

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Paul Worley
Vice-Chairman: Stephen Upton

Sarah Edwards
R. Edwin Foy, Jr.
Mark Lane
Michael Johnson
David Johnson

Mark Helmer AICP, Senior Planner
Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, July 26, 2018

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
JULY 26, 2018
MEETING TIME: 6:30 PM
TOWN HALL

Call to Order.

Approval of the minutes for April 27, 2017

Public Hearing

BA-18-01 Penn Compression: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.8.2 which requires existing parking to become compliant with current development standards of Section 10.13. The property considered for a variance is located on the east side of Components Drive approximately 750 feet northwest of its intersection with Outlet Center Drive and further identified as Johnston County Tax ID# 15L10020A.

BA-18-02 Hampton Inn: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Section 10.2.10 which requires lateral access to adjacent commercial properties. The property considered for a variance is located on Town Centre Place approximately 600 feet south of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15L11001G.

BA-18-03 Landis Bullock: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance Article 8, Section 8.9 and 8.11 to allow for reduced building setbacks. The property considered for a variance is located on the southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive. The property is further identified as Johnston County Tax ID# 15044023A

BA-18-04 Market Street Automotive: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 8, Section 8.8, Article 10, Section 10.2.1 and 10.2.8 for the expansion of an automotive repair facility. The property considered for a variance is located southwest side of the intersection of East Market Street and South Fifth Street and further identified as of Johnston County Tax ID# 15025063.

Old Business.

New Business.

Adjournment.

DRAFT
Smithfield Board of Adjustment
Minutes
Thursday, April 27, 2017
6:30 P.M., Town Hall, Council Chambers

Members Present:

Paul Worley, Chairman
Stephen Upton, Vice Chairman
Eddie Foy
Sarah Edwards
Michael Johnson
Mark Lane

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

CALL TO ORDER

APPROVAL OF MINUTES FROM October 27, 2016.

Eddie Foy made a motion, seconded by Mark Lane to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Vice Chairman Stephen Upton opened the public hearing.

BA-17-01 American Properties Holdings, LLC:

Mr. Helmer stated The applicant received administrative site plan approval on February 9, 2015 for the construction of a new tunnel car wash on the existing American Pride Car Wash site located on the 1200 block of North Brightleaf Boulevard. The approved site plan shows the self-vacuum area being constructed to minimum parking standards to include 9 foot by 19 foot parking spaces and 24 foot drive isle. The applicant submitted a revised plan showing 12 foot by 18 foot parking stalls and 30 foot drive aisle. The proposed increase in dimension of the parking and drive aisle caused the tunnel to be shifted to the southwest approximately 3 feet. The Town of Smithfield Board of Adjustment, on May 26, 2016, granted a 3 foot variance to the 15 foot side yard setback. On April 7, 2017, the applicant submitted a revised site plan showing a larger building and a need for an additional 3 feet of encroachment into the side yard building setback. This shift represents a total of 6 feet of encroachment into the required 15 foot side

yard setback. The remaining 9 feet of open space adjacent to the property line will adequate to meet the required 8 foot landscape transition yard.

The property is currently zoned B-3 (Highway Entrance Business). In accordance with Town of Smithfield Unified Development Ordinance, Article 12, Table of Area, Yard and Height Requirements, Developments within the B-3(Highway Entrance Business) zoning district must provide a 15 side yard setback. The size increase and shift in the tunnel location has triggered the need for a 6 foot variance to the required 15 foot side yard setback.

Mr. Helmer requested The Town of Smithfield Board of Adjustment to review the petition and make a decision on the variance request to allow for an additional 3 foot reduction and a total of a 6 foot reduction to the 15 foot side yard setback for the construction of an automated tunnel car wash facility.

Stephen Upton asked for questions or comments from the Board.

Eddie Foy asked if there was any opposition to the proposed variance.

Mr. Helmer stated there was none he was aware of.

After all testimony was received, Vice-Chairman Stephen Upton closed the public hearing.

Mark Lane made a motion, seconded Eddie Foy to recommend approval variance request to allow for an additional 3 foot reduction and a total of a 6 foot reduction to the 15 foot side yard setback for the construction of an automated tunnel car wash facility.

Stephen Upton stated that the motion read by Mark Lane incorporates the Finding of Fact which we do not have to go through being that the applicant and the finding of fact in the same motion is granted.

Article 5, Section 5-2 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 application.

- 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.**

Unnecessary hardship would result from the strict application of the ordinance because without the requested variance to the maximum building height, the applicant could not achieve the needed intensity of use proposed. ***All members stated true.***

- 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 hardship results from conditions that are peculiar to the property, such as location, size, or topography. The Outlet Center Drive and surrounding area is close to being built out. This site is one of the last properties to be developed on Equity Drive. As property values in the area continue to rise, it is reasonable to expect intensity of uses and building height to follow. ***All members stated true.***

- 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 hardship did not result from actions taken by the applicant or the property owner. The applicant's need of a variance to the maximum building height is being driven by, what time has shown to be, lots that are too small for hotels. ***All members stated true.***

- 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 requested variance is consistent with the spirit, purpose, and intent of the ordinance which attempts to be fair in its administration of the site development regulations. Granting this variance will achieve justice and allow for improvements to the property until such time that adjustments to the Town of Smithfield development regulations can be made to reflect current development trends. ***All members stated true.***

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative.

Old Business:

New Business:

Adjournment:

Being nothing further, Mark Lane made a motion, seconded by Eddie Foy to adjourn.

Submitted this 28th day of April, 2017.

Julie Edmonds
Administrative Assistant
Town of Smithfield Planning Department



Request for Board of Adjustment Action

Agenda Item: BA-18-01
Date: 7/26/18

Subject: Variance
Department: Planning
Presented by: Stephen Wensman
Presentation: Yes

Issue Statement

Penn Compression Moulding Inc is seeking a variance from the Article 10, Section 10.2.1 Off-street Parking Requirements: prohibition of parking within a landscape yard.

Financial Impact

None

Action Needed

To review the variance application to approve or deny.

Recommendation

Planning Staff recommends denial of variance BA-18-01.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report BA-18-01
- Findings of Fact
- Application
- Site Plan
- Landscape Plan



Staff Report

Agenda Item:	BA-18-01
Date:	7/26/18

Application Number: BA-18-01
Applicant/Owner: Penn Compression and Moulding Inc.
Agents: Daniel Leslie, President
TAX ID number: 15L10020A
Town Limits/ETJ: City

PROJECT LOCATION: 309 Components Drive (near the Carolina Pottery Outlet Mall)

REQUEST:

The applicant, Penn Compression Moulding Inc., is requesting a 6 foot **(100' wide)** variance to allow a portion of an existing parking lot to remain in a required landscape yard (Article 10, Section 10.2.1 Off-street Parking Requirements: prohibition of parking within a landscape yard).

SITE DATA:

Acreeage: 8.24 acres
Present Zoning: Heavy Industrial
Proposed Zoning: N/A
Existing Use: Heavy Industrial
Proposed Use: Heavy Industrial
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USES:

	Zoning	Existing Use
North:	B-3 Highway Entrance Business	Vacant
South:	B-3 Highway Entrance Business	Carolina Pottery Outlet Mall
West:	LI – Light Industrial	ShallCo – Industrial
East:	B-3 Highway Entrance Business	Vacant

PETITION DESCRIPTION:

The applicant, Penn Compression Moulding Inc. is seeking a 6 foot (by 100' wide) variance into the required landscape yard to allow an existing parking lot in violation of Article 10, Section 10.2.1 Off-street Parking Requirements. The existing parking lot was a legal nonconformity prior to a recent expansion of the facility. The approved facility improvements (Site Plan Review Case # SP-18-02) triggered full compliance with Article 10 Part 1 and Part 2, Parking and Landscaping. The applicant submitted plans for site plan review and received approval of plans showing the parking lot in full compliance.

The applicant's original plan submittals did show the nonconforming parking as remaining while all new site improvements being in conformance. Through the site plan approval process, the Town Staff required all parking to be in compliance in order to approve the site plans. The applicant is unhappy with the UDO requirement and is now seeking the variance.

FINDINGS OF VARIANCE APPROVAL:

In order to approval a variance, the Board of Adjustments shall find all of the following provisions must be met (Staff's findings are in ***bold/italic***):

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. ***There is adequate employee and visitor parking without the need for the variance.***

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 applicant has a property that is larger than what is currently being used for the facility and associated parking and loading uses. A site plan was approved showing required parking conforming with the UDO requirements, so a variance is not required to meet those requirements.***

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 applicant has submitted plans in conformance with the parking and landscape yard***

requirements, therefore, there is no hardship other than the location (on approved site plan) of the parking is not preferred.

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 intent of the ordinance is to bring nonconforming properties into conformity with the UDO when certain thresholds have been reached. The Penn Compression Moulding facility expansion triggered the need for conformance with the UDO and there are no physical hardships with the property in the ability to meet those requirements as shown on the approved site plans (SP-18-02).***

RECOMMENDATION:

Planning Staff recommends the Board of Adjustments deny variance BA-18-01 based on findings of fact for denial

RECOMMENDED MOTION:

Planning Staff recommends the Planning Board deny the variance with the following motion:

“Move to deny variance BA-18-01 based on the findings of fact found in the Staff Report.

**Town of Smithfield
Variance Application
Finding of Fact / Approval Criteria**

Application Number: BA-18-01 **Name:** Penn Compression Moulding Inc.

Request: Applicant seeks a 6' (100' wide) variance for parking in required landscape yard.

In accordance with **Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4** of the Town of Smithfield Unified Development Ordinance (UDO), when unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The Board of Adjustments may impose appropriate conditions and safeguards upon the approval as long as they are related to the variance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustments. The Board of Adjustments shall include in its comments a statement as to the application having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Board of Adjustment shall vary any of the provisions of the Ordinance as it pertains to this property upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4 listed below through a quasi-judicial process:

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.

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.

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

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the*

testimony of the applicant and applicant's representative, I move to approve variance # **BA-18-01** with the following condition(s):

Motion to Deny: Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance # **BA-18-01** for the following stated reason:

There is adequate employee and visitor parking without the need for the variance.

The applicant has a property that is larger than what is currently being used for the facility and associated parking and loading uses. A site plan was approved showing required parking conforming with the UDO requirements, so a variance is not required to meet those requirement.

The applicant has submitted plans in conformance with the parking and landscape yard requirements, therefore, there is no hardship other than the location (on approved site plan) of the parking is not preferred.

The intent of the ordinance is to bring nonconforming properties into conformity with the UDO when certain thresholds have been reached. The Penn Compression Moulding facility expansion triggered the need for conformance with the UDO and there are no physical hardships with the property in the ability to meet those requirements as shown on the approved site plans (SP-18-02).

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BA-18-01 is hereby:

_____ approved upon acceptance and conformity with the following conditions:

1. _____.

_____ denied for the noted reasons.

Decision made this 26 day of July, 2018 while in regular session.

Chair of the Board of Adjustments

ATTEST:

Julie Edmonds, Administrative Support Specialist



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 (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: Penn Compression Moulding Building Expansion Acreage of property: 8.24 Acres
 Parcel ID Number: 15L10020A Tax ID: 15L10020A
 Deed Book: 859 Deed Page(s): 267
 Address: 309 COMPONENTS DR
 Location: Near Outlet Center

Existing Use: Industrial Proposed Use: Industrial

Existing Zoning District: HI

Requested Zoning District: HI

Is project within a Planned Development: Yes No

Planned Development District (if applicable): _____

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

Allow the existing Parking in the required street yard to remain. Article 10 Part II Section 10.7 and Section 10.8 Paragraph 10.8.2.4

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
--------------------	----------------------	--------------------

OWNER INFORMATION:

Name: Penn Compression Moulding Inc.
Mailing Address: 309 COMPONENTS DR, SMITHFIELD, NC 27577-0000
Phone Number: 919-934-5144 **Fax:**
Email Address: dleslie@penncompression.com

APPLICANT INFORMATION:

Applicant: Daniel Leslie, President Penn Compression Moulding Inc.
Mailing Address: 309 COMPONENTS DR, SMITHFIELD, NC 27577-0000
Phone Number: 919-934-5144 **Fax:**
Contact Person: Daniel Leslie
Email Address: dleslie@penncompression.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 parking spaces required to be removed by the UDO has been in place since the original construction of Penn Compression Moulding and is used for access to the business operation of the facility and is needed for employee and visitor parking. The operation of the facility will be adversely affected with the loss of these parking spaces. The expansion of this manufacturing facility is costly and the cost (addition clearing, grading, and paving) to replace the parking spaces required to be removed by the UDO could have a negative impact on the ability to equip and man the new production facility. Since these parking spaces have been in place for over 20 years and were approved as part of the original site plan we respectfully request they be allowed to remain in place.

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.

Compliance with the ordinance would require the removal of the parking that has been in place for over 20 years and is needed for employee and visitor parking. The expansion of this manufacturing facility is costly and the cost (addition clearing, grading, and paving) to replace the parking spaces required to be removed by the UDO could have a negative impact on the ability to equip and man the new production facility.

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 hardship is the result of modifications to the Town ordinances that were in effect when the project was originally approved by the Town and changed when the new UDO was adopted and is peculiar to this property.

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 hardship is the result of modifications to the Town ordinances that were in effect when the project was originally approved by the Town and is not the result of actions taken by the owner.

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 existing parking will be landscaped with number and size of plant material as required by the UDO and therefore will meet the spirit, purpose, and intent of the ordinance by providing adequate screening of the parking spaces and will not potentially have a negative impact on the expansion of the manufacturing facility if granted.

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.

Daniel Leslie

Print Name


Signature of Applicant

7/14/18
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

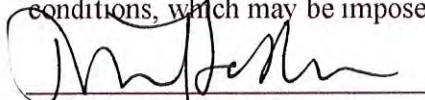
Name of Project: Penn Compression Moulding Expansion

Submittal Date: June 18, 2018

OWNERS AUTHORIZATION

I hereby give CONSENT to Dan Simmons (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.

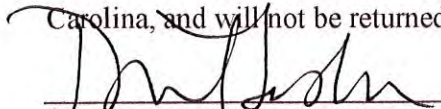

 Signature of Owner

Daniel Leslie
 Print Name

7/16/18
 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.

