

**Smithfield Board of Adjustment
Minutes
Thursday, February 28, 2008
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

Chairman Parrish opened the public meeting.

APPROVAL OF MINUTES FROM DECEMBER 13, 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.

BA-08-01 Stephanie Alston: Mr. Helmer state the applicant is requesting a conditional use permit to allow for an in-home day care on property within an R-8 (Residential) zoning district. The property is located at 612 South Second Street, approximately 150 feet north of its intersection with East Parker Street. The property is further identified as NCPIN# 169306-29-6095.

Mr. Helmer stated planning staff recommends that if a conditional use permit is granted, a fenced play area in the rear of the structure be installed prior to operations.

Mr. Helmer asked the Board to review the petition and take action in accordance with the finding of fact for a conditional use permit.

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated that the applicant is present and citizens are present in opposition or support of this case.

Chairman Parrish opened the public hearing.

Mr. Foy asked Mrs. Alston how many children would she have in her daycare.

Mrs. Stephanie Alston of 612 S. Second Street, being duly sworn, stated by state regulations she is allow her up to six children.

Mrs. Alston stated she does not plan to have six children during daytime hours because she plans to operate a third shift.

Mrs. Alston stated she plans to have three or four being that she has a child of her own at home during the day.

Mr. Parrish asked Mrs. Alton if third shift meant that the daycare would operate between the hours of 11:00 p.m. and 7:00 a.m.

Mrs. Alston stated that is correct.

Mrs. Alston stated that drop off would be between the hours of 6:00 a.m. and 9:00 a.m. Hours for pickup would be by 6:00 p.m.

Mr. Parrish stated that his concerns were with the drop off and pick up of the children. He stated there's little room for either.

Mrs. Alston stated that she did not have concerns with the drop off and pickup issues. She stated that her family owned one vehicle that would be pulled up far enough, allowing parents the space needed to safely drop off and pick up their children.

Mr. Alston stated that parents would not be allowed to drop off any kids at the curb of the property.

Mr. Ragland stated that his concern is safety issues. He stated with the heavy traffic and speeders on S. Second Street, back out of a driveway would be extremely dangerous.

Mr. Worley stated that his concern is the safety of dropping off and picking up children. Mr. Worley stated that there is no safe place for the kids to be dropped off or picked up.

Mrs. Alston stated that maybe a fence in the front of the home as well as in the rear would be feasible in making it safer for the kids.

Mrs. Alston stated that she was open for any and all suggestions. She stated that she did not want to cause any ruckus in the neighborhood.

Ms. Wooten stated that traffic patterns have increased tremendously on S. Second Street and with the configuration, it would be hard for any turn around

traffic. Ms. Wooten stated that this would be the worse place to have a daycare, because of the traffic issues on S. Second Street.

Mr. Robert Wilkerson of 206 E. Parker Street, being duly sworn, stated that his concern is the safety of the children, the safety of Mrs. Alston's children as well as the children attending the in-home daycare.

Mr. Wilkerson stated that the location is not suitable for an in-home daycare.

Ms. Wincer Adams of 206 E. Parker Street, being duly sworn, stated that her concerns are the heavy traffic on Second Street, the safety of the children, and the lowering of the property value.

Ms. Adams stated that this neighborhood is zoned residential and allowing businesses to come into the neighborhood would merely open the floodgate.

Ms. Adams stated that children She stated that she did not want to see an in-home daycare at 612 S. Second Street.

Mr. Jay P. George of 705 First Street, being duly sworn, presented photographs to Mrs. Alston and then to the Board.

Mr. George stated if Mrs. Alton were allowed an in-home daycare, it would lower the property value of the vacant house next door.

Mr. George stated that cars and children do not mix, and it is not an ideal situation for a business of this sort to be allowed in a residential location.

Ms. ShaTona Alston of 612 S. Second Street, being duly sworn, stated that everything previously stated had a negative impact on the case.

Ms. Alston stated that traffic is everywhere and residents cannot control the flow of traffic therefore, traffic should not be an issue.

Ms. Alston stated that an in-home daycare is one of her mothers' dreams and that should be taken into consideration. The in-home daycare would benefit her mom as well as parents.

Ms. Alston stated that they do not want to cause any conflict or confusion with their neighbors.

Mr. Ragland stated to Ms. Alston that he understood her concerns. However, the fact remains there is a safety issue when it comes to the heavy traffic on S. Second Street.

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)** All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *all members stated true.*
- (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; *all member stated false. Mr. Worley stated the proposed use would create additional traffic. Using existing driveway facilities would result in movements of an unsafe nature, given traffic and speed on South Second Street.*
- (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 false. Mr. Worley stated off street parking and loading is inadequate.*
- (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 true.*
- (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 false. Mr. Worley stated pedestrians would be impacted by driveway, because the driveway use increases.*
- (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 false. Mr. Worley stated late night and early morning drop-offs would have noise impact on the residential neighborhood, where there are other residents close by.*

After reviewing the Finding of Fact, Mr. Worley made a motion that was seconded by Mr. Ragland to deny the conditional use request for an in-home daycare. The vote was unanimous.

Old Business.

There were none.

New Business.

There were none.

Adjournment.

Being nothing further, Mr. Worley made a motion that was seconded by Ms. Wooten to adjourn. The vote was unanimous.