

Department of Planning & Community Development



A public meeting of the Franklin County Board of Zoning Appeals was held August 4, 2020 at 6:00 p.m. in the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

William Lee, Chairman
Eric Ferguson, Vice-Chairman
William Cooper
Kevin Hunt
Wayne Worley
Billy Kingery

THOSE ABSENT:

Pamela Washington
Steven Sandy, Director/Zoning Administrator

OTHERS PRESENT:

Lisa Cooper, Principal Planner
Hannah Powell, Clerk

The meeting was called to order by Chairman Lee at 6:00 p.m. The first order of business was the roll call. The next item on the agenda was the approval of the minutes from the June 2, 2020 meeting. The June 2, 2020 minutes were approved by unanimous consent.

Chairman Lee announced the first item on the agenda and asked for the staff report.

APPLICATION for VARIANCE- Application of Milton and Connie Carter, Applicants, and Milton Wade Carter, Owner, requesting a variance to Section 25-182(a) Front Setback, and 25-182(c), Rear Yard, of the Franklin County Code, on an approximate 0.55 acre property zoned A-1, Agricultural, located at 290 Carter's Country Lane in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0470008107. The A-1 zoning district requires a minimum front setback of thirty (30) feet from the Carter's Country Lane right-of way line or fifty-five (55) feet from centerline of the adjacent right of way. A front yard setback variance of twenty (20) feet is being requested to allow a setback of thirty-five (35) feet from the centerline to allow for the construction of a in ground pool.

Mrs. Cooper began by explaining that Mr. Carter has applied for a variance to Sections 25-182 (a) (Front Setback) and Section 25-182 (c) (Rear Yard) of the Franklin County Code to permit the construction of an in-ground swimming pool. The minimum front yard setback requirement in A-1 district is 30 feet from the front property line or 55 feet from the centerline of the adjacent R/W, whichever is greater. Measuring from the centerline of the R/W the proposed 14 foot by 34 foot pool has a setback of 35 feet (55 feet required). Thus, this variance request is for 20 feet.

Mrs. Cooper went on to say that it has been determined by staff a rear yard variance is not needed. The rear yard required setback is 12'. The applicant has 35'. The Carter property is a .548 acre parcel that is triangular. Mr. Carter applied for and was granted setback variances for this property in 2016. The setback variances allowed him to build his home on this property. Without the variances, the property had a maximum a building envelope 12.5 feet deep.

Mrs. Cooper stated that it is the staff's opinion is that the strict application of the ordinance would not unreasonably restrict the placement of an accessory use on the property. Staff has identified that the pool could be moved on the lot or reduced in size to comply with the setback requirements. Requiring an accessory structure such as a pool to comply with the setbacks is not an undue hardship as the property owner does enjoy use of the property with the existing single-family home.

Mrs. Cooper continued by saying that locating the in-ground pool in the chosen location will not negatively impact other properties in the area and should not be a detriment to the neighborhood. Locating a pool on this property will not establish a land use that is otherwise prohibited in A-1 zoning districts, and a rezoning or a special use permit are not appropriate tools to resolve setback deficiencies.

Mrs. Cooper concluded that staff recommends that the Board of Zoning Appeals deny the variance request.

Mrs. Cooper offered to answer any questions.

Chairman Lee asked if anyone had questions for Mrs. Cooper; no one did.

Chairman Lee then asked to hear from the applicant.

Mr. and Mrs. Carter said that they did not have much to add. They mentioned they had considered moving the pool but that any other location would put the pool in the shade of nearby trees much of the time. Mr. Carter added the trees were not on their property and they could not cut them to accommodate for the pool. They also mentioned that they really wanted the pool to be centered to the back of the house instead of off to one side.

Chairman Lee asked if anyone had questions for the applicants; no one did.

Chairman Lee then opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairman Lee closed the public hearing and the members had discussion among themselves. Mr. Ferguson informed the other members that he would be abstaining from the vote because of a previous business association with the Carters.

Mr. Kingery made a motion to approve the twenty (20) foot variance request for the construction of a 14' x 34' in ground pool.

Mr. Cooper seconded the motion.

The motion to approve the requested variance was approved. Voting on the motion was as follows:

AYES: Hunt, Worley, Cooper, Kingery,
NAYES: Lee
ABSENT: Washington
ABSTAIN: Ferguson

Chairman Lee announced the next item on the agenda as citizen comment and asked if there was anyone present that would like to speak on any topic; there was not.

Chairman Lee announced the next item on the agenda as a discussion regarding survey requirements.

The Board members discussed the reasons behind requiring surveys and the variance request issues that surveys could resolve. They determined that they would like to have staff research the various survey requirements of other jurisdictions and bring that information back to be discussed at their next meeting.

With no other business, the meeting was adjourned at 6:51.

Hannah L. Powell, Clerk
Hannah L. Powell

August 14, 2020
Date

