

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton
Vice-Chairman: Mark Lane

Sarah Edwards
Keith Dimsdale
Jeremy Pearce
Richard Upton
Monique Austin

Stephen Wensman, AICP, RLA, Planning Director
Mark Helmer AICP, CFM, Senior Planner
Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, February 23, 2023

Meeting Time: 6:00 P.M.

Meeting Place: Council Chambers, Smithfield Town Hall

AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 23, 2023
MEETING TIME: 6:00 PM
TOWN HALL

Call to Order.

Approval of the minutes for January 26, 2023

Public Hearing.

BA-23-02 Deacon Jones CDJR: The applicant is requesting variances to the Town of Smithfield Unified Development Ordinances, Section 10.2.1 Off-Street Parking Requirements, Section 10.2.2, Minimum Parking Requirements, Section 10.2.5.2, Markings and Section 7.44, Outdoor Vehicle Storage, Sales and Display. The property considered for variances 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.

BA-23-03 Perfect Ride: The applicant is requesting variances to the Town of Smithfield Unified Development Ordinances, Section 10.13.1.8.1. Street Yards for Commercial Developments, Article 10.13.1.7.3, Parking lot Facility Requirements and Section 10.2.5.2, Parking Lot with More Than Four Spaces. The property considered for variances is located on the southwest side of the intersection of North Brightleaf Boulevard and East Edgerton Street and further identified as Johnston County Tax ID# 15006006.

Old Business.

New Business.

Adjournment.

**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



Administrative Support Specialist
Town of Smithfield Planning Department



Request for Board of Adjustment Action

Agenda BA-23-
Item: 02
Date: 2/23/23

Subject: 1109 N Brightleaf Blvd Variance
Department: Planning
Presented by: Mark Helmer, Senior Planner
Presentation: Yes

Issue Statement

The applicant is requesting a variance from the parking lot striping requirements in Smithfield Unified Development Ordinance (UDO) as it affects the following code sections:

- Section 10.2.1 (Off-Street Parking Requirements)
- Section 10.2.2 (Minimum Parking Requirements)
- Section 10.2.5.2 (Markings)
- Section 7.44 (Outdoor Vehicle Storage, Sales and Display)

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends denial of variance BA-23-02 based on finding of fact.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Application
- Perfect Ride Sketch Plan



Staff Report

Agenda Item: BA-23-02
Date: 2/23/23

REQUEST:

The applicant is requesting a variance from the parking lot striping requirements in Smithfield Unified Development Ordinance (UDO) as it affects the following code sections:

- Article 10, Part I as it pertains to parking lot striping.
 - a. Section 10.2.1 (Off-Street Parking Requirements)
 - b. Section 10.2.2 (Minimum Parking Requirements)
 - c. Section 10.2.5.2 (Markings)
- Section 7.44 (Outdoor Vehicle Storage, Sales and Display)

PROJECT LOCATION:

The property considered for a variance is located on the northeast of N Brightleaf Boulevard and Canterbury Road. The property is further identified as Johnston County Tax ID# 15004022

CASE DATA:

Applicant: The Three J's Inc. (Ken Jones)
Property Owner: The Three J's Inc.
Tax ID#: 15004022
Town/ETJ: Town
Acreage: 5.29 acres
Present Zoning: B-3 (Highway Entrance Business)
Existing Use: Automobile Sales
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USE:

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

STAFF ANALYSIS:

The applicant is expanding its operations and building footprint to add a new car brand. The building expansion is on the west side of the building affecting existing parking lot area. The town's UDO requires parking lot striping with a zoning permit for the project. The applicant is requesting a variance from the parking lot striping requirement. The applicant would like to park and display cars as it has for years without parking lot striping.

When nonconforming sites are redeveloped, or when a new permit is required, certain code requirements come into play which can lessen the nonconforming nature of site. In some cases, the changes can trigger landscaping, parking, and dumpster storage requirements or in this case, the parking requirement. This is the way non-conforming site become conforming over time, often incrementally.

Several years ago, the Town Council made changes to the UDO to reduce the number of land uses requiring a special use permit. As a result, automobile sales no longer require a special use permit. In exchange for the reduction in the number of special use permits, the Council adopted some new supplemental standards to address health, safety and welfare issues related to the uses. For automobile sales, the Council had often put conditions on sales lots to limit the number of cars on a lot. The typical condition placed on special use permits was to require the cars on display or for sale to be in a striped parking stall. In effect, automobile sales are a permitted use, but only when they meet the supplemental standards. The applicant is seeking a variance from certain sections of Article 10, Part I, however, any variance from the supplemental standards would be construed as a "use variance" which is illegal.

The applicant is seeking a variance from the following (underlined text is most relevant to the variance request):

10.2.1. Off-Street Parking Requirements. There shall be provided at the time of the erection of any building, at the time an existing structure is demolished in order to permit new construction, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Ordinance. Such parking space may be provided in a parking garage or properly graded open space. All parking areas shall be designed so that ingress to and egress from such area shall be established and maintained so that all vehicular traffic shall enter and leave the lot by forward motion of the vehicle. Except for multi-family and single-family uses, all off- street parking and loading in the Entry Corridor Overlay District shall be provided in the rear of the principal structure. No off-street parking or loading shall be permitted in a required yard or open space, except in the case of a single- or two-family dwelling. No required off-street parking shall be located on any public right-of-way or encroach by more than 50% on any required setback, or into any required street yard. Under no circumstances shall parking be located within five feet of a right-of-way line.

10.2.2. Minimum Parking Requirement. Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. Required off-street parking area for three or more

automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Ordinance are met. No Certificate of Occupancy shall be issued until the parking requirements of this section are met.

10.2.5.2. *Markings.* Each parking stall shall be marked off and maintained so as to be distinguishable.

The UDO Section 10.2.5.2 by itself does not provide specificity as to how the marking should be provided. The Town's Standard Details and Specifications provides the Town standard:

Parking Lots

... All minimum stall depths and module widths shall be measured to the face of curb when curb and gutter is used. All paved parking facilities shall be striped in accordance with the MUTCD with four (4) inch white lines.

The requirement for parking lot striping for car sales lots is further reinforced in Section 7.44:

SECTION 7.44 OUTDOOR VEHICLE STORAGE, SALES AND DISPLAY.

7.44.1. All vehicles for stored outside for display, or sale shall be on a paved surface of bituminous, concrete or other approved comparable surface and in a striped parking stall complying with Article 10, Part I, or stored within a paved storage yard screened from the public right-a-way by a durable opaque fence, opaque wall and/or a solid vegetative buffer with a minimum height of six (6) feet.

STAFF FINDING OF FACT FOR VARIANCE:

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

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. *In absence of the variance, the applicant will have reasonable use of the property. The preference in the type of marking does not create a hardship. The Town's Standard Details and Specifications determines the type of marking within the Town of Smithfield.*

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 type of parking lot marking has no relationship with the property, such as location, size or topography. There is no hardship in providing the Town's standard parking lot striping determined by the Town's Standard Details and Specifications.*

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 type of parking lot marking has no relationship with the property, such as location, size or topography. There is no hardship in providing the Town's standard parking lot striping determined by the Town's Standard Details and Specifications. The use as patron parking vs. vehicle striping is irrelevant.*

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved. *The request is consistent with the spirit, purpose and intent of the Ordinance; however, the Town strives to apply its ordinances consistently and the marking is inconsistent with the UDO requirements.*

RECOMMENDATION:

Planning Staff recommends the Board of Adjustment deny the variance request, BA-23-02, based on the finding of fact.

RECOMMENDED MOTION:

"Move to deny variance to the parking lot striping requirements found in Section 10.2.1 (Off-Street Parking Requirements), Section 10.2.2 (Minimum Parking Requirements), Section 10.2.5.2 (Markings), and Section 7.44 (Outdoor Vehicle Storage, Sales and Display) based on the finding of fact."



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.

SITE INFORMATION:

Name of Project: Deacon Jones CDR+J _____ Acreage of property: 5.29
 Parcel ID Number: 15-0-04-022- _____ Tax ID: 260413-24-1290 _____
 Deed Book: 03933 _____ Deed Page(s): 0099 _____
 Address: 1109 North Brightleaf Blvd, Smithfield NC 27577 _____
 Location: Brightleaf Blvd _____

Existing Use: Car Dealership _____ Proposed Use: Car Dealership _____

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)

Section 10.2.1, Section 10.2.2 and Section 7.44 (Parking Lot Striping Variance for Car Dealership)

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: The Three J's Inc.

Mailing Address: P.O. Box 2280 Smithfield, NC 27577

Phone Number: 919-631-9700 Fax:

Email Address: kjones@deaconmail.com

APPLICANT INFORMATION:

Applicant: The Three J's Inc.

Mailing Address: P.O. Box 2280 Smithfield, NC 27577

Phone Number: 919-631-9700 Fax:

Contact Person: Ken Jones

Email Address: kjones@deaconmail.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.

SEE ATTACHED

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

DEACON JONES VARIANCE REQUEST
January 2023

Statement of Justification - p. 2

We are requesting a variance which will allow us to maintain our present level of inventory and meet the changing requirements of our manufacturers. Deacon Jones purchased our current facility on Brightleaf Boulevard in the 1980's. Ever since, we have continuously been allowed to have stalls for over retail units on display and additional stalls for our customers and service vehicles. With the Town's proposed changes, we will have only 350 stalls total, including for customers and service vehicles. This will adversely restrict our inventory on hand for the customers, and thereby hurt our ability to compete with the internet sellers. All this is happening when our franchisors (Chrysler-Jeep-Dodge) have added a new brand (Ram) which requires us to show additional models/units on the same footprint. By this request, we are asking only to continue what we have been allowed to do for decades, and no more. Currently we have easily accommodated more than 500 vehicles during peak seasons.

4.10.2.2.1 – p. 3

Unnecessary hardship will result from the strict application of the Ordinance because we will be forced to significantly reduce our inventory, at a time when our manufacturers have added a separate product line (Ram) which increases our need for inventory spaces. Onsite display of products where customers can see and sit in the vehicle is essential for Deacon Jones to compete with online sellers.

4.10.2.2.2 – p. 3

The hardship results from conditions that are peculiar to this property which recently has become the sales site of four separate manufactures. Deacon Jones is the only dealer in Smithfield which sells vehicles from four different manufacturers on a single site, and to grant a variance here will not "open the floodgates" to other requests.

