

The Smithfield Board of Zoning Appeals held its regular meeting on Tuesday, May 17<sup>th</sup>, 2016. The meeting was called to order at 7:30 p.m. Members present were Ms. Faye Seeley, Chair, Mr. Clem Batten, Vice Chairman; Ms. Catherine Bowden, Mr. Christopher Gwaltney, and Mr. Robert Briggs. Staff members present were Mr. Joseph Reish, Planning Technician and Mr. William H. Riddick III, Town Attorney. There were two (2) citizens present.

Chair Seeley – I would like to call the May 17<sup>th</sup> meeting of the Board of Zoning Appeals to order. Our first item of business will be Election of Officers.

Planning Technician – That is correct. We are supposed to do that once per year. Since this is the first meeting of 2016, that is correct.

Town Attorney – Customarily, I will hold the elections. The floor is now open for nominations for Chairman of the Board of Zoning Appeals.

Ms. Seeley – I would like to nominate Mr. Batten as Chairman.

Mr. Batten – I would like to nominate Ms. Seeley as Chair.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Mr. Batten say aye. All those in favor of Ms. Seeley say aye. The vote is two to two. Let us do this again. All those in favor of Ms. Seeley as Chair say aye.

On call for the vote, five members were present. Ms. Seeley abstained, Mr. Clem Batten voted aye, Ms. Catherine Bowden voted aye, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There was one abstention.

Town Attorney – Ms. Seeley has been elected as Chair. The floor is now open for nominations for Vice Chair.

Ms. Seeley – I would like to nominate Mr. Batten.

Town Attorney - Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Mr. Batten say aye, opposed say nay.

On call for the vote, five members were present. Chair Seeley voted aye, Mr. Batten abstained, Ms. Catherine Bowden voted aye, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There was one abstention.

Town Attorney – Mr. Batten has been elected as Vice Chairman. Chair Seeley, the meeting is yours again.

Chair Seeley – Our next item on the agenda is a Public Hearing: Special Yard Exception – 134 Lumar Road. It is under Article 12, Section B of the Zoning Ordinance for the Town of Smithfield. Kristin N. Munford and Herbert M. Munford, III are the applicants and property owners. Could we have a staff report please?

Planning Technician – Mr. and Mrs. Munford visited the Planning Department to talk about putting an addition on their house. They brought us a survey. As you can see, if you are standing on Lumar Road facing the home, the right hand side yard setback is 12.1 feet. The covered porch on the left hand side is about thirteen feet (13) feet, give or take. A conforming structure in the Neighborhood Residential district requires fifteen (15) feet side to side and thirty-five (35) feet front to rear. Because of the non-conformity, we were not able to issue them a zoning permit at this time. However, this house was built in 1953. This non-conformity is certainly no fault of their own. There is one other thing that I want to mention in case anyone is wondering about the water line; although it is not relevant to this case. It is an administrative function and we are going to work with Mr. and Mrs. Munford to get the five (5) foot water line easement moved. It is safe to say that town staff does not want to see an addition over top of the water main. The homeowner probably does not want that either. They want to put a twenty-two (22) foot by twenty two (22) foot addition on the rear yard that will meet the current setbacks. They need a special yard exception to be able to put the addition on. You also see a small porch that I have drawn on the survey on the right hand side of the addition. It is an uncovered porch and the ordinance allows for a four (4) foot encroachment on an uncovered porch. However, this one will only encroach about two (2) feet. Once again, that is an administrative thing that we would not bring to the Board. I drew it just to show you everything they want to do. Thank you.

Chair Seeley – Is there anyone here to address the Board of Zoning Appeals on this matter?

Mrs. Kristin Munford – Our new address is 134 Lumar Road. We currently reside at 226 South Church Street.

Mr. Herbert Munford – We are married and just bought the house in January. Since then, we wanted to add an addition. We are just trying to go about it the proper way.

Mr. Gwaltney – Do you know if this house was in Isle of Wight County at one time.

Planning Technician – I think it was. If I had to guess, Mr. Gwaltney, I think everything east of South Church Street was at one point.

Town Attorney – In 1953, it was.

Planning Technician – It is certainly no fault of their own. I do not think they were even born yet in 1953.

Vice Chairman Batten – I was looking at the application. I saw the twenty-two (22) foot by twenty-two (22) foot room. As I look in the back, I see another one where they want to add a ten (10) foot by fourteen (14) foot deck.

Planning Technician – That is correct, Mr. Batten. The number one concern is the addition. Of course, we would not be able to permit either of these structures to be built without a special yard exception. We wanted to draw the deck on there just to illustrate that they want to build the addition and the deck. Both of which will be conforming to the town ordinance; even though the deck will encroach about two (2) feet into the setback because it is allowed to encroach up to four (4) feet since it is not covered. As long as no one covers it up, it is fine.

Vice Chairman Batten – Thank you.

Chair Seeley – I now declare the public hearing open. Is there anyone who would like to speak for or against? Hearing none, I will close the public hearing and entertain a motion.

Mr. Gwaltney – I make a motion to approve.

Vice Chairman Batten – Second.

Chair Seeley – A motion has been made and properly seconded. All in favor signify by saying aye, opposed say nay.

On call for the vote, five members were present. Chair Seeley voted aye, Vice Chairman Batten voted aye, Ms. Catherine Bowden voted aye, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There were no votes against the motion. The motion passed.

Chair Seeley – The motion passed. Our next item is Approval of the July 21<sup>st</sup>, 2015 Meeting Minutes.

Town Attorney – I recommend the minutes be approved as presented.

Vice Chairman Batten – So moved.

Ms. Bowden – Second.

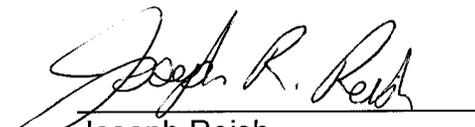
Chair Seeley – A motion has been made and properly seconded to approve the minutes as presented. All in favor signify by saying aye, opposed say nay.

On call for the vote, five members were present. Chair Seeley voted aye, Vice Chairman Batten voted aye, Ms. Catherine Bowden voted aye, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There were no votes against the motion. The motion passed.

Chair Seeley – Seeing no further business, the meeting is adjourned.

The meeting adjourned at 7:40 p.m.

  
Faye M. Seeley  
Chair

  
Joseph Reish  
Planning Technician