

FRANKLIN COUNTY BOARD OF ADJUSTMENT

May 23, 2011

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, May 23, 2011 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

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

Chairman Shane Brantley called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. It was brought to the attention of the Board that an item (Goban Fifer LLC) was omitted off of the agenda but was included in their communiqué. Stuart May made a motion, seconded by Cynthia Hayes to approve the agenda with the addition of Goban Fifer LLC. The motion passed unanimously. Stuart May made a motion, seconded by Robert Carlson to approve the minutes from the March 28, 2011 meeting. The motion passed unanimously.

Agenda Items:

- #1. Request for a Conditional Use Permit for a Directional Sign by Crosscreek Charter School at the following locations:
- 1160 NC Hwy 56 on 0.857 acres in the Louisburg Township in the AR (Agricultural Residential) District.
 - NC Hwy 56 on 1.9 acres in the Louisburg Township in the HB (Highway Business) District.
 - 1931 Hwy 401 S on 8.42 acres in the Louisburg Township in the HB (Highway Business) District.

Jason Rogers stated the Crosscreek Charter School is located at 306 Sandalwood Avenue, Louisburg. He stated the proposed signs would need to meet all applicable requirements located in Section 17-5(F) of the Franklin County UDO. He stated the signs would be required to be located outside of DOT right-of-ways in order to prevent obstruction of view of oncoming traffic and not present any traffic hazards. He went over some additional conditions that need to be included within the motion if the Board agrees with them.

Al Wheless was sworn in and stated interested in putting the sign up for directional advertisement and would like to put up an open enrollment banner a couple of times a year. He stated it would be a 4x8 aluminum sign on 4x4 posts. Robert Carlson questioned if the open enrollment banner would make the sign larger. Mr. Wheless stated it would make it just a little larger but would be located below the main sign. Mr. Carlson questioned if planning staff had any issues with the banner. Scott Hammerbacher stated as long as the sign stays within 32 square feet then it would be in harmony with the UDO.

Chairman Brantley closed the public hearing and the Board proceeded with the worksheet.

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;

3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Stuart May made a motion, seconded by Cynthia Hayes to affirm that the findings of fact had been satisfied. The motion passed unanimously. Stuart May made a motion, seconded by Robert Carlson to approve the conditional use permit with the following conditions:

- Provide Planning Staff with a copy of proposed signs indicating dimensions and content.
- Secure all state permits and approvals from NCDOT.
- Signs cannot be altered without approval from Planning Staff
- Secure zoning permit prior to installation of signs.
- Signs are not to exceed six feet in height when measuring from the ground to the top of sign.
- Signs are to be removed if Crosscreek Charter School stops operation or relocates.

The motion passed unanimously.

- #2. Request for a Conditional Use Permit for a Directional Sign by Goban Fifer LLC located on US Hwy 1 on 110.55 acres in the Youngsville Township in the HB/LI (Highway Business/Light Industrial) Zoning Districts.

Jason Rogers stated is requesting the off-premise directional advertisement sign to promote a Haunted Forest at 2808 Cedar Creek Road. The applicants indicated that the event has been approved by the Town of Youngsville. He stated if approved, the applicants wanted to put the sign up on July 1, 2011 and remove them by November 15th. He stated the proposed sign would need to meet all applicable UDO requirements and would be required to be located outside of DOT right-of-way in order to prevent obstruction of view of oncoming traffic and not present any traffic hazards. He went over additional conditions of approval that staff is suggesting to the board.

Brian Gaeff was sworn in and showed the Board an example of what the sign will look like. He stated the proposed sign would be 4-feet off of the ground making the sign a total of 8-feet high. He stated it would be a 4x8 vinyl sign which would be up from July 1st through November 15th. Mr. Rogers stated the sign could only be 6-feet high total. Mr. Gaeff stated the sign would be 2-feet off of the ground making it a total of 6-feet high.

Chairman Brantley closed the public hearing and the Board proceeded with the conditional use worksheet.

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Cynthia Hayes made a motion, seconded by Carol Holder to affirm that the findings of fact had been satisfied. The motion passed unanimously.

Stuart May made a motion, seconded by Cynthia Hayes to approve the conditional use permit requested with the following conditions:

- Provide Planning Staff with a copy of proposed signs indicating dimensions and content.
- Secure all state permits and approvals from NCDOT.
- Signs cannot be altered without approval from Planning Staff.
- Secure zoning permit prior to installation of signs.
- Signs are not to exceed six feet when measuring from the ground to top of the sign.

The motion passed unanimously.

- #3. Request for a Conditional Use Permit for a Bed and Breakfast/Conference Center by Joe and Sonja Webb located on US Hwy 401 on 8.92 acres in the Louisburg Township in the R-30 Zoning District.