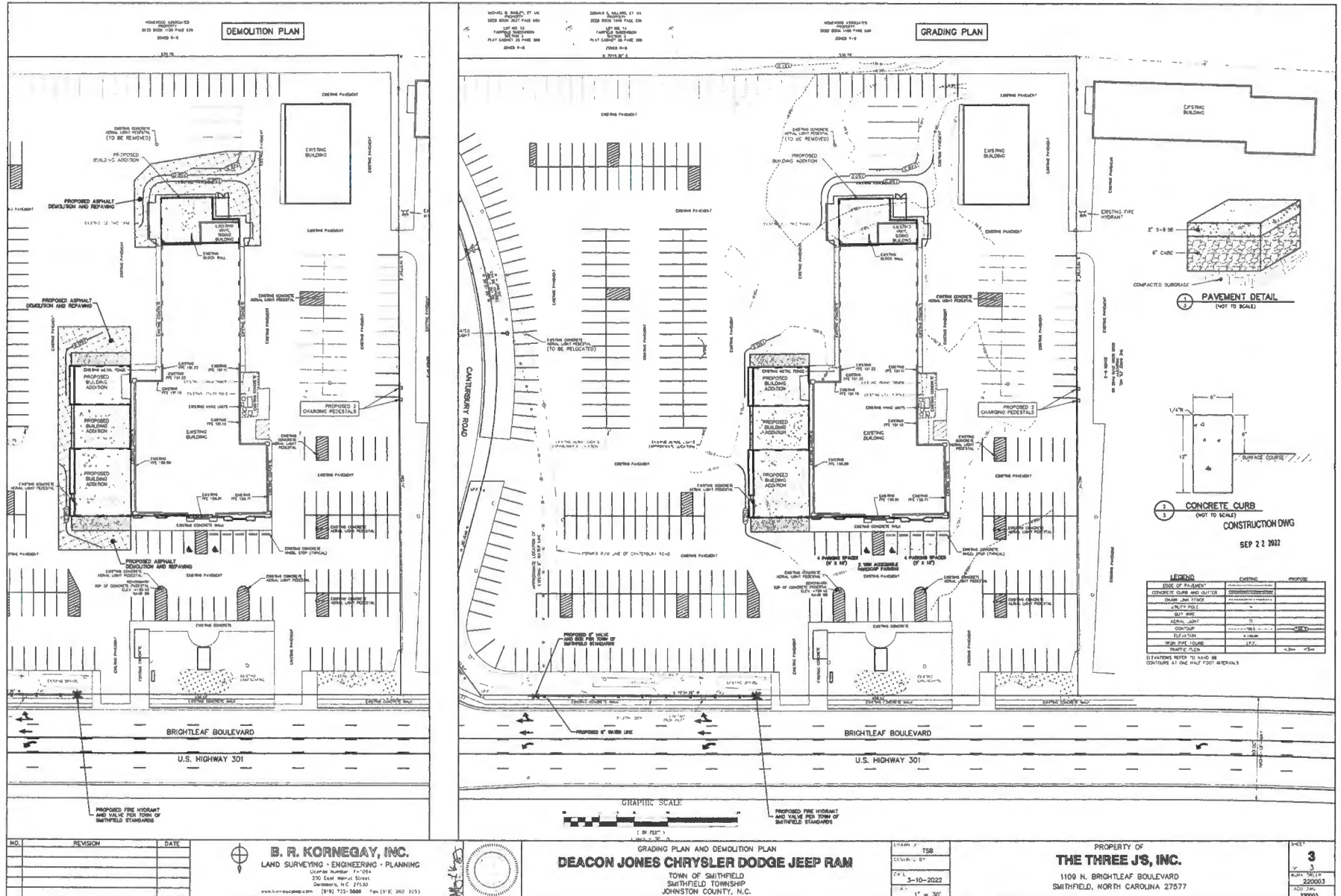
4.10.2.2.3 – p. 3

Again, until recently this location sold product for three manufacturers. The fourth (Ram) was the result of action taken by Chrysler Corporation when it created the separate Ram division. Deacon Jones had no part in bringing about this situation at the Brightleaf store

4.10.2.2.4 – p. 3

Deacon Jones' request does not seek to increase the number vehicles on the site, only to maintain the current level. It does not invite other dealers to ask for a similar variance because it is the only dealer in Smithfield so affected by the Ordinance. The Deacon Jones site plan includes clearly identifying and outlining all driveways, entrances and exits. It also includes clear demarcation of handicap spaces, customer service areas and employee parking. The number of vehicles on site will be maintained, not increased. Public safety will continue to be secured. In these ways, the requested variance is consistent with the spirit, purpose and intent of the Ordinance, and substantial justice will be achieved.

Current Approved



DEMOLITION PLAN

GRADING PLAN

PAVEMENT DETAIL

CONCRETE CURB

LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
(Symbol)	EDGE OF PAVEMENT	(Symbol)	EXISTING
(Symbol)	CONCRETE CURB AND GUTTER	(Symbol)	PROPOSED
(Symbol)	CHAMP LINE FENCE	(Symbol)	
(Symbol)	UTILITY POLE	(Symbol)	
(Symbol)	WALL	(Symbol)	
(Symbol)	CEILING LIGHT	(Symbol)	
(Symbol)	CONTRAP	(Symbol)	
(Symbol)	ELEVATION	(Symbol)	
(Symbol)	HIGH DIRT LOUSE	(Symbol)	

STAIRINGS REFER TO SH-88
CONTIGUOUS AT THE HALF FOOT INTERVALS

SEP 22 2022

GRADING PLAN AND DEMOLITION PLAN
DEACON JONES CHRYSLER DODGE JEEP RAM
 TOWN OF SMITHFIELD
 SMITHFIELD TOWNSHIP
 JOHNSTON COUNTY, N.C.

PROPERTY OF
THE THREE JS, INC.
 1109 N. BRIGHTLEAF BOULEVARD
 SMITHFIELD, NORTH CAROLINA 27577

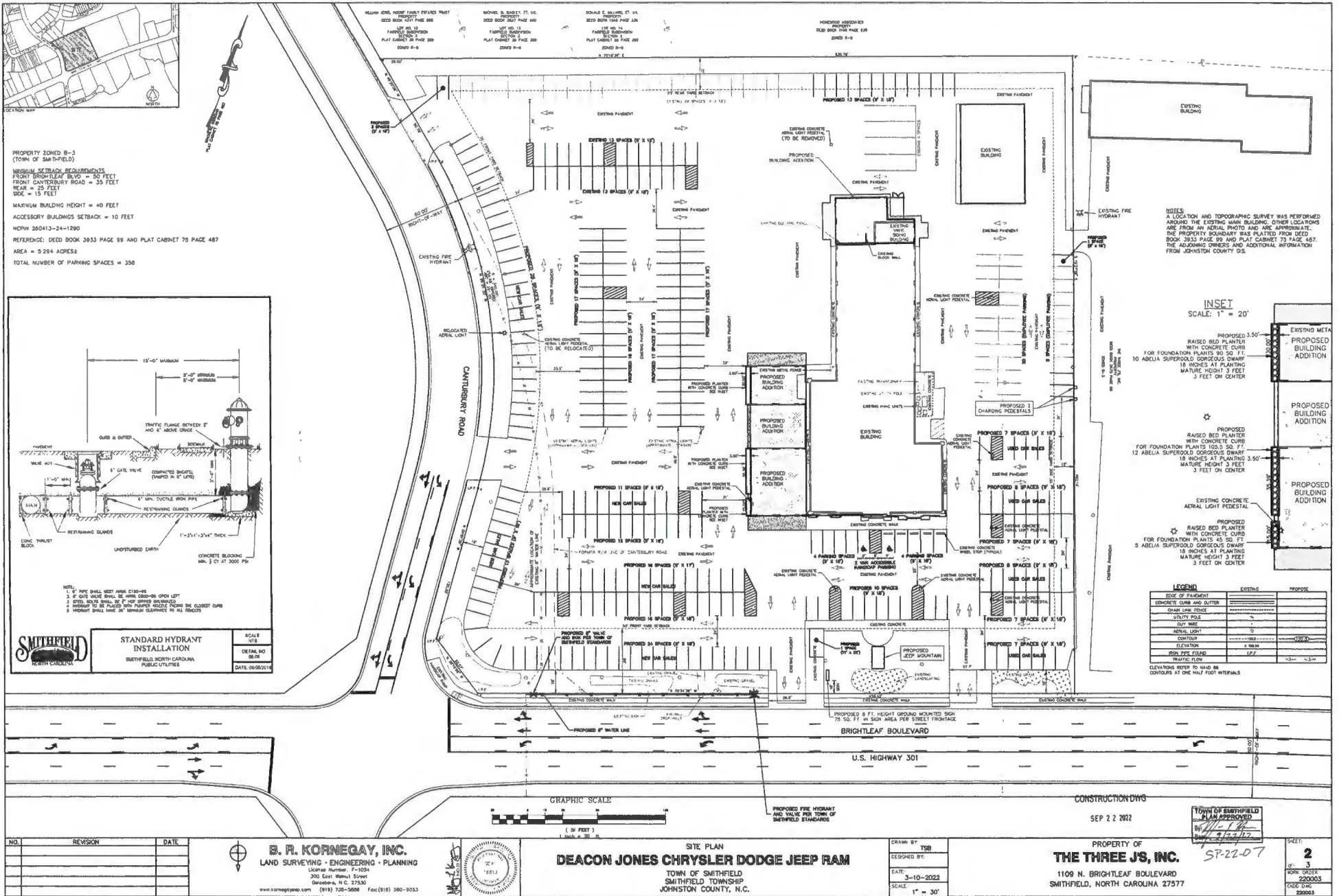
NO.	REVISION	DATE

B. R. KORNEGAY, INC.
 LAND SURVEYING • ENGINEERING • PLANNING
 License Number: 14-024
 370 East Main Street
 Charlotte, N.C. 27202
 (919) 722-3666 Fax (919) 362-3253

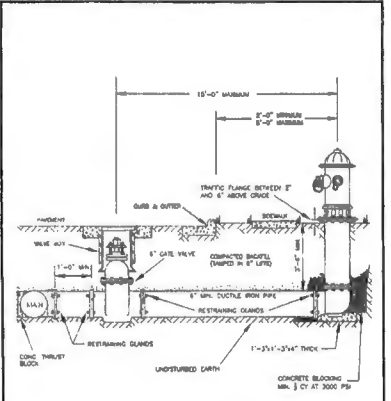
DESIGN BY
 TSB
 DATE
 3-10-2022
 SCALE
 1" = 30'

