

**Smithfield Board of Adjustment
Minutes
Thursday, June 26, 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 APRIL 24, 2008.

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

All persons wishing to speak were duly sworn.

BA-08-03 Dennis Ray Blackmon: The applicant is requesting a variance to the side yard building setback to correct for minor errors during construction. The property is located on the north side of the intersection of West Market Street and Strickland Drive and further identified as NCPIN# 168412-97-7044.

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

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated no.

Chairman Parrish opened the public hearing.

Being no comment, Chairman Parrish closed the public hearing.

Mr. Worley made a motion that was seconded by Mr. Foy to move to the finding of fact.

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. The vote was unanimous.

BA-08-04 Volga Corporation: The applicant is requesting a variance to allow for the construction of a dumpster pad within the required side yard building setback. The property is located on the northeast side of the intersection of Dail Street and North Bright Leaf Boulevard and further identified as Johnston County Tax ID# 15007024 & 15007023.

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

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated no.

Chairman Parrish opened the public hearing.

Being no comment, Chairman Parrish closed the public hearing.

Mr. Ragland made a motion that was seconded by Ms. Wooten to move to the finding of fact.

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 Ms. Wooten to approve the variance. The vote was unanimous.

Old Business.

There were none.

New Business.

Chairperson Parrish asked if the requirements for all digital signs were the standard for all, and if so, why are some signs changing every few seconds and other only being allowed to change three times a day.

Mr. Helmer stated that the sign ordinance allows for LED billboards to change its copy once every 30 seconds. All other digital signs may not change its copy more than 4 times within a 24 hour period.

Adjournment.

Being nothing further, the meeting was adjourned.