruction. Chairman Brantley questioned if there would be any remediation done. Mr. Oakes stated yes and they had already contacted the specialist since some soil would be dug out.

Scott Lerew questioned if the existing canopy is in violation of the UDO. Mrs. Wood stated it is a violation but it is grandfathered in. Mrs. Evans emphasized she isn't proposing anything new and the addition would be considered an upgrade. Mr. Lerew questioned why it wasn't discovered before

beginning to work on the upgrade. Mrs. Evans stated she wasn't aware it would be an issue until she came into the planning office to obtain permits. Mr. Oakes emphasized that the permitting process for the project was held up due to waiting on a response from DENR on the soils.

John Evans was sworn in and stated they had intentions of using the old pumps but after discovering the clean-up process from existing leaking tanks, they decided to upgrade to the new pumps so there would be no issues with the soils. He emphasized the new pumps would be more convenient to customers by allowing them to pay at the pumps with credit/debit cards. Mr. Lerew questioned what would be the options if they didn't have the new canopy expansion. Mrs. Evans stated they would only have one pump and would lose business due to being an inconvenience with only one covered pump. Mr. Evans stated the canopy provides shelter and weather protection to the customers as well as the new pumps. Mr. Lerew questioned when the store closed down. Mrs. Evans stated the store hasn't been operated since 2006.

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

Scott Lerew made a motion, seconded by Stuart May to affirm that the Findings of Fact had been satisfied. The motion passed by majority vote with Robert Carlson voting against the motion. Stuart May made a motion, seconded by Chuck Griffin to approve the variance requested by Mollie Evans (CMMB Group, LLC). The motion was not passed with Robert Carlson and Scott Lerew voting against the motion.

With there being no further business before the Board of Adjustment, Chairman Brantley adjourned the meeting at 7:40 P.M.

Shane Brantley, Chairman
Franklin County Board of Adjustment

Tammy Davis, Clerk
Franklin County Board of Adjustment