SHEET
3
 OF 3
 DRAWING NUMBER
 220003
 DATE
 09/22/22

Current Approved



PROPERTY ZONED B-3
(TOWN OF SMITHFIELD)
MINIMUM SETBACK REQUIREMENTS
FRONT BRIGHTLEAF BLVD = 50 FEET
FRONT CANTERBURY ROAD = 35 FEET
REAR = 25 FEET
SIDE = 15 FEET
MAXIMUM BUILDING HEIGHT = 40 FEET
ACCESSORY BUILDINGS SETBACK = 10 FEET
NDPW 280413-24-1990
REFERENCE: DEED BOOK 3933 PAGE 99 AND PLAT CABINET 75 PAGE 467
AREA = 5.204 ACRES
TOTAL NUMBER OF PARKING SPACES = 350



SMITHFIELD
NORTH CAROLINA
STANDARD HYDRANT
INSTALLATION
SMITHFIELD NORTH CAROLINA
PUBLIC UTILITIES
SCALE
SITE
DETAIL NO
08-08
DATE 08/08/21

NOTES:
A LOCATION AND TOPOGRAPHIC SURVEY WAS PERFORMED
AROUND THE EXISTING MAIN BUILDING. OTHER LOCATIONS
ARE FROM AN AERIAL PHOTO AND ARE APPROXIMATE.
THE PROPERTY BOUNDARY WAS PLATTED FROM DEED
BOOK 3933 PAGE 99 AND PLAT CABINET 75 PAGE 467.
THE FOLLOWING DIMENSIONS AND ADDITIONAL INFORMATION
FROM JOHNSTON COUNTY GIS:

INSET
SCALE: 1" = 20'

PROPOSED 3.50'
RAISED BED PLANTER
WITH CONCRETE CURB
FOR FOUNDATION PLANTS 90.50' x 50' x 3"
10 ABELEA SUPERCOLD CONCREOUS DWARF
18 INCHES AT PLANTING
MATURE HEIGHT 3 FEET
3 FEET ON CENTER

PROPOSED
RAISED BED PLANTER
WITH CONCRETE CURB
FOR FOUNDATION PLANTS 105.50' x 50' x 3"
12 ABELEA SUPERCOLD CONCREOUS DWARF
18 INCHES AT PLANTING
MATURE HEIGHT 3 FEET
3 FEET ON CENTER

EXISTING CONCRETE
AERIAL LIGHT PEDESTAL

PROPOSED
RAISED BED PLANTER
WITH CONCRETE CURB
FOR FOUNDATION PLANTS 45.50' x 50' x 3"
9 ABELEA SUPERCOLD CONCREOUS DWARF
18 INCHES AT PLANTING
MATURE HEIGHT 3 FEET
3 FEET ON CENTER

LEGEND

	EXISTING	PROPOSED
EDGE OF PAVEMENT	---	---
CONCRETE CURB AND GUTTER	=====	=====
GRAVEL CURB FINISH	-----	-----
UTILITY POLE	o	o
OUT WIRE	o	o
AERIAL LIGHT	o	o
CONTOUR	o	o
ELEVATION	o	o
IRON PIPE CURED TREATIC FLOW	o	o

ELEVATIONS REFER TO NAVD 83
CONTOURS AT ONE HALF FOOT INTERVALS

NO.	REVISION	DATE

B. R. KORNEGAY, INC.
LAND SURVEYING - ENGINEERING - PLANNING
License Number: P-1034
300 East Walnut Street
Duraleigh, N.C. 27830
www.brkornegay.com (819) 735-5008 Fax (819) 360-1033



DEACON JONES CHRYSLER DODGE JEEP RAM
SITE PLAN
TOWN OF SMITHFIELD
SMITHFIELD TOWNSHIP
JOHNSTON COUNTY, N.C.

DRAWN BY
TSB
DESIGNED BY
TSB
DATE
3-10-2023
SCALE
1" = 30'

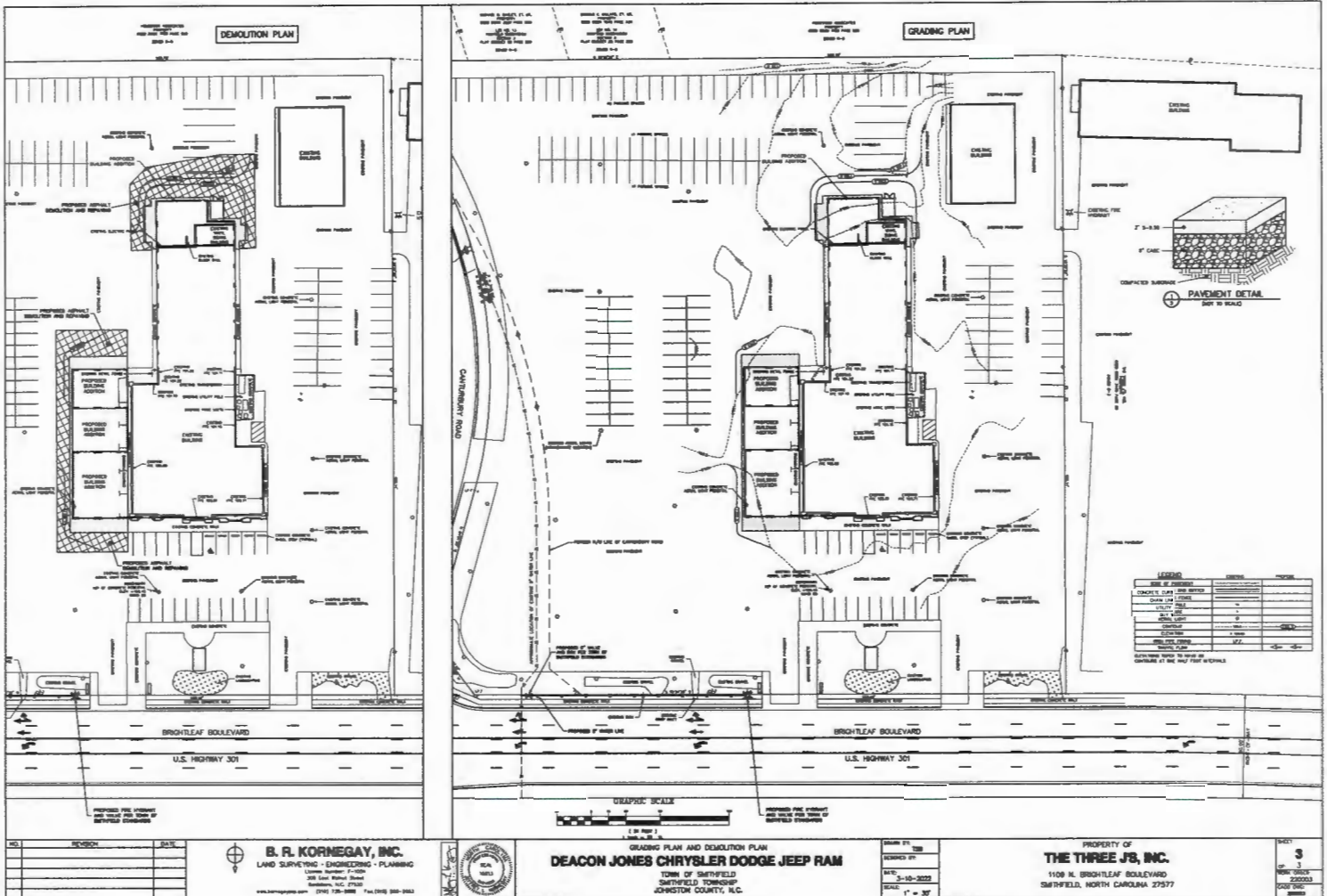
CONSTRUCTION DWG
SEP 22 2022

PROPERTY OF
THE THREE JS, INC.
1109 N. BRIGHTLEAF BOULEVARD
SMITHFIELD, NORTH CAROLINA 27577



SHEET
2
OF
3
NORTH CAROLINA
2200003
CADD DWG
220003

proposed
VARIANCE request



NO.	REVISION	DATE	 B. R. KORNEGAY, INC. LAND SURVEYING - ENGINEERING - PLANNING License Number: F-11074 208 East Walnut Street Smithfield, N.C. 27579 www.kornegay.com 252-275-5500 Fax:252-282-2922	 DEACON JONES CHRYSLER DODGE JEEP RAM TOWN OF SMITHFIELD SMITHFIELD TOWNSHIP JOHNSTON COUNTY, N.C.	DRAWN BY	REVISION #1	PROPERTY OF THE THREE JB, INC. 1108 N. BRIGHTLEAF BOULEVARD SMITHFIELD, NORTH CAROLINA 27577
					DATE	3-10-2022	
					SCALE	1" = 30'	
			SHEET	3			OF 3 NORTH CROSS 2200703 000000

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.

Ken Jones

Print Name

Ken Jones

Signature of Applicant

1-12-23

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: Deacon Jones CDR+J _____ Submittal Date: 1-12-23

OWNERS AUTHORIZATION

I hereby give CONSENT to _____ (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 *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.

1-12-23
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

Adjacent Property Owners of
BA-23-02

TAG	PIN	NAME	ADDRESS2	CITY	STATE	ZIPCODE
15L10023E	260413-23-3627	BRANCH BANKING & TRUST CO	PO BOX 167	WINSTON SALEM	NC	27102-0167
15004199C	260413-14-8315	TENANTS (WROS)	35 CHESNEY CT	ARCHER LODGE	NC	27527-3371
15004024D	260413-14-8379	MILLARD, DONALD E	P O BOX 595	SELMA	NC	27576-0595
15004022C	260413-13-8858	KS BANK INC	PO BOX 661	SMITHFIELD	NC	27577-0661
15004022A	260413-14-7009	PLDW, LLC	PO BOX 1164	SMITHFIELD	NC	27577-1164
15L10023D	260414-23-5735	THE THREE J'S INC	PO BOX 2280	SMITHFIELD	NC	27577-2280
15004199G	260414-24-6471	THE THREE J'S INC	PO BOX 2280	SMITHFIELD	NC	27577-2280
15004022	260413-24-1290	THE THREE J'S INC	P O BOX 2280	SMITHFIELD	NC	27577-2280
15O99008J	260413-14-7351	ESTATE TRUST	301 OLD ENGLISH CT	SMITHFIELD	NC	27577-5074
15004001A	260413-23-1624	CM INVESTMENTS LLC	5841 DAHLBERG DR	RALEIGH	NC	27603-7804
15004017Q	260413-24-2523	HOMWOOD ASSOCIATES	PO BOX 87509	FAYETTEVILLE	NC	28304-0000
15004199W	260413-14-4303	TILGHMAN, ELAINE W	P O BOX 574	DUNN	NC	28335-0574
15007025	260413-13-9620	WILCOHESS LLC	539 S MAIN ST	FINDLAY	OH	45840