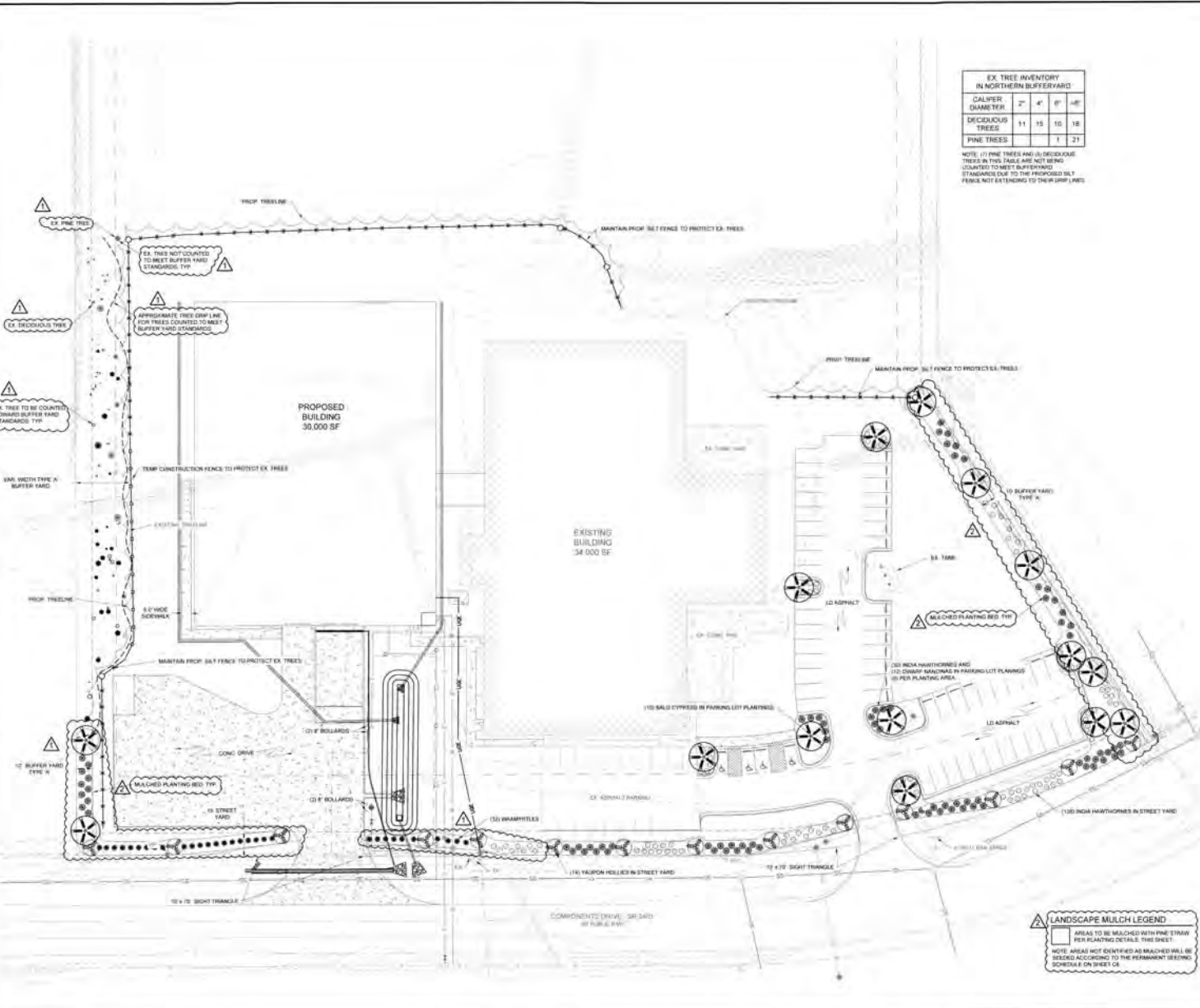

 Signature of Owner/Applicant

Daniel Leslie
 Print Name

7/16/18
 Date

FOR OFFICE USE ONLY

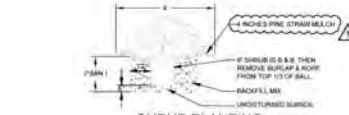
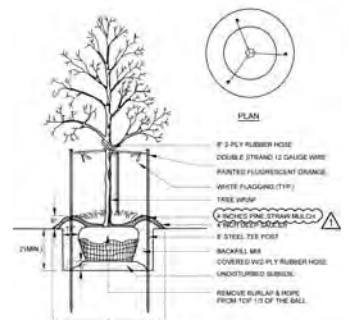
File Number:	Date Received:	Parcel ID Number:
--------------	----------------	-------------------



EX. TREE INVENTORY IN NORTHERN BUFFERYARD

CALIPER DIAMETER	2"	4"	6"	8"
DECIDUOUS TREES	11	10	10	18
PINE TREES	1	1	21	

NOTE: (1) PINE TREES AND (2) DECIDUOUS TREES IN THIS TABLE ARE NOT BEING LOCATED TO MEET BUFFERING STANDARDS DUE TO THE PROPOSED SALT FENCE NOT EXTENDING TO THEIR DRIP LINES



PLANTING REQUIREMENTS:

REQUIREMENT	REQ'D	PROV'D
STREET YARD (FRONTAGE = 676.90')		
UNDERSTORY TREES @ 150'F FRONTAGE	13.5	14
SMALL SHRUBS @ 20'100'F FRONTAGE	135.4	80
PROP. NORTHERN BUFFER YARD (LENGTH = 82.80')		
CANOPY TREES @ 150'F	1.7	2
SMALL SHRUBS @ 12'100'F	9.9	10
EX. NORTHERN BUFFER YARD (AREA = 9646SF)		
CANOPY TREES @ 2'1000'F	20	54
SMALL SHRUBS @ 12'1000'F	N/A	N/A
SOUTH BUFFER YARD (LENGTH = 242.44')		
CANOPY TREES @ 150'F	4.9	5
SMALL SHRUBS @ 12'100'F	25.1	30
NEW PARKING LOT (PAVED AREA = 19,604SF)		
LANDSCAPED AREA = 2,195 SF	REQ'D	PROV'D
INTERIOR PLANTING ISLANDS:	N/A	10

Plant List and Legend

Symbol	Quantity	Botanical Name	Common Name	Size	Height	Root	Notes
(Symbol)	97	Raphanistrum indicus	India Hawthorn	18" H	18"	cont.	Plant 3' O.C.
(Symbol)	78	Nandina domestica	Sweet Nandina	18" H	18"	cont.	Plant 3' O.C.
(Symbol)	38	Myrica carolina	Southern Yucca	6" H	6"	cont.	Plant 3' O.C.
(Symbol)	14	Ilex verticillata	Yucca Holly	7" H	8"	cont.	Plant 4' O.C. as shown in plans
(Symbol)	11	Taxodium distichum	Bald Cypress	7" H	12' H	ball	

- NOTES**
- PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED TREES ON GROVES OF TREES AND NO WORKING TOOLS, MATERIALS, OR VEHICLES ARE PERMITTED WITHIN THE TREE PROTECTION FENCING. SEE CONSTRUCTION SEQUENCE, SHEET C8.
 - 32 SOUTHERN WAXMYRTLES - PLANTED AT 6" HIGH AND @ 5' O.C. TO BE USED FOR LOADING ZONE SCREENING WILL BE USED IN LIEU OF THE STANDARD STREET YARD PLANTING REQUIREMENT.
 - PLANT TYPES SHOWN MAY BE SUBSTITUTED FOR APPROVED SPECIES WHICH MEET THE SMITHFIELD UNIFIED DEVELOPMENT ORDINANCES RECOMMENDED SPECIES AND MINIMUM SIZE REQUIREMENTS FOUND ON PAGE 10-30 THRU 10-33.
 - EXISTING TREES IN THE NORTHERN BUFFER YARD WERE IDENTIFIED ON 2/4/2018. LOCATIONS AND SIZES ARE APPROXIMATE. SYMBOLOLOGY IS TO SCALE AND REPRESENTS APPROXIMATE CALIPER DIAMETER. SEE TABLE FOR TYPE AND NUMBER OF TREES WHICH WILL BE COUNTED TO MEET TYPE A BUFFER YARD STANDARDS.

DESIGNED	DCJ	PROJECT DATE	
DRAWN	388	PROJECT NO.	
CHECKED	388	DATE FILED	11/20/24
PROJ. ENCL.	388	REVISION	2 LANDSCAPE BOTS WATCHED - REVISED SOUTH BUFFER YARD TO AVOID EX. GRID REVISED PER TOWN OF SMITHFIELD COMMENTS

TRIANGLE CIVILWORKS
PROFESSIONAL ASSOCIATION
1600 N.W. 13th St.
1711 YALE DRIVE
SMITHFIELD, NC 27577
704-289-8900

PENN COMPRESSION MOULDING BUILDING EXPANSION SMITHFIELD, NORTH CAROLINA

SITE ADDRESS
309 COMPONENTS DRIVE
SMITHFIELD, NC 27577

LANDSCAPE PLAN

1"=30'

FINAL DESIGN
NOT RELEASED FOR CONSTRUCTION

01/12/2019

SHEET NO.
L1

300 Block of Components Drive



Project Name:
Penn Compression
Variance

Proposed Use:
Manufacturing

File Number:
BA-18-01

Property Owner:
Penn Compression
Molding, Inc

Applicant:
Penn Compression
Molding, Inc

Location:
309 Components
Drive

Tax ID#
5150780

Zoning District:
HI (Heavy Industrial)

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 7/19/2018

Legend

 500 Feet



1 inch = 300 feet






PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ABUTTING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and abutting property owners of the following petition, **BA-18-01**, were notified by First Class Mail on **6-22-18**.


Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

12th day of July, 2018


Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on 1-15-2023
(Seal)





Request for Board of Adjustment Action

Agenda Item: BA-18-02
Date: 7/26/18

Subject: Variance
Department: Planning
Presented by: Mark Helmer
Presentation: Yes

Issue Statement

Wintergreen Hospitality is seeking a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.2.10 which requires lateral access commercial Developments to provide lateral access to adjacent properties.

Financial Impact

None

Action Needed

To review the variance application and make a decision in accordance with the finding of fact for a variance.

Recommendation

Planning Staff recommends approval of variance BA-18-04.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report BA-18-02
- Application
- Unapproved Preliminary Sketch Plan
- Zoning Map



Staff Report

Agenda Item: BA-18-02
Date: 7/26/18

Application Number: BA-18-02
Applicant/Owner: Wintergreen Hospitality
Agents: none
TAX ID number: 15L11001G
Town Limits/ETJ: Town Limits

PROJECT LOCATION: The property considered for a variance is located on Town Centre Place approximately 600 feet south of its intersection with East Market Street.

REQUEST:

The applicant is proposing to construct a 14,210 square foot-five story hotel on approximately 1.8 acres of land which is located within a B-3 (Entrance Highway Business) zoning District. The sketch plan indicates two driveway access points on Towne Centre Place. Although not indicated on the plan, the site contains delineated wetlands that will require permitting by the US Army Corps of Engineers. The project will also be seeking special use permit approval from the Smithfield Town Council due the proposed structural height that will exceed 40 feet.

In accordance with The Town of Smithfield Unified Development Ordinance, Article 10, Section 10.2.10 Lateral Access states that all new nonresidential development, specifically commercial development, shall provide lateral access to adjacent property which is either: (1) existing nonresidential, or (2) zoned nonresidential. In the site plan process review, lateral access shall be displayed and labeled clearly by showing the appropriate connections. All lateral access connections shall be a minimum of 20 feet in width and maximum of 24 feet in width. If this section is determined not to be feasible due to particularities of the parcel, the Board of Adjustment may modify the requirements herein.

The applicant is requesting to vary from Section 10.2.10 because constructing lateral access will create unnecessary hardship to land through additional land disturbing activities within delineated wetlands.

ADJACENT ZONING AND LAND USES:

	Zoning	Existing Land Use
North:	B-3 (Highway Entrance Business)	Undeveloped Lot

South:	B-3 (Highway Entrance Business)	SCD (Stormwater Control Device)
East:	B-3 (Highway Entrance Business)	Undeveloped Lot
West:	OI (Office-Institution)	Johnston Community College

SITE DATA:

Acreage: 1.8 acres approximately
Present Zoning: B-3 (Highway Entrance Business)
Existing Use: none / undeveloped
Proposed Use: Hotel
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: town of Smithfield

FINDINGS OF VARIANCE APPROVAL:

In order to approval a variance, the Board of Adjustments shall find all of the following provisions must be met (Staff’s finding are in *bold/italic*):

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. *Unnecessary hardship to the land will result from increased land disturbing activities within delineated wetland.*

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 property suffers from wet lands that can be found on various portions of the site. Land disturbing activities within delineated wetlands require permitting by the Army Corps of Engineers. Wetland permitting can be complicated, costly and difficult to obtain. The hardship that permitting and constructing lateral access will create will exceed the benefit that such access will provide.*

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 property is adversely affected by environmentally sensitive wetlands found within the site. This hardship is the result of natural conditions and not the result from actions taken by the applicant.*

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 variance is in keeping with the spirit, purpose, and intent of the Ordinance. The variance will be sensitive to the natural*

environment and will eliminate the need to construct a third and fourth access point to the site which is located and the end of a cul-de-sac. The variance will not impact public safety, and in is in the best interests of the public at large.

RECOMMENDATION:

Planning Staff recommends the Board of Adjustments approve variance BA-18-02 based on the finding of fact.

RECOMMENDED MOTION:

Planning Staff recommends the Planning Board approve the variance with the following motion:

Move to approve variance BA-18-03 based on the finding of fact found in the Staff Report:

**Town of Smithfield
Variance Application
Finding of Fact / Approval Criteria**

Application Number: BA-18-02 **Name:** Wintergreen Hospitality

Request: Applicant seeks relief / variance from Article 10, Section 10.2.10 Lateral Access, which requires all commercial developments to construct cross access drive ways to adjacent properties or seek relief from the Board of Adjustment.

In accordance with **Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4** of the Town of Smithfield Unified Development Ordinance (UDO), when unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The Board of Adjustments may impose appropriate conditions and safeguards upon the approval as long as they are related to the variance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustments. The Board of Adjustments shall include in its comments a statement as to the application having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Board of Adjustment shall vary any of the provisions of the Ordinance as it pertains to this property upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4 listed below through a quasi-judicial process:

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.

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.

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

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the*
BA-18-02 Page 1 of 2

testimony of the applicant and applicant's representative, I move to approve variance # BA-18-02 with the following stated findings:

Unnecessary hardship to the land will result from increased land disturbing activities within delineated wetlands.

The property suffers from wetlands that can be found on various portions of the site. Land disturbing activities within delineated wetland require permitting by the Army Corps of Engineers. Wetland permitting can be complicated, expensive and difficult to obtain. The hardship that permitting and constructing lateral access will create will exceed the benefits that such access will provide.

The property is adversely affected by environmentally sensitive wetlands found within the site. This hardship is the result of natural conditions and not the result from actions taken by the applicant.

The variance is in keeping with the spirit, purpose, and intent of the Ordinance. The variance will be sensitive to the natural environment and will eliminate the need to construct a third and fourth access point to the site which is located and the end of a cul-de-sac. The variance will not impact public safety, and is in the best interests of the public at large.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance # BA-18-02 for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BA-18-02 is hereby:

_____ approved upon acceptance and conformity with the following conditions:

_____ denied for the noted reasons.

Decision made this 26 day of July, 2018 while in regular session.

Chair of the Board of Adjustments

ATTEST:

Julie Edmonds, Administrative Support Specialist



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 (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: Hampton Inn Acreage of property: 3.02
Parcel ID Number: 260305-08-5727 Tax ID: 260305-08-5727
Deed Book: 02444 Deed Page(s): 0534
Address: Towne Centre Place
Location: Southwestern edge of cul de-sac of Towne Centre Place

Existing Use: Vacant Proposed Use: Motel / Hotel

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)

10.20.10 Lateral Access

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____

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.

See attached

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.

See attached

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.

See attached

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.

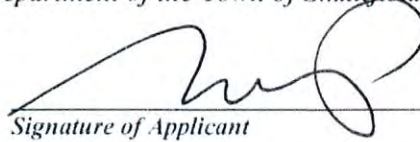
See attached

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.

Anup Patel

Print Name



Signature of Applicant

06/29/2018

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: Hampton Inn Submittal Date: 06/29/2018

OWNERS AUTHORIZATION

I hereby give CONSENT to The John R. McAdams Company (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

VENKATA C. MOTAPARTHY
 Print Name

06/29/2018
 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

Anup Patel - Wintergreen Hospitality
 Print Name

06/29/2018
 Date

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
--------------	----------------	-------------------

July 6, 2018

Town of Smithfield
Planning Department
350 E. Market Street
Smithfield NC 27577

The applicant is requesting a variance from Section 10.2.10 of the Town of Smithfield Unified Development Ordinance. Section 10.2.10 of the Town of Smithfield UDO states:

“All new non-residential development, specifically commercial development, shall provide lateral access to adjacent property which is either: (1) existing nonresidential, or (2) zoned nonresidential. In the site plan process review, lateral access shall be displayed and labeled clearly by showing the appropriate connections. All lateral access connections shall be a minimum of 20 feet in width and maximum of 24 feet in width. If this section is determined not to be feasible to particularities of the parcel, the Board of Adjustment may modify the requirements herein.”

Section 4.10.2 of the Unified Development Ordinance calls out the following Findings which the Board of Adjustment must make in granting any variance:

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.

Applicant Response: The subject property is located on the southwestern edge of an existing cul-de-sac, Towne Centre Place. Due to the limited through traffic on Towne Centre Place, lateral access to adjacent properties would serve a limited public benefit and could impede the development of adjacent parcels. Furthermore, due to the low traffic volumes and number of future driveways in close proximity on the cul-de-sac, confusing traffic patterns will be created with numerous points of cross access.

The proposed use of the subject property is a 118-room hotel. Cross access to adjacent uses along this roadway is not necessary and would encourage patrons from adjacent commercial uses to utilize hotel parking as overflow. Guests at the hotel will not utilize vehicular cross-access, pedestrian routes will be more beneficial.

