

**Smithfield Board of Adjustment
Minutes
Thursday May 31, 2007
6:30 P.M., Town Hall, Council Room**

Members Present:

John Parrish (Chairman)
Eddie Foy
Martha Wooten

Members Absent:

Paul Worley (Vice-Chairman)
Chap Ragland

Staff Present:

Mark Helmer
Latanya Merritt

Alternate

Joe Patterson
Max Gardner

Chairman Parrish opened the public meeting.

Chairman Parrish thanked Mr. Patterson and Mr. Gardner for serving as alternates for the meeting.

APPROVAL OF MINUTES FROM APRIL 26, 2007

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

All persons wishing to speak were duly sworn.

Case No. BA-07-04 Linda Stevens: The applicant is requesting a 23 foot variance to the required 30 foot corner side yard setback for an addition to an existing single family dwelling on property within a R-8 (Residential) zoning district. The property is located on southwest side of the intersection of South Fourth Street and Lee Street and further identified as NCPIN# 169306-39-8107.

Mr. Helmer asked the Board to review the petition and take action in accordance with the Findings of Fact for a 23 foot to the required 30 foot corner side yard building setback.

Mr. Helmer stated that the applicant was present.

Chairman Parrish opened the public meeting.

Chairman Parrish asked if there were any oppositions.

Mr. Helmer stated there were none.

Mr. Patterson asked if there were any detriments that would cause any problems.

Mr. Helmer stated no.

Ms. Wooten stated that the addition would only enhance the neighborhood.

Chairman Parrish asked if there were any other comments.

Being no other comments, Chairman Parrish closed the public meeting.

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

Old Business.

There was none.

New Business.

There was none.

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 July 26, 2007.