1100 Block of North Brightleaf Boulevard

Project Name:
Deacon Jones CDJR

Request:
Variance From
Parking Lot Striping

Location:
1109 N Brightleaf Blvd

File Number:
BA-23-02

Existing Zoning:
B-3 (Highway Entrance
Business)

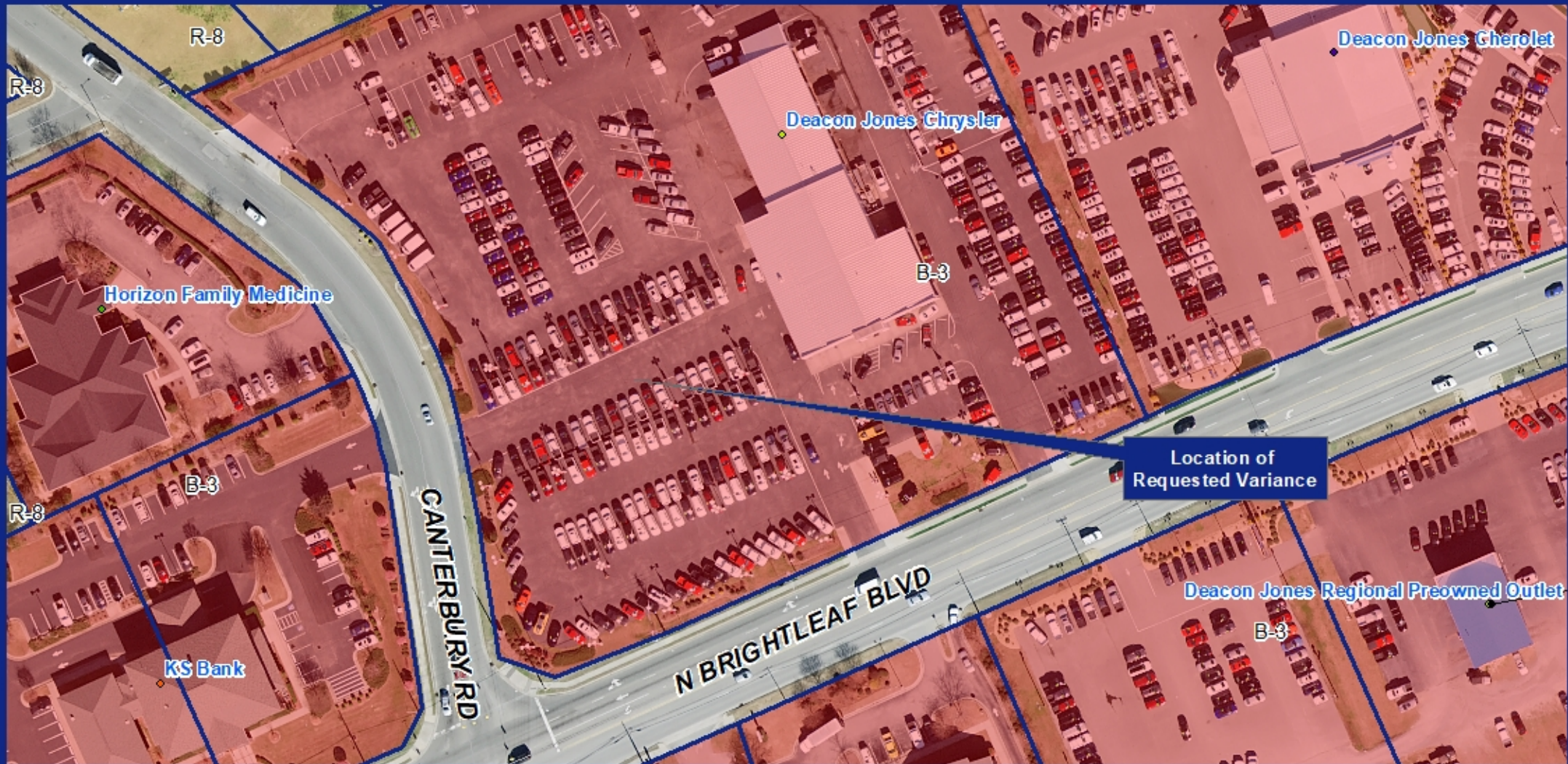
Property Owner:
The Three J's Inc

Tax ID# 15004022



1 in = 100 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 1/19/2023

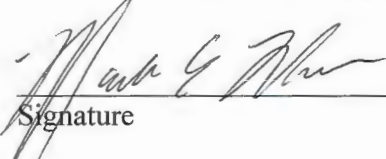




PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, BA-23-02 were notified by First Class Mail on 2-7-23.




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

7th day of February, 2023



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on January 15, 2028
(See)





Request for Board of Adjustment Action

Agenda BA-23-
Item: 03
Date: 2/23/23

Subject: 1109 N Brightleaf Blvd Variance
Department: Planning
Presented by: Mark Helmer, Senior Planner
Presentation: Yes

Issue Statement

The applicant is requesting three variances from the Town of Smithfield Unified Development Ordinance (UDO):

1. A 7.5-foot reduction of the 15-foot street yard along N. Brightleaf Blvd (UDO Section 10.13.1.8.1.).
2. Eliminate the requirement for a landscape island every 15 feet (UDO Section 10.13.1.7.3).
3. Allow the use of "tick-Marks" to delineate parking spaces in the parking lot display areas rather than parking lot striping (Section 10.2.5.2).

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends denial of variance BA-23-03 based on finding of fact.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Application
- Perfect Ride Sketch Plan



Staff Report

Agenda Item: BA-23-03
Date: 2/23/23

REQUEST:

The applicant is requesting a 3 variances from the Town of Smithfield Unified Development Ordinance:

1. A 7.5-foot reduction of the 15-foot street yard along N. Brightleaf Blvd (UDO Section 10.13.1.8.1.).
2. Eliminate the requirement for a landscape island every 15 feet (UDO Section 10.13.1.7.3).
3. Allow the use of “tick-Marks” to delineate parking spaces in the parking lot display areas rather than parking lot striping (Section 10.2.5.2).

PROJECT LOCATION:

The property considered for a variance is located on the southwest corner of N Brightleaf Boulevard and E. Edgerton Street. The property is further identified as Johnston County Tax ID#15006006

CASE DATA:

Applicant: TerraEden Landscape & Design, LLC (Paul Embler)
Property Owner: Gray Creek Properties, LLC (Lee Stanley)
Tax ID#: 15006006
Town/ETJ: Town
Acreage: 1.977 acres
Present Zoning: B-3 (Highway Entrance Business)
Existing Use: Automobile Sales
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
North	R-8	Residential
South:	R-8/B-3	Commercial/Residential
West:	B-3	Commercial
East:	B-3	Commercial

STAFF ANALYSIS:

The applicant is planning to expand the Perfect Ride car sales lot into a more modern used car dealership. The update to the facility triggers compliance with current zoning standards including landscaping, dumpster screening, paving, curb and gutter and parking. The applicant is requesting 3 variances, and each should be considered by the Board of Adjustments separately.

VARIANCE #1.

The first variance request is for a 7.5-foot reduction of the 15-foot street yard along N. Brightleaf Blvd (UDO Section 10.13.1.8.1.):

10.13.1.8 Streets Yards.

10.13.1.8.1. Commercial Developments.

Street Yards shall be provided with a minimum depth of 50% of the required front or corner side yard setback as measured perpendicular to the street right of way, provided that no street yard in excess of 15 feet in depth shall be required. The width of the planting strip may vary, but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including trees, shrubs and/or ground cover, so that no soil is exposed at a rate of two canopy tree and 2 shrubs per every 100 linear feet of road frontage. Canopy trees can be replaced by understory trees if in conflict with overhead utilities. Required trees shall be placed in a planting strip on private property and not within the street right-of-way. No required street yard tree can be planted further than 15 feet from the edge of the right-of-way to meet this requirement.

For this property, the required Street Yard is 15 feet.

STAFF FINDING OF FACT FOR VARIANCE #1:

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

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. *Without the variance, the applicant will have reasonable use of the property. The fact that fewer vehicles can be accommodated does not create a hardship. The property is currently being used for car sales and without the variance it can still be used as a car sales lot.*

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 length of street frontage on Brightleaf Boulevard has not changed since the Perfect Ride car sales lot was permitted (SUP-00-08, June 6, 2000). Parcels along Brightleaf Boulevard vary in width, some with greater frontage and some with less. The minimum commercial lot frontage is 125' and Perfect Ride as approximately 160 feet. The frontage length has not prevented Perfect Ride from operating a car sales lot on the property.*

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. *There has been no physical change to the property since the Perfect Ride purchased the property except for an expansion eastward to include the E. Edgerton frontage and the addition of some landscaping and gravel. The desire to upgrade the property to a lesser standard than required by the UDO does not create a hardship.*

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. he requested variance is inconsistent with the spirit, purpose and intent of the ordinance. *NCDOT road widening prior to the owner's purchasing of the property creating or increasing the non-conforming nature of it, does not create a hardship given the redevelopment creates the opportunity to remedy the lack of street yard. The UDO requirements do not create a hardship. The spirit and intent of the ordinance is for relatively consistent street yard widths along commercial frontages within each zoning district to be achieved as parcels are developed or redeveloped. The requested variance is inconsistent with the spirit, purpose and intent of the ordinance.*

VARIANCE #2:

The second variance request is to eliminate the requirement for a landscape island every 15 feet (UDO Section 10.13.1.7.3):

10.13.1.7.3. Landscaped islands shall be installed at each block of 15 consecutive parking spaces and at the ends of all parking rows. Landscaped islands shall contain at least 100 square feet in area and be at least 8 feet in width, measured from back of curb to back of curb.

