

**Town of Smithfield
Board of Adjustment Minutes
Thursday, April 24th, 2025
6:00 P.M. Town Hall,
Council Chambers**

Members Present:

Sarah Edwards, Chairman
Jeremy Pearce, Vice Chairman
Thomas Bell
Monique Austin

Members Absent:

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from March 27th, 2025

Jeremy Pearce made a motion, seconded by Monique Austin to approve the minutes as written. Unanimously approved

Open Public Hearing

Tom Bell made a motion to open the public hearing; seconded by Monique Austin. Unanimously approved.

Oath was administered to all individuals wishing to speak.

BA-25-02: Marilyn Mazingo of 57 Strickland Drive is requesting a variance to increase the allowable square footage for an Accessory Dwelling Unit (ADU) by 28% and for the ADU to have its own separate utility metering. Unified Development Ordinance (UDO) Section 7.3.3. regulates ADU's. The property considered for a variance is further identified by Johnston County Tax ID 17J07024E.

Micah Woodard stated Mrs. Mazingo is looking to have an accessory dwelling unit (ADU) built to meet her husband's specific healthcare needs. She applied for and received a grant from the Veteran's Administration to modify her current residence but later found that they could not modify her existing residence because it is a manufactured home. Her plan shifted to see if she could build an ADU to adequately meet her husband's needs. The ADU should be at least 1,200 sq. ft. however the UDO Section 7.3.3.1. restricts ADUs to 75% of the principal structure which is 936 sq. ft creating the need for the variance.

Close Public Hearing

Jeremy Pearce made a motion to close BA-25-02; seconded by Monique Austin. Unanimously approved.

Sarah Edwards read the four Finding of Fact.

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. **In absence of this variance, the applicant will not be able to construct the ADU to an adequate size to fit their needs; an increase of around 300 sq. ft. Staff finds this a reasonable variance in sq. ft. given the situation. All BOA members agreed**

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 existing manufactured home is not handicap accessible and will not meet the needs of the residents. Without the variance residents would likely have to move away from the property. All BOA members agreed**

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. **This site was developed decades ago and legal restrictions were imposed on the property afterwards. The hardship is not self-created. All BOA members agreed**

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 applicant meets the main primary requirements to permit ADU's. By deviating slightly on the previously stated two specific sections the variance still adheres to the general intent of the ordinance and it is consistent with the overall spirit, and purpose. All BOA members agreed.**

Old Business.

None

Adjournment.

Jeremy Pearce made a motion to adjourn; seconded by Monique Austin. Unanimously approved.

Julie Edmonds

A handwritten signature in black ink that reads "Julie Edmonds". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Administrative Support Specialist
Town of Smithfield Planning Department