

# TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Sarah Edwards  
Vice-Chairman: Jeremy Pearce

Monique Austin  
Thomas Bell

Stephen Wensman, AICP, RLA, Planning Director  
Chloe Allen, Planner I  
Julie Edmonds, Administrative Assistant

**Meeting Date: Thursday, August 29, 2024**

**Meeting Time: 6:00 p.m.**

**Meeting Place: Council Chambers, Smithfield Town Hall**



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**AUGUST 29, 2024**  
**MEETING TIME: 6:00 PM**  
**TOWN HALL**

**Call to Order.**

Approval of the minutes for April 25, 2024.

**Public Hearing.**

**Payroll Compliance:** Andrew Harris, Finance Director, to discuss payroll compliance of Board of Adjustments members.

**BA-24-04 Market Street Plaza:** The applicant is requesting an 8' front variance from the 15' Street Yard requirements of Unified Development Ordinance (UDO), Section 10.13.1.8.1, along the Goldsboro Road frontage to enable commercial site development. The property considered for variance is located at 1551 East Market Street, between East Market Street and Goldsboro Road, to the east of Dogwood Street and further identified with the Johnston County Tax ID 15K10023.

**BA-24-05 Reginald Barnes/Martin Street:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.4.1, to allow for a house to be built on a lot without street frontage. This property is located at the southernmost end of Martin Street. The property is further identified as Johnston County Tax ID# 15063037.

**BA-24-06 Brightleaf Plaza Signs:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 10, Section 10.24.4, to allow for two signs to be built on one street frontage. This property is located on North Brightleaf Boulevard, between the two intersections with Waddell Street. The property is further identified as Johnston County Tax ID# 15005041.

**Old Business.**

**New Business.**

**Adjournment.**

**Draft  
Smithfield  
Board of Adjustment Minutes  
Thursday, April 25, 2024  
6:00 P.M.  
Town Hall, Conference Room**

Members Present:

Sarah Edwards, Chairman  
Jeremy Pearce, Vice Chairman  
Thomas Bell  
Monique Austin

Members Absent:

Staff Present:

Chloe Allen, Planner I  
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

**Approval of minutes from March 28, 2024**

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

Presentation of Plaque for Stephen Upton for his 12 years served on the Board of Adjustments.

Thomas Bell made a motion to open BA-24-03, seconded by Jeremy Pearce. Unanimously approved.

**New Business**

**BA-24-03 Holley's Open-Air Market:** The applicant is requesting a 35' front setback variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for a 24' by 30' gas canopy with a 15' front setback to be constructed above the existing gas pumps.

Chloe Allen stated the applicant is proposing a 24' by 30' gas canopy to place over their two existing gas pumps. Currently, the pump closest to Brightleaf Boulevard sits 20' back from the property line, so they are making the request that the canopy be permitted with a 15' setback. Gasoline pumps are permitted within 15 feet of any street right-of-way line, according to Article 7 of the UDO, section 7.22. The gas pumps in question have been on the site for many years. Then GIS Orthophotos from 2017 and earlier show that there was a canopy over the gas pumps which were removed. Based on the orthophotos, it appears as though the old canopy was setback approximately 8-10'. The construction of the new canopy would provide safe use of the gas dispensers during inclement weather and provide lighting at night. The triangular shape of the lot would make it nearly impossible to place the gas pumps further back without demolishing the convenience store.

Jeremy Pearce made a motion to approve variance BA-24-03 for a 35' variance to the front yard setback requirements for B-3 (Highway Entranceway Business District) Article 8, Section 8.9.1, based on the 4 finding of fact, seconded by Thomas Bell. Unanimously approved.

Monique Austin made a motion to adjourn BA-24-03, seconded by Thomas Bell. Unanimously approved.

Julie Edmonds



Administrative Support Specialist  
Town of Smithfield Planning Department



# Request for Board of Adjustment Action

Agenda  
Item: BA-24-04  
Date: 8/29/24

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**Subject:** Market Street Plaza Variance  
**Department:** Planning  
**Presented by:** Chloe Allen, Planner I  
**Presentation:** Yes

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## Issue Statement

The applicant is requesting a maximum 8' variance from the 15' Street Yard requirements of Unified Development Ordinance (UDO), Section 10.13.1.8.1, along the Goldsboro Road frontage.

## Financial Impact

None.

## Action Needed

To hold an evidentiary hearing, review the variance request and to decide whether to approve, approve with conditions, or deny.

## Recommendation

Planning Staff recommends approval of variance BA-24-04 based on finding of fact.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of Fact
- Application
- Site Plan



# Staff Report

Agenda Item: BA-24-04

**REQUEST:**

The applicant is requesting an 8' front variance from the 15' Street Yard requirements of Unified Development Ordinance (UDO), Section 10.13.1.8.1, along the Goldsboro Road frontage to enable commercial site development.

**PROJECT LOCATION:**

The property considered for variance is located at 1551 East Market Street, between East Market Street and Goldsboro Road, to the east of Dogwood Street and further identified with the Johnston County Tax ID 15K10023.

**CASE DATA:**

Applicant: Adams and Hodge Engineering, PC  
 Property Owner: Zhijian Kuang  
 Tax ID#: 15K10023  
 Town/ETJ: Town  
 Acreage: 1.18 acres  
 Present Zoning: B-3 (Highway Entrance Business)  
 Existing Use: Vacant  
 Water Service: Town of Smithfield  
 Sewer Service: Town of Smithfield  
 Electrical Service: Town of Smithfield

**ADJACENT ZONING AND LAND USE:**

	Zoning	Existing Use
North	R-10	Vacant
South:	O/I	Community College
West:	B-3	Commercial Retail
East:	B-3CZ	Commercial Restaurant

## STAFF ANALYSIS:

The applicant is proposing a commercial strip center with required parking and landscaping. The site is about 166 feet deep on the west side and only 131 feet deep on the east side with street frontage on 3-sides. The developer is proposing 6-25 ft. x 50 ft. retail units and one 25 ft. x 60 ft. The units in the College Plaza Center, to the west, are comparable, but slightly larger in size (24 ft. x 60 ft.). Given that the units appear to be about the size that is feasible to construct and lease, and given the dimensional requirements for parking and landscaping, the site becomes restrictive for the development with the addition of the rear drive lane. The applicant feels this feature is needed for deliveries.

Each street frontage requires a 15 ft. wide landscaped Street Yard which further restricts the buildable area of the lot. The UDO allows a Street Yard planting area to be reduced to 7 feet to accommodate public sidewalks. The proposed Street Yard width with the variance is comparable to that reduction.

Goldsboro Road is a residential street, but only one house remains at its eastern terminus. The owner of the subject property has purchased all the vacant residential properties on Goldsboro Road to the north of the subject property; therefore, the requested Street Yard reduction will have little impact on the public and none for properties on Goldsboro to the north.

**STAFF FINDING OF FACT FOR VARIANCE** (See the Applicant's justification (findings) in the variance application):

To approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's finding are in *bold/italic*):

**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. *In absence of this variance, the 3-street frontages and narrowing of the property limit reasonable development.*

**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 particular property is unique with street frontages on 3 sides, each requiring Street Yard buffers and the property narrows from west to east.*

**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. *The need for the variance did not result from any actions by the applicant. The property was created long ago in its present shape and with 3-street frontages, together limiting reasonable use of the site without variance.*

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. *The request is consistent with the spirit, purpose and intent of the ordinance, has no impact on public safety and achieves substantial justice. The adjacent commercial strip center was developed with a reduced rear street yard (12.5'), however, this reduction is no longer allowed in the UDO, and not an option for the applicant without the variance. The UDO allows a Street Yard planting area to be reduced to 7 feet to accommodate public sidewalks. The proposed Street Yard with the variance is comparable to that reduction. The applicant has minimized the impact by proposing retail units that have less depth than the adjacent development. Furthermore, the applicant has taken care to minimize the need for the variance with the reduced Street Yard corresponding with the narrowing of the property, and in no other location.*

#### **RECOMMENDATION:**

Planning Staff recommends the Board of Adjustment approve the 8-foot variance from the Street Yard along Goldsboro Road, variance case number BA-24-04, based on the finding of fact.