Lot 4, addressed as 120 Towne Centre Place and further identified as NCPIN 260305-08-3958, directly abuts the northern property line of the

**The John R. McAdams
Company, Inc.**

Raleigh / Durham, NC
2905 Meridian Parkway
Durham, North Carolina 27713
(919) 361-5000

Charlotte, NC
3436 Toringdon Way
Suite 110
Charlotte, North Carolina 28277
(704) 527-0800



Town of Smithfield
Planning Department
350 E. Market Street
Smithfield NC 27577

parcel subject to this variance request. Wetlands have been identified on Lot 4 and are located in the area where a lateral access would be placed. A variance from the requirement for lateral access would help protect this sensitive environmental feature.

Due to the factors above, a strict application of the UDO requirements would result in an unnecessary hardship.

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 to general public, may not be the basis for granting a variance.

Applicant Response: The property proposed for development is located along the southwestern boundary of Towne Centre Place, an existing public street ending in a cul-de-sac. Towne Centre Place is not designed to carry large volumes of vehicular traffic, so lateral accesses are not necessary to provide secondary access and reduce traffic volumes. It should also be noted that the location on a cul-de-sac will introduce several full access driveways within close proximity. Due to this, the cross-access drives will not be utilized and will create confusing traffic patterns for motorists.

Lot 4, addressed as 120 Towne Centre Place and further identified as NCPIN 260305-08-3958, directly abuts the northern property line of the parcel subject to this variance request. Wetlands have been identified on Lot 4 and are located in the area where a lateral access would be placed. A variance from the requirement for lateral access would help protect this sensitive environmental feature.

The hardships related to the provision of lateral accesses to adjacent properties are peculiar to the subject property and not a result of personal circumstances, or conditions that are common to the neighborhood or general public.

3. The hardship did not result from action taken by the applicant or property owner. The act of purchasing a property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.



Town of Smithfield
Planning Department
350 E. Market Street
Smithfield NC 27577

Applicant Response: Requiring a lateral access to Lot 4, located to the north of the subject property, would require the disturbance of an existing wetland. Approval of this variance would prevent disturbance of the wetland feature.

The applicant has worked diligently to meet all development requirements of the Smithfield UDO. The requirement for lateral access to adjacent properties presents a hardship as it relates to the overall functionality of the site. It should also be noted that several commercial uses within close proximity were constructed without cross access and function well.

The hardship is not a result of actions taken by the applicant or 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 achieved.

Applicant Response: The purpose of lateral access is to allow vehicles to access adjoining properties without the need to return to a heavily travelled roadway and increase traffic congestion. The subject property is located on a cul-de-sac that is intended to carry only a limited amount of traffic, so lateral accesses are not necessary to ensure the public safety.

Approval of this variance would also ensure that the proposed development would not have a negative impact on the existing wetland located on Lot 4, protecting a sensitive environmental feature. This would further the public safety as wetlands play an important role in water quality.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance. The approval of this variance would not decrease public safety, and substantial justice would be achieved for the applicant.



Town of Smithfield
Planning Department
350 E. Market Street
Smithfield NC 27577

Sincerely,

THE JOHN R. MCADAMS COMPANY

A handwritten signature in black ink, appearing to read "Charlie Yokley".

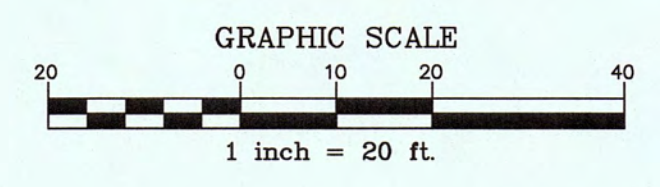
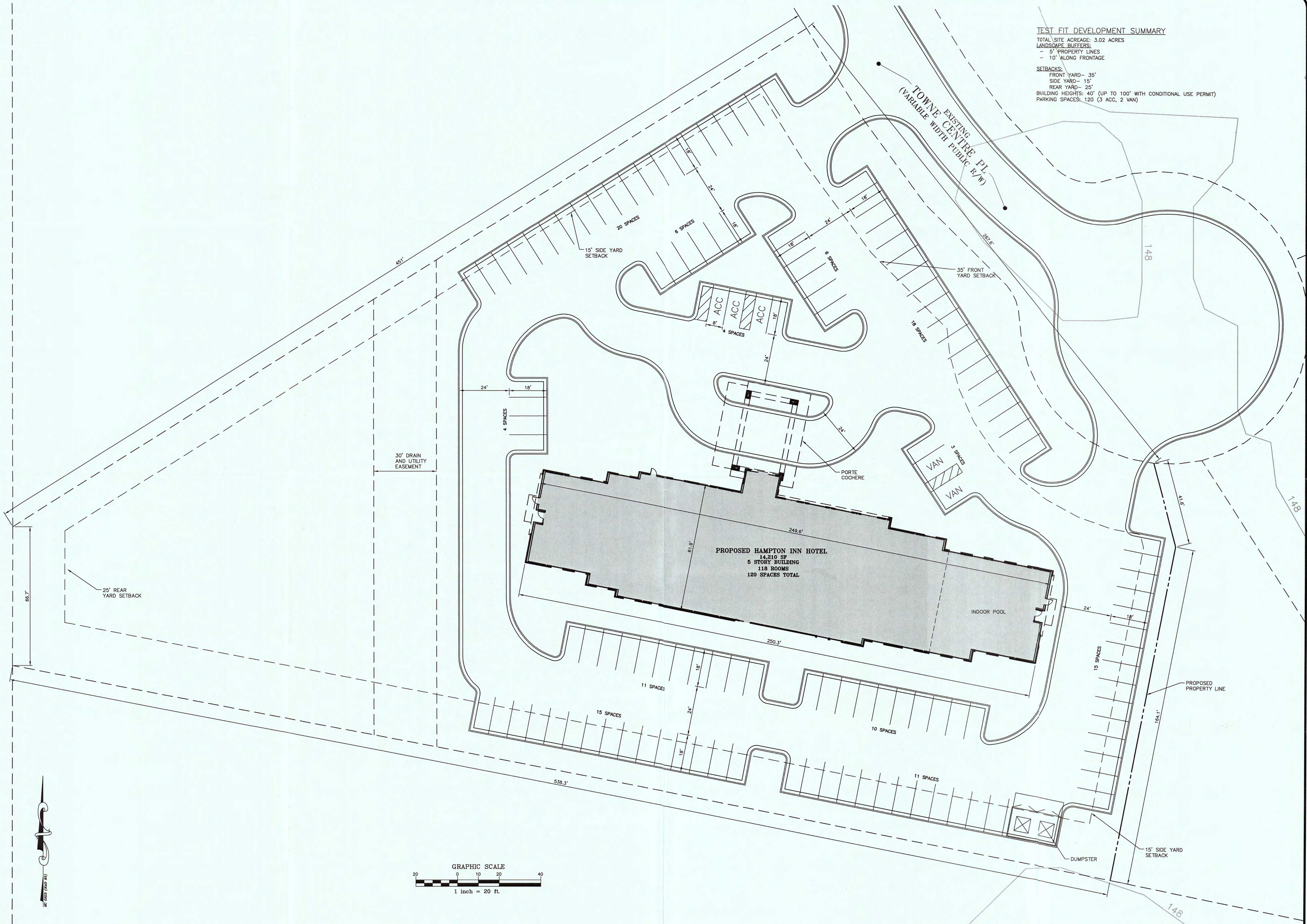
Charlie Yokley, AICP
Principal Planner



DATA WERE OBTAINED FROM THE 2013 NOONE MAP AERIAL ORTHOREGISTRY LAYER AND THE 2016 JOHNSTON COUNTY PARCEL SHAPEFILE. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO WARRANTIES AS TO ITS ACCURACY. SAME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED ON THIS INFORMATION.

X:\Projects\WIN-18000\Land\Exhibits\Site Sketches\WIN18000-S1.dwg, 4/24/2018 10:44:38 AM, Blearom, Rovinda

TEST FIT DEVELOPMENT SUMMARY
 TOTAL SITE ACREAGE: 3.02 ACRES
 LANDSCAPE BUFFERS:
 - 5' PROPERTY LINES
 - 10' ALONG FRONTAGE
 SETBACKS:
 FRONT YARD- 35'
 SIDE YARD- 15'
 REAR YARD- 25'
 BUILDING HEIGHTS: 40' (UP TO 100' WITH CONDITIONAL USE PERMIT)
 PARKING SPACES: 120 (3 ACC, 2 VAN)



THE JOHN R. McADAMS
 COMPANY, INC.
 2905 Meridian Parkway
 Durham, North Carolina 27713
 License No.: C-0293
 919.361.5000 • McAdamsCo.com

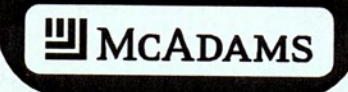


REVISIONS:

OWNER:
 XXXXXXXXXXXX
 XXXXXXXXXXXX
 XXXXXXXXXXXX
 XXXXXXXXXXXX

HAMPTON INN
 SITE PLAN
 SMITHFIELD, NORTH CAROLINA
 PRELIMINARY SITE PLAN

PROJECT NO.:	XXX-XXXX
FILENAME:	WIN18000-S1
CHECKED BY:	XXX
DRAWN BY:	XXX
SCALE:	1"=20'
DATE:	XX-XX-XX
SHEET NO.:	X-X



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

100 Block of Towne Centre Place



Project Name:
Hampton Inn
Variance

Proposed Use:
Hotel

File Number:
BA-18-02

Property Owner:
Monoparty
Properties LLC

Applicant:
Wintergreen
Hospitality

Location:
Towne Centre
Place

Tax ID#
15L11001E

Zoning District:
B-3 (Highway
Entrance Business)

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 7/19/2018

Legend
500 Feet



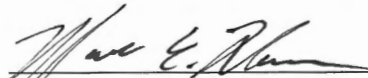
1 inch = 300 feet



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ABUTTING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and abutting property owners of the following petition, BA-18-02, were notified by First Class Mail on 6-22-18.



Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

12th day of July, 2018



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2023
(Seal)





Request for Board of Adjustment Action

Agenda Item: BA-18-03
Date: 7/26/18

Subject: Variance
Department: Planning
Presented by: Mark Helmer
Presentation: Yes

Issue Statement

Landis Bullock is requesting a 12.45' variance from the 25' side yard building setback required for all properties within the HI (Heavy Industrial) zoning district.

Financial Impact

None

Action Needed

To review the variance application and make a decision in accordance with the finding of fact for a variance.

Recommendation

Planning Staff recommends approval of variance BA-18-04.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report BA-18-03
- Application
- Proposed Subdivision plat
- Zoning Map



Staff Report

Agenda Item: BA-18-03
Date: 7/26/18

Application Number:	BA-18-03
Applicant/Owner:	Landis Bullock
Agents:	none
TAX ID number:	15044023A
Town Limits/ETJ:	Town

PROJECT LOCATION: The property is located southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive.

REQUEST:

The applicant is proposing to reconfigure property lines to create a single lot of record that will be approximately 1.443 acres in size and have approximately 135.35 feet of road frontage on West Market Street. This proposed lot will meet all minimum dimensional requirements of the Unified Development Ordinance. The remaining portion of the original lot will be recombined into the adjacent 15.34 acre tract of land.

The property line to be moved is proposed to be within 12.55 feet of an existing metal building. This building is required to be setback a minimum of 25 feet from a side yard property line since it is located within a HI (Heavy Industrial) zoning district. Therefore, the applicant is requesting a 12.45' variance from the 25' side yard building setback for the existing metal building located on the northwest corner of the property. The variance is required in order to enable a proposed lot reconfiguration.

The Smithfield Town Council, at its June 5, 2018 meeting, unanimously voted to approve a request to rezone the proposed 1.443 acre lot of record from the HI (Heavy Industrial) zoning district to B-3 (Business) zoning district.

ADJACENT ZONING AND LAND USES:

	Zoning	Existing Land Use
North:	B-3 (Highway Entrance Business)	Hinson Printing Retail Center
South:	HI (Heavy Industrial)	Keener Lumber Company
East:	B-3 (Highway Entrance Business)	Home Master Termite & Pest Control
West:	B-3 (Highway Entrance Business)	Bullock Brothers Equipment

SITE DATA:

Acreage: 14.402 acres
Present Zoning: B-3 Highway Entranceway Business
Proposed Zoning: N/A
Existing Use: none
Proposed Use: none
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Duke Progress Energy

FINDINGS OF VARIANCE APPROVAL:

In order to approval a variance, the Board of Adjustments shall find all of the following provisions must be met (Staff's findings are in ***bold/italic***):

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. ***Without the variance, the recombination plat will create a nonconforming structure due to required building setbacks not being met. If substantial damages were to occur and the structure cannot be rebuilt on the existing building foundations due to its nonconforming status, increased reconstruction costs and insurance claims will be incurred.***

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 property suffers from its close proximity to an existing protected stream. This stream has created a natural barrier that's limits access from the south and east. This natural barrier contributes to the property current state which can be described as underdeveloped. Granting of the variance will allow for the creation of opportunities that cannot occur otherwise.***

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 natural barriers posed by the adjacent stream is a natural phenomenon that occurs when its watershed reaches a significant size. The applicant has no control of this hydrologic process and has made no changes that would affect this process.***

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 variance is in keeping with the spirit, purpose, and intent of the Ordinance. The variance is being requested to bring additional opportunity and productivity to the US 70 Business Entry Corridor. The variance will not impact public safety, and in is in the best interests of the public at large.***

RECOMMENDATION:

Planning Staff recommends the Board of Adjustments approve variance BA-18-03 based on findings of fact with the following conditions:

1. That the approved 12.45' variance from the 25' side yard building setback applies only to the existing enclosed metal building located on the northwest corner of the property.

RECOMMENDED MOTION:

Planning Staff recommends the Planning Board approve the variance with the following motion:

Move to approve variance BA-18-03 based on the findings of fact found in the Staff Report with the following conditions:

1. ***That the approved 12.45' variance from the 25' side yard building setback applies only to the existing enclosed metal building located on the northwest corner of the property.***

**Town of Smithfield
Variance Application
Finding of Fact / Approval Criteria**

Application Number: BA-18-03 **Name:** Landis Bullock.

Request: Applicant seeks a 12.45' variance from the 25' side yard building setback for an existing structure located within an HI (Heavy Industrial) zoning district.

In accordance with **Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4** of the Town of Smithfield Unified Development Ordinance (UDO), when unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The Board of Adjustments may impose appropriate conditions and safeguards upon the approval as long as they are related to the variance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustments. The Board of Adjustments shall include in its comments a statement as to the application having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Board of Adjustment shall vary any of the provisions of the Ordinance as it pertains to this property upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4 listed below through a quasi-judicial process:

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.

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.

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

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein*

and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve variance # **BA-18-03** with the following condition(s):

Without the variance, the recombination plat will create a nonconforming structure due to required building setbacks not being met. If substantial damages were to occur and the structure cannot be rebuilt on the existing building foundations due to its nonconforming status, increased reconstruction costs and insurance claims will be incurred.

The property suffers from its close proximity to an existing protected stream. This stream has created a natural barrier that's limits access from the south and east. This natural barrier contributes to the property current state which can be described as underdeveloped. Granting the variance will allow for the creation of opportunities that cannot occur otherwise.

The natural barriers posed by the adjacent stream is a natural phenomenon that occurs when its watershed reaches a significant size. The applicant has no control of this hydrologic process and has made no changes that would affect this process.

The variance is in keeping with the spirit, purpose, and intent of the Ordinance. The variance is being requested to bring additional opportunity and productivity to the US 70 Business Entry Corridor. The variance will not impact public safety, and in is in the best interests of the public at large.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance # **BA-18-03** for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BA-18-03 is hereby:

_____ approved upon acceptance and conformity with the following conditions:

1. _____.

_____ denied for the noted reasons.

Decision made this 26 day of July, 2018 while in regular session.

