

**Draft
Smithfield
Board of Adjustment Minutes
Thursday, February 24, 2022
6:02 P.M.,
Town Hall, Conference Room**

Members Present:

Stephen Upton, Chairman
Mark Lane, Vice Chairman
Sarah Edwards
Richard Upton
Jeremy Pearce
Keith Dimsdale
Monique Austin

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from November 30, 2021

Sarah Edwards made a motion, seconded by Monique Austin to approve the minutes as written. Unanimously Approved

Open Public Hearing

Keith Dimsdale made a motion, seconded by Richard Upton to open the public hearing.

BA-22-01 Jancuska Construction Company: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 8, Section 8.3 to allow for a decrease in front building setbacks, rear building setbacks and a decrease in minimum lot size for the construction of a two-family dwelling on property located within an R-8 (Residential) zoning district. The property considered for a variance is located on the east side of South Fifth Street approximately 290 feet south of its intersection with East Market Street and further identified as Johnston County Tax ID#15026019.

Mark Helmer stated the applicant Tom Jancuska is requesting a variance from Article 8, Section 8.3 to allow for a reduction to the minimum front and rear building setbacks and for a reduction to the minimum lot size for the construction of a two-family dwelling. The subject property is approximately 133 linear feet wide and varies in depth from 69.2 feet and 78.11 feet. After subtracting out the required front and rear required yards, only a 14.62 linear foot deep building envelope remains. Granting a variance to the required front and rear building setback will allow the lot to be built upon. Without a variance, the lot would be considered by most builders as undevelopable. The subject property is approximately 9,650 square feet in area. The applicant is requesting a 350-foot variance to the minimum lot size for the construction of a two-family

dwelling which is a permitted use by right within the R-8 zoning district. The following chart documents the required yards as published in the Town of Smithfield Unified Development Ordinance.

STAFF FINDINGS OF FACT:

In order to approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's findings are in bold/ italic):

4.10.2.2.1. 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. **Without the variance, the property would unlikely ever be built upon given the shallow depth of this existing lot.**

4.10.2.2.2. 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 lots within the 100 block of South Fifth Street are uncommonly shallow even for the R-8 zoning district. The subject property is considered legal non-conforming and was platted prior to modern zoning and standardized setbacks.**

4.10.2.2.3. 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 applicant had no control over the platting of this property which was done years before modern zoning standards.**

4.10.2.2.4. 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 variance is consistent with the spirit, purpose, and intent of the Ordinance and will allow for the development of an uncommonly small lot which might otherwise go undeveloped.**

Keith Dimsdale questioned the 14.62 linear foot deep building envelope that was left after subtracting out the required front and rear yards. He asked for a better perspective.

Mark Helmer said essentially if you look at the chart for the requirements which would be a front yard of 30 feet and a rear yard of 25 feet, you subtract that from what they have which is 69 feet. That only leaves 14.62 linear feet.

Keith Dimsdale asked if the purpose of a 30-foot front and 25-foot rear was established just for esthetics.

Mark Helmer said no, you don't want structures too close to the public right-of-way. Future development could bring on the need to widen streets and you don't want to create more expense for the public.

Sarah Edwards asked if the applicant was meeting the parking requirements?

Mark Helmer said yes, they are showing two 15-foot concrete driveways. It's more than what the ordinance requires.

Keith Dimsdale asked if this property required a sidewalk in front of it?

Mark Helmer stated no, it doesn't.

Sarah Edwards made a motion to close BA-21-04, seconded by Keith Dimsdale. Unanimously approved.

Keith Dimsdale made a motion to approve variance BA-22-01, based on the finding of fact found in the staff report, seconded by Sarah Edwards. Unanimously approved.

Old Business

None

New Business

None

Sarah Edwards made a motion to adjourn, seconded by Keith Dimsdale. Unanimously Approved

Julie Edmonds

A handwritten signature in cursive script that reads "Julie Edmonds".

Administrative Support Specialist
Town of Smithfield Planning Department