

The Smithfield Board of Zoning Appeals held its regular meeting on Tuesday, October 19th, 2021. The meeting was called to order at 7:30 p.m.

Members present:

Gregory Brown – Chairman

Gene Monroe

Christopher Gwaltney

Members absent:

Faye Seeley

Tristan Barnes

Staff present:

Tammie Clary – Community Development & Planning Director

William H. Riddick III - Town Attorney

Press: -0-

Citizens: 2

Chairman Brown called the meeting to order at 7:30 p.m.

Community Development & Planning Director's Report:

The Community Development & Planning Director, Tammie Clary, reported that Summit Design & Engineering Services, PLLC, the Town consultants for the 2020/2021 Comprehensive Plan update, have developed a website to assist in providing transparency in the comprehensive planning process. The website is accessible via the following link: <https://smithfieldvacomprehensive.com/> and our consultants have also posted a draft Vision, Goals, Objectives, and Strategies for feedback.

Upcoming Meetings and Activities:

Monday, November 1st – 6:30 PM – Town Council Meeting

Wednesday, November 3rd – 5:30 PM – Planning Commission Workgroup Session

Tuesday, November 9th – 6:30 PM – Planning Commission Meeting

Tuesday, November 16th – 6:30 PM – Board of Historic & Architectural Review Meeting

Tuesday, November 16th – 7:30 PM – BZA Meeting

Public Comments:

There were no public comments.

Board Member Comments:

Mr. Gwaltney asked if the board would consider a motion to ask the secretary to schedule a work session to meet with staff to discuss policies, procedures, and administrative items of the board.

Chairman Brown stated that he thinks it would be a good idea to do that together as a board.

Mr. Gwaltney made a motion to authorize the secretary to setup a work session. He stated that the regular meeting would not be a good time to discuss those items.

The Town Attorney stated that the regular meeting would be a perfect time to discuss those items. He stated that the next time the board has a regular meeting you can include them as agenda items so that everyone can be present to discuss it.

Vice Chairman Monroe stated he attended a Board of Zoning Appeals training that he found very beneficial. He thought others would enjoy it as well. He suggested that the board could come in about thirty or forty minutes earlier to discuss the items.

The Town Attorney stated that there is a meeting at 6:30 p.m. on the same day before this meeting which they meet every month. He stated that there is a motion on the floor, and no one has seconded it. The motion failed. He stated that you can make a motion to develop an agenda for discussion on training and administration and the time to be determined later.

Vice Chairman Monroe made a motion to develop an agenda for discussion on training and administration of the Board of Zoning Appeals. Mr. Gwaltney seconded. Chairman Brown called for the vote.

On call for the vote, three members were present. Vice Chairman Monroe voted aye, Mr. Gwaltney voted aye, and Chairman Brown voted aye. There were no votes against the motion. The motion passed.

Public Hearing – Special Area/Use Exception (Sue) Applicant: - 19290 Battery Park Road, (TPIN 22-01-022) Harvest Fellowship Baptist Church C/O John Anderson, applicant:

Mrs. Clary reported that the applicants have applied for a Special Area/Use Exception under the provision of Article 12, Section F of the Smithfield Zoning Ordinance. The applicant wishes to remove the current two hundred square foot shed, two hundred and twenty-two square foot construction trailer, and approximately three hundred and eighty square foot of junk pile, and instead erect a twenty foot by twenty-six-foot, five hundred and twenty square foot garage. According to the Smithfield Zoning Ordinance Article 12.F.6.b, a special area/use exception can be granted to expand a nonconforming use in a building so as to increase floor area by not more than twenty-five percent. The proposed garage will be nine feet in height to the eave and will be covered in Hardy board to match the remaining garage and Worship Center currently on site. Town staff recommend approval with the condition that application appear before the Planning Commission as an Entrance Corridor Overlay application for review and decision. Additionally, approval should be conditioned on the applicant removing two hundred square foot shed, two hundred and twenty-two square foot construction trailer, and approximately three hundred and eighty square feet of junk pile.

The applicant, John Anderson was available for questions from the Board. In 2010, we took the livestock market and turned it into an office complex in the front. Last year we received approval to fix and paint the front office building to match the Worship Center. We would like to attach a single garage to the existing garage and paint it to match.

Mr. Gwaltney asked if he has any problems with the conditions on Mrs. Clary report.