#### **RECOMMENDED MOTION:**

"Move to approve variance BA-24-04 granting an 8-foot variance from the Street Yard along Goldsboro Road, based on the 4 finding of fact (comment on each):

1. Unnecessary hardship would result from the strict application of the Ordinance. **In absence of this variance, the 3-street frontages and narrowing of the property limit reasonable development.**
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. *This particular property is unique with street frontages on 3 sides, each requiring Street Yard buffers and the property narrows from west to east.*
3. The hardship did not result from actions taken by the applicant or the property owner. *The need for the variance did not result from any actions by the applicant. The property was created long ago in its present shape and*



*with 3-street frontages, together limiting reasonable use of the site without variance.*

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. *The request is consistent with the spirit, purpose and intent of the ordinance, has no impact on public safety and achieves substantial justice. The adjacent commercial strip center was developed with a reduced rear street yard (12.5'), however, this reduction is no longer allowed in the UDO, and not an option for the applicant without the variance. The UDO allows a Street Yard planting area to be reduced to 7 feet to accommodate public sidewalks. The proposed Street Yard width with the variance is comparable to that reduction. The applicant has minimized the impact by proposing retail units that have less depth than the adjacent development. Furthermore, the applicant has taken care to minimize the need for the variance with the reduced Street Yard corresponding with the narrowing of the property, and in no other location.*

# Market Street Plaza Variance

File Number:  
BA-24-04

Project Name:  
Market Street Plaza

Location:  
Market Street  
Across from JCC

Tax ID#:  
15K10023

Existing Zoning:  
B-3

Owner:  
Zhijian Kuang

Applicant:  
Adams and Hodge  
Engineering, PC



1 in = 92 ft  
Map created by Chloe Allen  
Planner I on 8/12/24





Town of Smithfield  
 Planning Department  
 350 E. Market St. Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## VARIANCE APPLICATION

*Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment for relief from a requirement of the Unified Development Ordinance and to permit construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.*

*In granting variances, the Board of Adjustment may impose such reasonable conditions as will insure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.*

*Variance applications must be accompanied by nine (3) sets of the complete application, nine (3) sets of required plans, an Owner's Consent Form (attached) and the application fee.*

### SITE INFORMATION:

Name of Project: Market Street Plaza      Acreage of property: 1.18 AC  
 Parcel ID Number: 169308-99-9757      Tax ID: 15K10023  
 Deed Book: 4545      Deed Page(s): 823  
 Address: 1551 E. Market Street, Smithfield, NC 27577  
 Location: Corner of E. Market Street and Dogwood Street (By College Plaza)

Existing Use: Vacant      Proposed Use: Commercial Business

Existing Zoning District: B-3

Requested Zoning District: B-3

Is project within a Planned Development:      Yes       No

Planned Development District (if applicable): \_\_\_\_\_

**Variance Request (List Unified Development Code sections and paragraph numbers)**

10.13.1.8 Street Yards. 10.13.1.8.1 Commercial Developments. Requesting the street yard buffer to be a variable street yard buffer that shall not be less than seven feet in depth and as large as twelve and a half in depth, planted with a solid row of evergreens in lieu of required trees and shrubs to provide a solid screen to the back of the proposed building.

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

### OWNER INFORMATION:

**Name:** Zhijian Kuang

**Mailing Address:** 17 Wood Stock Ct, Clayton, NC 27520

**Phone Number:** 828-308-9300 **Fax:** N/A

**Email Address:** info@adamsandhodge.com/amy@adamsandhodge.com

### APPLICANT INFORMATION:

**Applicant:** Adams & Hodge Engineering, PC

**Mailing Address:** 314 E Main Street, Clayton, NC 27520

**Phone Number:** 919-243-1332/919-812-2456 **Fax:** N/A

**Contact Person:** Donnie Adams/Amy Stancil

**Email Address:** info@adamsandhodge.com/amy@adamsandhodge.com

### REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

*The following items must accompany a variance application. This information is required to be present on all plans, except where otherwise noted:*

All required plans (*please see the plan requirements checklist*).

Owner Consent form

A Statement of Justification.

Required Finding of Fact.

Other Applicable Documentation: \_\_\_\_\_

### STATEMENT OF JUSTIFICATION

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

The proposed variance request to minimize the street yard buffer off Old Goldsboro Drive is due to the unusual shape of the parcel and the need to have the deliver vehicles in the rear one-way drive, to be out of the parking lot for safety reasons. The lot is narrow and is surrounded on three side by streets. The building setbacks, due to the streets surrounding three sides, makes this site challenging. Then to add a building size that will be justifiable to the cost is almost impossible. We have proposed a building, designed a parking lot with the required amount parking spaces, and proposed a one-way drive aisle to the rear of the building for deliveries. The one-way is important for safety reasons to keep the delivery vehicles to the rear of the site, allowing patrons to move freely about the parking lot without worry. The one-way drive aisle will also allow the delivery drivers ease of delivering goods without having to maneuver around parked vehicles and patrons crossing drive aisles to get to their vehicles. There has been much consideration in the design of the project site. The street yard buffers have been meet on the front, East Market Street, the west side on Dogwood Street, and the east side beside the adjacent property. Along Old Goldsboro Road, the required street yard buffer is 15 feet. The 15 feet width is impossible due to the depth and the odd shape of the parcel, and safety reasons as stated above. We are proposing a street yard buffer that is of variable depth along Old Goldsboro Road. The variable width is from 12.5 feet to a minimum of 7 feet, which is the minimum planting depth per code. There is a proposed solid row of evergreens in lieu of the trees and shrubs to provide a solid screen to the back of the building, which is consistent with the College Plaza site across Dogwood Street and a suggestion from the planning staff.

### REQUIRED FINDINGS OF FACT

*Article 4, Section 4.10.2.2 of the Town of Smithfield Unified Development Ordinance requires applications for a variance to address the following findings. The burden of proof is on the applicant and failure to*

*adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

**4.10.2.2.1** 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.

The project parcel is an odd shape being more narrow on one side and larger on the other side. The parcel is also surrounded by three streets, one of which is a major thoroughfare street which requires a larger setback. It is required that the design of this site is to be functional, maneuverable, and safe for owners, employees, patrons, and delivery drivers.

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**4.10.2.2.2.** 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 project parcel is an odd shape being more narrow on the one side and larger on the other side. The parcel is also surrounded by three streets, one of which is a major thoroughfare street which requires a larger setback. The results of the stated issues as well as trying to design a site that is safe and maneuverable for the owners, employees, and patrons is challenging without the variance. The proposed building is smaller than typical sizes for commercial retail spaces but is consistent with the building size and unit sizes on the College Plaza site across Dogwood Street.

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**4.10.2.2.3.** 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.

The shape of the parcel and the required building setbacks, makes the parcel impossible to meet all required Unified Development Codes for the site to still be safe and functional without the variance. The lot is not rectangle, it is more narrow on one side than the other side.

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**4.10.2.2.4.** 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.

There has been much consideration with the spirit, purpose, and intent of the Ordinance to show that safety and substantial justice is achieved by the design of the flow and maneuverability of the site. The solid row of evergreen landscape plantings are per suggestion from planning staff and consistent with the neighboring College Plaza site across Dogwood Street.

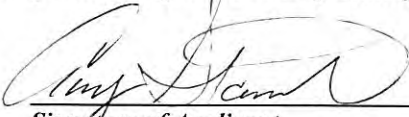
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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Smithfield to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Amy STANCIK  
Print Name

  
Signature of Applicant

7/22/24  
Date



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: Market Street Plaza      Submittal Date: \_\_\_\_\_

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Adams & Hodge Engineering, PC (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

zhilian Kuang      zhilian Kuang      07-15-24  
 Signature of Owner      Print Name      Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

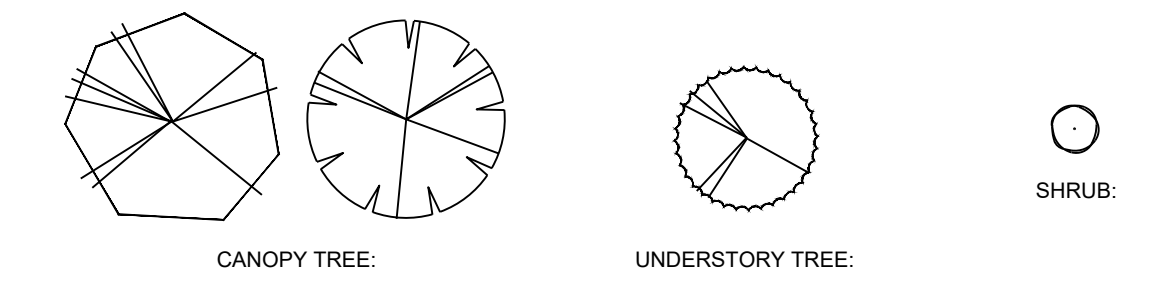
I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

zhilian Kuang      zhilian Kuang      07-10-24  
 Signature of Owner/Applicant      Print Name      Date

