

**Smithfield Board of Adjustment
Minutes
Thursday, September 28, 2006
6:30 P.M., Town Hall, Council Room**

Members Present:

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

Members Absent:

Martha Wooten

Staff Present:

Mark Helmer
Latanya Merritt

Chairman Parrish opened the public meeting.

APPROVAL OF MINUTES FROM AUGUST 2006.

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

All persons wishing to speak were duly sworn.

BA-06-10 Nidia Mata: The applicant is requesting a conditional use permit to allow for the operation of an in-home daycare for children at a single-family residence located 309 Pace Street. The property in question is located within an R-10 (Residential) zoning district. The Town of Smithfield Zoning Ordinance allows for daycare facilities as a conditional use in all residential zoning districts provided the use does not have an adverse impact on local traffic. The use will also have to comply with all state regulations regarding home day care facilities.

Planning Staff recommends approval of the proposed in-home daycare with the conditions that a fenced play area is provided in the rear of the home to be used for a daycare.

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

Chairman Parrish asked Mr. Helmer how many children and what are the ages of the children that will be housed in the daycare?

Mr. Helmer stated by state law, in-home daycares can have as many as five children and he was not aware of restrictions on ages.

Chairman Parrish opened the public hearing and asked for comments.

Mr. Worley stated that he was concerned with the driveway situation. Is there enough space to park 2-3 cars when the parents come to pick up their kid, without getting on the street?

Chairman Parrish asked Mr. Helmer if the property had a single in and out driveway?

Mr. Helmer stated that the aerial photo shows a driveway that is maybe 12 feet across and it appears that it may have room to stack three vehicles.

Mr. Foy asked what the hours of operation would be.

Mr. Esle Mata, being duly sworn, translated for the applicant that the daycare would operate during the day.

Chairman asked what would be the ages of the children?

Mr. Mata stated that the applicant is not sure of the age of the children. She would like to have infants and under school age children.

Mr. Foy asked Mr. Helmer if there were any restrictions during the hours of operation.

Mr. Helmer stated that the State would regulate the requirement and/or restrictions. He stated that the in-home daycare could have no more than six children on site at any given time.

Being nothing further, Chairman Parrish closed the public hearing.

After reviewing the Finding of Fact:

- (a)** All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *all members stated yes.*
- (b)** Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency; *as per Board's requirement, driveway must be able to accommodate two cars side by side.*
- (c)** Off-street parking, loading, refuse and other service areas are located so as to be safe, convenient, allow for access in case of emergency and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood; *all members stated yes with*

the condition that a fenced in play space be provided in the rear of the structure.

- (d) Utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use; *all members stated yes.*
- (e) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; *all members stated yes.*
- (f) The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood; *all members stated yes.*

Mr. Worley made a motion that was seconded by Mr. Ragland to recommend approval of the request based on the required conditions. The vote was unanimous.

Old Business.

New Business.

Mr. Worley stated that he would not be able to attend the next scheduled meeting.

Adjournment.

Being nothing further, the meeting was adjourned. The next Board of Adjustment meeting will be held October 26, 2006 at 7:00 p.m.