Mr. Anderson stated that he doesn't have any problems with the conditions.

Chairman Brown asked if the existing shed and trailer would be removed completely.

Mr. Anderson stated that the existing shed and trailer would be removed.

Mr. Gwaltney asked Mrs. Clary can you clarify why they need an exception.

Tammy Clary stated it is a nonconforming structure because it is technically located in the front yard. The primary structure was the second larger building that they built at the rear of the property. The shed, trailer, and junk pile were already present on the property making it a nonconforming use.

Mr. Gwaltney stated that the larger structure became the primary structure, therefore made the garage that was technically behind the existing primary structure because of the fact second structure was larger than the first. It became the primary structure, and the secondary structure became the front yard as opposed to the rear yard.

Mr. Eddie Drake, 513 Hickory Crescent. He stated that the front yard is a parallel line running in front of the existing livestock market which is now the office space. The only time the Youth Center is used is when a service requires a building for more than fifty people. He stated that when we build our sanctuary it will make this building a pre-existing nonconforming structure because it will be in front of what is the Worship Center. He said that it seems like the target area moves when we build a new building. The line should run east to west along the front of the office building which is smaller of the two buildings and the one closest to Battery Park Road. He stated that it is not a parallel line running east to west in front of the Youth Center which is approximately four hundred feet off the road. He stated he thinks the determination should be from the pre-existing livestock market which is our office space and not the Youth Center. In the future when we build the new building it is going to put the Youth Center in front of it and the next building will be larger. He stated that is her word choice that it is larger.

Tammy Clary stated for clarification it is not the primary structure because it is larger. It is the primary structure because the use is classified as a church. It was identified as the Worship Center, which is the primary use. It is not based on the size of the building.

The Town Attorney stated that Mrs. Clary makes the determination but if the applicant doesn't like it, we can stop the proceedings. The Board is getting ready to vote on it to give the applicant what they want.

Mr. Drake stated that the town has made the determination where when we build the Worship Center, and this is not the Worship Center. It is the Youth Center and this will be a pre-existing nonconforming building.

The Town Attorney stated that the characteristic of a Worship Center or Youth Center is not relevant. It is essentially the primary church building. He stated that Mrs. Clary has the authority to make the decision under the town code.

Mr. Gwaltney stated that Mrs. Clary's interpretation is consistent with what he has experienced in other localities. He asked if Mrs. Clary would take Mr. Drake's concerns under consideration when revising the code to see if there are any adjustments that can be made.

Tammy Clary stated that town staff would look into it.

Vice Chair Monroe stated that he thinks we can approve the application without sending it to the Planning Commission.

The Town attorney stated that the Planning Commission has to approve the application, because it is located in the Entrance Corridor Overlay. He stated that the only thing in your purview Mr. Monroe is what is before you.

Tammy Clary stated that it is in the Entrance Corridor Overlay so the Planning Commission is responsible for approving the exterior features.

Town Attorney stated that it still has to go to the Planning Commission but it doesn't have to be part of the motion.

Vice Chair Monroe made a motion to approve as stated in the application. Chairman Brown seconded the motion. Chairman Brown called for the vote.

On call for the vote, three members were present. Vice Chairman Monroe voted aye, Mr. Gwaltney voted aye, and Chairman Brown voted aye. There were no votes against the motion. The motion passed.

Approval of the July 20th, 2021, Meeting Minutes:

The Town Attorney stated that he recommends approval of the minutes as presented.

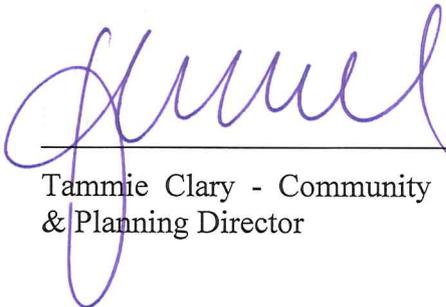
Vice Chairman made a motion to approve the minutes. Chairman Brown seconded the motion. Chairman Brown called for the vote.

On call for the vote, three members were present. Vice Chairman Monroe voted aye, Mr. Gwaltney voted aye, and Chairman Brown voted aye. There were no votes against the motion. The motion passed.

The meeting adjourned at 8:10 p.m.



Greg Brown - Chairman



Tammie Clary - Community Development
& Planning Director