**DRAFT**

**Smithfield Board of Adjustment**

**Minutes**

**Thursday, October 30, 2014**

**6:30 P.M., Town Hall, Conference Room**

**Members Present: Members Absent:**

John Parrish, Chairman

Stephen Upton

Paul Worley

Eddie Foy

Mark Lane

Sarah Edwards

**Staff Present:**

Mark Helmer, Senior Planner

Veronica Hardaway, Administrative Support Specialist

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM FEBRUARY 27, 2014.**

Stephen Upton made a motion, seconded by Eddie Foy to approve the minutes as written. Unanimous.

**Presentation:**

Chairman Parrish administered Oath of Office to new Board of Adjustment Member Michael Exum Johnson and welcomed him to the Town of Smithfield Board of Adjustments.

**Public Hearings:**

After all persons giving testimony were duly sworn, John Parrish opened the public hearing.

**BA-14-02 Johnston UNC Health Care:**

Mr. Helmer stated the applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance (UDO), Article 19-4, On-Premise Signs to allow for additional wall sign area on property located within a medical campus and in the OI (Office-Institutional) zoning district. The property considered for approval is located on the northwest side of intersection of Hospital Road and North Bright Leaf Boulevard and further identified as Johnston County Tax ID# 15010058.

Mr. Helmer stated the applicant is proposing to replace an existing 100 square foot sign with an all new sign that will be approximately 192 square feet in area. The proposed sign will be located on the northeastern wall of the patient tower and will be approximately 51 feet above the finished grade of the building.

Mr. Helmer stated the Town of Smithfield UDO, Article 19-4 allows for a maximum wall sign area of 75 square feet. Therefore, a variance must be approved by the Smithfield Board of Adjustment prior to planning staff issuing a zoning permit.

Mr. Helmer stated the Town of Smithfield Board of Adjustment is requested to review the petition and make a decision on the proposed sign variance to allow for a 192 square foot wall sign on property located with an OI (Office-Institutional) zoning district.

Mr. Helmer stated the applicant has provided a drawing of the sign and that Planning staff recommends approval due to the sign is to scale of the building.

John Parrish asked for questions or comments from the Board.

John Parrish asked Mr. Helmer if there was any opposition to the proposed variance.

Mr. Helmer stated there was not.

Kyle McDermott, Assistant Administrator of Johnston Health, stated the front of the building will now be accessed from Hospital Road and the rear of the building will now be accessed from Bright Leaf Boulevard. He stated that two existing signs will be removed from the building and adding one sign being the requested variance.

Article 5, Section 5-2 of the Town of Smithfield Unified Development Ordinance requires applications for a variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of application.

Eddie Foy made a motion, seconded by Stephen Upton to move to the Findings of Fact for a Variance. Unanimous.

**1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

Unnecessary hardship would result from the strict application of the ordinance because current regulations allow for a maximum of 75 square feet of sign area and such a small sign located at the top of the hospital tower will not be adequate in size so as to be seen from any substantial distance or direction. ***All members stated true.***

**2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

The hardship results from conditions that are peculiar to the property, such as location, size, and topography. The height of the structure is such that a sign meeting the standards of the UDO will not be effective in projecting the image of the sign and medical complex. ***All members stated true.***

**3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

The hardship did not result from actions taken by the applicant or the property owner. The applicant’s desire for additional sign area is being driven primarily by the size and height of the wall in which it will be displayed and not by an error in manufacturing or installation of the proposed sign. ***All members stated true.***

**4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

The requested variance is consistent with the spirit, purpose, and intent of the ordinance which attempts to be fair in its administration of the sign regulations. However, the Smithfield UDO limits wall signs to 75 square feet in area. This may be considered too small when comparing it with a large wall such as a patient tower or big box retail outlet. Granting this variance will achieve justice and allow for a sign that is in scale with the wall in which it is being applied. ***All members stated true.***

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant’s representative.

After reviewing the Findings of Fact, Stephen Upton made a motion, seconded by Eddie Foy to approve the request for a Variance. Unanimous.

**Old Business:**

**New Business:**

**Adjournment:**

Being nothing further, Stephen Upton made a motion, seconded by Eddie Foy to adjourn.

Submitted this 30th day of October, 2014.

Veronica Hardaway

Administrative Support Specialist

Planning Department