

**Draft
Smithfield
Board of Adjustment Minutes
Thursday, April 28, 2022
6:00 P.M.,
Town Hall, Conference Room**

Members Present:

Stephen Upton, Chairman
Mark Lane, Vice Chairman
Sarah Edwards
Richard Upton
Jeremy Pearce
Keith Dimsdale

Members Absent:

Monique Austin

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

Approval of minutes from February 24, 2022

Keith Dimsdale made a motion, seconded by Jeremy Pearce to approve the minutes as written.
Unanimously Approved

Open Public Hearing

Sarah Edwards made a motion, seconded by Mark Lane to open the public hearing.

BA-22-02 Bonnie Godwin: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 8, Section 8.8 to allow for a decrease in minimum lot area, minimum lot frontage, corner side building setbacks, side building setbacks and rear building setbacks on property located within a B-2 (Business) zoning district. The property considered for a variance is located on the west side of the intersection of East Market Street and South Ninth Street and further identified as Johnston County Tax ID# 15027026.

Mark Helmer stated that Bonnie Godwin is requesting the following variances from the Unified Development Ordinance (UDO) to facilitate a subdivision of the property identified with the Johnston County Tax ID# 15027026 into two lots:

B-2 Zoning District	810 Market Street	812 Market Street
Minimum Lot Area	+/-8,956 sq. ft	+/-1970 sq. ft.
Minimum Lot Frontage	+/-90 ft.	+/-9.62
Corner Side Yard Setback	N/A	10.9 ft.
Side Yard Setback	+/- 3 ft & 0 ft.	4.8 ft
Rear Yard Setback	N/A	+/- 10 ft.

The subject property is a non-conforming lot in the B-2 Zoning District, lacking required minimum lot area and street frontage. There are two structures on the property, a single-family residential house and a mixed-use building with office/commercial on the ground floor and residential above. The property and structures were created prior to current zoning and neither meet current setback requirements. The applicant intends to split the lot and create an access and parking easement on the mixed-use lot to provide the required parking for the single-family lot.

STAFF FINDING OF FACT:

In order to approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's finding are in bold/ italic):

4 .10 .2 .2 .1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. W without the variance, the property cannot be subdivided.

4 .10 .2 .2 .2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. The property and structures existed prior to current zoning w which has created the hardship.

4 .10 .2 .2 .3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. The property and structures existed prior to current zoning which has created the hardship.

4 .10 .2 .2 .4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved. The variance is consistent with the spirit, purpose, and intent of the Ordinance. The mixed-use building and single-family home are uses that are land uses are typically separated under the UDO.

Sarah Edwards asked if there would be two parking spaces behind the mixed-use building, two for the blue section and more for the mixed-use building behind that.

Mark Helmer said it does appear that two of the spaces would be for on-site parking, the next few would be for off-site parking then the rest would be for overflow parking for the commercial property.

Mark Lane asked why the applicant is having to give an easement for the parking?

Mark Helmer said there is no off-site parking for this house, therefore staff is making the recommendation that a formal easement be placed on it so when the house sells it will have appropriate parking.

Keith Dimsdale asked if the easement and the two parking spaces would be maintained forever.

Mark Helmer said when the house is put up for sale a deed search would be done and they would find the easement. It would go with the land for any future owners.

Mark Lane asked where the easement would be?

Mark Helmer pointed out on the map where the easement would be.

Sarah Edwards asked if there was a buffer requirement between the uses?

Mark Helmer said no.

Bonnie Godwin of 778 Napoleon Rd, Selma came forward. She is the property owner requesting the proposed variance. She stated how much extensive work she had done to this property. She has spent a lot of money trying to improve the appearance of this block.

Vynette Duncan of 104 S. Ninth St came forward. She bought the house beside the property in question. She is not against the variance but did want to see how it would impact her.

Greta Duncan of 104 S. Ninth St also spoke. She is the daughter of Vynette Duncan. She mentioned there was a fence that was inside of the property line and she didn't want the variance to interfere in the event her mom wanted to extend the fence.

Mark Lane asked if there was a way to prevent to people from parking up on the grass in the front yard of the white house?

Mark Helmer said currently the UDO doesn't state that you can't park on the grass but we may could enforce anyone parking on the curb. He said he would look into it and report back to the Board of Adjustments.

Keith Dimsdale asked both Vynette and Greta Duncan if they were okay with adding the access area for the two parking spaces. They both were in agreement that it was ok as long as it didn't interfere with her property line.

Sarah Edwards made a motion to close BA-22-02, seconded by Jeremy Pearce. Unanimously approved.

Keith Dimsdale made a motion to approve BA-22-02 based on the finding of fact found in the staff report with one condition:

- That an easement for access and parking be provided on 810 East Market Street (mixed use building) to accommodate 2 parking spaces for 812 East Market Street (Single-family residential building). Seconded by Sarah Edwards, unanimously approved.

Old Business

None

New Business

Vynette Duncan stated across the street from her house is property owned by CSX. She says the condition of the property is unsightly. They have yellow porta potties all around and the lot needs to be cleaned up. She requested some help rectifying this issue.

Mark Helmer stated that he would look into it.

Sarah Edwards made a motion to adjourn, seconded by Keith Dimsdale. Unanimously Approved

Julie Edmonds

A handwritten signature in cursive script that reads "Julie Edmonds".

Administrative Support Specialist
Town of Smithfield Planning Department