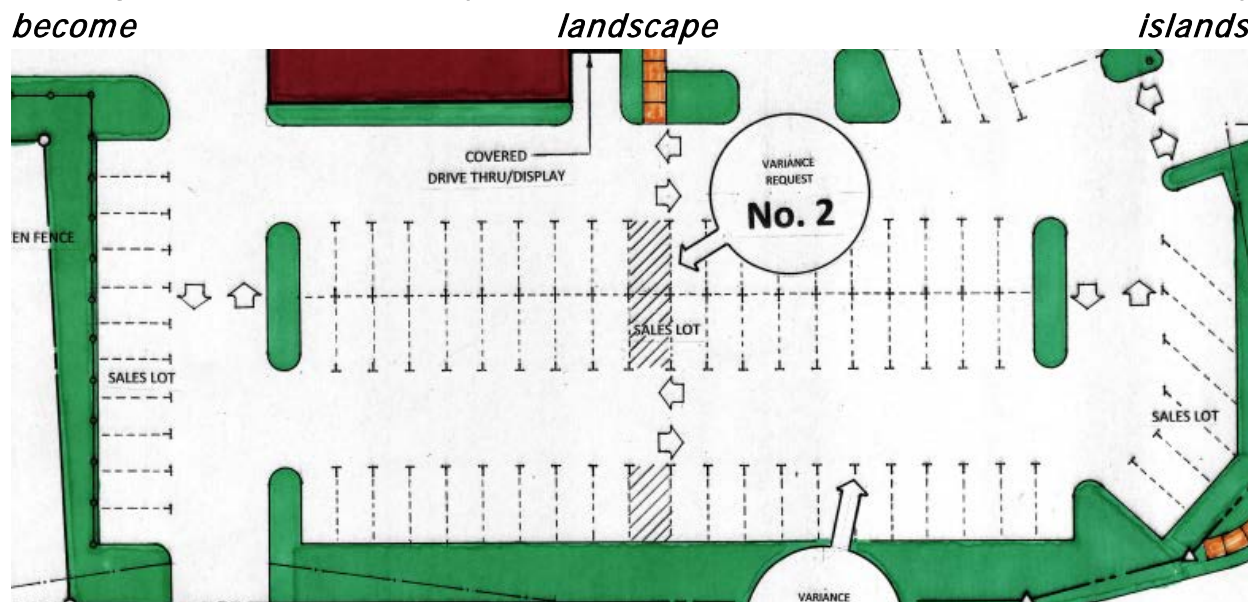
The purposed of Section 10.13.1.7.3 is to break up expanses of pavement and to shade parking areas.

STAFF FINDING OF FACT FOR VARIANCE #2:

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

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. *Without the variance, the applicant will have reasonable use of the property. The fact that fewer vehicles can be accommodated as a result of installing islands does not create a hardship. The property is currently being used for car sales and without the variance it can still be used as a car sales lot.*

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 length of street frontage on Brightleaf Boulevard has not changed since the Perfect Ride car sales lot was permitted (SUP-00-08, June 6, 2000). Parcels along Brightleaf Boulevard vary in width, some with greater frontage and some with less. The minimum commercial lot frontage is 125' and Perfect Ride as approximately 160 feet. The frontage length has not prevented Perfect Ride from operating a car sales lot on the property. Considering the sketch plan, it is clear that it is physically possible to install the islands as required. The sketch plan shows hatched parking areas and to comply with the UDO requirement, these can feasibly become*



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. *There has been no significant physical change to the property since the Perfect Ride purchased the property except for an expansion eastward to include the E. Edgerton frontage and the addition of some landscaping and gravel. The desire to upgrade the property to a lesser standard than required by the UDO does not create a hardship.*

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 inconsistent with the spirit, purpose, and intent of the Ordinance. The purposed of the ordinance is to break up expanses of pavement for parking with landscaping and the variance goes against this intent.*

VARIANCE #3:

The applicant is requesting a variance from the Town's parking lot striping requirements to allow the use of "tick-marks" to delineate parking spaces in the parking lot display areas (Section 10.2.5.2):

10.2.5. Parking Lots with More than Four Spaces.

...

10.2.5.2. Markings. Each parking stall shall be marked off and maintained so as to be distinguishable.

The UDO Section 10.2.5.2 by itself does not provide specificity as to how the marking should be provided. The Town's Standard Details and Specifications provides the Town standard:

Parking Lots

... All minimum stall depths and module widths shall be measured to the face of curb when curb and gutter is used. All paved parking facilities shall be striped in accordance with the MUTCD with four (4) inch white lines.

The requirement for parking lot striping for car sales lots is further reinforced in Section 7.44:

SECTION 7.44 OUTDOOR VEHICLE STORAGE, SALES AND DISPLAY.

7.44.1. All vehicles for stored outside for display, or sale shall be on a paved surface of

bituminous, concrete or other approved comparable surface and in a striped parking stall complying with Article 10, Part I, or stored within a paved storage yard screened from the public right-a-way by a durable opaque fence, opaque wall and/or a solid vegetative buffer with a minimum height of six (6) feet.

STAFF FINDING OF FACT FOR VARIANCE #3:

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

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. *In absence of the variance, the applicant will have reasonable use of the property. The preference in the type of marking does not create a hardship. The Town's Standard Details and Specifications determines the type of marking within the Town of Smithfield.*

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 type of parking lot marking has no relationship with the property, such as location, size or topography. There is no hardship in providing the Town's standard parking lot striping determined by the Town's Standard Details and Specifications.*

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 type of parking lot marking has no relationship with the property, such as location, size or topography. There is no hardship in providing the Town's standard parking lot striping determined by the Town's Standard Details and Specifications. The use as patron parking vs. vehicle striping is irrelevant.*

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved. *The request is consistent with the spirit, purpose and intent of the Ordinance; however, the Town strives to apply its ordinances consistently and the marking is inconsistent with the UDO requirements.*

RECOMMENDATIONS:

Planning Staff recommends the Board of Adjustment deny each of the requested variances, BA-23-03, based on the finding of fact for each.

RECOMMENDED MOTIONS:

1. *“Move to deny variance #1 for 7.5-foot reduction of the 15-foot street yard along N. Brightleaf Blvd (UDO Section 10.13.1.8.1.) based on the finding of fact.”*
2. *“Move to deny variance #2 to eliminate the requirement for a landscape island every 15 feet (UDO Section 10.13.1.7.3) based on the finding of fact.”*
3. *“Move to deny variance #3 to allow the use of “tick-Marks” to delineate parking spaces in the parking lot display areas rather than parking lot striping (Section 10.2.5.2) based on the finding of fact.”*

TERRAEDEN LANDSCAPE & DESIGN, LLC

11 KENTWOOD DRIVE
SMITHFIELD, NORTH CAROLIAN 27577
919 219 3410

January 25, 2023

Mr. Steve Wensman, Planning Director
Town of Smithfield
PO Box 761
Smithfield, North Carolina 27577

Re: Variance Application Perfect Ride Inc.

Dear Steve,

Please find enclosed 9 sets of the variance application package. The package includes the following:

Site Information

Application Information

Variance Site Plan (date 1/25/2023 one in color, one in black and white)

Owner Consent Form

Statement of Justification

Finding of Fact

Supporting documentation

Johnston County GIS photo

UDO Article 10 page 10 (10.2.5.2)

Smithfield Standard Detail and Specification (Spec3-7)

MUTCD standards Section 3B.19 Parking Space Markings (pages 24-25)

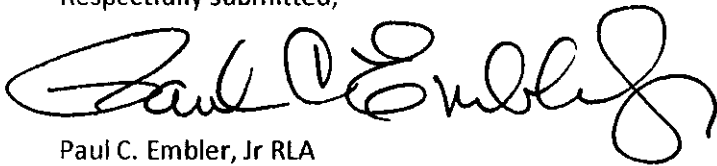
MUTCD Figure 3B-21 Examples of Parking Space Markings (pages 1-3)

Application Affidavit

Owner's Consent Form

If you have questions, please feel free to contact me.

Respectfully submitted,



Paul C. Embler, Jr RLA

TerraEden Landscape & Design, LLC



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.

SITE INFORMATION:

Name of Project: Perfect Ride, Inc. Acreage of property: 1.977 ac
 Parcel ID Number: 169416-92-9618 Tax ID: 15006006
 Deed Book: 06249 Deed Page(s): 0962
 Address: 732 N Brightleaf Blvd. Smithfield, NC 27577
 Location: Southwest corner of the intersection of N Brightleaf Blvd & E Edgerton St

Existing Use: Auto sales Proposed Use: Auto sales

Existing Zoning District: B-3

Requested Zoning District no change requested

Is project within a Planned Development: Yes No

Planned Development District (if applicable): N/A

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

1. Reduce the street yard from 15 feet to 7.5 feet (UDO 10.13.1.8.1)
2. Waive the requirement for a landscape island every 15 spaces of parking (UDO 10.13.1.7.3)
3. Modify the requirement for a 4" painted stripe to delineate parking and substitute "tick-marks" (UDO 10.2.5.1/std. spec 3-7)

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: Gray Creek Properties, LLC (Lee Stanley)
Mailing Address: 732 N. Brightleaf Blvd. Smithfield, NC 27577
Phone Number: 919 628 9598 **Fax:** _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: TerraEden Landscape & Design, LLC
Mailing Address: 11 Kentwood Drive Smithfield, NC 27577
Phone Number: 919 219 3410 **Fax:** _____
Contact Person: Paul C. Embler, Jr.
Email Address: pembler@embarqmail.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: Art 10 p.10 UDO, Spec.Manual 3-7, MUTCD 3B-10,GIS photo.

STATEMENT OF JUSTIFICATION

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

See attached Statement of Justification

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 Finding of Fact

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 Finding of Fact

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 Finding of Fact

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 Finding of Fact

**STATEMENT OF JUSTIFICATION
PERFECT RIDE, INC.
VARIANCE REQUEST**

Statement of Justification

Used car sales lots are different than manufacturer's dealerships in how they have to market, display and sell cars. Manufacturers have nationwide advertisement/marketing and anyone who wants to purchase a vehicle at a manufacturer's dealership already knows before setting foot on the sales lot what they want. However, on a used car sales lot there is generally no media advertisement/marketing and most sales are generated by potential customers driving by and seeing a vehicle that they are interested in. Therefore, it is essential to have as much visually unobstructed road frontage as possible to entice potential customers to enter the sales lot.

Just as important as having as many vehicles in proximity to the road frontage it is important to have as many vehicles on the lot as possible. Unlike manufacturer's dealerships, the average used car lot does not have the large inventory that the manufacturer's dealerships have. Where a manufacturer's dealership could have 20 or 30 of the same model vehicle, a used car lot may only have one or two models of the same car. Therefore, it is very important that a used car lot have as many cars as possible on the sales lot while being code compliant, in order to maximize the opportunity to register a sale.

Going along with the visibility from the highway and the number of cars available for sale there is the issue of having flexibility in how the vehicles can be displayed is very important. Since most manufacturer's dealerships have multiple model lines, it is not essential for them to rotate their inventory. However, on used car sales lots it is very important in displaying the inventory in different parking configurations/orientations so that they can display their limited inventory to also further entice customers onto the lot.

Keeping in mind the above statements, the following variance requests are made for the improvements proposed for the Perfect Ride auto sales lot:

1. Reduction of the 15-foot street buffer yard along N. Brightleaf Blvd. to 7.5 feet.
2. Eliminate the requirement of a landscape island every 15 parking spaces.
3. Allow the use of "tick-marks" to delineate parking spaces in the auto display areas.