Chair of the Board of Adjustments

ATTEST:

Julie Edmonds, Administrative Support Specialist



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 (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: Landis Bullock Acreage of property: 1.443
 Parcel ID Number: a portion of 15044023A Tax ID: a portion of 15044023A
 Deed Book: 824 Deed Page(s): 337
 Address: Keener Lumber Co., Hwy 70 West, Smithfield
 Location: Hwy 70 West, Smithfield

Existing Use: Storage lean-to Proposed Use: B-3 lot
 Existing Zoning District: Industrial
 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)

Article 9 of the UDO, particularly 9.3 to the extent the Board were to say this 1.443 acres was merged with the Keener Lumber land to its south. Attached is a deed to Keener in 1993 showing a portion of the Keener property described with the 1.443 acres. Also attached is the 1979 deed to Strickland showing the 1.443 acres as a separate tract, as well as the 1977 lease showing the 1.443 acres as a separate tract. So in 1993, the 1.443 acres was described with part of the other Keener land but this 1.443 acres was never really able to be used with the Keener land as one tract due to the ditch. For the same reason of topography, if separated, this 1.443 acres can now be a valuable lot front our corridor or if the variance is not granted, it can just sit there as a buffer, which is not a reasonable use of the land.

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____

OWNER INFORMATION

Name: Keener Lumber Co., Inc.

Mailing Address: PO Box 2323

Phone Number: 919-934-1087

Fax:

Email Address:

APPLICANT INFORMATION

Applicant: Landis Bullock

Mailing Address: 1201 Chestnut Drive, Smithfield, NC 27577

Phone Number: 919-965-7331

Fax:

Contact Person: Landis Bullock

Email Address: landis@bullockbrothers.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.

This 1.443 acres lot currently appears annexed to the much larger Keener Lumber tract on GIS, but not in the same source deeds. Between this 1.443 acres and the other Keener Lumber property is a large ditch that supposedly drains the town park on the east side of Hwy 70. Actually, the water in the ditch is backup from the 4.626 acres pond behind this property to the west and owned by others. The 1.443 acres is separate from the remaining Keener Lumber property both by elevation, the ditch and the deeds. The highest and best use of the lot would be a commercial lot like the Jondis Inc./Bullock Brothers lot to its north. Furthermore, the ditch separates it from the Kenner lot and makes it difficult to use in concert with that lot.

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.

PLEASE SEE ATTACHED.

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.

PLEASE SEE ATTACHED.

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.

PLEASE SEE ATTACHED.

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.

PLEASE SEE ATTACHED.

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.

RAUL STEWART JR Pres. *Raul Stewart Jr* 7-5-18
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: Landis Bullock

Submittal Date: 7/5/18

OWNERS AUTHORIZATION

I hereby give CONSENT to Landis Bullock (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.

[Handwritten Signature]
 Signature of Owner

Ralph Stewart, Jr., President of Keener Lumber, Co., Inc.
 Print Name

7-5-18
 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.

[Handwritten Signature]
 Signature of Owner/Applicant

Ralph STEWART, Jr., Pres.
 Print Name

7-5-18
 Date

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
--------------	----------------	-------------------

Town of Smithfield – Variance Application Required Findings of Facts Attachment

1. **If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property;**

True. Plaintiff asks for a variance for a 1.443 acre tract on the south side of Highway 70 N between Keener Lumber on the South and the Jondis property of the Bullock brothers on the North. (p. 21) This 1.443 lot has been a separate parcel by deed and survey but was in the 1990's combined in a deed description with the Keener property to the south. (p. 8 and 14) In the 1940's this 1.443 acres is part of the Thomas subdivision (p. 19 and 20) and the Keener tract to its south comes from a different tract than Thomas. In the 1970's when Ms. Strickland was conveying her land into a corporation, Roy Strickland Lumber Company, which her two son in laws, Walton Parker and Steve Upton ran with Aldridge Norris, the Company purchased off her land as it was able in tracts that had no relationship to use. She sold the 1.443 acres to Strickland Lumber Company in 1979. (p. 11) At that time it was a separate tract shown separately in that deed and in the Blackmon survey, both attached (p. 11 and 17). In 1993 Strickland Lumber sold the 1.443 acres to Keener in a description that is for 2.923 acres. (p. 8) It appears as part of a 2.923 acre tract on GIS for that reason (p. 14) However, the 2.923 acre tract has never been a functional tract in an of itself and the Keener tract as we know it is part of larger combined tracts that function as a unit. (p. 21) Most of it was combined with other land purchased by Keener. The title in the 1993 deed is combined in description for conveyance of title then, but more importantly for use purposes the lots were not combined. Part of the 2.923 acres with the encroaching building combined with the larger Keener tracts in useage. The 1.443 acres remained separate due to the ditch.

There is NO reasonable use to this valuable commercial lot if combined with the Keener property because of a ditch, about 10 feet deep from the highway, that runs along the southern line of the parcel separating it from the Keener property. Thus, it has remained unused except for a lean-to with some equipment under it. About 250 feet back from the road there is a pipe so one can walk or drive from this lot to the Keener property or vice versa. However, the ditch is so substantial for the first 250 feet that it naturally blocks use with the Keener property. Probably in the early 1970's before the code, Strickland Lumber, which owned the Keener property, constructed a large metal building with its back encroachingly close to the ditch as shown by the attached survey. It backs to the ditch and blocks further access between the 1.443 acre tract and the Keener property and does so because the ditch NATURALLY blocks any common use already.

2. **The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;**

True. The hardship here is inherent in the topography of the lot which has prevented its use ever being reasonably used with the Keener properties. However, the applicant has since rezoned the 1.443 acres to a B-3 zone from commercial and this changes the setbacks and maximizes the use of the 1.443 acre tract. NOW, the owner can use this tract if it is subdivided.

3. **The hardship relates to the applicant's land, rather than personal circumstances;**
True. The hardship is as stated in the topography of the lot and is not such that it can be reasonably corrected because the ditch is there, large, deep, and prohibitive of merging the use of this lot with the Keener property.

4. **The hardship is unique, or nearly so, rather than one shared by many surrounding properties;**
True. The hardship is unique in that it separates the use of this lot from the surrounding properties and the separation is due to the ditch and *the topography that limits the ability to move from the Keener land to the 1.443 acre tract.*

5. **The hardship is not the result of the applicant's own actions;**
True. and the applicant obviously has had nothing to do with the creation of the ditch.

6. **The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land.**
True. Landis Bullock, who has contracted to purchase this lot if the Board approves this application, runs the business Jondis, Inc., immediately to the north of this 1.443 acres lot. When he and his wife constructed their home in 1978, he remembers that the metal building located on the Keener Lumber tracts, formerly the Strickland tracts, was already constructed immediately to the south of the ditch, which divides the properties. It has been since improved but the building that is too close to the 1.443 acres lot in this application predated zoning in that it existed prior to 1978.

I understand the sale of the 1.443 acre lot could appear to create a non-conformity because the metal building would be too near the ditch property line if you assume that the ditch line disappeared as the property was conveyed into common ownership. (p. 21) But this is an issue that is only a problem at all if the Keener land merged with the 1.443 acres as part of a common use plan of the two tracts. They did not. The ditch prevented it and prevents it to this day. The location of the building just shows the owner trying to back the building up to the ditch because it has such limited use of the land behind it. Thus with NO MERGER, there is no initiation of a nonconforming use by recognizing the old ditch line as the properties never merged.

This variance application wants to make clear that the use of this lot has been separated from the Keener lots continuously prior to the creation of a subdivision including the lot as the southern parcel in that division adjacent to the creek in the 1940's in the Thomas division and since the pre-1974 creation of the 1.443 acre tract. Likely during the 1980's the owner of the Keener lots did construct a metal building that is too close to the line of the 1.443 acre lots. However, the location of the building just further evidences that this lot has never been merged in use with the Keener lots though it has had common ownership.

The location of the building on the Keener tract blocks the common use of the 1.443 acre tract and reflects the fact that the ditch has made it so that no common reasonable use of these lots could ever been made and the lots were never merged. Since there was no merger by common use, the sale of this lot as a subdivided lot which it has been since before 1974

as shown by the attached plat, then this subdivision reflecting the existing and prior lot boundaries does not create we believe a setback issue.

Probably prior to the zoning code, this metal building was located as close as it could to the ditch just like the buildings across the highway. The location of the building will be non-conforming on the remaining Keener land but the non-conformity is not created by this 1.443 acre lot because it should not be seen as merging with the Keener land to the south as there is no reasonable common use.

The 1.443 acre lot is now as a separate lot a valuable commercial lot along our northern entrance corridor that can be developed. Otherwise, it is vacant buffer land, truly an unreasonable hardship. We contend the 1.443 acre lot never merged in use with the Keener land because it just could not reasonably do so due to topography and the condition of the land and the general law hereinafter quoted supports this view.

The following is a cite to the law on merger and the common ownership of adjacent tracts.

§ 112. Substandard lots—Common ownership of adjacent lots

Topic Summary | Correlation Table | References **West's Key Number Digest**

- West's Key Number Digest, Zoning and Planning 1068, 1228

The common exception provided to substandard lots which were recorded prior to the effective date of a restrictive ordinance is limited to lots which were in single and separate ownership on that date.¹ **The term "merger" in zoning law describes the combination of two or more contiguous lots of substandard size, that are held in common ownership, in order to meet the requirements of a particular zoning regulation.**² In general, **mere common ownership of adjoining properties does not automatically result in a physical merger of the properties for zoning purposes.**³ However, merger may occur if the owner of contiguous lots intends to form one tract or by operation of law.⁴ (emphasis added)

While under one view, a zoning ordinance must be applied to the facts of the case to determine if the ordinance requires the merger of lots, and a deed, in and of itself, does not create a merger without reference to the zoning ordinance⁵ in other situations when a landowner combines or merges several parcels or lots of land into one larger parcel by integrating or utilizing contiguous lots in service of single structure or project, by operation of law a single parcel emerges for zoning purposes.⁶ 83 Am. Jur. 2d Zoning and Planning § 112; American Jurisprudence, Second Edition; May 2018 Update; Zoning and Planning

Observation:

The doctrine of zoning merger deals with zoning limitations and uses, not with title.⁷ **The merger of two or more contiguous lots of substandard size in common ownership in order to meet the requirements of a particular zoning regulation is theoretical in the sense that it does not preclude the treatment of the lots as separate for other purposes; thus, the official map, taxes, and financing arrangements remained unaffected.**⁸

83 Am. Jur. 2d Zoning and Planning § 112; American Jurisprudence, Second Edition; May 2018 Update; VIII. Building and Lot Regulations

343

BOOK 1295 PAGE 292

State of North Carolina, Johnston Co
Filed for Registration at 4:15 P. M.
Jan 8 1993 in the
Register of Deeds Office.
Recorded in Book 1295 Page 292
Ryghts N. Wall
Register of Deeds

JOHNSTON

81-98-93



\$500.00

Real Estate
Excise Tax

Excise Tax \$500.00

Recording Time, Book and Page

By: Sandra P. Sullivan, Asst

Tax Lot No.
Verified by
by

Parcel Identifier No. 15044023A
County on the day of

19

Mail after recording to Mast, Morris, Schulz & Mast, P.A.
P.O. Box 119, Gaskin Building, Smithfield, NC 27577

This instrument was prepared by George B. Mast

Brief description for the Index 2.923 acres, Smithfield Twp and Easements

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 8th day of January, 1993, by and between

GRANTOR

GRANTEE

Roy Strickland Lumber Co, Inc.
and
Stephen R. Upton, Jr. and wife,
Joyce S. Upton

Keener Lumber Company, Inc.

CONVEYANCE OF THIS PROPERTY
HAS BEEN DULY NOTED ON THE
TAX RECORDS. Jan 18 1993
TAX SUPERVISOR

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Smithfield Township, Johnston County, North Carolina and more particularly described as follows:

BEGINNING on an existing iron pipe in the western right-of-way of U. S. Highway 70, said iron pipe being the Northeast corner of a tract presently owned by Jondis Industrial and Contractors Supply, Inc., deed reference Deed Book 959, Page 292; thence running along the western right-of-way of U. S. Highway 70 South 34 degrees 52 minutes 03 seconds East 135.35 feet to a point in the center of a ditch; thence continuing along the western right-of-way of U. S. Highway 70 South 34 degrees 57 minutes 03 seconds East 387.36 feet to an "X" on a concrete driveway, a common corner with the Keener Lumber Company, Inc. property, as described in Deed Book 1016, Page 309; thence leaving the right-of-way of U. S. Highway 70 and running along and with the lines of the Keener Lumber Company, Inc. property as referenced above as follows: South 60 degrees 59 minutes 25 seconds West 179.22 feet; thence North 29 degrees 04 minutes 29 seconds West 150.73 feet; thence North 51 degrees 15 minutes 21 seconds West 178.53 feet to a point in a ditch; thence along the ditch South 42 degrees 28 minutes 03 seconds West 201.82 feet to a point in said ditch, a common corner with the property, now or formerly, owned by Ricky P. Brady and wife, Brenda S. Brady as recorded in Deed Book 975, Page 125; thence leaving said ditch and running along the Ricky P. Brady and wife property North 56 degrees 26 minutes 43 seconds West 151.12 feet to a point, a common corner with another tract, now or formerly

A portion
of this
tract

owned by Ricky P. Brady and wife, Brenda S. Brady as recorded in Deed Book 968, Page 193; thence running along said Brady tract and along the southern line of the Jondis Industrial and Contractors Supply, Inc. tract as referenced above North 44 degrees 33 minutes 17 seconds East 473.40 feet to an existing iron pipe in the western right-of-way of U. S. Highway 70, the point of BEGINNING and containing 2.923 acres according to a map by Byrd Surveying, P.A., dated January 7, 1993.

The 2.923 acre tract shall be conveyed along with the ten foot access easement shown on the above referred to map and any and all access easements or any easements of record.

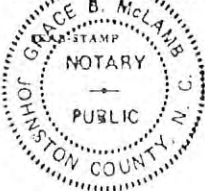
The property hereinabove described was acquired by Grantor by instrument recorded in Book 973, Page 401; Book 979, Page 490; Book 649, Page 497; Book 465, Page 359; Book 858, Page 751.

A map showing the above described property is recorded in Plat Book 4, 2, & 1 pages 385, 228 & 64 FOR REFERENCE SEE

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Handwritten notes and stamps: 03 073/40, 11/2/43, 11/6/43, 1/6/43, PB 4/13/93

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written. Roy Strickland Lumber Co., Inc. Corporate Name. Stephen R. Upton, Jr. (SEAL) Joyce S. Upton (SEAL) Lois Parker (SEAL) Secretary (Corporate Seal)



NORTH CAROLINA, Johnston County. I, a Notary Public of the County and State aforesaid, certify that Stephen R. Upton, Jr. and wife, Joyce S. Upton Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 8th day of January, 1993. My commission expires 12-5-1997. Grace B. McLamb Notary Public



NORTH CAROLINA, Johnston County. I, a Notary Public of the County and State aforesaid, certify that Lois Parker Secretary of Roy Strickland Lumber Co., Inc. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by her, as its Secretary. Witness my hand and official stamp or seal, this 8th day of January, 1993. My commission expires 9-13-93. Sharon L. Stanley Notary Public

The foregoing Certificate(s) of Grace B. McLamb NP & Sharon L. Stanley NP

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. Phyllis N. Wall REGISTER OF DEEDS FOR Johnston COUNTY By Sandra P. Sullivan Assistant - Register of Deeds

