

**Smithfield Board of Adjustment
Minutes
Thursday, August 30, 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:

Alternate Members

Michael Gibbons
Ed Self

Staff Present:

Mark Helmer

Chairman Parrish opened the public meeting.

APPROVAL OF MINUTES FROM July 26, 2007

Mr. Worley 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.

BA-07-07 Whitley Memorial Church: Mr. Helmer stated the applicant is requesting a variance to reconstruct a damaged non-conforming structure on its original foundation. The property is within an R-10 (Residential) zoning district and located on northeast side of the intersection of Wilson's Mills Road and Hamilton Drive. The property is further identified as NCPIN# 169409-15-4902.

Mr. Helmer asked the Board to review the petition for a variance and make a decision based on the Finding of Facts of the case.

Chairman Parrish asked if the variance was needed because they are building on the same foundation.

Mr. Helmer stated that is correct. Since the structure was not completely destroyed, it is more practical to rebuild on the existing foundation. Therefore, a variance to the existing building setbacks is required in accordance with Section 208.14

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated there were none.

Mr. Jessie Hatcher, Chairman of Trustees at Whitley Memorial Church, being duly sworn, stated that they plan to repair the existing building. He stated that the structure and walls are solid and after the cosmetic changes, the structure will not look the same.

Chairman Parrish asked if the approval for the reconstruction of the church had been verified.

Mr. Hatcher stated that electrical and structural engineers have approved the reconstruction of the church.

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

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

Old Business.

There were none.

New Business.

There were none.

Chairman Parrish thanked Mr. Gibbons, and Mr. Self for attending the meeting.

Adjournment.

Being nothing further, Mr. Foy made a motion that was seconded by Mr. Worley to adjourn. The vote was unanimous. The meeting was adjourned.