

The Smithfield Board of Zoning Appeals held its regular meeting on Tuesday, October 15th, 2013. The meeting was called to order at 6:30 p.m. Members present were Mr. Clem Batten, Vice Chairman; Ms. Faye Seeley, Mr. Joseph Campbell, Mr. Christopher Gwaltney and Ms. Catherine Bowden. Staff members present were Mr. Joseph Reish, Planning Technician and Mr. William H. Riddick III, Town Attorney. There were two (2) citizens present.

Vice Chairman Batten – I would like to call this meeting of the Board of Zoning Appeals to order. First item on the agenda is a Special Yard Exception – 30 Riverside Drive, Mr. Michael Szymanski, applicant.

Town Attorney – Mr. Batten before we do that we have to have an election of new officers. We should do that first and then hear the application. The floor is open for nominations for the Chairman of the Board of Zoning Appeals.

Vice Chairman Batten – I nominate Ms. Faye Seeley.

Town Attorney – Are there any other nominations?

Ms. Seeley – I nominate Mr. Clem Batten.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Ms. Seeley signify by saying aye, opposed say nay.

On call for the vote, five members were present. Mr. Campbell voted aye, Ms. Bowden voted aye, Mr. Gwaltney voted aye, Ms. Seeley abstained, and Mr. Clem Batten abstained. There were two abstentions. The motion passed.

Town Attorney – Ms. Seeley is elected Chair. We need nominations for Vice Chair.

Ms. Bowden – I nominate Mr. Clem Batten.

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

On call for the vote, five members were present. Mr. Campbell voted aye, Ms. Bowden voted aye, Mr. Gwaltney voted aye, Chair Seeley voted aye, and Mr. Batten abstained. There was one abstention. The motion passed.

Town Attorney – Ms. Seeley has been elected Chair and Mr. Batten has been elected Vice Chairman. Ms. Seeley can take over the meeting as the new Chair.

Chair Seeley – I would like to call this meeting of the Board of Zoning Appeals to order. We have one item before us. Could we hear staff comments on that please?

Planning Technician – Mr. Szymanski visited the Planning Department to inquire about a zoning permit for a deck to be added to his house at 30 Riverside Drive. Upon searching our electronic data base for any surveys of this property we found a survey from 2013 when he got a permit to put in a pool. It was then discovered that the side yard setback on the right hand side of the house had approximately 13.4 feet. The required side yard setbacks for his zoning district Neighborhood Residential is 15 feet on both sides. So when we saw that it was discovered that it was a non-conforming structure. We could not issue him a zoning permit for his deck. Now it has been referred to the Board of Zoning Appeals for a Special Yard Exception. Also, the deck he proposes to build will meet the current ordinance standard. It is a long way from the property line. The house was built in 1986. It is definitely no fault of Mr. Szymanski's.

Town Attorney – It is likely that when this house was built it was conforming. Since the time that the house was built the town has adopted a new zoning ordinance which makes him not in conformity. If you approve the side yard exception it will cure the violation.

Mr. Campbell – Under the circumstances, I will make a motion that we approve as presented.

Ms. Bowden – Second.

Chair Seeley – Would the applicant like to address the Board?

Mr. Szymanski – No. I was just told to be here.

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

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

Chair Seeley – Next we have Approval of the September 25th, 2012 Meeting Minutes.

Town Attorney – Madam Chair I have made some minor corrections to the minutes and recommend the minutes be approved as corrected.

Mr. Campbell – I will make a motion to approve the minutes.

Ms. Bowden – 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. Vice Chairman Batten voted aye, Chair Seeley voted aye, Mr. Campbell voted aye, Mr. Gwaltney voted aye, and Ms. Bowden voted aye. There were no votes against the motion. The motion passed.

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

The meeting adjourned at 6:36 p.m.

Faye M. Seeley
Chair

Joseph Reish
Planning Technician