Pro. \$ 1.00 Reg. \$ 7.00 Stamp \$ 500.00

County 1" = 110 ft
Deed
Page
Tract
User

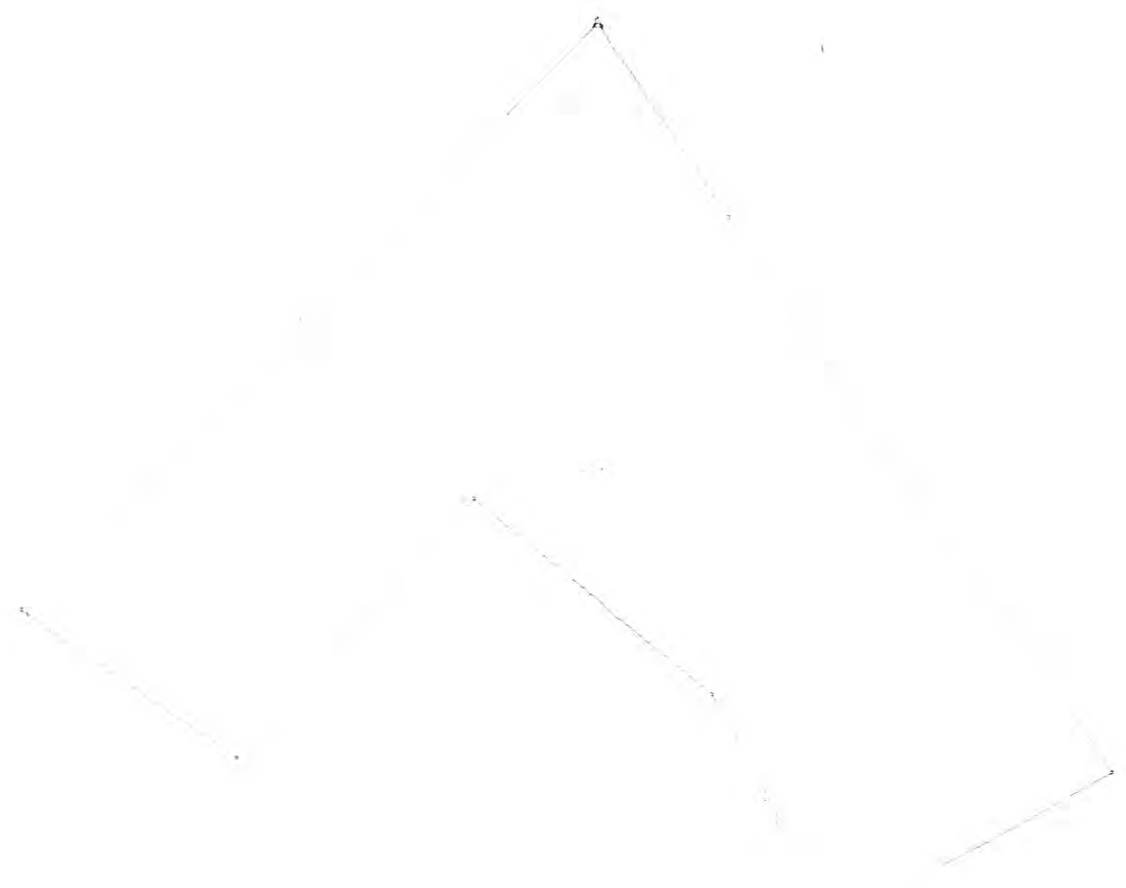


DeedPro
Software by DeedPro Software, LLC
www.DeedProSoftware.com

Parcel 1
Area: 2.923 acre
Perimeter: 1857.35 ft
Closing: NE 8 Deg. 50 Min. 9 Sec
Closing Distance = 0.35 ft
Closing Error = 0.02 %

CALLS	BEARING	DISTANCE
1 2	SE 34 52 3	135.35
2 3	SE 34 57 3	387.36
3 4	SW 60 59 25	179.22
4 5	NW 29 4 29	150.73
5 6	NW 51 21 0	178.35
6 7	SW 42 28 3	201.82
7 8	NW 56 26 43	151.12
8 9	NE 44 33 17	473.40

DB 1295/292



State of North Carolina
Johnston County
Filed for registration at 10:00 a M
July 6 1979 in the
Register of Deeds Office.
Recorded in Book 858 Page 751

Julia Conley Medlin
Register of Deeds
By: Chyllis Hanson
Recording Time, Book and Page

NO TAXABLE
CONSIDERATION
Excise Tax

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to JBM

This instrument was prepared by Young, Moore, Henderson & Alvis, Attorneys at Law,
P. O. Box 19207, Raleigh, North Carolina 27619

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of July, 1979, by and between

GRANTOR
Mrs. Mary F. Strickland
Highway 70 West
Smithfield, North Carolina 27577

GRANTEE
Roy Strickland Lumber Company, Inc.
U. S. Highway 70 West
Smithfield, North Carolina 27577

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Smithfield Township, Johnston County, North Carolina and more particularly described as follows:

BEGINNING at a concrete monument located in a ditch on the south-western right-of-way line of U. S. Highway 70; runs thence South 45 degrees 15 minutes 20 seconds West 420.00 feet to a stake; thence North 54 degrees 33 minutes 55 seconds West 151.12 feet to an iron stake; thence North 47 degrees 14 minutes 05 seconds East 473.40 feet to an iron stake located on the southwestern right-of-way line of U. S. Highway 70; thence with said right-of-way line South 33 degrees 05 minutes 25 seconds East 135.35 feet to the point and place of beginning, and containing 1.44 acres, more or less, as shown on survey entitled "Property of Mrs. Roy Strickland" by Dennis R. Blackmon, Registered Surveyor, dated June 5, 1979.

CONVEYANCE OF THIS PROPERTY
HAS BEEN DULY NOTED ON THE
TAX RECORDS.
TAX SUPERVISOR

The property hereinabove described was acquired by Grantor by instrument recorded in _____

A map showing the above described property is recorded in Plat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: None

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

BY: _____ (SEAL)

President

ATTEST: _____ (SEAL)

Secretary (Corporate Seal)

USE BLACK INK ONLY

Mary F. Strickland (SEAL)
Mary F. Strickland



NORTH CAROLINA, COUNTY OF _____
I, *Barbara W. Lancaster* a notary public of said county to hereby certify that *Mary F. Strickland* Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *5th* day of *July* 19 *79*.
My commission expires: _____
Barbara W. Lancaster Notary Public

SEAL-STAMP

NORTH CAROLINA, COUNTY OF _____
I, _____ a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is _____ Secretary of _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____ 19 _____
My commission expires: _____ Notary Public

The foregoing Certificate(s) of *Barbara W. Lancaster, M.P.*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By *Julia Carley Medlin* REGISTER OF DEEDS FOR *Johnson* COUNTY
Phyllis Hannon Deputy Assistant - Register of Deeds

REC. \$1.00
Reg. \$4.00
STAMP Assoc. Exam. No. 1 2 1974

County: 1" = 75 ft
Deed:
Page:
Tract:
User:



DeedPro

Software by DeedPro Software, LLC
www.DeedProSoftware.com

Parcel 1
Area: 1.443 acre
Perimeter: 1179.87 ft
Closing Distance = 0.00 ft
Closing Error = 0.00 %

S 45° W 420

N 54° W 151

N 47° E 473

S 33° E 135

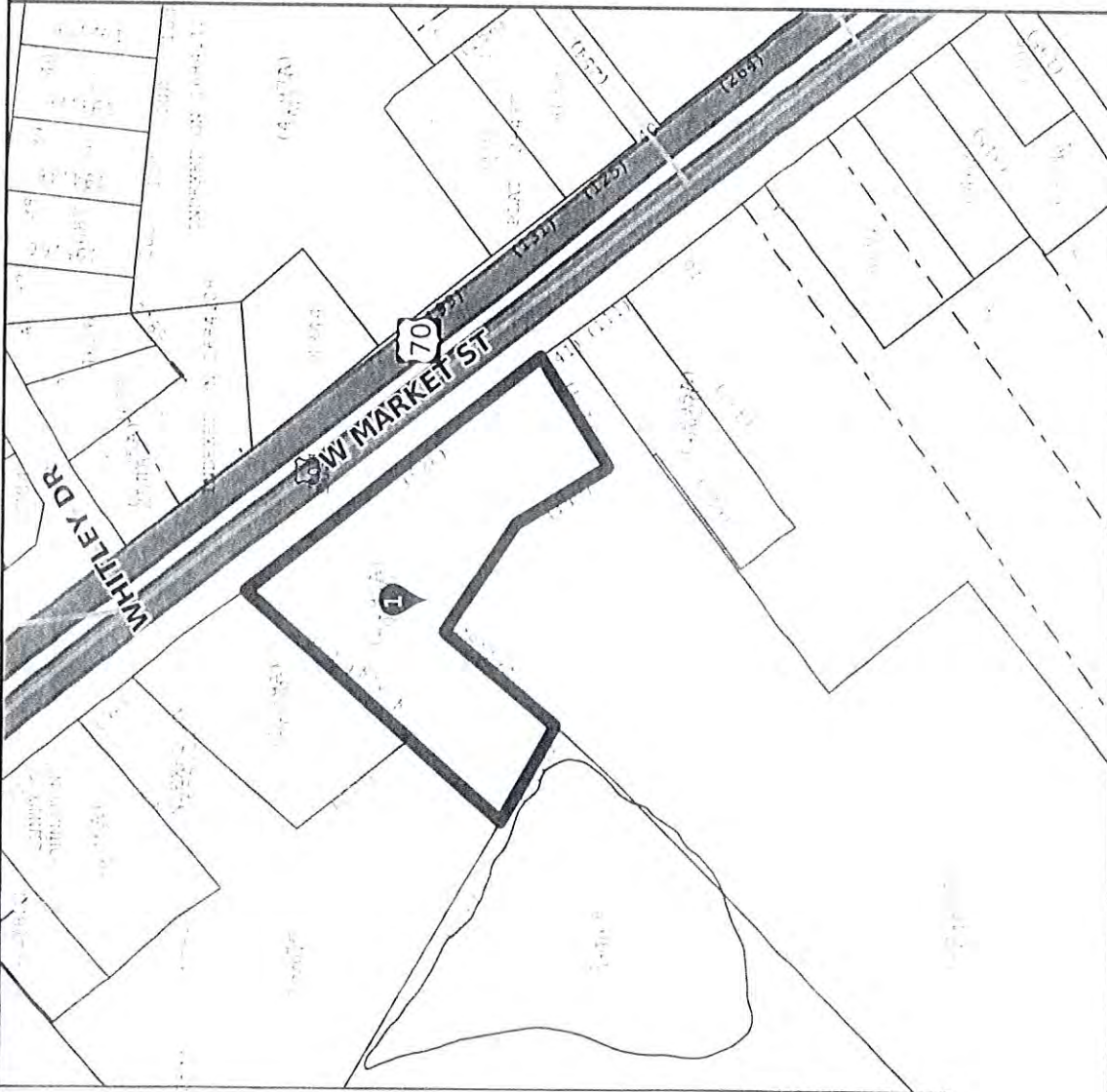
CALLS	BEARING	DISTANCE
1 2	SW 45 15 20	420.00
2 3	NW 54 33 55	151.12
3 4	NE 47 14 5	473.40
4 5	SE 33 5 25	135.35

Acres
70



*** DISCLAIMER ***

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



Result 1

id: 15044023A
Tag: 15044023A
Tax Unique Id: 5154760
NCPin: 168412-97-0266
Mapsheet No: 168412
Owner Name 1: KEENER LUMBER CO INC
Owner Name 2:
Mail Address 1: 1209 W MARKET ST
Mail Address 2: P O BOX 2323
Mail Address 3: SMITHFIELD, NC 27577-2323
Site Address 1:
Site Address 2:
Book: 01295
Page: 0292
Market Value: 369190
Assessed Acreage: 2.92
Calc. Acreage: 2.91
Sales Price: 250000
Sale Date: 1993-01-08

Scale: 1:2974 - 1 in. = 247.86 feet

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



For Amendment to Lease Agreement
See Book 867 Page 295. This Dec 19, 1979
Julia Curley Medlin, Reg. of Deeds
By Charles St. Rowe, Asst

821 297

NORTH CAROLINA

JOHNSTON COUNTY

LEASE

THIS INDENTURE, made this the 16th day of September, 1977,
by and between MARY F. STRICKLAND, party of the first part; and ROY STRICKLAND
LUMBER COMPANY, INC., party of the second part; all of Johnston County,
North Carolina;

WITNESSETH:

That the party of the first part hereby demises, leases, and
lets to the party of the second part the following described real estate situated
in Smithfield Township, Johnston County, North Carolina, and being more particularly
described as follows:

TRACT ONE: BEGINNING at an iron stake, said iron stake being located on
the property line between Lots 11 and 12 of the Wilson Brothers Farm as recorded
in Plat Book 1 and 2, page 226, of the Johnston County Registry, and being further
described as a point located South 55 degrees 06 minutes 51 seconds West 607.62
feet from an iron stake located at the intersection of the property line of Lots
11 and 12 and the southern right of-way of U.S. Highway 70; thence from the
described point of beginning South 35 degrees 04 minutes 32 seconds East 246.66
feet to an iron stake; thence South 52 degrees 52 minutes 20 seconds West
325.29 feet to an iron stake located in a ditch; thence with said ditch South
07 degrees 12 minutes 33 seconds East 189.62 feet to an iron stake; thence leaving
said ditch South 51 degrees 47 minutes 27 seconds West 180.17 feet to an iron
stake; thence North 42 degrees 00 minutes 00 seconds West 450.21 feet to an
iron stake; thence North 55 degrees 06 minutes 51 seconds East 652.58 feet to
an iron stake, the point and place of BEGINNING, and containing 4.74 acres,
more or less.

TRACT TWO: BEGINNING at an iron stake located in a ditch on the southern
right-of-way of U.S. Highway 70 and being further described as an iron stake
located on the northern property line of Lot 14 of the Wilson Brothers Farm as
recorded in Plat Book 1 and 2, page 226, of the Johnston County Registry; thence
along a ditch from the point of beginning South 42 degrees 26 minutes 03 seconds
West 400.00 feet to a point; thence from said ditch North 56 degrees 28 minutes
43 seconds West 131.12 feet to an iron stake; thence North 44 degrees 33 minutes
17 seconds East 473.40 feet to an iron stake located on the southern right of-
way of U.S. Highway 70, thence with said right of-way South 34 degrees 52
minutes 03 seconds East 135.35 feet to an iron stake located in a ditch, the point
and place of BEGINNING, and containing 1.44 acres, more or less.

TO HAVE AND TO HOLD the said real property and all privileges
and appurtenances appertaining thereof to the said party of the second part
perpetually at a rental of Four Hundred (\$400.00) Dollars per month, said rental
to begin on the 1st day of September, 1977, and continue on the first day of
each month thereafter until otherwise terminated as hereinafter set forth.

LAW OFFICE
WATSON & WATSON, P.C.
BY _____
ATTORNEY AT LAW

That in the event Mary F. Strickland or her heirs shall have a sale for said property or any portion thereof, Mary F. Strickland or her heirs will give the party of the second part thirty (30) days written notice of said offer to purchase and said party of the second part will have the first option to purchase said property at said price. If the party of the second part does not purchase by tendering the purchase price within thirty (30) days after written notice, then Mary F. Strickland or her heirs and assigns will have the right to sell the said real property to any other person at said price and this lease will terminate.

That the party of the second part may terminate this lease at any time by giving written notice to Mary F. Strickland. If the lease is terminated by the party of the second part, then all of its rights to the option of first refusal to purchase said property will terminate.

IN TESTIMONY WHEREOF, the parties hereto have executed this Lease in duplicate originals, one of which is retained by each of the parties, the day and year first above written.

