

The Smithfield Board of Zoning Appeals held its regular meeting on Tuesday, July 21st, 2015. The meeting was called to order at 7:30 p.m. Members present were Ms. Faye Seeley, Chair, Mr. Clem Batten, Vice Chairman; Mr. Christopher Gwaltney and Mr. Robert Briggs. Ms. Catherine Bowden was absent. Staff members present were Mr. Joseph Reish, Planning Technician and Mr. William H. Riddick III, Town Attorney. There were no (0) citizens present.

Vice Chairman Batten – I would like to call the July 21st, 2015 meeting of the Board of Zoning Appeals to order. First we will have the Election of Officers.

Town Attorney – Vice Chairman Batten, Ms. Seeley's term just came to an end as of the end of June. She has been reappointed by the Circuit Court to serve another five year term. With the expiration of her term, since she was the Chair, it is necessary to elect new officers. With that being said the floor is now open for nominations for Chairman of the Board of Zoning Appeals.

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

Town Attorney – Ms. Seeley has been nominated. Are there any other nominations?

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

Town Attorney – Mr. Batten has been nominated. Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Ms. Seeley as Chair say aye, opposed say nay.

On call for the vote, four members were present. Chair Seeley abstained, Vice Chairman Batten voted aye, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There was one abstention. The motion passed.

Town Attorney – All those in favor of Mr. Batten as Chairman say aye, opposed say nay.

On call for the vote, four members were present. Chair Seeley voted aye, Vice Chairman Batten abstained, Mr. Christopher Gwaltney voted nay, and Mr. Robert Briggs voted nay. There was one abstention. There were three votes against the nomination. The nomination did not pass.

Town Attorney – Ms. Seeley, you have been nominated as Chair. Nominations are now open for Vice Chairman.

Mr. Gwaltney – I nominate Mr. Batten.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Mr. Batten being elected as Vice Chairman say aye, opposed say nay.

On call for the vote, four members were present. Chair Seeley voted aye, Vice Chairman Batten abstained, Mr. Christopher Gwaltney voted aye, and Mr. Robert Briggs voted aye. There was one abstention. The motion passed.

Town Attorney – Ms. Seeley, the meeting is yours again.

Chair Seeley – Our next item on the agenda is a Special Yard Exception – 1202 Wilson Road under Article 12 Section D of the Zoning Ordinance of the Town of Smithfield. Could we have a staff report please?

Planning Technician – Thank you, Madam Chair. The property owner inquired about putting a small addition to the back of the house. Looking at the plat her house is only thirty-four feet from the front property line. The modern zoning ordinance for Neighborhood Residential says that it needs to be thirty-five feet. We could not issue a zoning permit at the time. If you look at the plat, the second copy has the addition drawn on it. It is just a real small 6' x 28' addition to the rear of the house that will meet the modern ordinance. The house was built in 1964 or 1965. It is certainly no fault of hers that it is currently non-conforming. This is the purpose of this item on the agenda tonight.

Town Attorney – For the benefit of Mr. Briggs, who is the newest member of the Board, the Town of Smithfield has sections that were established in the 1700's. Of course there are more modern sections that have been platted under the existing modern zoning ordinance such as Wellington Estates and Waterford Oaks. There are other sections such as Moonefield and Grimesland that fall in between. The town has adopted a modern zoning ordinance and applied modern rules to properties that were built at a time when these were not contemplated. Through no fault of the property owners their properties do not meet the setbacks. The mechanism for correcting that would be to grant a yard exception. The hardship is that this is not a situation of their making. The important thing is that the addition that they are proposing is going to be in compliance. This is a very common thing. It is more common in the older part of town. It

happens all the time. This is an example of how it can happen in the subdivisions that were created from the 1950's, 1960's, and 1970's.

Planning Technician – Our current ordinance was adopted in 1998.

Mr. Gwaltney – I would like to add that according to the plat it says Isle of Wight County. I do not know for sure but I think the property was in Isle of Wight County not within the jurisdiction of the town.

Town Attorney – That is correct, Mr. Gwaltney. It was part of the County before annexation.

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

Planning Technician – Please come to the podium and state your name and address for the record.

Mrs. Buppert – My name is Janet Buppert. I live at 1202 Wilson Road. As stated we are requesting the ability to be able to add on a small addition. It will be 6' x 28' to the back of our house. It does not affect the side yards and encroach on our neighbors. It goes straight out the back. It is just six feet.

Chair Seeley – I will entertain a motion.

Vice Chairman Batten – I would like to make a motion to approve as presented.

Mr. Gwaltney – 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, four members were present. Chair Seeley voted aye, Vice Chairman Batten 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 has been passed. The next item is Approval of the August 19th, 2014 Minutes.

Town Attorney – Madam Chair and members of the Board, there is one minor correction on the last page. It said there were five members present but there were only three. I recommend the minutes be approved as corrected.

Mr. Briggs – So moved.

Vice Chairman Batten – Second.

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

On call for the vote, four members were present. Chair Seeley voted aye, Vice Chairman Batten 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 7:36 p.m.

Faye M. Seeley
Chair

Joseph Reish
Planning Technician