

**Smithfield Board of Adjustment  
Minutes  
Thursday, May 25, 2006  
6:30 P.M., Town Hall, Council Room**

**Members Present:**

John Parrish  
Paul Worley  
Eddie Foy  
Chap Ragland  
Martha Wooten

**Members Absent:**

**Staff Present:**

Mark Helmer

Chairman Parrish opened the public meeting.

All persons wishing to speak were duly sworn.

**APPROVAL OF MINUTES FROM APRIL 2006.**

Mr. Foy made a motion that was seconded by Mr. Worley to approve the minutes as written. The vote was unanimous.

Mr. Helmer stated to the board that case number BA-06-03 was withdrawn by request of the applicant.

**Case No. BA-06-08 Tower Engineering Professionals, Inc.**

Mr. Helmer addressed the Board stating the applicant is requesting a 5 foot variance to the required 50 foot building setback line for the construction of an enclosed playground on property within the B-3 (Business) zoning district. The property is located on the north side of the intersection of West Market Street and Wilson's Mills Road and is further identified as NCPIN# 1694-05-8339.

Mr. Helmer asked the Board to review the request and take appropriate action in accordance with the Finding of Fact.

Chairman Parrish opened the public hearing and asked for comments.

Being nothing further, Chairman Parrish closed the public hearing.

After reviewing the Finding of Fact:

- (a) There are exceptional conditions pertaining to the particular piece of property in question because of factors such as its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment

- which makes the parking and/or loading requirements of this ordinance unrealistic;
- (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located;
  - (c) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
  - (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
  - (e) The special circumstances are not the results of actions of the applicant;
  - (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
  - (g) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

Mr. Ragland made a motion that was seconded by Ms. Wooten to recommend approval of the request. The vote was unanimous.

**Old Business.**

**New Business.**

**Adjournment.**