Mary F. Strickland (SEAL)
Mary F. Strickland

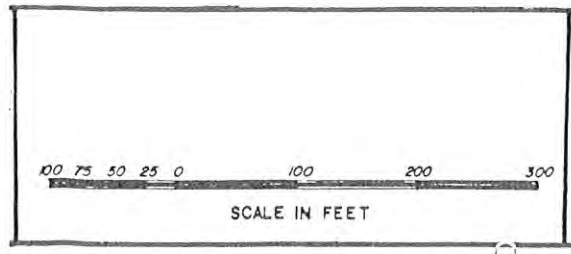
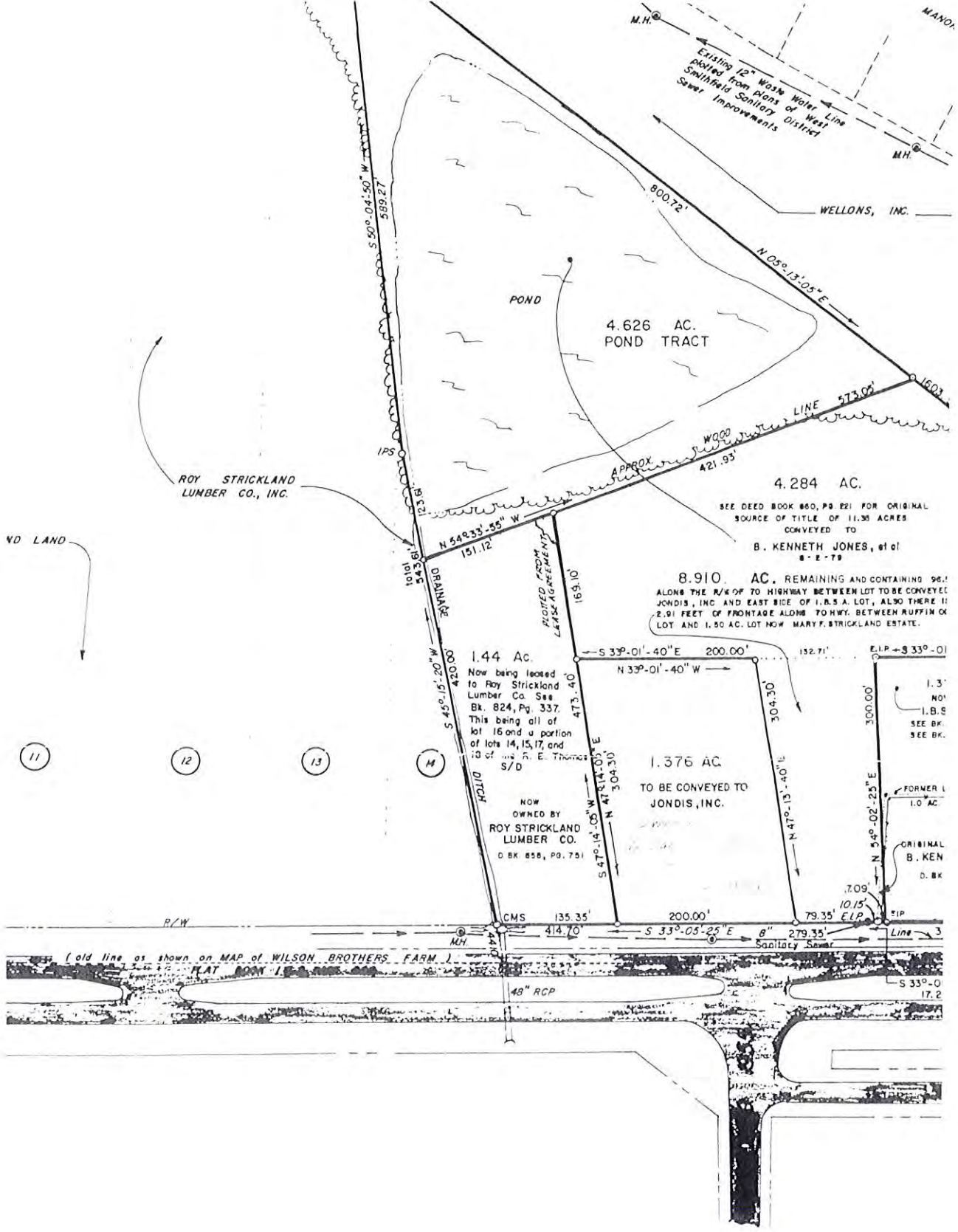
ROY STRICKLAND LUMBER COMPANY, INC

By: [Signature]
President

ATTEST:

[Signature]
Secretary





Dennis R. Blackmon, R.L.S.

Surveying Planning Mapping

Smithfield, N.C. 27577



Map Info

Locate

Query

Select

Themes & Analysis

Reports

Measure

Reset

Click on successive points to create line segments. The last segment returning to the start will be added automatically. Each segment will be reported along with the total length and area.

Double Click (or click a second time) on the last point to finish the measurement.

HINT: Zoom In with the mouse wheel while over a point to get a more accurate measurement.

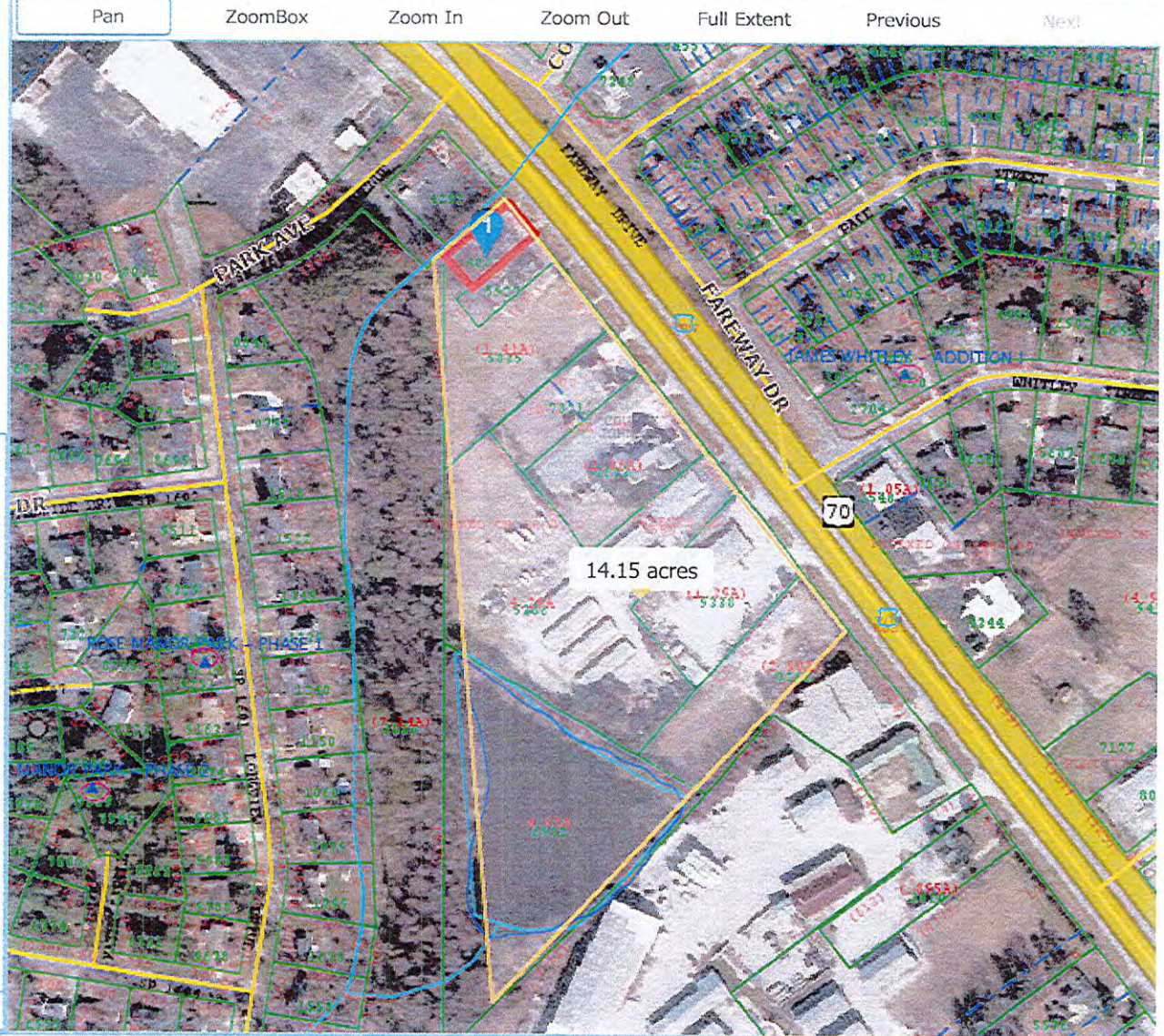
Area = 616518 ft²
Area = 14.15 acres

Next Segment length = 1,442.3 ft
Return to Start length = 179.7 ft

No.	Segment Length	Units
1	1,053.7	ft
2	985.4	ft
3	1,442.3	ft
4	179.7	ft

Total: 3,661.1 ft

Saved Parcel Information



81



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

Johnston County GIS
July 5, 2018

Scale: 1:3864 - 1 in. = 321.97 feet



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

*** DISCLAIMER ***



18a

Keener tract

1.443 acres

State of North Carolina -- Johnston County: The execution of this map was this day acknowledged by C. B. Fulghum, the draftsman. Let the instrument, with this certificate, be recorded. Witness my hand this the 20th day of March, 1947. *A. D. Ross*

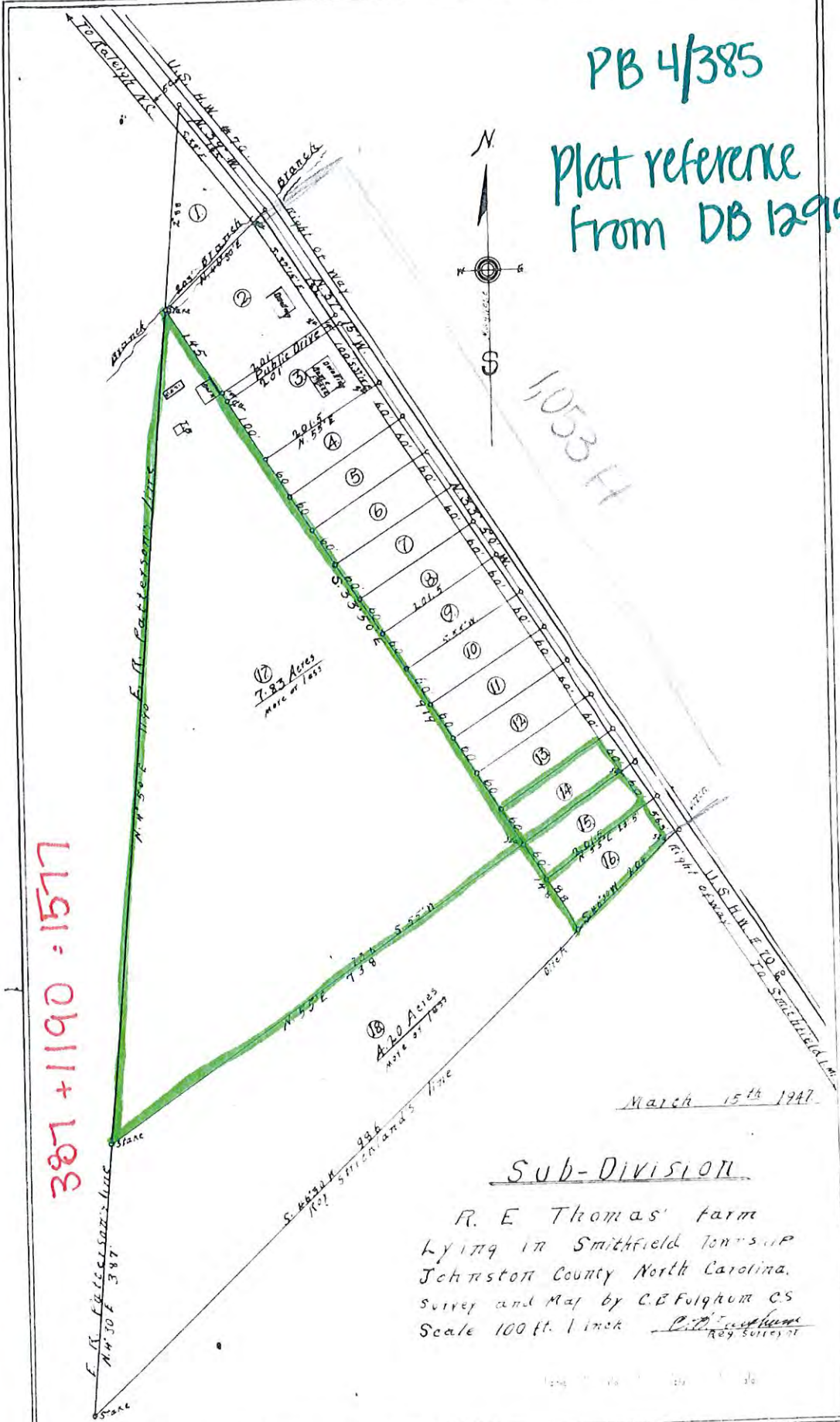
PB 4/385

Plat reference from DB 1295/292



1053 ft

387 + 1190 = 1577

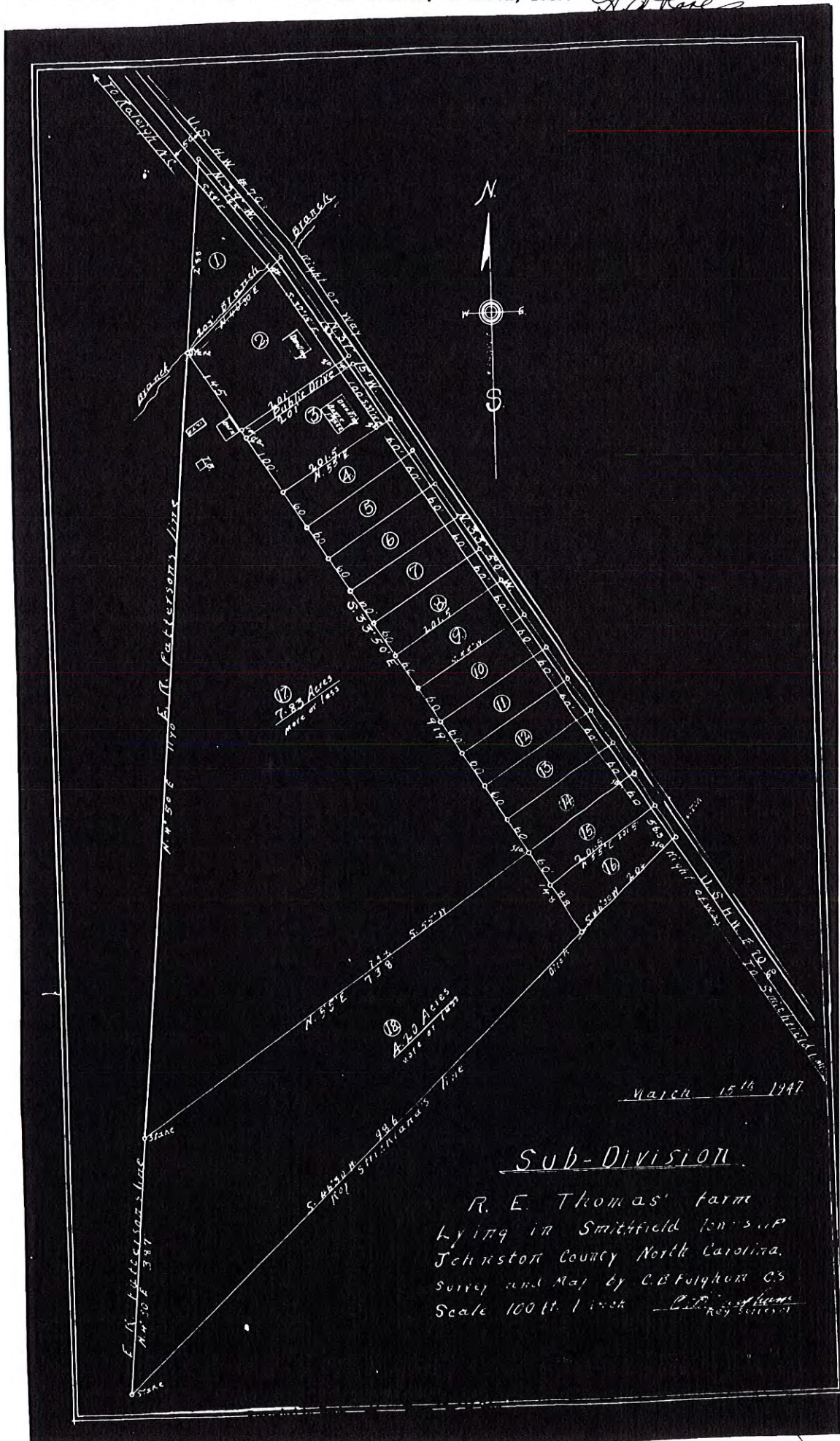


March 15th 1947

Sub-Division

R. E. Thomas' farm
 Lying in Smithfield Township
 Johnston County North Carolina.
 Survey and Map by C. B. Fulghum C.S.
 Scale 100 ft. = 1 inch *C. B. Fulghum*
 Reg. Surveyor