**FINDING OF FACT
PERFECT RIDE, Inc.
VARIANCE REQUEST**

4.10.2.21 Unnecessary hardship would result from the strict application of the ordinance.

Variance Request No.1

An unnecessary hardship would be imposed on Perfect Ride if it has to create a 15 ft street yard along N. Brightleaf Blvd. because the size of street yard buffer would reduce the number of vehicles that can be displayed by almost **40% from the existing number**. If the street yard buffer is given a variance of only 7.5 ft then the number of vehicles displayed would still be reduced, but only by 20% from the present number of vehicles.

Variance Request No.2

By requiring landscape islands every 15 parking spaces will result in the loss of 3 potential vehicle sales spaces. This loss will create another undue hardship by further limiting the total number of vehicle spaces available for sales. The loss of 3 vehicle display spaces equates to **an approximate 5% loss** in the space in the sales bay, for which the variance is requested.

Variance Request No.2

By requiring that the sales lot parking spaces being striped with a 4" wide solid white line on the pavement for the length of the parking space will create a hardship in the sale of vehicles because it will eliminate any flexibility of how the vehicles can be displayed. By painting a white stripe on the pavement in essence creates a **parking lot out of the vehicle sales area** that is not conducive for vehicle sales.

Notes: Supporting the Variance Requests

Please note that the variance request only asks that the 15 feet street yard buffer be reduced to 7.5 feet. The 7.5 feet is 0.5 foot wider than the minimum 7 feet required for the street buffer landscaping. The 7.5 feet street yard buffer will provide more than enough space for the required landscape plantings. **Please note that numerous parcels of land along N Brightleaf Blvd have diminished street yard buffer due to the widening of the road by NCDOT.**

Also note that the variance request of "deleting the landscape island requirement every 15 spaces" is reasonable since this is an auto sales lot not a parking lot, and in this case, eliminates auto sales spaces for three cars. It is understandable that a landscape island with trees and shrubs is necessary in a parking lot to provide cooling shade and beautification but it an auto sales area landscape islands create maintenance problems with seasonal drippings and leaves coming off the trees requiring addition cleaning of vehicles. The owner of the property is willing to incorporate additional perimeter landscaping equal to

what landscaping that would be required in the landscape islands. All vehicle display bays in the proposed development will still begin and end in a landscape island with associated landscaping. ***Please refer to attached highlighted aerial photograph from the Johnston County GIS showing the Ford Motor Company dealership on N Brightleaf Blvd. which incorporates a similar bay configuration that is being requested by Perfect Ride.***

Please note the Town's site development specifications and details state that all parking lot stripping shall met shall be stripped in accordance with the MUTCD standards with a 4" wide white line. The MUTCAD Standard 3B.19 shows that parking spaces markings can either be 1.) a 4" wide continuous white line or 2.) 4" wide "tick-marks" and/or 3.) a combination of both continuous 4" wide white lines and 4" wide-tick marks". The owner requests to be allowed to use the 4" wide "tick-mark" option as delineated on the site plan submitted with the variance request. ***Please refer to the attachments from the UDO, the Smithfield Standard Detail and Specifications Manual and MUTCD Design Guidelines Section 3B.19 Parking Space Markings.***

4.10.2.2.2 The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

There is an old drainage swale that lies on the southern property line adjacent to the Mohamed and Son, Inc. property that drains a portion of Brightleaf Blvd. the Perfect Ride Property and the Mohamed and Son, Inc. property. The swale has been at its current location in all likelihood in excess of a hundred years, definitely a lot longer than the Town has had zoning and subdivision ordinances (1968). The old swale impacts the Perfect Ride property because it intersects the right of way of Brightleaf Blvd at an extreme angle, greatly diminishing the frontage of the Perfect Ride lot to the southern right of way of E Edgerton Street. This orientation of the drainage swale and the past widening of US 301 limits the available frontage along Brightleaf to approximately 150 feet which is only slightly more than the minimum required by the current UDO for a commercial lot.

Since the old swale is the primary drainage for the Perfect Ride lot and the Mohamed and Son, Inc. property and a portion of Brightleaf Blvd., which limits the potential street buffer yard area and the past widening of US 301 further reducing frontage. The owner request relief by providing a reduced street yard buffer to better facilitate the existing vehicle sales area.

4.10.2.2.3 The hardship did not result from actions taken by the applicant or the property owner.

The previous property/business owner constructed the used car lot that exists today. It can be assumed the original owner was issued a zoning permit and certificate of occupancy for the used car lot since the business has been in continuous operation for nearly 25 years paying town and county taxes. The new owner is presently trying to upgrade the car lot by investing in site improvements, a showroom/ office

and a garage and will increase the tax value of the property by over a million dollars. The new owner is asking for some hardship relief in:

- 1.) the street buffer yard requirement
- 2.) the sales lot landscape island requirement
- 3.) stripping of the vehicle sales space with a 4" wide white line

Please note that at the time of the current owner's purchase there was no street yard buffer, no landscape islands and no painted stripes on the sales lot pavements. The current owner is not asking for exemption of the UDO's requirement, the current owner is only asking for relief by reducing the street buffer yard from 15 feet to 7.5 feet (while still meeting the landscape requirements), eliminating 3 landscape islands (while constructing and landscaping all other required landscape islands total of 19) and by allowing to use "tick-mark" stripes to delineate vehicle sales spaces in lieu of 4" wide white lines.

4.10.2.2.4 The requested variance is consistent with the spirit, purpose and intent of the Ordinance.

Variance Request No.1

Other properties along N. Brightleaf Blvd. like the Perfect Ride property lost street frontage and street yard buffer when the boulevard was widened. By reducing the street yard buffer from 15 feet to 7.5 feet will be in the spirit, purpose and intent of the UDO and will also be similar to past considerations given by the Town to other properties in order to work with special conditions created when the road widening was constructed. The full landscape requirement for the street buffer yard is proposed along with the construction of a sidewalk side walk which further full fills the spirit, purpose and intent of the ordinance.

Variance Request No. 2

If the requirement for a landscape island every 15 feet is waived, the owner proposes to incorporate all the shrubs and trees that would normally be required to plant the landscape islands into the other landscape areas required by the UDO. By reincorporating the landscaping into other plantings the spirit, purpose and intent of the ordinance will still be met with the construction on the improvements.

Variance Request No.3

By utilizing painted "tick-marks" in lieu of a 4" wide stripe to delineate the sales lot parking will still meet the intent of the Town's request to stripe the vehicle sales spaces. "Tick-marks" are in the spirit and purpose of the existing Town ordinances, specifications and details. Furthermore, "tick-marks" are an approved MUTCD method for delineating parking spaces, Section 3B.19.

*** DISCLAIMER ***

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

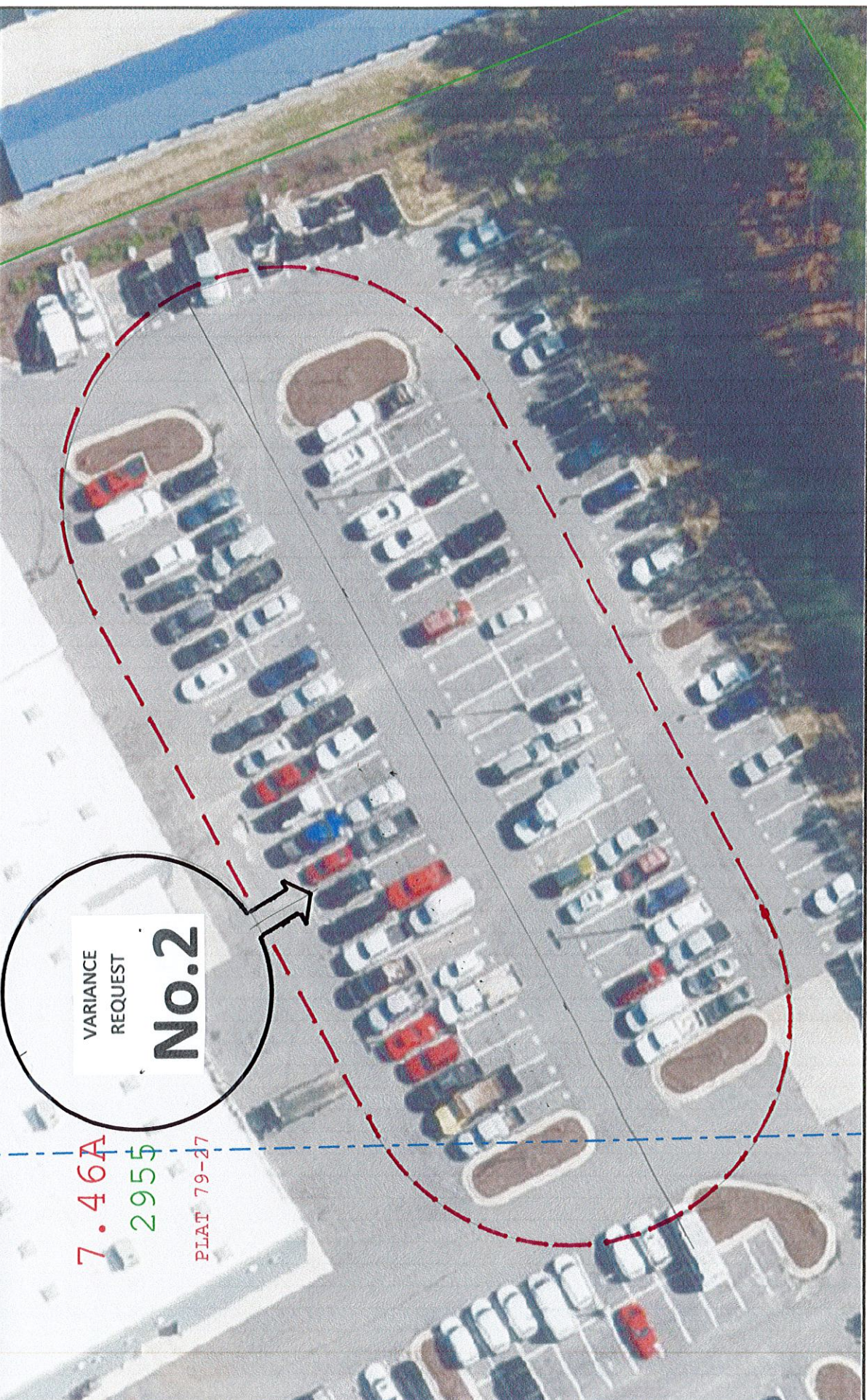
7.46A

2955

PLAT 79-27

VARIANCE
REQUEST

No.2



Scale: 1:480 - 1 in. = 40 feet

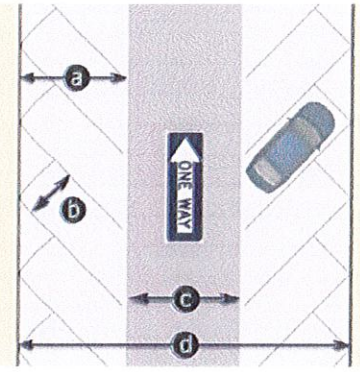
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)



ARTICLE 10. PERFORMANCE STANDARDS

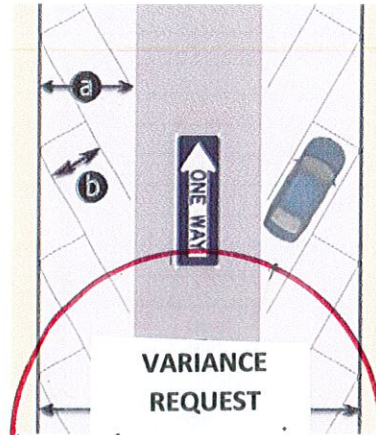
10.2.4.4. 45 Degree Parking.

