

**Smithfield Board of Adjustment
Minutes
Thursday, August 31, 2006
6:30 P.M., Town Hall, Council Room**

Members Present:

John Parrish (Chairman)
Paul Worley (Vice-Chairman)
Eddie Foy
Chap Ragland
Martha Wooten

Members Absent:

John Parrish

Staff Present:

Mark Helmer
Latanya Merritt

Vice-Chairman Worley opened the public meeting.

All persons wishing to speak were duly sworn.

APPROVAL OF MINUTES FROM MAY 2006.

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

Case No. BA-06-09 Tower Engineering Professionals, Inc.

Mr. Helmer addressed the Board stating the applicant is requesting a 24 foot variance to the required 30 foot building setback for the construction of a covered porch on property within an R-10 (Residential) zoning district. The property is located on the northwest corner of Hood Street and South Bright Leaf Boulevard and further identified as NCPIN# 1693-16-6072.

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

Vice-Chairman asked if there were any question for Mr. Helmer

Mr. Foy asked what does the statement "The applicant is claiming that the structure was deemed substandard when Hood Street was paved a few years back. This may be true if additional right-of-way was taken at that time" on the action form mean?

Mr. Helmer stated we do not know the history but I do know that the street was paved a few years back. Hood Street to the right-of-way weight is consistent from Bright Leaf Boulevard to the river where it terminates.

Ms. Wooten stated that to my understanding it was a dirt road that served as a cut through. When they paved the road it left this home very little side yard as a result of it.

Mr. Foy stated that my question is, if the additional right a way was not taken would it not be substandard if we granted this adjustment?

Mr. Helmer stated regardless of if the additional right a way was acquired when the road was paved it is a substandard structure because of that. Additions to substandard structures still apply.

Vice-Chairman Worley opened the public hearing and asked for comments.

Mr. Dacey, being duly sworn, presented the Board a packet. He stated that pictures of the house were the addition will be made is in the packet. This will not be an enclosed area, screened in porch, or sunroom. I am asking for an overhead roof/shelter to cover the front of the house. The roof will go 5-foot from the edge of the house.

Being nothing further, Vice-Chairman Worley 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; *all members said yes because the Towns paving of Hood Street created the need for the proposed variance.*
- (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; *all members said yes.*
- (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; *all members said yes.*
- (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; *all members said yes.*
- (e)** The special circumstances are not the results of actions of the applicant; *all members said yes.*
- (f)** The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; *all members said yes.*
- (g)** The variance is not a request to permit a use, which is not a permitted or conditional use in the district involved; *all members said yes.*

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

Old Business.

New Business.

Adjournment.

Being nothing further, the meeting was adjourned.