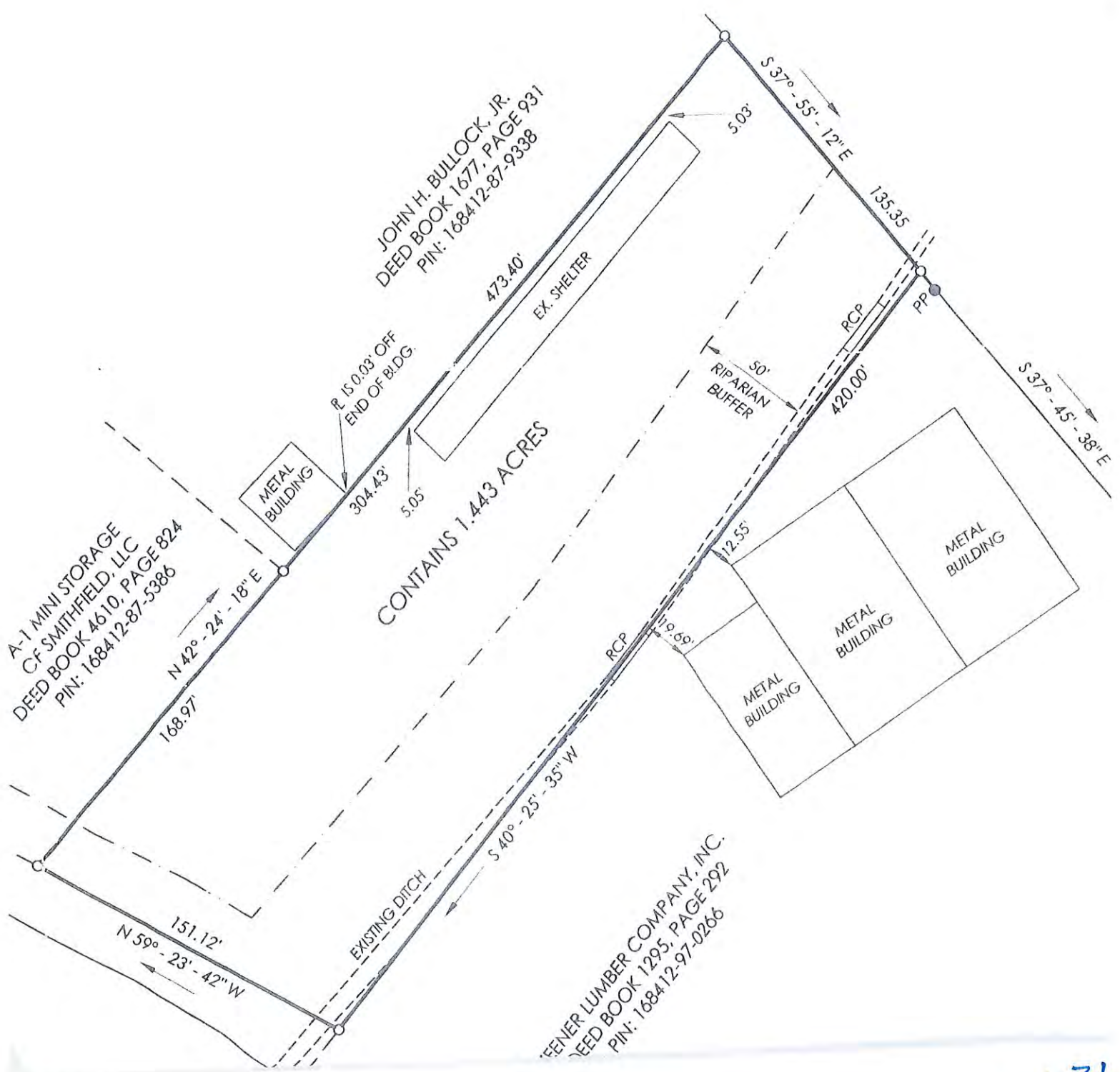
State of North Carolina -- Johnston County: The execution of this map was this day acknowledged by C. B. Fulghum, the draftsman. Let the instrument, with this certificate, be recorded. Witness my hand this the 20th day of March, 1947. *A. D. Rose*



Portion of
Byrd
2018 Survey

PP

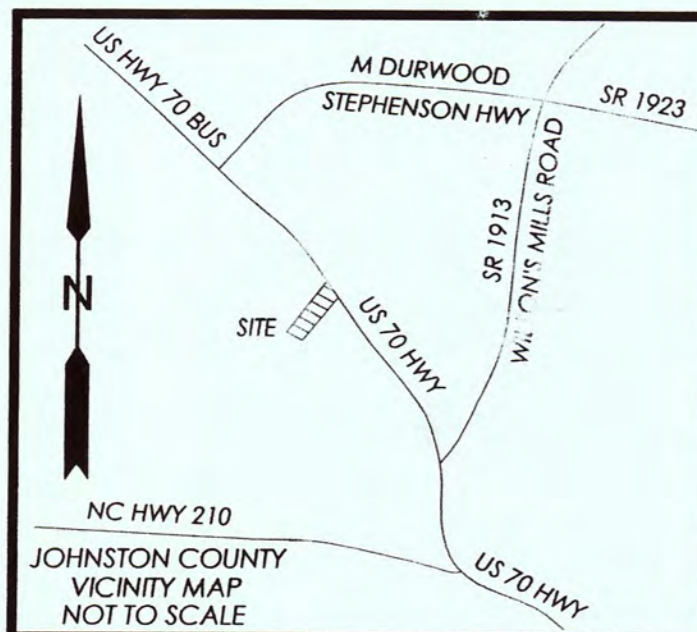
OHEL











LEGEND

---	LINES SURVEYED (SUBJECT PROPERTY)
---	OTHER LINES SURVEYED (EX.: TIE LINES)
---	LINES NOT SURVEYED
---	RIGHT-OF-WAY LINE
---	CENTERLINE OF ROAD
EIP	EXISTING IRON PIPE FOUND
NIP	NEW IRON PIPE SET
CC	CONTROL CORNER
EIS	EXISTING IRON STAKE FOUND
NIS	5/8" NEW IRON STAKE SET
ECM	EXISTING CONCRETE MONUMENT FOUND
CM	CONCRETE MONUMENT SET
EPKN	EXISTING P.K. NAIL FOUND
R/W	RIGHT-OF-WAY
DB	DEED BOOK
PG	PAGE
PP	EXISTING POWER POLE
OHEL	EXISTING OVERHEAD ELECTRICAL LINE
CP	COMPUTED POINT
EX. MAG	EXISTING MAG NAIL FOUND
MAG	NEW MAG NAIL SET
A.G.	ABOVE GROUND
U.G.	UNDERGROUND
EX. RRS	EXISTING RAILROAD SPIKE FOUND
HYD	EXISTING FIRE HYDRANT

SURVEYORS DECLARATION TO WHOM IT MAY CONCERN: It is the responsibility of the present owner(s) or future owner(s) of the property shown hereon to check for any wetlands, high water table or other water conditions which may cause a portion of this property to be unusable for certain uses. No responsibility of any nature is assumed by the surveyor for any conditions which may presently exist on the property shown hereon but are unknown to the surveyor such as: Cemeteries, Family Burying Grounds, Toxic or Hazardous Waste Materials, Underground Utilities, Existing or Proposed easements or right-of-ways, etc., not shown hereon. Any utilities or features and any easements, right-of-ways or buffers associated with said utilities or features shown hereon are shown according only to what was known or visible at the time of this survey by the surveyor. This property may be subject to additional easements or right-of-ways unknown to the surveyor at this time that a complete title examination may reveal. There shall not be any construction in the area of any utilities, easements or right-of-ways without a complete title examination and additional surveying to identify the accurate widths and correct locations of record of any easements or right-of-ways. The surveyor is NOT an Attorney at Law and it is advised that the owner of this property consult with a Licensed Attorney at Law to perform a complete title examination to confirm all known encumbrances and reveal any potential encumbrances or title issues associated with this property.

TOWN OF SMITHFIELD SUBDIVISION CERTIFICATE

I hereby certify that the Subdivision Plat shown hereon does not involve the creation of new public streets or improvements to existing public streets, or extension of public water or sewer facilities, and that the subdivision is in all respects in compliance with the subdivision regulations of the Town of Smithfield. By my signature, this plat is hereby approved for recording in the Office of the Johnston County Registry of Deeds.

DATE _____ PLANNING DIRECTOR _____

NOTE: THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS OR AGREEMENTS ON RECORD.

NOTE: THE CHANGES TO NEW OR EXISTING PARCELS SHOWN HEREON ARE PROPOSED CHANGES. THE CHANGES SHOWN DO NOT TAKE EFFECT UNTIL THE PROPER APPROVALS HAVE BEEN OBTAINED AND THE PROPER DEEDS OR OTHER LEGAL DOCUMENTS ARE FILED WITH THE APPROPRIATE COUNTY REGISTER OF DEEDS OFFICE.

NOTE: THE PARCEL OR PARCELS OF LAND SHOWN HEREON HAVE NOT BEEN CHECKED FOR WETLANDS OR FLOOD HAZARD SOILS UNLESS OTHERWISE CERTIFIED OR SHOWN HEREON. THIS PARCEL IS SUBJECT TO ALL NC DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER RESOURCES REGULATIONS AND ANY OTHER FEDERAL, STATE OR LOCAL REGULATION OF ANY NATURE. PORTIONS OF THIS PARCEL MAY CONTAIN WETLANDS.

NOTE: PIN NUMBERS SHOWN ARE CURRENT AS OF THE DATE OF THIS SURVEY AND ARE SUBJECT TO CHANGE IN THE FUTURE.

FLOOD CERTIFICATION

THIS PROPERTY GRAPHICALLY DOES NOT APPEAR TO BE IN AN AREA DESIGNATED AS HAVING 100 YEAR SPECIAL FLOOD HAZARDS AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FLOOD INSURANCE RATE MAP NUMBER: 3720168400K EFFECTIVE DATE: JUNE 20, 2018

Linwood E. Byrd, PLS L-1354

NOTE: FLOOD CERTIFICATION IS SUBJECT TO FUTURE CHANGES BY FEMA.

NORTH CAROLINA JOHNSTON COUNTY

I, Linwood E. Byrd, Professional Land Surveyor certify that this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Linwood E. Byrd, PLS - L-1354

License Number L-1354
SURVEYORS SEAL

I, _____, REVIEW OFFICER OF JOHNSTON COUNTY, NC CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

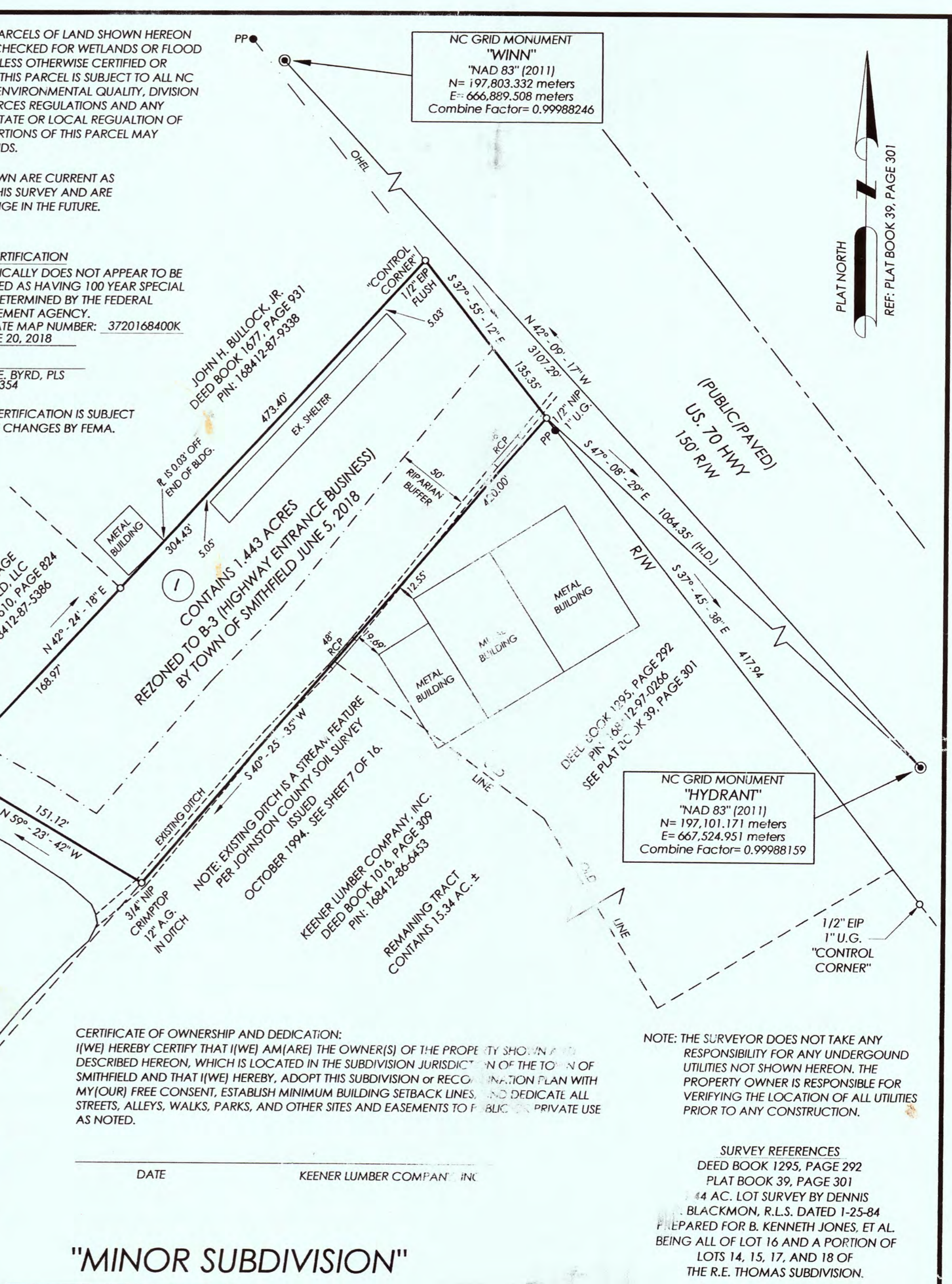
Filed for Registration at _____

_____ 2018, in the Register of Deeds Office

CRAIG OLIVE
Register of Deeds

This Plat Recorded in Plat Book _____ Page _____

"PRELIMINARY PLAT"
NOT FOR RECORDATION, CONVEYANCES, SALES OR CONSTRUCTION



"MINOR SUBDIVISION"

SURVEYED FOR
KEENER LUMBER COMPANY, INC.

DATE _____ KEENER LUMBER COMPANY, INC.