**FOR OFFICE USE ONLY**

File Number:	Date Received:	Parcel ID Number:
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# Plant Symbol Key

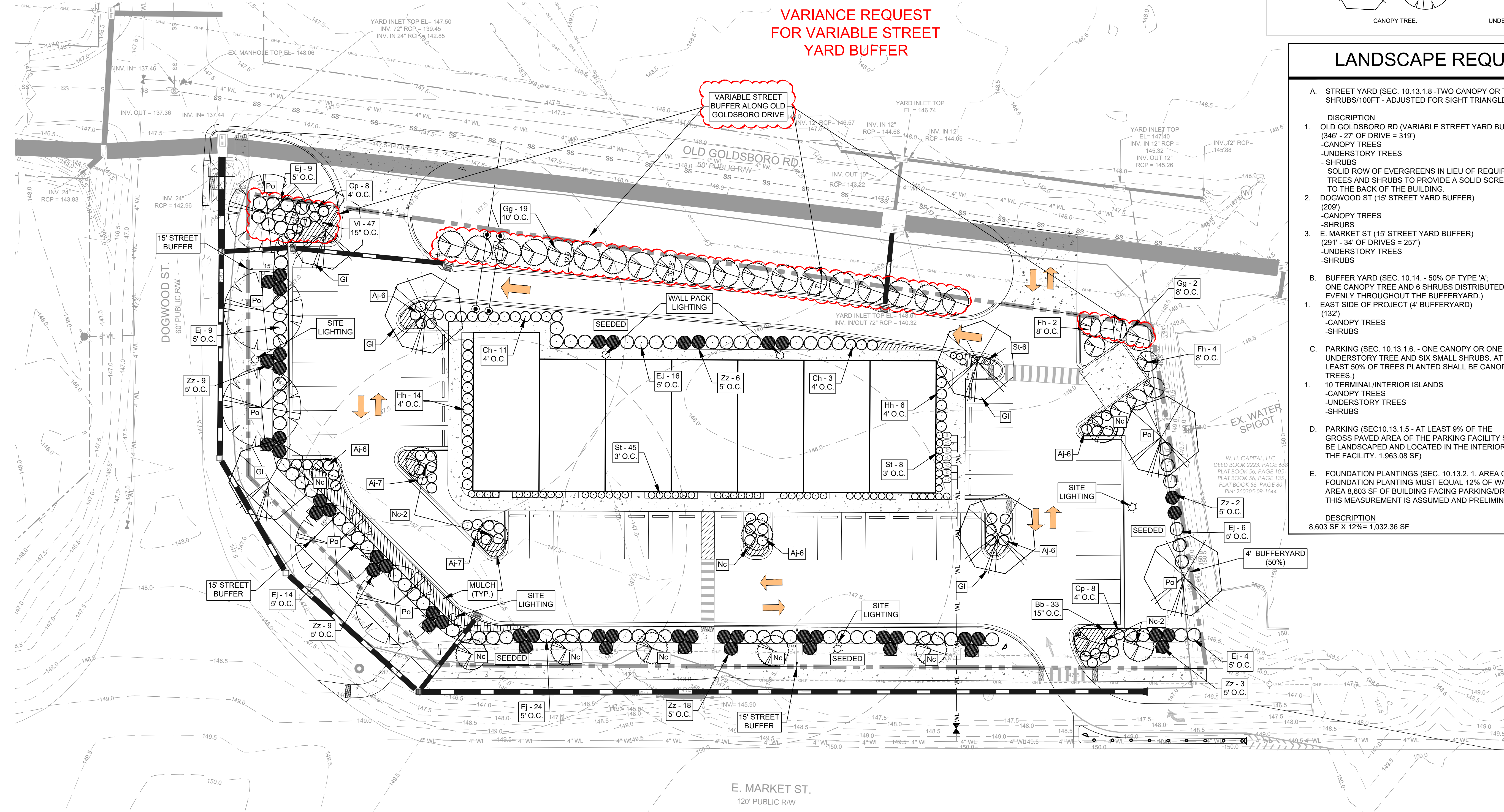


## LANDSCAPE REQUIREMENTS

DESCRIPTION	REQ'D	PROVIDED
<b>A. STREET YARD (SEC. 10.13.1.8 - TWO CANOPY OR TWO UNDERSTORY TREE AND 20 SHRUBS/100FT - ADJUSTED FOR SIGHT TRIANGLES AND DRIVES)</b>		
1. OLD GOLDSBORO RD (VARIABLE STREET YARD BUFFER) (346' - 27' OF DRIVE = 319')		
-CANOPY TREES	3	0
-UNDERSTORY TREES	4	22
-SHRUBS	64	10
2. DOGWOOD ST (15' STREET YARD BUFFER) (209')		
-CANOPY TREES	5	5
-SHRUBS	42	42
3. E. MARKET ST (15' STREET YARD BUFFER) (291' - 34' OF DRIVES = 257')		
-UNDERSTORY TREES	6	6
-SHRUBS	52	52
<b>B. BUFFER YARD (SEC. 10.14 - 50% OF TYPE 'A': ONE CANOPY TREE AND 6 SHRUBS DISTRIBUTED EVENLY THROUGHOUT THE BUFFERARYD.)</b>		
1. EAST SIDE OF PROJECT (4' BUFFERARYD) (132')		
-CANOPY TREES	2	2
-SHRUBS	8	8
<b>C. PARKING (SEC. 10.13.1.6 - ONE CANOPY OR ONE UNDERSTORY TREE AND SIX SMALL SHRUBS. AT LEAST 50% OF TREES PLANTED SHALL BE CANOPY TREES.)</b>		
1. 10 TERMINAL/INTERIOR ISLANDS		
-CANOPY TREES	5	5
-UNDERSTORY TREES	5	5
-SHRUBS	60	62
<b>D. PARKING (SEC.10.13.1.5 - AT LEAST 9% OF THE GROSS PAVED AREA OF THE PARKING FACILITY SHALL BE LANDSCAPED AND LOCATED IN THE INTERIOR OF THE FACILITY. 1,963.08 SF)</b>		
<b>E. FOUNDATION PLANTINGS (SEC. 10.13.2. 1. AREA OF FOUNDATION PLANTING MUST EQUAL 12% OF WALL AREA 8,603 SF OF BUILDING FACING PARKING/DRIVE. THIS MEASUREMENT IS ASSUMED AND PRELIMINARY.)</b>		
DESCRIPTION	REQ'D	PROVIDED
8,603 SF X 12% = 1,032.36 SF	1,032.36 SF	2,100 SF

VARIANCE REQUEST FOR VARIABLE STREET YARD BUFFER

VARIABLE STREET BUFFER ALONG OLD GOLDSBORO DRIVE



## LANDSCAPE PLANT LIST

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	COMMENTS	HEIGHT	WIDTH	ROOT
<b>CANOPY TREES</b>							
Po	7	QUERCUS PALUSTRIS	PIN OAK		10'-12" MIN	4'-6"	B&B
Gi	5	TILIA CORDATA	GREENSPIRE LINDEN		10'-12" MIN	4'-6"	B&B
<b>UNDERSTORY</b>							
Gg	21	THUJA STANDISHII X PPLICATA 'GREEN GIANT'	GREEN GIANT ARBORVITAE		6'-8" MIN.	3'-4"	B&B
Fh	6	ILEXATTENUATA 'FOSTERI'	FOSTER HOLLY		6'-8" MIN.	3'-4"	B&B
Nc	12	LAGERSTROEMIA INDICA FAURIEI	NATCHEZ CRAPE MYRTLE		6'-8" MIN.	3'-4"	B&B
<b>SHRUBS</b>							
St	59	ILEX CRENATA 'SOFT TOUCH'	SOFT TOUCH HOLLY		15'-18" MIN	-	3 GAL
Cp	16	BERBERIS THUNBERGI ATROPURPUREA	CRIMSON PIGMY BARBERRY		15'-18" MIN	-	3 GAL
Ch	14	ILEX CORNUTA 'CARISSA'	CARISSA HOLLY		18-24" MIN	-	5 GAL
Hh	20	ILEX CRENATA 'HELLER'	HELLER HOLLY		15'-18" MIN	-	3GAL
Aj	44	JUNIPERUS HORIZONTALIS PLUMOSA COMPACTA	YOUNGSTOWN		-	15-18"	3 GAL
Ej	82	EUONYMUS JAPONICUS	SILVER KING		18"-24" MIN	-	5 GAL
Zz	47	LOROPETALUM CHINESE RUBRUM	'ZHUZHOU' LORPETALUM		18"-24" MIN	-	5 GAL

1. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND IS TO NOTIFY THE CONTRACTOR ASAP OF ANY DISCREPANCIES BETWEEN THE PLANT LIST AND THE PLAN  
 2. THE LANDSCAPE CONTRACTOR SHALL ADJUST ANY BUFFER PLANTING AS NEEDED TO MAINTAIN REQUIRED CLEARANCES AROUND TRANSFORMERS, GENERATORS, DRAINAGE FACILITIES, AND OTHER UTILITIES THAT REQUIRE CLEARANCES FOR ACCESS

NOTES:  
 1. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND STRUCTURES. ACTUAL LOCATION MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY EXIST. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.  
 2. BEDS WILL BE COVERED WITH TRIPLE SHREDDED HARDWOOD MULCH.  
 3. ALL DISTURBED AREAS OUTSIDE OF PLANT BEDDINGS SHALL BE SEEDED.

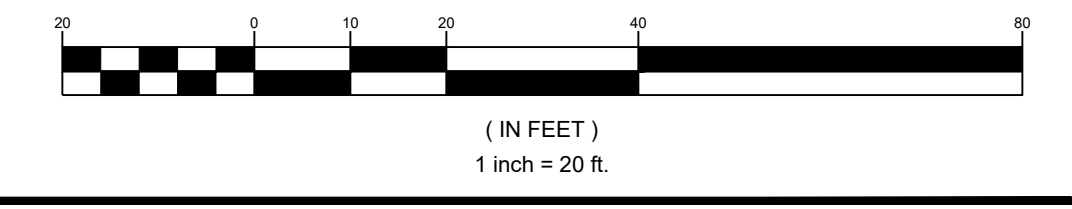
SOURCES OF INFORMATION:  
 1. EXISTING SURVEY & TOPO OF SITE PROVIDED BY BRL ENGINEERING & SURVEYING, 112 EAST JOHNSTON STREET, SMITHFIELD, NC 27577, DATED FEB 26, 2024.  
 2. EXISTING LIDAR CONTOURS OUTSIDE OF SITE FROM JOHNSTON COUNTY GIS DATED 2024.  
 3. PARCEL INFORMATION OUTSIDE OF SURVEYED BOUNDARY FROM JOHNSTON COUNTY GIS DATED 2024.



REVISED  
7/22/2024 10:43 AM

PRELIMINARY

GRAPHIC SCALE



ADAMS & HODGE ENGINEERING, PC

MARKET STREET PLAZA  
TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA

VARIANCE REQUEST  
LANDSCAPE PLAN

DESIGN ARG  
 DRAWN ADG/CNK  
 CHECKED AIWH  
 HORIZONTAL SCALE SEE GRAPHIC SCALE  
 VERTICAL SCALE N/A  
 DATE 5/16/2024  
 JOB NO. 24125  
 SHEET L1.01

314 EAST MAIN STREET  
 CLAYTON, NC 27520  
 info@ah-engine.com  
 919-943-1332  
 FIRM # C-1187



BA-24-04 Adjacent Properties

Name1	Name2	Address1	Address2	CityStateZip
GARNER, MARILYN F		197 OAK VILLAGE PKWY		MOORESVILLE, NC 28117-8200
LI, SUYING		17 WOOD STORK CT		CLAYTON, NC 27520-4178
PEACOCK, JORDAN AND OTHERS		10 HILL ST APT 12T		NEWARK, NJ 07102-5627
KUANG, ZHIJIAN		17 WOOD STORK CT		CLAYTON, NC 27520-4178
WATSON, STEPHANIE R			P O BOX 1424	SMITHFIELD, NC 27577-0000
WH CAPITAL LLC			PO BOX 6450	NORCROSS, GA 30091-0000
JOHNSTON COMMUNITY COLLEGE		245 COLLEGE RD		SMITHFIELD, NC 27577-0000
AVID PROPERTIES NC, LLC		145 PEBBLE CREEK DR		FRANKLINTON, NC 27525-7361
PEACOCK, ELLA F		10 HILL STREET APT 12T		NEWARK, NJ 07102-5627
CORRAL OF SMITHFIELD, LLC		2585 SHERIFF JOHNSON RD		LILLINGTON, NC 27546-8170





# Request for Board of Adjustment Action

Agenda  
Item: BA-24-05  
Date: 8/29/24

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**Subject:** Reginald Barnes/Martin Street Variance Request  
**Department:** Planning  
**Presented by:** Chloe Allen, Planner I  
**Presentation:** Yes

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## Issue Statement

The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.4.1, to allow for a house to be built on a lot without street frontage.

## Financial Impact

None.

## Action Needed

To hold an evidentiary hearing, review the variance request and to decide whether to approve, approve with conditions, or deny.

## Recommendation

Planning Staff recommends approval of variance BA-24-05 based on finding of fact.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of Fact
- Application
- Site Plan



# Staff Report

Agenda Item: BA-24-05

## REQUEST:

The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.4.1, to allow for a house to be built on a lot without street frontage.

## PROJECT LOCATION:

The property considered for variance is located at the southernmost end of Martin Street. The property is further identified as Johnston County Tax ID# 15063037.

## CASE DATA:

Applicant: Reginald Barnes  
Property Owner: Reginald Barnes  
Tax ID#: 15063037  
Town/ETJ: Town  
Acreage: 0.26 acres  
Present Zoning: R-6 (High Density Single-, Two-, & Multi-Family Residential)  
Existing Use: Vacant  
Water Service: Town of Smithfield  
Sewer Service: Town of Smithfield  
Electrical Service: Town of Smithfield

## ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
<b>North:</b>	R-6	Residential
<b>South:</b>	R-6	Vacant Residential
<b>West:</b>	B-3	Commercial/Gas Station
<b>East:</b>	R-6	Open Space/Residential

## STAFF ANALYSIS:

The applicant is proposing to build a house on an existing lot that does not have street frontage. The lot has Public Right-of-Way in front of it, but this road has not been extended that far. The lot adjacent to this is a family home built in the 1960's and the applicant is proposing to use the same driveway to access his new home. The surrounding lots are vacant and have been for many decades, with no development expected in the future.

Typically to build on a lot without street frontage, the applicant would be required to extend the street. In this case, there is no apparent benefit to extending the street because it is at the dead end of that Public ROW and no development can happen in the future past the applicant's lot. The Public ROW was never intended for thru traffic and comes to a dead end. The last known development on that block was in the 1960's and there is no apparent desire for the lots across the street to be developed anytime in the near future. The applicant would access the lot via an extension of the driveway used by the adjacent lot, which is owned by his mother, so there should not be any conflict or disturbance brought to neighboring lots by this variance.

The Fire Chief has visited the site and stated that extending the existing driveway instead of extending the street would not impede his ability to serve the property as it has been serving the property as-is for years. Even with the proposed driveway extension, there would be no problems for the new home to meet standard setback requirements.

**STAFF FINDING OF FACT FOR VARIANCE** (See the Applicant's justification (findings) in the variance application):

To approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's finding are in *bold/italic*):

**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. *In the absence of a variance, the applicant would be required to fund the extension of the road approximately 300' with seemingly no benefit to him, the neighborhood, or the Town.*

**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 location of the property is at the dead end of Martin Street, which has not been developed in many decades and has not had any expressed desire for development.*

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. *The neighborhood has not seen development in decades and the surrounding lots were likely built before the street frontage requirement was established.*

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. *The request is consistent with the spirit, purpose, and intent of the ordinance, has no impact on public safety and achieves substantial justice.*

#### **RECOMMENDATION:**

Planning Staff recommends the Board of Adjustment approve the street frontage requirement variance from Article 8, Zoning District Design Standards, Section 8.4.1, to allow for a house to be built on a lot without street frontage.

#### **RECOMMENDED MOTION:**

“Move to approve variance BA-24-05 granting a street yard requirement variance, based on the 4 finding of fact (comment on each):

1. Unnecessary hardship would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or the property owner.
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.