Jason Rogers stated there is a main house located on 6.64 acres, two dwellings located on individual parcels, and parking areas located on the proposed site. He stated the submitted site plan meets all applicable UDO requirements for landscaping and parking based on approximately 150 people. He stated if the Board grants approval, the applicant would be required to obtain a NCDOT driveway permit and meet all other local and state requirements.

Joe Webb was sworn in and stated he is currently renovating the main house. Robert Carlson questioned where 150 people would be held. Mr. Webb stated they would be held in a tent on the grounds and in the main house. Chairman Brantley questioned if the applicant would be finished with renovations in six months. Mr. Webb stated he should be. Mr. Carlson questioned if permits would be required for the tents. Scott Hammerbacher stated building inspections and fire would handle inspections for tents. Chairman Brantley questioned the hours of operation. Mr. Webb stated all events would end by midnight. Chairman Brantley questioned if the hours were set with a midnight cutoff, would it cause any problems. He also questioned the distance to the nearest neighbor. Mr. Webb stated it wouldn't be any problem with a midnight cutoff and the nearest neighbor is approximately 300-feet from property line and over 500-feet from the main house.

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

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Carol Holder made a motion, seconded by Cynthia Hayes to affirm that the findings of fact had been satisfied. The motion passed unanimously. Stuart May made a motion, seconded by Carol Holder to approve the Conditional Use Permit with the following conditions:

- Subject to requirements located in Section 7-3 and all other local and state requirements.
- Lighting shall not spill over onto adjacent properties.

The motion passed unanimously.

- #4. Request for a Conditional Use Permit for a Telecommunications Tower by Christy Shearin with Franklin Communications located on Hwy 1 North (Pines MHP) on 1.1 acres in the AR (Agricultural Residential) District in the Franklinton Township.

Scott Hammerbacher stated the applicant is petitioning for a 250-foot self supportive telecommunications tower to be located behind North Pines Mobile Home Park. He stated the applicant has requested a waiver under Section 15-19 from the balloon test and Section 15-8 Lot Size Setbacks. He stated current UDO regulations require towers to setback a distance of the height of the tower plus 20 percent from the nearest property line or structure. He stated the closest structure is outside of the proposed tower's fall zone. He stated if approved, the applicant plans to locate the tower on a 9,888 square foot easement within the 1.1 acre tract. He stated the applicant would be required to meet all UDO requirements and any other requirements of State or Federal Agency's including the FAA and FCC.

Stuart May questioned what is the highest tower that has been approved. Mr. Hammerbacher stated a 500-foot tower north of Bert Winston Road was the highest approved.

Christy Shearin (911 Director) and David Guin (County Attorney) was sworn in. Mrs. Shearin stated the proposed would be an upgrade due to the poor coverage that Franklin County has. She stated this has been an ongoing project for several years. She stated this would be a better system so responders can do their jobs and get where they are needed. She showed the board coverage maps that compared the current coverage to the coverage that would be in place with the new system. She stated the county would be co-locating in Centerville and Pilot to help with the continuous coverage. Ricky Guichy with Custom Tower was sworn in and stated the proposed tower would be a 250-foot self supported tower, which is designed for public safety. He stated a tornado or something crashing into the tower would be the only way that it would come down. Robert Carlson questioned why the balloon test hasn't been done. Mrs. Shearin stated in order to meet project deadlines, they were asking for the waiver. Mr. Carlson questioned if the purpose of the balloon test was to notify others of a tower. Mr. Hammerbacher read from the UDO regarding the intent of the balloon test was to inform the public of a proposed tower by floating a balloon.

David Guin questioned if the adjoining property owners were notified of the meeting. Mr. Hammerbacher stated they were notified via US Mail and the property was posted along with a notice of public hearing in the newspaper. Cynthia Hayes questioned how the tower is being done for public safety. Mr. Guichy stated it would help emergency personnel. Chairman Brantley questioned the

frequency. Mrs. Shearin stated it would be VHF frequency. Mr. Hammerbacher emphasized that the tower would be located at the rear of the proposed property.

Robert Carlson questioned the legality of the Board waiving requirements. Steve McFarlane (Attorney for Board of Adjustment) stated the Board has the right to legally add, delete or modify any requirements that it deems fit. Mr. Carlson questioned if the balloon test is mandated by the UDO. David Guin stated the applicant is asking for the waiver due to time constraints for the timeline of the project. Jim Moss was sworn in and stated he is the adjoining property owner and he encourages the approval of the request.

