

**Smithfield Board of Adjustment
Minutes
Thursday July 26, 2007
6:30 P.M., Town Hall, Council Room**

Members Present:

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

Members Absent:

Staff Present:

Mark Helmer
Latanya Merritt

Alternate

None

Chairman Parrish opened the public meeting.

APPROVAL OF MINUTES FROM MAY 31, 2007

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

All persons wishing to speak were duly sworn.

Case No. BA-07-05 C. Millard Stallings: Mr. Helmer stated the applicant is requesting a 10 foot variance to the required 25 foot rear yard 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 northeast side of the intersection of Woodlawn Street and Sunset Street and further identified as NCPIN# 169305-18-6831.

Mr. Helmer stated that planning staff has no objection to the variance.

Mr. Helmer asked the Board to review the petition and take action in accordance with the Findings of Fact for a 10 foot to the required 25 foot corner side yard building setback.

Chairman Parrish opened the public meeting.

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated that it appeared that no one was present to speak in opposition of the variance proposal.

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, Mr. Foy made a motion that was seconded by Mr. Worley to approve the variance request. The vote was unanimous.

BA-07-06 Luz Santori: Mr. Helmer stated the applicant is requesting a 3.5 foot variance to the required side yard building setback and a 11.5 foot variance to the required 30 foot front yard building setback for an addition to an existing single family dwelling within an R-8 (Residential) zoning district. The property is located on the north side of Langdon Avenue approximately 428 northwest of its

intersection with South Bright Leaf Boulevard and further identified as NCPIN# 168316-93-6200.

Mr. Hemler stated the planning staff recommends that if a variance is granted, all un-permitted accessory structures within the right-of-way be removed to include the water garden and wood bridge.

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

Chairman Parrish opened the public meeting.

Mrs. Luz Santori a resident of 201 E. Langdon Avenue, being duly sworn, stated she did not realize that a variance, zoning permit, and a building permit was needed before making adjustments to her home.

Mrs. Santori stated the additions that were constructed to her home included, the expansion and enclosure of a carport, a small fishpond to beautify the front yard, and a wood bridge that crosses over the ditch in front of her home.

Ms. Wooten stated that she was familiar with the property and asked if the neighbors across the street had any mishaps backing out of their driveway and hitting the bridge.

Mrs. Santori stated that she was not aware of any mishaps, in fact, her neighbors stated that they were pleased with the additions.

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated that it appeared that no one was present to speak in opposition of the variance proposal.

Chairman Parrish closed the public hearing.

Mr. Ragland made a motion that was seconded by Mr. Worley to move to the Finding of Facts. The vote was unanimously.

- (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 facts, Mr. Worley made a motion that was seconded by Ms. Wooten to approve the variance. 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.