# Martin Street Variance

File Number:  
BA-24-05

Project Name:  
Martin Street

Location:  
End of Martin Street

Tax ID#:  
15063037

Existing Zoning:  
R-6

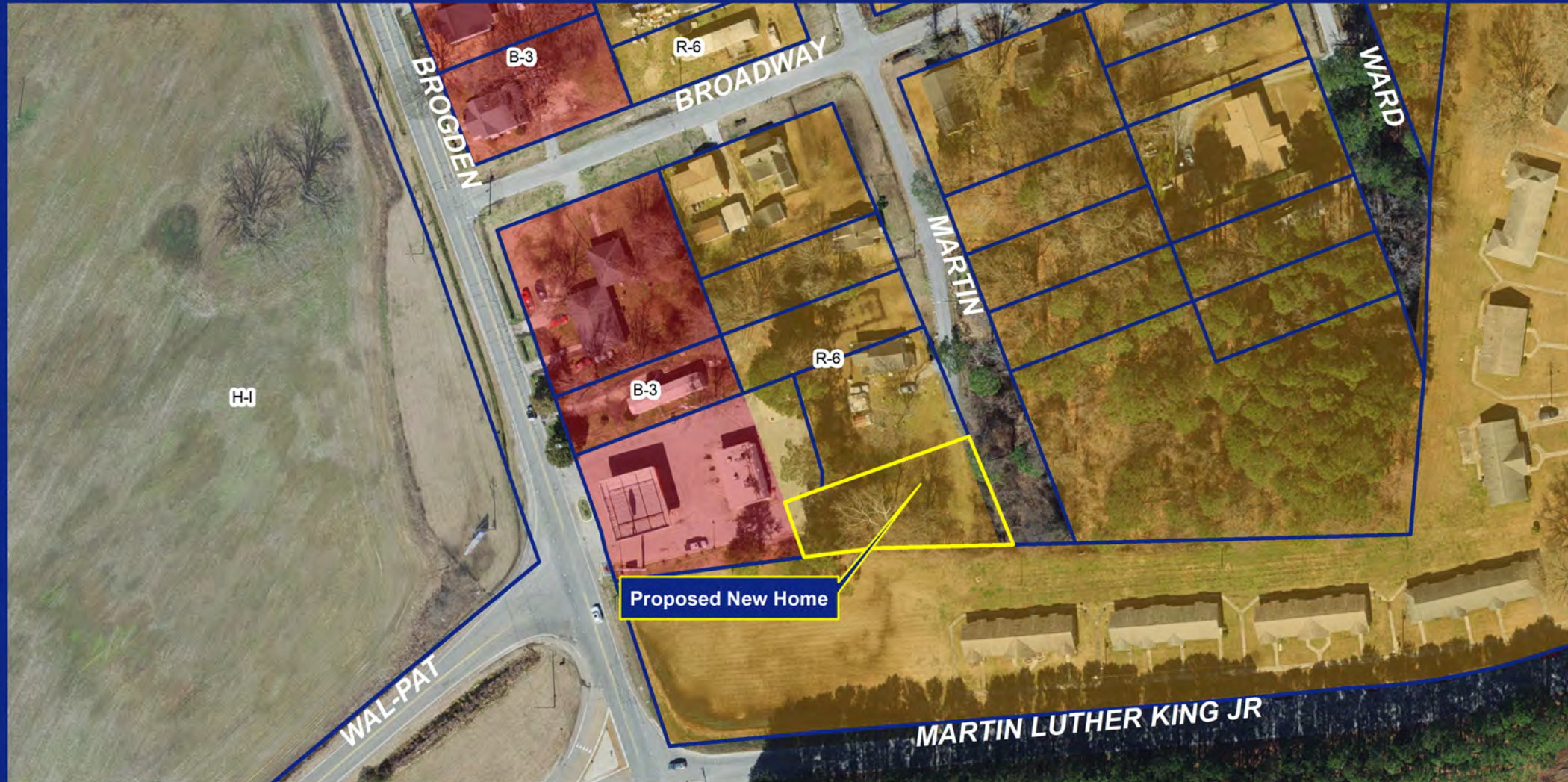
Owner:  
Reginald Barnes

Applicant:  
Reginald Barnes



1 in = 125 ft

Map created by Chloe Allen  
Planner I on 8/12/24





Town of Smithfield  
 Planning Department  
 350 E. Market St. Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## VARIANCE APPLICATION

*Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment for relief from a requirement of the Unified Development Ordinance and to permit construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.*

*In granting variances, the Board of Adjustment may impose such reasonable conditions as will insure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.*

*Variance applications must be accompanied by nine (3) sets of the complete application, nine (3) sets of required plans, an Owner's Consent Form (attached) and the application fee.*

### SITE INFORMATION:

Name of Project: New home      Acreage of property: .26  
 Parcel ID Number: \_\_\_\_\_      Tax ID: \_\_\_\_\_  
 Deed Book: \_\_\_\_\_      Deed Page(s): \_\_\_\_\_  
 Address: Martin Street  
 Location: \_\_\_\_\_

Existing Use: Vacant Lot      Proposed Use: Single Family Home  
 Existing Zoning District: R-8  
 Requested Zoning District: n/a

Is project within a Planned Development:      Yes      No  
 Planned Development District (if applicable): \_\_\_\_\_

Variance Request (List Unified Development Code sections and paragraph numbers)  
Home without Road Frontage

JUL 24 2024

TOWN OF SMITHFIELD  
PLANNING DEPT.

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_      Date Received: 7.24.24      Amount Paid: \$400.00

### OWNER INFORMATION:



Name: Reginald Barnes  
Mailing Address: 125 Hanover Lakes Drive, Wilmington, NC 28401  
Phone Number: 919-741-7465 Fax: n/rt  
Email Address: rbarnes81@yahoo.com

**APPLICANT INFORMATION:**

Applicant: Same as above.  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a variance application. This information is required to be present on all plans, except where otherwise noted:*

- All required plans (please see the plan requirements checklist).
- Owner Consent form
- A Statement of Justification.
- Required Finding of Fact.
- Other Applicable Documentation: \_\_\_\_\_

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*  
There is an existing driveway that can easily be extended to the lot that I desire to build upon. However, in order to do so, it requires a variance to allow me to forego the road frontage that is sixty feet. If the board grants the variance, there will be ample space to meet all set back requirements. Mike Scott came to look at the site and feels that the variance is a viable option being that we own the existing home at 834 Martin Street and the lot in question. He was sure to impress upon me that the final discussion is the BOA's to make

**REQUIRED FINDINGS OF FACT**

*Article 4, Section 4.10.2.2 of the Town of Smithfield Unified Development Ordinance requires applications for a variance to address the following findings. The burden of proof is on the applicant and failure to*

adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

4.10.2.2.1 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.

The existing road does not extend to the lot in question.

4.10.2.2.2. 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 sixty foot frontage requirement precluded me from extending the driveway as needed. This an extremely low traffic road as it is a dead end and there is no through traffic. The last home built on this road was in 1960's and no additional building has taken place since and is unlikely to, other than my proposed endeavor.

4.10.2.2.3. 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.

4.10.2.2.4. 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.

The fire Chief visited the site and stated that extending the driveway would not impede his ability to serve the property, as it has been used to serve existing properties for years.

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Smithfield to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Reginald Barnes

Print Name

R Barnes

Signature of Applicant

7/24/2024

Date



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: New Home                      Submittal Date: 7/24/2024

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Reginald Barnes (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature]                      Reginald Barnes                      7/24/2024  
 Signature of Owner                      Print Name                      Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

[Signature]                      Reginald Barnes                      7/24/2024  
 Signature of Owner/Applicant                      Print Name                      Date

**FOR OFFICE USE ONLY**

File Number:	Date Received:	Parcel ID Number:
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\*\*\* DISCLAIMER \*\*\*

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:1000 - 1 in. = 83.35 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

\*\*\* **DISCLAIMER** \*\*\*

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:1000 - 1 in. = 83.35 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

## BA-24-05 Adjacents List

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15063037	BARNES, REGINALD		125 HANOVER LAKES DR		WILMINGTON, NC 28401-4985
15063036	HOLMES, HELLENE HEIRS		834 MARTIN STREET		SMITHFIELD, NC 27577-0000
15063038	FAZE INC		420 MULBERRY BANKS DR		CLAYTON, NC 27527-9426
15063016	BRIGHTLEAF #2004, LLC			PO BOX 1266	SMITHFIELD, NC 27577-1266
15069020	SMITHFIELD HOUSING AUTHORITY		801 S 5TH ST		SMITHFIELD, NC 27577-0000
15063018	MILDEN, ARAWANAH ELAINE		812 MARTIN ST		SMITHFIELD, NC 27577-0000







# Request for Board of Adjustment Action

Agenda  
Item: BA-24-06  
Date: 8/29/24

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**Subject:** Brightleaf Plaza Sign Variance  
**Department:** Planning  
**Presented by:** Chloe Allen, Planner I  
**Presentation:** Yes

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## Issue Statement

To review a 10' sign setback variance to allow a new sign to match the setback of an existing sign, and a variance from the 1 sign per street frontage requirement to allow a second sign on a single street frontage.

