

**Draft
Smithfield
Board of Adjustment Minutes
Thursday, January 26, 2023
6:00 P.M.,
Town Hall, Conference Room**

Members Present:

Stephen Upton, Chairman
Mark Lane, Vice Chairman
Sarah Edwards
Richard Upton
Jeremy Pearce
Keith Dimsdale
Monique Austin

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from July 28, 2022

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

Approval of the 2023 meeting schedule

Jeremy Pearce made a motion, seconded by Mark Lane to approve the 2023 meeting schedule.
Unanimously approved

BA-23-01 Deacon Jones CDJR: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.43.2, Single Tenant Business District Signs to allow for a total of six (6) wall mounted signs on property located within the B-3 (Highway Entrance Business) zoning district. The property considered for a variance is located on the northeast side of the intersection of North Brightleaf Boulevard and Canterbury Road. The property is further identified as Johnston County Tax ID# 15004022.

Mark Helmer stated The applicant is currently enlarging the Chrysler, Dodge, Ram, Jeep building and requesting addition wall mounted signs bringing the total to 6 signs. The combined total area of the all the proposed signs equal to 119 square feet and will be mounted on a 150-foot linear wall face North Brightleaf Boulevard. No variance for additional sign area is being requested at this time.

In accordance with Article 10.24.2, the maximum signs permitted on a single tenant development shall not exceed 4 signs and 1 square foot per linear foot of wall.

10.24.2. Single Tenant Business District Signs (O/I, B-1, B-2, B-3 and Business Conditional Zoning).

| Permitted Sign Type(s) | Specific Applicability | Maximum Area | Maximum Height | Maximum Number |
|-------------------------|---|---|----------------|----------------|
| BUILDING MOUNTED | | | | |
| Wall | Frontage on street, public parking area, common parking area in a planned shopping center or a public access walkway. | 1 sq. ft. for each linear foot of wall frontage <u>or</u> 5% of wall whichever is greater | N/A | 4 |

Since only 4 wall signs are permitted, a variance for 2 additional wall mounted signs is requested.

STAFF FINDING OF FACT:

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

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 applicant will need to create custom signs specifically tailored to meet the Town of Smithfield minimum standards for signs. The dealership is unique in that the number of car brands represented and the unique requirement of each brand is creating the hardship.**

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 multi-faceted façade of the building and the number of unique car brands requiring identification has created a condition that is unique to this building and requires the applicant to create custom signs that are appropriate for the chosen design of the façade' and brands.**

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 subject property is not a multi-tenant development and the single tenant standard of a four-wall sign maximum does not address the unique needs of a multi-brand dealership - a hardship not created 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 as requested will not jeopardize the health, welfare and safety of the public.**

Planning Staff recommends the Board of Adjustment approve the variance, BA-23-01,

based on the finding of fact.

Planning Staff recommends approval of the variance request to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.43.2, Single Tenant Business District Signs to allow for a total of six (6) wall mounted signs on property located within the B-3 (Highway Entrance Business) zoning district.

Mark Lane made a motion to approve Finding of Fact, seconded by Monique Austin. Unanimously approved.

Keith Dimsdale made a motion to approve variance BA-23-01 based on the finding of fact for variances, seconded by Mark Lane. Unanimously approved.

Jeremy Pearce made a motion to close BA-23-01, seconded by Sarah Edwards. Unanimously approved.

New Business

Social Media Policy

Mark Helmer stated that each board member needed to sign the social media policy and have someone sign as a witness and hand them back in.

Our next BOA meeting will be held on Thursday, February 23, 2023 at 6pm.

Sarah Edwards made a motion to adjourn, seconded by Keith Dimsdale. Unanimously Approved

Julie Edmonds

A handwritten signature in cursive script that reads "Julie Edmonds".

Administrative Support Specialist
Town of Smithfield Planning Department