

**Smithfield Board of Adjustment  
Minutes  
Thursday, July 31, 2008  
6:30 P.M., Town Hall, Council Room**

**Members Present:**

John Parrish (Chairman)  
Paul Worley (Vice-Chairman)  
Eddie Foy  
Martha Wooten

**Members Absent:**

Chap Ragland

**Staff Present:**

Mark Helmer  
Latanya Merritt  
Paul Embler

Chairman Parrish opened the public meeting.

**APPROVAL OF MINUTES FROM JUNE 26, 2008.**

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-08-05 Harmon and Associates:** The applicant is requesting a variance to section 710 of the Town of Smithfield Zoning Ordinance to allow for an increase in the maximum permitted density for a proposed multi-family development. The property is located on the northeast side of the intersection of Peedin Road and Components Drive and further identified as Johnston County Tax ID# 15074012E.

Mr. Helmer stated that a traffic impact analysis was in place.

Mr. Helmer stated that the Comprehensive Land Use Plan identified the subject area as being suitable for high-density residential development.

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 what the acronym UDO was.

Mr. Helmer stated Unified Development Ordinance.

Chairman Parrish asked if the request could be held until after the UDO is approved.

Mr. Helmer stated that the UDO would be approved within the next month.

Chairman Parrish asked if the town sees any problem with a one-way entrance and exit to the multi-family development.

Mr. Helmer stated that there would be two ways in and out of the property.

Chairman Parrish opened the public hearing.

Ms. Wooten asked Mr. Carter to expand on the NCDOT's plan that stated "Upon approval we plan to participate in the achievement of this plan by contributing to the Peedin Road portion of the plan that will extend east toward the existing Channel Master facility."

Mr. Robert Carter a representative for Harmon and Associate, being duly sworn stated upon site approval Harmon and Associate would assist the Town monetarily with the development of the Peedin Road extension.

Mr. Carter stated that Harmon and Associate conducted a traffic study on all of their projects and found that there were no negative traffic impacts to the area.

Mr. Carter stated that Harmon and Associates is excited about the growth of Smithfield. With the opening of the bypass, the expansion of the hospital, and the proximity of I-95 the project area is prime for multi-family living.

Mr. Carter stated that Harmon & Associates interest is to provide Smithfield with the highest quality multi-family living that exists. The project will consist of 164 market rate apartment units, clubhouse, pool, and a fitness center, along with other amenities available to the residents.

Chairman Parrish asked if there were any opposition.

Mr. Helmer stated no.

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

Mr. Worley made a motion that was seconded by Ms. Wooten to move to the finding of fact. 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 Ms. Wooten to approve the variance. Unanimous.

**Old Business.**

There were none.

**New Business.**

There were none.

**Adjournment.**

Being nothing further, the meeting was adjourned.