- (a) **Length:** 19 feet 1 inch
(measured from the end of striping perpendicular to the curb)
- (b) **Width:** 9 feet
- (c) **One-Way Aisle:** 15 feet
Two-Way Aisle: 20 feet
- (d) **Two Row Parking with One-Way Aisle:** 53 feet
2 inches total
Two Row Parking with Two-Way Aisle: 58 feet
2 inches total
- (e) **Compact Cars:** Length - 16 feet 6 inches
(measured from the end of striping perpendicular to the curb)
Width - 8 feet



10.2.4.5. 30 Degree Parking.

- (a) **Length:** 15 feet 11 inches
(measured from the end of striping perpendicular to the curb)
- (b) **Width:** 9 feet
- (c) **One-Way Aisle:** 14 feet
Two-Way Aisle: 19 feet
- (d) **Two Row Parking with One-Way Aisle:** 45 feet
10 inches total
Two Row Parking with Two-Way Aisle: 50 feet
10 inches total
- (e) **Compact Cars:** Length - 14 feet 6 inches
(measured from the end of striping perpendicular to the curb)
Width - 8 feet



10.2.5. Parking Lots with More than Four Spaces.

10.2.5.1. Surfacing. All parking lots shall be graded and surfaced with blacktop, concrete, brick, or other such surfacing material to ensure a dustless surface condition.

10.2.5.2. Markings. Each parking stall shall be marked off and maintained so as to be distinguishable.

10.2.5.3. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

10.2.5.4. Yards. Except in the Entry Corridor Overlay District, all such parking lots shall observe a minimum front yard of not less than five feet and a side yard on a corner lot of

Parking Lots

Parking lots shall be designed to provide safe maneuverability of vehicles. A minimum parking stall dimension of 9' x 19' shall be provided for 90 degree stalls, 8.5' x 19' for angle stalls, and 9' x 22' for parallel stalls. Handicap parking spaces shall be a minimum dimension of 96 inches with a five (5) foot lane adjacent to the space properly marked with signage in accordance with the N. C. Building Code.

At locations where a sidewalk abuts a 19 foot deep parking bay, the sidewalk shall be a minimum width of six (6) feet. In parking lots where end islands are required Standard Detail 3.09 is recommended.

A minimum pavement structure consisting of 8 inches of ABC and 2 inches of 1-2 shall be used along the travel aisle on parking facilities for multi-family (excluding duplex and triplex development) and non-residential developments. Access drives for these facilities shall also meet this minimum pavement standard.

All minimum stall depths and module widths shall be measured to the face of curb when curb and gutter is used.

3B.19
PARKING SPACE
MARKINGS

All paved parking facilities shall be striped in accordance with the MUTCD with four (4) inch white lines.

Aisle widths for parking lots shall meet the following minimum requirements:

Parking Angle	VARIANCE REQUEST No.3	Aisle Width in Feet	
		One-Way Traffic	Two-Way Traffic
0-15 degree		11	24 (0degree only)
16-37 degree		12	-
38-57 degree		13	-
58-74 degree		18	-
75-90 degree		24	24

Sidewalks

Sidewalks shall be constructed within the street right of way in accordance with Town Standards and Town policy. Sidewalks shall be installed at the time of roadway construction or widening unless otherwise approved by the Town Council.

The Town Council may decide some streets which require sidewalk according to the above criteria actually have too little pedestrian traffic to make sidewalk beneficial. In these cases, the requirement for sidewalk may be waived.

All sidewalks shall be constructed in accordance with Standard Detail 3.16. The minimum thickness of a sidewalk shall be 4 inches. At locations where a driveway crosses a sidewalk a 6 inch depth is required. Sidewalks

**SMITHFIELD
NORTH CAROLINA**



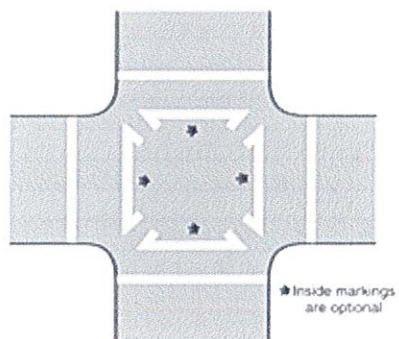
STANDARD DETAIL AND
SPECIFICATIONS MANUAL

Drawing
SPEC3_7

SECTION 3
STREETS

Date
2/1/00

Figure 3B-20. Example of Crosswalk Markings for an Exclusive Pedestrian Phase that Permits Diagonal Crossing



Guidance:

17 Crosswalk markings should be located so that the curb ramps are within the extension of the crosswalk markings.

Support:

18 Detectable warning surfaces mark boundaries between pedestrian and vehicular ways where there is no raised curb. Detectable warning surfaces are required by 49 CFR, Part 37 and by the Americans with Disabilities Act (ADA) where curb ramps are constructed at the junction of sidewalks and the roadway, for marked and unmarked crosswalks. Detectable warning surfaces contrast visually with adjacent walking surfaces, either light-on-dark, or dark-on-light. The "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)" (see Section 1A.11) contains specifications for design and placement of detectable warning surfaces.

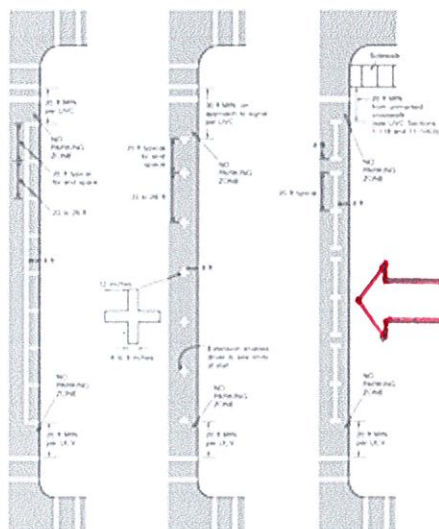
Section 3B.19 Parking Space Markings

Support:

01 Marking of parking space boundaries encourages more orderly and efficient use of parking spaces where parking turnover is substantial. Parking space markings tend to prevent encroachment into fire hydrant zones, bus stops, loading zones, approaches to intersections, curb ramps, and clearance spaces for islands and other zones where parking is restricted. Examples of parking space markings are shown in Figure 3B-21.

Figure 3B-21 Examples of Parking Space Markings

Figure 3B-21 Examples of Parking Space Markings



VARIANCE
REQUEST
No. 3

Standard:

02 Parking space markings shall be white.

Option:

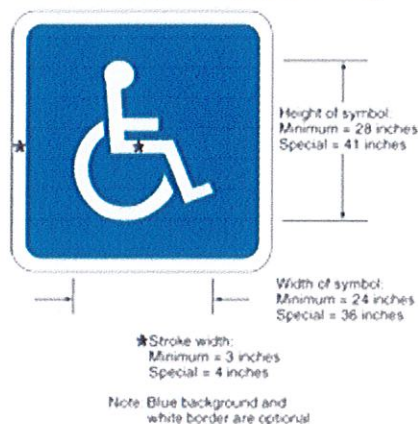
03 Blue lines may supplement white parking space markings of each parking space designated for use only by persons with disabilities.

Support:

04 Additional parking space markings for the purpose of designating spaces for use only by persons with disabilities are discussed in [Section 3B.20](#) and illustrated in [Figure 3B-22](#). The design and layout of accessible parking spaces for persons with disabilities is provided in the "Americans with Disabilities Act Accessibility Guidelines (ADAAG)" (see [Section 1A.11](#)).

Figure 3B-22 International Symbol of Accessibility Parking Space Marking

Figure 3B-22. International Symbol of Accessibility Parking Space Marking



Section 3B.20 Pavement Word, Symbol, and Arrow Markings

Support:

01 Word, symbol, and arrow markings on the pavement are used for the purpose of guiding, warning, or regulating traffic. These pavement markings can be helpful to road users in some locations by supplementing signs and providing additional emphasis for important regulatory, warning, or guidance messages, because the markings do not require diversion of the road user's attention from the roadway surface. Symbol messages are preferable to word messages. Examples of standard word and arrow pavement markings are shown in [Figures 3B-23](#) and [3B-24](#).

Figure 3B-23 Example of Elongated Letters for Word Pavement Markings

Figure 3B-23. Example of Elongated Letters for Word Pavement Markings.