## Financial Impact

None.

## Action Needed

To hold an evidentiary hearing, review the variance request and to decide whether to approve, approve with conditions, or deny.

## Recommendation

Planning Staff recommends approval of variance BA-24-06 based on finding of fact.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of Fact
- Application
- Site Plan



# Staff Report

Agenda Item: BA-24-06

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## REQUEST:

The applicant is requesting a 10' sign setback variance to allow a new sign to match the setback of an existing sign, and a variance for a second sign on a single street frontage.

## PROJECT LOCATION:

The property considered for variance is located at 819, 823, 825, 827, 829, 831, 833, 835 and 839 N Brightleaf Blvd between the two entrances to Waddell Drive.

## CASE DATA:

Applicant: Jim Perricone, Property Manager, Partners Commercial Realty  
Property Owner: Mohamed and Sons, Inc.  
Tax ID#: 15005041  
Town/ETJ: Town  
Acreage: 1.98 acres  
Present Zoning: B-3 (Highway Entrance Business)  
Existing Use: Commercial  
Water Service: Town of Smithfield  
Sewer Service: Town of Smithfield  
Electrical Service: Town of Smithfield

## ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
North	R-8	Detached Single-family Residential
South:	B-3	Commercial
West:	B-8	Detached Single-family Residential
East:	B-3	Commercial

## ANALYSIS:

Brightleaf Plaza has an existing 15 foot tall - 64 sq. ft. multi-tenant sign along Brightleaf Boulevard that identifies the Brightleaf Plaza and 5 tenants. The commercial center was expanded. Prior to the expansion, there was a second sign taller that advertised Enterprise Rental Car which was removed from the property with the expansion. The existing sign is located inside the 10' setback from the street right of way.

The UDO allows a single 15' tall -150 sq. ft. "freestanding" sign per street frontage. The site is situated with street frontages on 3 sides; however, the side streets are primarily residential. The applicant's existing sign has space to advertise 5 tenants and with the expansion, there is the need to advertise additional tenants. The applicant wishes to add a second matching sign on the Brightleaf Boulevard frontage.

The total sign area of both signs will be less than what is allowed in the UDO for a single multi-tenant sign. The sign meets the UDO height requirements. With 3- street frontages, the applicant has the right to have 3 signs, however, it placing advertising signs on low volume residential streets is not beneficial and may be considered a detriment to the residential properties. For the existing and new sign to match, the new sign requires a setback variance.

**STAFF FINDING OF FACT FOR VARIANCE** (See the Applicant's justification (findings) in the variance application):

To approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's finding are in *bold/italic*):

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. *In absence of this variance, the applicant will not be able to provide commercial signage to new tenants along the street, a requirement for such businesses to thrive.*

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 project has road frontage Brightleaf Boulevard, a commercial street, and Waddell Drive, a residential street. The commercial center was expanded with the intention to have the new commercial expansion match the older portion. The expansion created new tenant space and the need for an additional tenant sign area. The location of the project with 3 street frontages, technically allows a sign with 150 sq. ft. on each frontage, however advertising on a low volume residential street would not serve the project or the tenants and would be a hardship, so a*

*second sign is proposed on Brightleaf. For the sign to match, it needs to be the same size and in a similar location.*

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. *The existing sign to be matched was permitted under a previous sign code by a previous developer in its nonconforming location. It is in the best interest of the town and project that the expansion looks cohesive, including having the signs match.*

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. *The variance is consistent with the spirit, purpose and intent of the ordinance in that the applicant's signs meet the height requirements, are below the allowed sign area maximums and is less than the number of allowed signs (3 potential). The applicant wishes to move the second sign to the commercial street to satisfy the advertising needs of the expansion and to have the new and old portions of the development match each other as one.*

#### **RECOMMENDATION:**

Planning Staff recommends the Board of Adjustment approve the 10-foot setback variance for the multi-tenant sign and variance from the 1 sign per street frontage requirement for multi-tenant signs based on the finding of fact for variances.

#### **RECOMMENDED MOTION:**

"Move to approve variance BA-24-06 granting a 10-foot variance from the sign setback and variance from the 1 street per frontage Street Yard along Goldsboro Road, based on the 4 finding of fact (comment/vote on each):

1. Unnecessary hardship would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or the property owner.
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.

# Brightleaf Plaza Sign Variance

File Number:  
BA-24-06

Project Name:  
Brightleaf Plaza

Location:  
Brightleaf Blvd  
Between Waddell Drive

Tax ID#:  
15005041

Existing Zoning:  
B-3

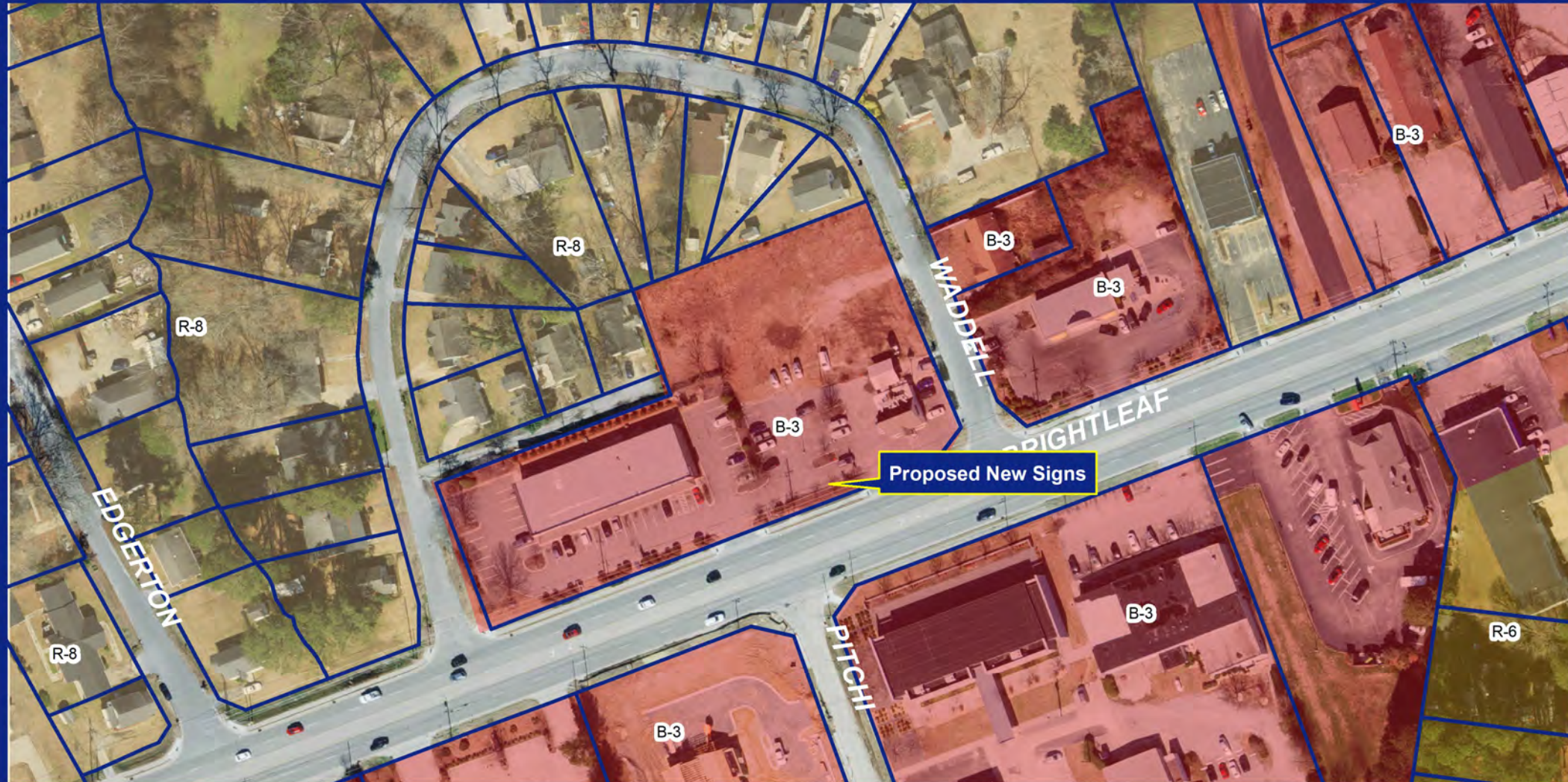
Owner:  
Mohamed and Sons, Inc

Applicant:  
Jim Perricone,  
Partners  
Commercial Realty



1 in = 128 ft

Map created by Chloe Allen  
Planner I on 8/12/24





Town of Smithfield  
 Planning Department  
 350 E. Market St. Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**VARIANCE APPLICATION**

*Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment for relief from a requirement of the Unified Development Ordinance and to permit construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.*

*In granting variances, the Board of Adjustment may impose such reasonable conditions as will insure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.*

*Variance applications must be accompanied by (3) sets of the complete application, (3) sets of required plans, an Owner's Consent Form (attached) and the application fee.*

**SITE INFORMATION:**

Name of Project: Brightleaf Plaza Expansion    Acreage of property: 1.98  
 Parcel ID Number: 260413-03-5247    Tax ID: 15005041  
 Deed Book: 6433    Deed Page(s): 539  
 Address: 819 N Brightleaf Blvd, Smithfield NC 27577  
 Location: N Brightleaf Blvd between the two Waddell St intersections

Existing Use: Retail Strip Center    Proposed Use: Retail Strip Center

Existing Zoning District: B-3

Requested Zoning District: No Change

Is project within a Planned Development:    Yes    **No**

Planned Development District (if applicable):

**Variance Request (List Unified Development Code sections and paragraph numbers)**

Sign Variance: UDO Section 10.24.4 Multi-Tenant Business District Signs



**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

**OWNER INFORMATION:**

**Name:** Mohamed and sons, Inc.

**Mailing Address:** PO Box 1236, Smithfield NC 27577-1236

**Phone Number:** 919-601-9993      **Fax:** N/A

**Email Address:** waiel@soundstationsecurity.net

**APPLICANT INFORMATION:**

**Applicant:** Property Manager, Partners Commercial Realty

**Mailing Address:** 388 Venture Dr Ste A, Smithfield NC 27577-4775

**Phone Number:** 919-628-9063      **Fax:** N/A

**Contact Person:** Jim Perricone

**Email Address:** jperricone@partnerscrnc.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a variance application. This information is required to be present on all plans, except where otherwise noted:*

- All required plans *(please see the plan requirements checklist)*.
- Owner Consent form
- A Statement of Justification.
- Required Finding of Fact.
- Other Applicable Documentation: Sign locations on Site Plan & Proposed Signage

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*  
See Attachments A, B and Sign Design.

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**REQUIRED FINDINGS OF FACT**

*Article 4, Section 4.10.2.2 of the Town of Smithfield Unified Development Ordinance requires applications for a variance to address the following findings. The burden of proof is on the applicant and failure to*

*adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

**4.10.2.2.1** 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.

The alternative of one large sign would detract from the significant improvements made to the property rather than enhance it.

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**4.10.2.2.2.** 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 improvement and expansion of Brightleaf Plaza is different than a greenfield project that begins with a blank canvas. In the case of this variance request, there is an existing fully functional sign and it only makes sense to match it for design continuity versus enlarging it to the point it becomes obtrusive.

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**4.10.2.2.3.** 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.

The developer/landlord's substantial investment in the improvement and expansion of the property did not negatively impact signage. In fact, the removal of the older, taller and aesthetically dated former Enterprise pylon sign is an improvement. The use of that sign as a grandfathered alternative was never considered.

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**4.10.2.2.4.** 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.

Approval of this variance will ensure the Plaza signage is aesthetically pleasing, complements the new design of the Center in keeping with objectives of the UDO. It does not compromise public safety and is consistent with the spirit and purpose of the ordinance to ensure signage that informs and does not compromise the landscape.

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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Smithfield to approve the subject Variance request. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

**Jim Perricone**

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

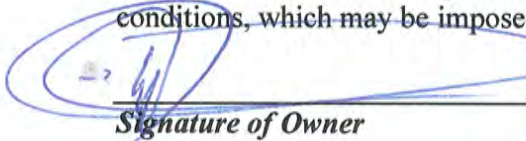
Name of Project: Brightleaf Plaza Expansion

Submittal Date: 08/01/2024

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Jim Perricone (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

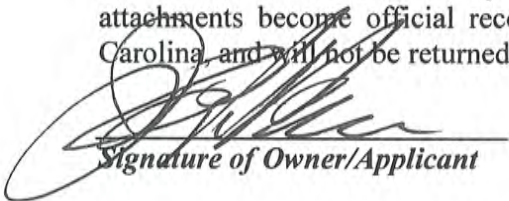
  
 Signature of Owner

Wael Mohamed  
 Print Name

08/01/2024  
 Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

  
 Signature of Owner/Applicant

Jim Perricone  
 Print Name

08/01/2024  
 Date

**FOR OFFICE USE ONLY**

File Number:	Date Received:	Parcel ID Number:
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**Attachment A**  
**Brightleaf Plaza Signage Variance Request**

Brightleaf Plaza has an existing (grandfathered) pylon sign for tenant signage that was designed to serve the Tenants in place prior to the recent expansion of the Plaza. With the expansion and demolition of the building formerly occupied by Enterprise Vehicle Rental, the pylon sign used solely by Enterprise was removed. To meet the requirements for the new tenants that will occupy the spaces in the expanded Plaza requires additional signage.

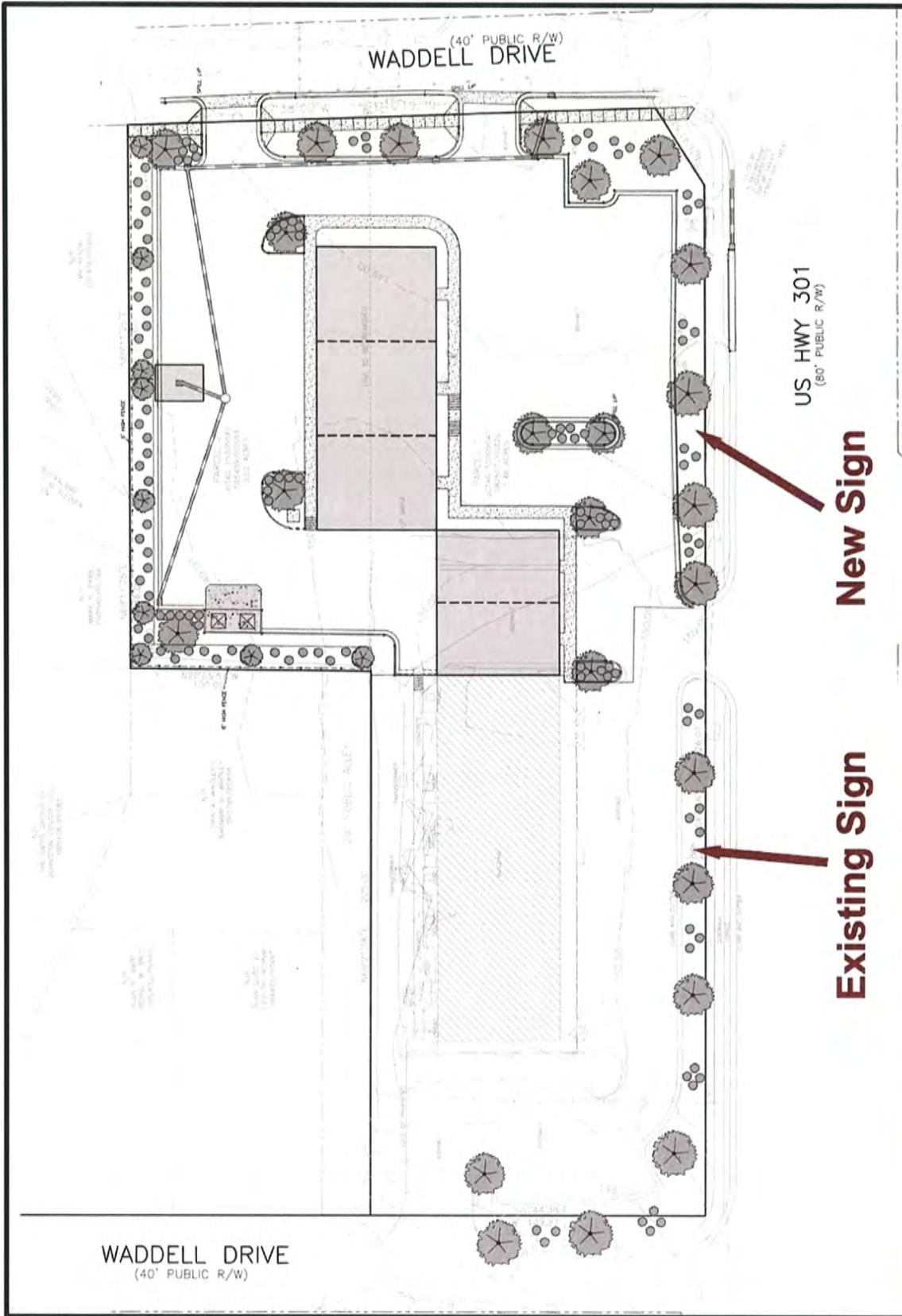
**Option One** is to enlarge the existing sign by adding additional rows above and below the current rows, while keeping within the height and square footage code requirements.

