**DRAFT**

**Smithfield Board of Adjustment**

**Minutes**

**Thursday, May 26, 2016**

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

**Members Present: Members Absent:**

John Parrish, Chairman

Stephen Upton

Eddie Foy

Sarah Edwards

Michael Exum Johnson

Mark Lane

Paul Worley

**Staff Present:**

Mark Helmer, Senior Planner

Veronica Hardaway, Administrative Support Specialist

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM FEBRUARY 25, 2016.**

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

**Public Hearings:**

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

**BA-16-02 American Properties Holding, LLC:**

Mr. Helmer stated the applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance (UDO), Article 12, Table of Area, Yard and Height Requirements, to allow for a structure to be built closer than 15 feet to side yard property line. The property considered for approval is located on the north side of North Brightleaf Boulevard approximately 200 feet northeast of its intersection with Booker Dairy Road and further identified as Johnston County Tax ID# 14074001.

Mr. Helmer stated the applicant received administrative site plan approval on February 9, 2015 for the construction of a new tunnel car wash on the existing America Pride Car Wash site located on the 1200 block of North Brightleaf Boulevard. The approved site plan shows the self-vacuum area being constructed to minimum parking standards to include 9 foot by 19 foot parking spaces and 24 foot drive isle. The applicant has expressed concerns that safety issues may arise if the parking standards do not exceed minimums. Therefore, the applicant has submitted a revised plan showing 12 foot by 18 foot parking stalls and 30 foot drive isle. The proposed increase in dimension of the parking and drive isle will cause the tunnel to be shifted to the southwest approximately 3 feet. This shift represents a 3 foot encroachment into the required 15 foot side yard setback.

Mr. Helmer stated the property is currently zoned B-3 (Highway Entrance Business). In accordance with Town of Smithfield Unified Development Ordinance, Article 12, Table of Area, Yard and Height Requirements, Developments within the B-3 (Highway Entrance Business) zoning district must provide a 15 side yard setback. The shift of the tunnel location has triggered the need of a 3 foot variance to the required 15 foot side yard setback.

Mr. Helmer stated the Town of Smithfield Board of Adjustment is requested to review the petition and make a decision on the variance request to allow for a 3 foot reduction to the 15 foot side yard setback for the consideration of an automated tunnel car wash facility.

John Parrish asked for questions or comments from the Board.

John Parrish asked if there was any opposition to the proposed project.

Mr. Helmer stated there was none.

Sarah Edwards asked what the 16 parking spaces will be used for.

Chris Stallings, American Properties Holdings & American Pride, stated those spaces are for self-serve vacuum stations. Vacuuming is included in the price of a car wash.

John Parrish asked if this was a drive through car wash.

Mr. Stallings stated it is an express car wash. The customer pays at an automatic pay station and pulls around to the front of the building where staff interacts with the customers from opening until close. The customer stays in their vehicle, they get onto the conveyor and they’re put through the tunnel. It’s all automated and the customer’s tires and rims are cleaned and shined.

Stephen Upton asked how much the car wash service is.

Mr. Stallings stated as low as $7-8 but no higher than $20 for everything that is offered. Unlimited car wash plans are also available for a monthly fee.

Stephen Upton asked how long the process takes to sit in your vehicle.

Mr. Stallings stated from the time the car gets on the conveyor until you exit, approximately three minutes.

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.

Stephen Upton made a motion, seconded by Eddie Foy 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 without the requested variance, the parking area for the self-serve vacuum area will need to meet the very minimum parking standards and will not serve the proposed use in a safe manor. ***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, or topography. The property lacks the necessary depth to allow for the proposed tunnel car wash facility as an enlargement to the existing structure. ***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 need of a variance to the side yard setbacks is being driven by the shallow lot size and not by an error in manufacturing or installation of the proposed structure. ***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 site development regulations. Granting this variance will achieve justice and allow for improvements to the property while enhancing safety through parking lot design that exceeds minimum standards. ***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.

Stephen Upton made a motion, seconded by Eddie Foy to recommend approval of the request of a variance to allow for a structure to be built closer than 15 feet to side yard property line.

**Old Business:**

**New Business:**

Mr. Helmer stated he was seeking training opportunities for the board.

**Adjournment:**

Being nothing further, Eddie Foy made a motion, seconded by Mark Lane to adjourn.

Submitted this 26th day of May, 2016.

Veronica Hardaway

Administrative Support Specialist

Planning Department