TOWNSHIP: SMITHFIELD	COUNTY: JOHNSTON	PREPARED BY: LEB	FIELD BOOK SEE FILE
CITY OR TOWN: SMITHFIELD	STATE: NORTH CAROLINA	JWL	DRAWING NO. 18-014
ZONE: B-3 HIGHWAY ENTRANCE BUSINESS	PIN: AS REFERENCED		

112 E. JOHNSTON ST.
SMITHFIELD, N.C. 27577
PHONE: 919-989-9300
www.byrdsurvey.com

BYRD & SWEYING, P.A.
AND SURVEYORS
C-0719 © 2017

1200 Block of West Market Street



Project Name: Landis Bullock Variance

File Number: BA-18-03

Existing Zoning: Heavy Industrial

Existing Zoning: HI (Heavy Industrial)

Property Owner: Keener Lumber

Applicant: Landis Bullock

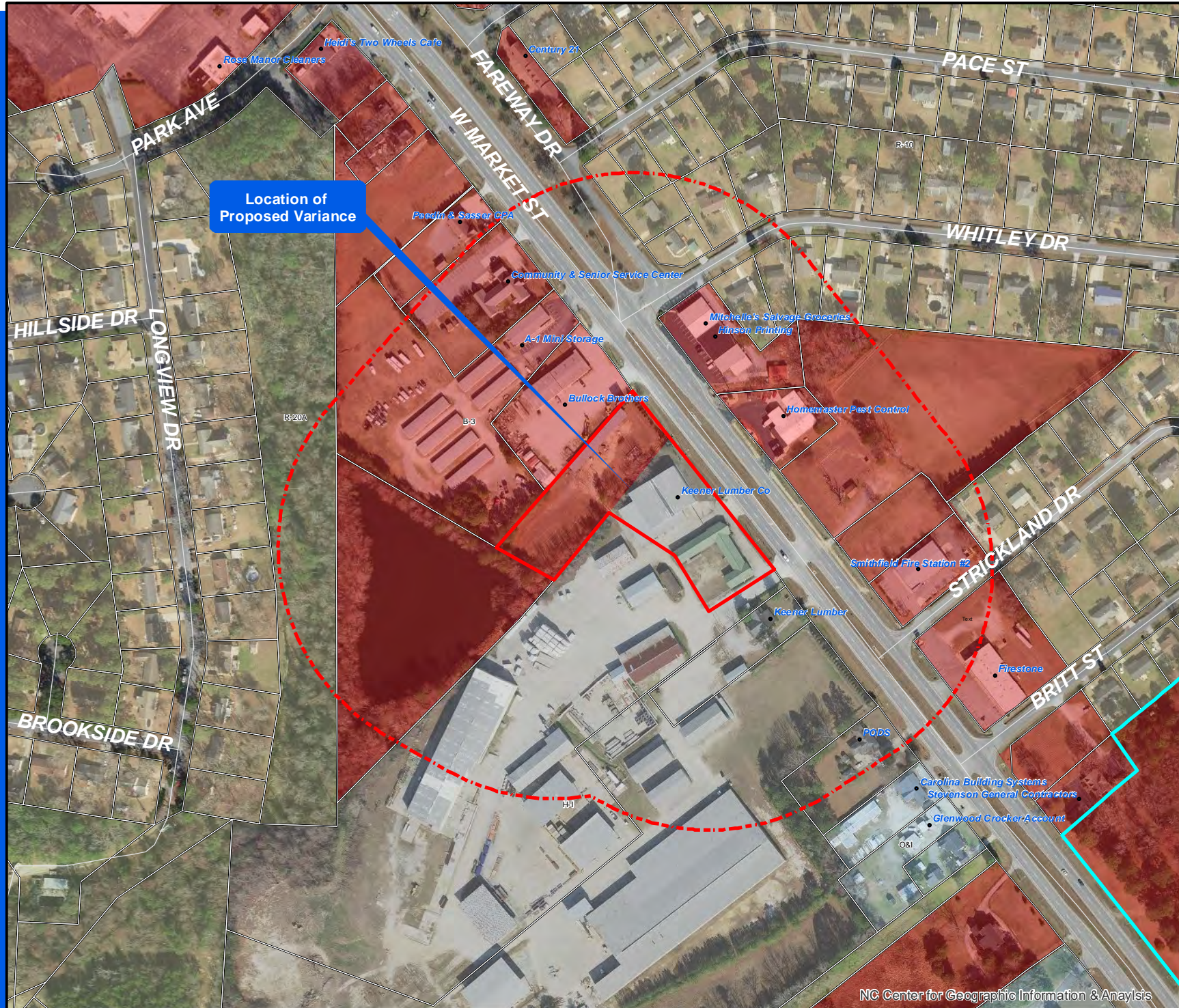
Location: W. Market St.

Tax ID#
A portion of 15044023A

Map created by the Mark E. Helmer, AICP Senior Planner, GIS Specialist on 4/23/2018

Legend
 500 Feet

1 inch = 300 feet





PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ABUTTING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and abutting property owners of the following petition, **BA-18-03**, were notified by First Class Mail on **6-22-18**.



Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

12th day of July, 2018



Notary Public Signature



Notary Public Name

My Commission expires on 1-15-2023
(Seal)





Request for Board of Adjustment Action

Agenda Item: BA-18-04
Date: 7/26/18

Subject: Variance
Department: Planning
Presented by: Stephen Wensman
Presentation: Yes

Issue Statement

William T. Gainey of AVS Investments LLC is requesting the following variances:

- 3.9' variance from the 15' rear yard setback.
- Bufferyard requirements of Article 10, Section 10.4
- Landscaping requirements of Article 10.

Financial Impact

None

Action Needed

To review the variance application to approve or deny.

Recommendation

Planning Staff recommends approval of variance BA-18-04.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report BA-18-04
- Application



Staff Report

Agenda Item: BA-18-04
Date: 7/26/18

Application Number: BA-18-04
Applicant/Owner: William T. Gainey, AVS Investments, LLC
Agents: none
TAX ID number: 15025063
Town Limits/ETJ: City

PROJECT LOCATION: 440 East Market Street (corner of Market and 5th Streets)

REQUEST:

The applicant, William T. Gainey of AVS Investments LLC, is requesting the following variances:

- 3.9' variance from the 15' rear yard setback.
- Part I Off-street Parking & Off-street Loading Requirements
- Article 10, Part II Landscape requirements.

The variances are needed in order to enable the construction of a 30' x 50' addition onto the rear of the auto repair building located at 440 E. Market Street.

SITE DATA:

Acreage: .24 acres
Present Zoning: B-2 (General Business)
Proposed Zoning: N/A
Existing Use: Automotive Repair
Proposed Use: Automotive Repair
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USES:

North:	Zoning	Existing Use
	B-2 General Business	First Citizens Bank
South:	O/I – Office Institutional	Police Station
West:	B-2 General Business	Hopkins Carpet - Retail
East:	B-2 General Business	Wood Termite and Pest Control Business

PETITION DESCRIPTION:

The applicant owns Market Street Automotive which is an auto repair business in an old traditional service gas station on .24 acres in the heart of the Smithfield downtown, located at the corner of E. Market Street and 5th Street. The applicant operates an automobile repair business on the property and the applicant needs to expand the number of service bays in order to keep up with demand. The applicant is proposing a 30 ft. x 50 ft. addition in the rear of the building. The addition is large enough to trigger the threshold for compliance with Article 10, Part 1 Off-street Parking & Off-street Loading Requirements and Article 10, Part 2 Landscape requirements of the UDO. The applicant is requesting a variance from these as well as a 3.9' variance from the 15' rear yard setback.

The property currently has a two service doors for auto repair services and a lobby area. There are two service doors facing Market Street and two facing the alley behind the property. The entire property is impervious with bituminous and concrete paving up to the sidewalks in the public right-of-way and the alley in the rear of the property. An existing nonconforming metal carport canopy is located between the existing building and the Hopkins Carpet building. Removal of this carport will be a recommended condition of the variance.

Current driveway access to the site is from one 45' curbcut on Market Street and a 30' and 10' curbcut on 5th Street and alley access the full width of the property (79.91'). With the variance, Staff has added the condition that the 30' 5th Street access be closed and the curbing and boulevard be replaced because of its close proximity to the intersection and for safety reasons.

The applicant is proposing 5 parking stalls for guests, one of which will be a handicap accessible stall. The existing overhead canopy will remain and two of the parking stalls will be located under the canopy. The applicant is proposing vehicle storage in association with the auto repair business which requires a special use permit. An application for special use permit has been made and the vehicle storage will be in a 19'.5 x 50' fenced and screened area between the new addition and the adjacent Hopkins Carpet building. In a screened enclosure, the cars can be parked in close to each other rather than in a standard striped parking stall, saving space on such a small property.

FINDINGS OF VARIANCE APPROVAL:

In order to approval a variance, the Board of Adjustments shall find all of the following provisions must be met (Staff's findings are in ***bold/italic***):

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. ***Without the variance, the proposed building addition would be restricted in size, rendering the project too small for the intended purpose. Due to the location of the existing building on the lot and the need for vehiclular access, conformance with the standards of Article 10, Part 1 and Part 2 are not practical.***

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 existing property is smaller than the minimum district size and the variance is somewhat proportional to the existing property size (.24 acres) to the B-2 district minimum lot size (12,000 sq. ft., or 275 acres). Also, the variance would allow the building to match the building setback of the adjacent property, Hopkins Carpet. Other older businesses in the B-2 district have similar encroachments into the landscape yards.***

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 applicant's business has grown beyond the small two stall garage of the existing building and the existing lot size and configuration has resulted in the need to seek a variance for a reasonable building addition.***

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 variance is in keeping with the spirit, purpose, and intent of the Ordinance, the variance is being requested to serve a growing business in a business district. The variance will not impact public safety, and in fact, public safety will be improved by the closure of a driveway and the removal of a nonconforming carport.***

RECOMMENDATION:

Planning Staff recommend the Board of Adjustments approve variance BA-18-04 based on findings of fact with the following conditions:

1. That the driveway on 5th Street near the intersection be closed and the boulevard and curb restored.
2. That the metal carport between the existing repair garage and the Hopkins Carpet building be removed.

RECOMMENDED MOTION:

Planning Staff recommends the Planning Board approve the variance with the following motion:

“Move to approve variance BA-18-04 based on the findings of fact found in the Staff Report with the following conditions:

1. ***That the driveway on 5th Street near the intersection be closed and the boulevard and curb restored according to Town of Smithfield Standards.***
2. ***That the metal carport between the existing repair garage and the Hopkins Carpet building be removed.***

**Town of Smithfield
Variance Application
Finding of Fact / Approval Criteria**

Application Number: BA-18-04 **Name:** Market Street Automotive.

Request: Applicant seeks a 3.9' variance into the rear setback, parking in the landscape yards, and landscape yard requirements.

In accordance with **Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4** of the Town of Smithfield Unified Development Ordinance (UDO), when unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The Board of Adjustments may impose appropriate conditions and safeguards upon the approval as long as they are related to the variance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustments. The Board of Adjustments shall include in its comments a statement as to the application having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Board of Adjustment shall vary any of the provisions of the Ordinance as it pertains to this property upon a showing of having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4 listed below through a quasi-judicial process:

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.

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.

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

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein*

and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve variance # **BA-18-04** with the following condition(s):

1. That the driveway on 5th Street near the intersection be closed and the boulevard and curb restored according to Town of Smithfield Standards.
2. That the metal carport between the existing repair garage and the Hopkins Carpet building be removed from the property.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance # **BA-18-04** for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BA-18-04 is hereby:

_____ approved upon acceptance and conformity with the following conditions:

1. That the driveway on 5th Street near the intersection be closed and the boulevard and curb restored according to Town of Smithfield Standards.
2. That the metal carport between the existing repair garage and the Hopkins Carpet building be removed from the property.

_____ denied for the noted reasons.

Decision made this 26 day of July, 2018 while in regular session.

Chair of the Board of Adjustments

ATTEST:

Julie Edmonds, Administrative Support Specialist



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 5, 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 (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION

Name of Project: Market Street Automotive Acreage of Property: 1/4 acre
 Parcel ID Number: 5008045J Tax ID: 15025063
 Deed Book: 05134 Deed Page(s): 0155
 Address: 440 E. Market St. Smithfield NC 27577
 Location: Corner of 5th St and Market St

Existing Use: Auto Mechanic Shop Proposed Use: Auto Mechanic Shop
 Existing Zoning District: B2 Commercial
 Requested Zoning District: _____

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

Variance Request (List Unified Development Code section and paragraph number)
A variance is requested for the following:
 • 6' variance from rear property setback
 • Variance from section 10.2.1 Off street parking requirements
encroachment into required street yard or within 5' of right of way line
 • Variance from section 10.2.8: separation from sidewalks/walkways and streets by
curbing or suitable protective device

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____



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 Automobile Submittal Date: 7/3/18

OWNERS AUTHORIZATION

I hereby give CONSENT to Jerry Ball (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] William T Gony 7/3/18
 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] William T Gony 7/3/18
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

OWNER INFORMATION

Name: AUS Investments LLC William T Gurney
Mailing Address: 440 E. Market St Smithfield NC 27577
Phone Number: 919-429-1063 Fax: _____
Email Address: autovalues@smithfield@hotmail.com

APPLICANT INFORMATION

Applicant: (Same as owner)
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.

We need more space/bays in order to keep up with the demand for our services. Additional indoor space will also allow us to keep more vehicles inside, less vehicle outside making our property look better as a whole. Due to the size of the property, variances are requested in order to make the property as productive and efficient as possible while still improving the property as far as esthetics are concerned.

REQUIRED FINDINGS OF FACT

Article 5, Section 5-2 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.

1. If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property;

Without said variances, the parcel is too small to allow the expansion we need to work in the most productive manner.

Due to our growing business, we need more work bays as we do not want to have to work on cars outside for two distinct reasons: 1) Working in the elements can be tough at times and 2) Working on cars outside can be an eyesore in regards to overall appearance

2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;

I am the only one that suffers from the hardship of the parcel size and not having enough space. It does not affect the general public or any adjacent property owners. The variances will help with my hardship and still have no affect on the public or neighbors.

3. The hardship relates to the applicant's land, rather than personal circumstances;

The hardship we face is solely related to the parcel size, nothing personal. If we had a chance to buy more land adjacent to us, this variance may not be needed but unfortunately, land isn't readily available adjacent to us.

4. The hardship is unique, or nearly so, rather than one shared by many surrounding properties;

Our hardship is unique for two reasons: 1) We are wanting to expand and grow while many businesses are already where they want to be as far as expansion or just simply content care about growth and 2) There aren't that many shops on Market Street. Yes, the size of our parcel is small but with these variances we can really make a nice looking corner.

5. The hardship is not the result of the applicant's own actions; and

Again, this hardship is solely due to the size of the parcel. If I could downsize the expansion and it be sufficient I would look into doing so but the kind of work we do simply requires ample space in order to work in a safe and efficient manner.

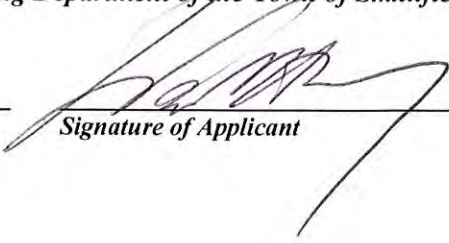
6. The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land.

The variances we are asking for will not result in repetitive nonconforming issues. If variances are granted, we are aware that all other aspects of the property must conform with all codes and regulations and we intend to always conform with said regulations both now and in the future.

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.

William T. Graney
Print Name


Signature of Applicant

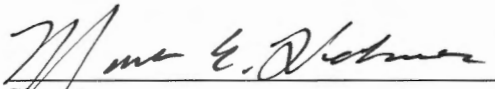
7/3/18
Date



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ABUTTING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and abutting property owners of the following petition, **BA-18-04**, were notified by First Class Mail on **6-22-18**.



Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

12th day of July, 2018



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2023
(Seal)





PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Board of Adjustment of the Town of Smithfield, N.C., on Thursday, July 26, 2018 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

BA-18-01 Penn Compression: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.8.2 which requires existing parking to become compliant with current development standards of Section 10.13. The property considered for a variance is located on the east side of Components Drive approximately 750 feet northwest of its intersection with Outlet Center Drive and further identified as Johnston County Tax ID# 15L10020A.

BA-18-02 Hampton Inn: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Section 10.2.10. which requires lateral access to adjacent commercial properties. The property considered for a variance is located on Town Centre Place approximately 600 feet south of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15L11001G.

BA-18-03 Landis Bullock: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance Article 8, Section 8.9 and 8.11 to allow for reduced building setbacks. The property considered for a variance is located on the southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive. The property is further identified as Johnston County Tax ID# 15044023A

BA-18-04 Market Street Automotive: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 8, Section 8.8, Article 10, Section 10.2.1 and 10.2.8 for the expansion of an automotive repair facility. The property considered for a variance is located southwest side of the intersection of East Market Street and South Fifth Street and further identified as of Johnston County Tax ID# 15025063.

All interested persons will be given an opportunity to be heard on this request. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiry regarding this matter may be directed to the Smithfield Planning Department at 919-934-2116 or online at www.smithfield-nc.com.

Run Legal “ad” in the Zone Edition of the News and Observer on 7/13/18 and 7/20/18



PLANNING DEPARTMENT

Mark E. Helmer, AICP, Senior Planner

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Board of Adjustment of the Town of Smithfield, N.C., on Thursday, July 26, 2018 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

BA-18-01 Penn Compression: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.8.2 which requires existing parking to become compliant with current development standards of Section 10.13. The property considered for a variance is located on the east side of Components Drive approximately 750 feet northwest of its intersection with Outlet Center Drive and further identified as Johnston County Tax ID# 15L10020A.

BA-18-02 Hampton Inn: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Section 10.2.10. which requires lateral access to adjacent commercial properties. The property considered for a variance is located on Town Centre Place approximately 600 feet south of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15L11001G.

BA-18-03 Landis Bullock: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance Article 8, Section 8.9 and 8.11 to allow for reduced building setbacks. The property considered for a variance is located on the southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive. The property is further identified as Johnston County Tax ID# 15044023A

BA-18-04 Market Street Automotive: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 8, Section 8.8, Article 10, Section 10.2.1 and 10.2.8 for the expansion of an automotive repair facility. The property considered for a variance is located southwest side of the intersection of East Market Street and South Fifth Street and further identified as of Johnston County Tax ID# 15025063.

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.