

**Town of Smithfield
Board of Adjustment Draft Minutes
Thursday, June 12th, 2025
6:00 P.M. Town Hall,
Council Chambers**

Members Present:

Jeremy Pearce, Vice Chairman
Thomas Bell
Monique Austin
Jason Evans
Greg Evans

Members Absent:

Sarah Edwards, Chairman

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from April 24th, 2025

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

New Business

Jason and Greg Evans were sworn in as new Board of Adjustment members by Town Clerk, Elaine Andrews.

Open Public Hearing

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

Oath was administered by Jeremy Pearce to all individuals wishing to speak.

BA-25-03 S. Second St. Setback Variance: This case is to review a variance from the Unified Development Ordinance, Section 8.3.1. to construct a home that encroaches 5 feet over the side setback line.

Micah Woodard presented BA-25-03 stating the applicant has requested to review a variance to construct a home that encroaches 5 feet over the side setback line. Unified Development Ordinance (UDO) Section 8.3.1. sets the dimensional requirements for the R-8 zoning district. The property considered for a variance is located at 417 S. Second Street, further identified by Johnston County Tax ID 15029033. Owners Brightleaf #2004-II, LLC and Warehouse Properties, LLC had initially planned to remodel the old house that was formerly located on the property. The initial inspection of the home did not indicate the homes foundation issues. It was later decided that it would be more cost effective to demo the former house and construct a new house on the property. After the former house was demolished and a survey was done on the site it was determined that the former house was also encroaching on our current R-8 building setbacks. This is common for older homes that were built before our current code was established. When staking out the area for the new house the owners realized that if the new house is to adhere to the current setback standards the house would appear to be on a subtle slant and or crooked in comparison to the neighboring houses. This is due in-part to the slanted shape of the lot and the fact that the lot tapers in size from front to back, going from *roughly 63 feet to 55 feet. To construct the house to appear straight and square with the rest of the neighborhood they would need to encroach the side setback line by 5 feet on the left-hand side.

Micah read the four Finding of Facts for the variance. He indicated that planning staff recommends the Board of Adjustment approve the variance from the UDO to allow construction of a home that encroaches 5 feet into the side setback, based on the findings of fact for variances.

Greg Evans had a concern there were some egress issues that weren't previously there. He sees a tradeoff too; he feels the applicant is doing the best they can under the circumstances. He pointed out how close they would be to the powerline and suggested they keep that in mind.

Close Public Hearing

Tom Bell made a motion to close BA-25-03; seconded by Jason Evans. Unanimously approved.

Jeremy Pearce 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. **By adhering to the ordinance, the argument could be made that the homes curb appeal and value would be hindered.**

All present members voted I

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 lots orientation with the street and the fact of the lots taper in size make conforming to current standards difficult and would result in the home appearing slanted/ crooked.**

All present members voted I

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. **Unfortunately, the initial inspection of the home did not indicate that the homes foundation was in disrepair. While the initial efforts of the owners were to salvage the former home; when that was no longer a feasible option building new and thereby conforming to current standards became the only option. The hardship is not self-created.**

All present members voted I

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. **This variance request is relatively insignificant; considering that the former home sat in roughly the same proposed footprint building a new house over the UDO required setback line by only 5 feet this project still adheres to the general intent of the ordinance and it is consistent with the overall spirit, and purpose.**

All present members voted I

Jeremy Pearce made a motion to approve variance BA-25-03 from the Unified Development Ordinance to allow construction of a home that encroaches 5 feet into the side setback, based on the four findings of fact for variances; Tom Bell seconded the motion. Unanimously approved.

Old Business.

None

Adjournment.

Greg Evans made a motion to adjourn; seconded by Jason Evans. Unanimously approved.

Julie Edmonds



Administrative Support Specialist
Town of Smithfield
Planning Department