Donnie Eatmon (Chaplain for Franklin County Firefighters) was sworn in and stated he has experienced poor radio signal during emergency situations and disasters. He stated Franklin County is in need of a better communication system. He emphasized he doesn't want to see the money already invested in the project wasted.

Timmy Smith (Louisburg Fire Chief) was sworn in and stated Pilot can't hear when Louisburg keys their radios. He stated he knows the tower isn't a pretty site but it is very necessary.

Darrell Chalk (Franklinton Fire Chief) was sworn in and stated people don't realize how important this is. He stated he feels this is necessary and there are no other options. He stated the system would be integrated with all towers and would be a state of the art modern technology for emergency communications.

David Guin questioned whose property is within 24-feet from the proposed tower site. Mr. Hammerbacher stated the property belongs to Jim Moss. Mr. Guin reminded that Mr. Moss supported the conditional use permit request. Mr. Carlson questioned if other sites were looked at. Mrs. Shearin stated yes other sites were looked at and this site was the most favorable after tests were conducted. Chairman Brantley questioned if FCC has requirements on construction of tower. Mrs. Shearin stated she has filed for a FAA permit which is connected to the FCC. Mr. Guin questioned if there are any other towers in the area. Mrs. Shearin stated there are two others in the vicinity. She stated they are approximately 300-feet high and aren't visible from the ground.

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

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Stuart May made a motion, seconded by Robert Carlson to affirm that the findings of fact had been satisfied. The motion passed unanimously. Stuart May made a motion, seconded by Carol Holder to approve the conditional use permit requested with the following conditions of approval:

- Submission of final tower and foundation design drawings.
- Registration with the FCC and securing a FCC ASR number
- Adherence to all other UDO and NC Building Code requirements.

The motion passed unanimously.

#5. Request for a Conditional Use Permit for a telecommunications tower by Christy Shearin with Franklin County Communications located at 1023 White Level Road on 41.66 acres in the Cedar Rock Township in the AR (Agricultural Residential) District.

Scott Hammerbacher stated the applicant is petitioning to allow for the construction of a 410-foot guyed telecommunications tower. He stated current UDO requirements limit tower height to 250-feet. He stated the applicant expressed the 410-foot tower is needed in order to limit the number of towers necessary to provide countywide coverage. He stated if approved, the tower would be located on a 12,291 square foot easement within the 41.66 acre tract. He stated the applicant has requested a waiver from the balloon test, height of the telecommunication tower, guy tower restriction and fall zone requirement. He reminded the board that they may grant a waiver from any section located within Article 15 if it deems such action necessary. He stated the applicant would have to meet all UDO requirements and any other requirements of State or Federal Agencies.

Christy Shearin stated the system is a five site system and it would serve as a backup site for the primary site. She stated it would affect all eleven fire districts. David Guin questioned if there were any towers in the proposed area. Mrs. Shearin stated there was another tower that could be seen from the site. Mr. Guin questioned if another site had been looked at. Mrs. Shearin stated she looked at 10-12 other sites including her own backyard but she didn't have enough land. Mr. Guin asked if the system could function without the proposed tower. Mrs. Shearin stated it couldn't and she had already received approval by the FAA.

Johnny Hight (White Level Assistant Fire Chief) was sworn in and stated that White Level, Centerville and Gold Sand has the worst signal. He stated whenever any of the three has a fire call; pagers had to be set-off at least three times before they can respond. He stated communication has always been an issue since he's been on the fire department for the past 29 years.

Kelly Harris (President of Franklin County Firefighters Assoc.) was sworn in and stated he represents approximately 400 members. He stated he knows of three incidents in the past three years that could have been tragic due to communication problems.

Jeanette Rowe (940 White Level Road) was sworn in and stated she has lived directly across from the proposed site for 40 years. She stated she was a charter member of the White Level Rescue and understands how important communication is. She stated she doesn't oppose the tower just the location. She feels that it can be just as beneficial if located at another site.

Linda Stevens (846 White Level Road) was sworn in and stated she supports the new tower if needed and is very grateful to the emergency personnel. She expressed concern about the specific location. She stated she counted ten homes in the general area of the site and feels there are other locations

where the tower could go. She asked the board to deny the request and have the county to find an alternate site.

Dale Stevens (846 White Level Road) was sworn in and he is a 20 year military veteran and knows the meaning and the importance of communication. He stated the proposed tower would be in his front yard and he can already see the 1200-foot tower nearby which dominates the skyline. He explained the proposed tower would be located in a narrow open field and would be very visible.

Robin Rowe Faulkner was sworn in and stated she is a lifelong resident. She stated she doesn't want to see harm to other citizens but feels there is other open land that wouldn't harm anyone or their property values.

