

**Smithfield Board of Adjustment
Minutes
Thursday April 26, 2007
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:

Staff Present:

Mark Helmer
Latanya Merritt

Alternate

Joe Patterson

Chairman Parrish opened the public meeting.

APPROVAL OF MINUTES FROM FEBRUARY 22, 2007

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

Chairman Parrish thanked Mr. Patterson for serving as an alternate for the meeting.

All persons wishing to speak were duly sworn.

Case No. BA-07-02 Frank Lee: Mr. Helmer stated the applicant is requesting an 8 foot variance to the required 15 foot side yard setback for the construction of a proposed building within a B-3 (Business) zoning district. The property is located on the north side of South Bright Leaf Boulevard approximately 1100 feet southwest of its intersection with Wal-Pat Road and further identified as NCPIN# 168320-81-0329.

Mr. Helmer asked the Board to review the petition and take action in accordance with the Findings of Fact for an 8 foot variance to the required 15 foot side yard building setback.

Mr. Helmer stated that a representative for Frank Lee was present.

Chairman Parrish asked if the case would have to go before the Planning Board.

Mr. Helmer stated it is unclear at this point. He stated that the applicant currently has a valid Special Use permit that was approved several months back.

Mr. Foy asked if there were any opposition from the adjacent property owners.

Mr. Helmer stated no.

Chairman Parrish opened the public meeting.

Being no comment, Chairman Parrish closed the public meeting.

Ms. Wooten made a motion that was seconded by Mr. Foy to move to the Finding of Fact. The Vote was unanimous.

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 stated true.*
- (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 stated true.*
- (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 stated true.*
- (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 stated true.*
- (e)** The special circumstances are not the results of actions of the applicant; *all members stated true.*
- (f)** The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; *all members stated true.*
- (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 stated true.*

After reviewing the Finding of Fact, Ms. Wooten made a motion that was seconded by Mr. Worley to approve the request. The vote was unanimous.

Due to personal interest in the next case, Chairman Parrish recused himself from the meeting and asked Vice-Chairman to preside.

Vice-Chairman Worley asked for the next case.

Case No. BA-07-03 Sharon Parrish: Mr. Helmer stated the applicant is requesting an 11 foot variance to the required 25 foot rear building setback for an addition to an existing single family dwelling on property within a R-10 (Residential) zoning district. The property is located on southeast side of the intersection of North Second Street and Hancock Street and further identified as NCPIN# 169414-42-8925.

Mr. Helmer asked the Board to review the petition and take action in accordance with the Finding of Fact for an 11 foot variance to the required 25 foot rear building setback.

Mr. Patterson stated that the map is showing a storage building on the property that looks like it is straddling the property line.

Mr. Patterson asked if this was a mistake?

Mr. Helmer stated that it is an existing condition on the site.

Mr. Ragland stated the storage building is on his adjacent property and it is 3 feet from the property line and is not on the property line as the picture alludes.

Vice-Chairman Worley opened the public meeting.

Being no comment, the public meeting was closed.

Mr. Ragland made a motion that was seconded by Ms. Wooten to move to the Finding of Facts. The vote was unanimous.

Finding of Facts:

- (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 stated true.*

- (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 stated true.*
- (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 stated true.*
- (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 stated true.*
- (e) The special circumstances are not the results of actions of the applicant; *all members stated true.*
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; *all members stated true.*
- (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 stated true.*

After reviewing the Finding of Fact, Mr. Foy made a motion that was seconded by Mr. Ragland to approve the request. The vote was unanimous.

Old Business.

There was none.

New Business.

Mr. Helmer stated that Council did approve the Amendment to allow the Planning Board to serve as alternate members to this Board.

Adjournment.

Being nothing further, Mr. Foy made a motion that was seconded by Ms. Wooten to adjourn. The vote was unanimous. The next Board of Adjustment meeting is scheduled for May 31, 2007.