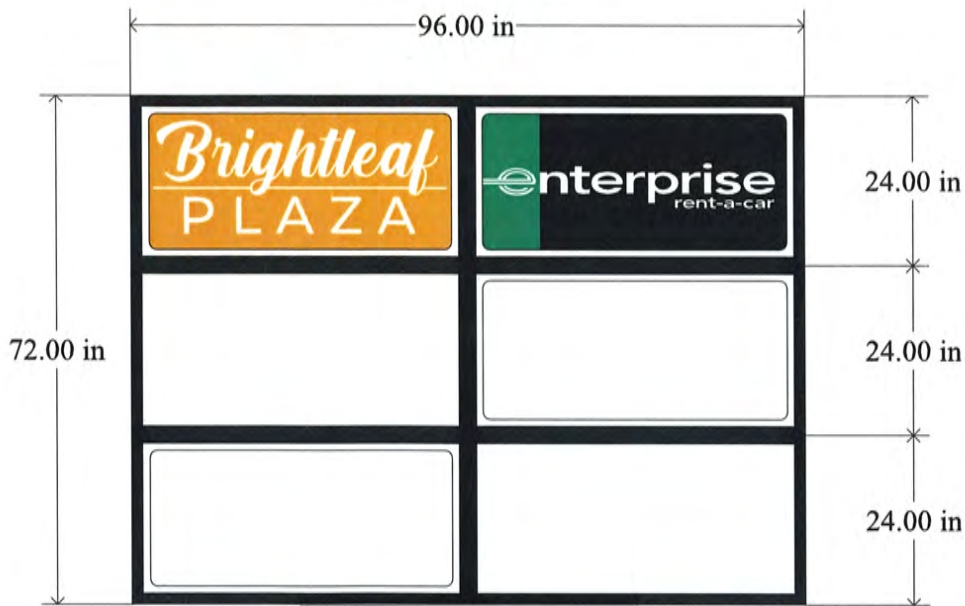
**Option Two** is to use the existing sign and repaint it to match the new design of the Plaza and install a matching new/second sign to accommodate the additional tenants (see photos below of existing sign and the attached design for the new sign).

The Property Owner respectfully requests a variance to install a second pylon sign to match the existing sign (Option Two) in the location shown in Attachment B. This request is based on the belief this option provides a better design aesthetic: two smaller and less obtrusive signs versus one large sign.



**Attachment B  
Sign Locations**





**BRIGHTLEAF PLAZA**  
**New Faces for Existing Sign**

2785 US Hwy 301 N, Dunn, NC 28334  
 Ph: 910-892-5900 Fax: 910-892-2140 www.SignandAwning.com

**NOTE: THESE DESIGNS ARE PROPERTY OF SIGN & AWNING SYSTEMS AND CAN NOT BE REPRODUCED WITHOUT PERMISSION.**  
 All artwork must be approved by the customer before we move forward with the order. It is the customer's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check Spelling, Grammar, Layout, and Design Content. If the proof containing errors is approved, the customer is liable for all costs, including corrections and reprints. Proofs may not represent exact colors. All colors displayed may look different in person than on your computer screen due to the individual monitor or screen color settings.

<b>Customer / Landlord Approval:</b>	<b>Date:</b>
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BA-24-06 Adjacents List				
Name1	Name2	Address1	Address2	CityStateZip
L M R RENTAL		201 S BRIGHTLEAF BLVD SUITE 1		SMITHFIELD, NC 27577-0000
JOHNSON, JOHN A		34 WEST WADDELL STREET		SMITHFIELD, NC 27577-0000
JERNIGAN, ANNETTE B.		32 W WADDELL DR		SMITHFIELD, NC 27577-4726
WILSON, JAMES C.		35 CHESNEY CT		ARCHER LODGE, NC 27527-3371
SALINAS, RAUL P.	SALINAS, NANCY I.	24 W WADDELL DR		SMITHFIELD, NC 27577-4726
WHITLEY, JOHN A	WHITLEY, BARBARA B	317 S 3RD ST		SMITHFIELD, NC 27577-4543
VO, TUAN QUOC	HUYNH, SIEU THI	10 W WADDELL DR		SMITHFIELD, NC 27577-4726
GODWIN, LAWRENCE ANDREW	GODWIN, CAROL WARD	9 W WADDELL DR		SMITHFIELD, NC 27577-4725
PARRISH, DOROTHY S		513 S 1ST ST		SMITHFIELD, NC 27577-3813
O'REILLY AUTOMOTIVE STORES, INC.			PO BOX 9167	SPRINGFIELD, MO 65801-9167
WARD ENTERPRISES, LLC		1012 OLD OLIVE RD		SMITHFIELD, NC 27577-7855
JOHNSTON COUNTY INDUSTRIES INC		1100 EAST PRESTON ST		SELMA, NC 27576-0000
SUN AUTO WASH LLC			PO BOX 447	SMITHFIELD, NC 27577-0000
MOHAMED & SONS INC			PO BOX 1236	SMITHFIELD, NC 27577-0000
SPECTRUM REALTY, LLC		100 MARIAH DR		FOUR OAKS, NC 27524-8432



## PLANNING DEPARTMENT

Chloe Allen, Planner I

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### **Notice of Public Hearing**

Notice is hereby given that a public hearing will be held before the Board of Adjustment of the Town of Smithfield, N.C., on Thursday, August 29, 2024 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**BA-24-04 Market Street Plaza:** The applicant is requesting an 8' front variance from the 15' Street Yard requirements of Unified Development Ordinance (UDO), Section 10.13.1.8.1, along the Goldsboro Road frontage to enable commercial site development. The property considered for variance is located at 1551 East Market Street, between East Market Street and Goldsboro Road, to the east of Dogwood Street and further identified with the Johnston County Tax ID 15K10023.

**BA-24-05 Reginald Barnes/Martin Street:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.4.1, to allow for a house to be built on a lot without street frontage. This property is located at the southernmost end of Martin Street. The property is further identified as Johnston County Tax ID# 15063037.

**BA-24-06 Brightleaf Plaza Signs:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 10, Section 10.24.4, to allow for two signs to be built on one street frontage. This property is located on North Brightleaf Boulevard, between the two intersections with Waddell Street. The property is further identified as Johnston County Tax ID# 15005041.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116 ext. 1111.



**2024**  
**Board of Adjustments Meeting Schedule**

Thursday, January 25, 2024

Thursday, February 29, 2024

Thursday, March 28, 2024

Thursday, April 25, 2024

Thursday, May 30, 2024

Thursday, June 27, 2024

Thursday, July 25, 2024

Thursday, August 29, 2024

Thursday, September 26, 2024

Thursday, October 31, 2024

Thursday, November 21, 2024

Thursday, December 19, 2024

**\*\*All meetings begin at 6:00 pm and are held in the Town Council  
Chambers\*\***