John Faulkner was sworn in and stated he has been an employee of Franklin County for the past 23 years. He stated he is all for government but feels the proposed site is not a place for the tower.

Pete Tomlinson was sworn in and stated he wanted to summarize the opposition. He stated the citizens are only objecting to the location, not the tower. He stated he served as a volunteer fireman for 27 years. He stated at the Gower location, the tower would be secluded and the adjoining property owner wasn't opposing the tower location. He stated he feels the balloon test isn't something that should not be waived. He emphasized that a 410-foot tower is almost double what the county allows. He expressed concern with the fall zone being waived because it would fall in the highway if it comes down. He questioned why the proposed tower couldn't be put on the same property with existing 1200-foot tower located behind Wester Feed Service. He stated he feels the tower wouldn't be in harmony with the surrounding properties.

Mr. Guin questioned if other sites were considered. Mrs. Shearin stated it wasn't easy to find land to put a tower on. She stated you have to look at location, elevation and reception/transmission. She expressed the proposed location is an ideal site. Mr. Guin questioned how far the tower would be located to residents. Mrs. Shearin stated it would be located approximately 700 feet from the road and any other structures. Mr. Guin questioned the type of lighting that would be used. Mrs. Shearin stated dual lighting just like the existing tower. She stated no strobe lighting would be used on the tower. Mr. Guin questioned what the difference in cost of self-supporting and guyed tower. Mrs. Shearin stated the difference in cost would be approximately \$300,000.

Kathy Ktul was sworn in and stated she has lived in Franklin County for 10 years. She stated the 1200-foot tower is located in her backyard already. She stated she feels an unfair burden is being placed on the neighbors in this area. She expressed that she didn't want her property devalued due to another tower.

David Guin stated he understands it's a burden to see another tower but it is necessary. He stated he feels all the findings can be met to support the tower. He stated the system will not work without the tower. He emphasized that changing one tower location may result in changing other towers. He stated this tower is necessary in order for the four remaining towers to function. He stated there hadn't been any evidence that supports that the tower would affect property values or that the tower would work at other sites. He stated regardless of where the tower is located, it would be visible from someone's property.

Linda Stevens stated the owner of the proposed property owns land in other locations that doesn't have homes in the immediate vicinity. She showed map that she pulled up on the internet showing property owned by the same land owner on Ronald Tharrington Road and another map showing all area homes. Mrs. Shearin stated the property referred to by Mrs. Stevens was looked at and the tower works the best at the proposed site. Stuart May questioned the idea of putting a taller tower at another location. Mrs. Shearin stated she was not certain but it would be more money that would have to be approved by the commissioners.

Tom Ruck (Project Manager with Harris Communications) was sworn in and stated height isn't always the best answer. He stated it could cause interference with existing tower and effect coverage. Carol Holder questioned the distance of the site to the front of the property. Mrs. Shearin stated there is a 610-foot easement.

Eric Shearin (970 White Level Road) was sworn in and stated he is a communications engineer and feels the proposed is necessary but would probably work in an alternate location. Chairman Brantley questioned if it was possible to co-locate on an existing tower. Mrs. Shearin stated she looked at that option but it wasn't very feasible due to financial and legal issues with the owner of the tower. She stated co-locating would cost over \$1,000,000 and the county wouldn't get anything in return. She stated there were issues with trying to work out a contract to co-locate. She emphasized the tower wouldn't be an impact on the property since the pasture is being used for cows.

Stuart May questioned if people would be against an alternate site. Mrs. Shearin stated she feels people would be opposed at any site that was selected. Mr. May questioned if there was other site that would work. Mrs. Shearin stated the other sites that were looked at wouldn't work with the system. Cynthia Hayes questioned the effects to the project if the request was denied. Mrs. Shearin stated it would adversely affect the timeline and also another site may not work with the other towers. Robert Carlson questioned if there are plans on allowing others to co-locate on the proposed tower. Mrs. Shearin stated that once the tower is built, there would be available space for co-location.

Chairman Brantley closed the public hearing and the Board proceeded with the Conditional Use Permit Worksheet.

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Carol Holder made a motion, seconded by Stuart May to affirm that the Findings of Fact had been satisfied. The motion passed unanimously. Shane Brantley made a motion, seconded by Carol Holder to approve the Conditional Use Permit requested with the following conditions:

- Submission of final tower and foundation design drawings.
- Registration with the FCC and securing a FCC ASR number.

- Adherence to all other UDO and NC Building Code requirements.

The motion passed unanimously.

With there being no further business before the Board, Chairman Brantley adjourned the meeting at 9:55 P.M.

Shane Brantley – Chairman
Franklin County Board of Adjustment

Tammy Davis – Clerk
Franklin County Board of Adjustment