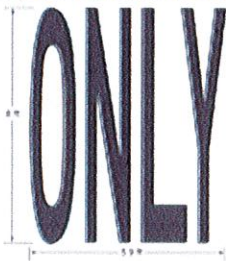
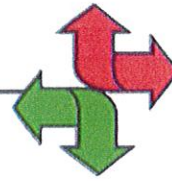


Figure 3B-24 Examples of Standard Arrows for Pavement Markings

Manual on Uniform Traffic Control Devices (MUTCD)



Knowledge

[Back to Chapter 3B](#)

2009 Edition Part 3 Figure 3B-21. Examples of Parking Space Markings

Figure 3B-21. Examples of Parking Space Markings

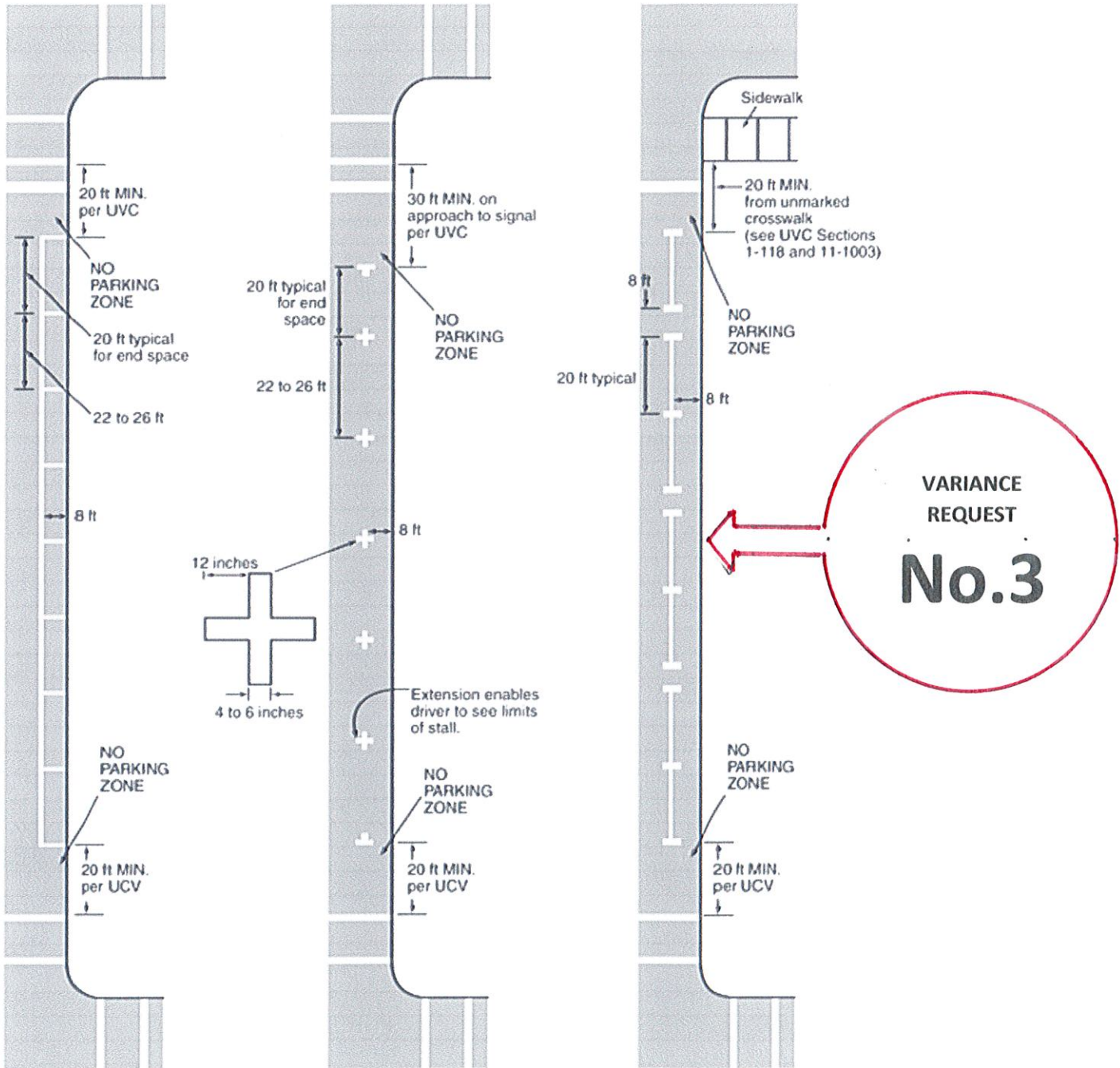


Figure 3B-21. Examples of Parking Space Markings

This figure illustrates three examples of parking space markings.

Three vertical segments of roadway are depicted, showing the right side of a roadway from the center of the roadway to the curb. Each roadway segment extends vertically for one block, from one intersection to another. Each intersection has crosswalks marked with parallel solid white lines and a wide solid white stop line in advance of the crosswalk at the top of the example. Each example has a row of parking spaces marked with white lines on the right side of the roadway between the crosswalks. On all three examples, parking spaces are shown with a dimension of 8 ft wide.

On all examples, a NO PARKING ZONE is shown at the bottom of the example from the north edge of the crosswalk to the south edge of the bottommost parking space in the row. This zone is shown as a

dimension of 20 ft MIN. per UVC indicated from the back of the last parking space to the beginning of the crosswalk. At the top of each example, a NO PARKING ZONE is shown from the north edge of the topmost parking space to the white stop line in advance of the crosswalk.

The example on the left shows a vertical row of parking spaces marked with solid white lines as vertical rectangles, with the curb forming the right side of the rectangle. At the top of the figure, the NO PARKING ZONE is shown extending from the south edge of the crosswalk to the north edge of the topmost parking space, a dimension shown as 20 ft MIN. per UVC. The topmost parking space is shown as a dimension of 20 ft long, typical for end space. The parking space below it is shown as a dimension of 22 to 26 ft.

The middle example shows the parking spaces marked with a short vertical white line to mark the side of the space and a short horizontal white line crossing it to mark each end of the space. The width of these white lines is shown as a dimension of 4 to 6 inches, and the distance from the outside edge of the horizontal arm to the outside edge of the vertical arm is shown as a dimension of 12 inches. A leader arrow points to one of these white cross markings from a note stating "Extension enables driver to see limits of stall." The top of the topmost parking space is shown marked with a white "T," and the bottom of the bottommost parking space in the row is shown marked with an inverted white "T." At the top of the figure, the NO PARKING ZONE is shown extending from the south edge of the crosswalk to the north edge of the topmost parking space, a dimension labeled as "30 ft MIN. on approach to signal per UVC." The topmost parking space is shown as a dimension of 20 ft long, typical for end space. The parking space below it is shown as a dimension of 22 to 26 ft.

The example on the right shows the parking spaced marked with long vertical white lines to mark the left side of the parking space and a short white horizontal line at each end. At the top of the example, a single parking space is shown, then a gap in the vertical white line. The gap is shown as a dimension of 8 ft. The gap is followed by two parking spaces joined vertically, then another gap in the vertical white line, another group of two joined parking spaces, a gap, and another group of two joined parking spaced. At the top of the figure, the horizontal white lines denoting a crosswalk are missing, and a horizontal rectangular labeled "sidewalk" is shown to the right of the pavement. The NO PARKING ZONE is shown extending from the south edge of the sidewalk to the north edge of the topmost parking space, a dimension labeled as "20 ft MIN. from unmarked crosswalk (see UVC Sections 1-118 and 11-1003)." The parking space below it is shown as a dimension of 20 ft, typical.

[Back to Chapter 3B](#)



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.

Paul C. Embler, Jr.



1/25/23

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

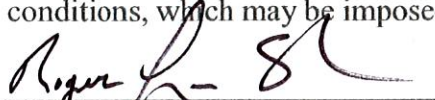
OWNER'S CONSENT FORM

Name of Project: Perfect Ride, Inc. Submittal Date: 1/25/2023

OWNERS AUTHORIZATION

I hereby give CONSENT to TerraEden Landscape & Design, LLC (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.

 Roger Lee Stanley 1/25/2023
Signature of Owner *Print Name* *Date*

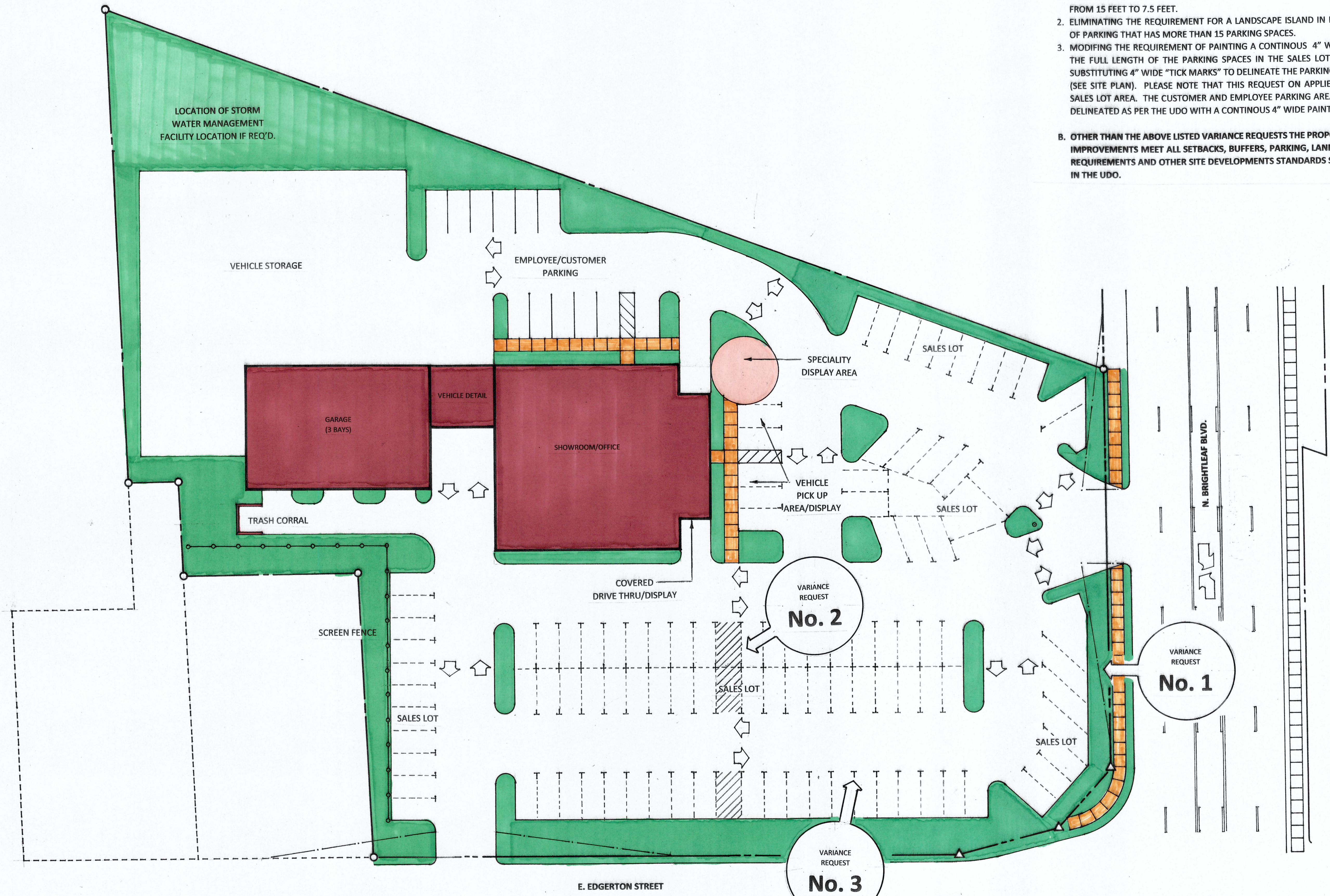
CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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.

 Paul C. Embler, Jr. 1/25/2023
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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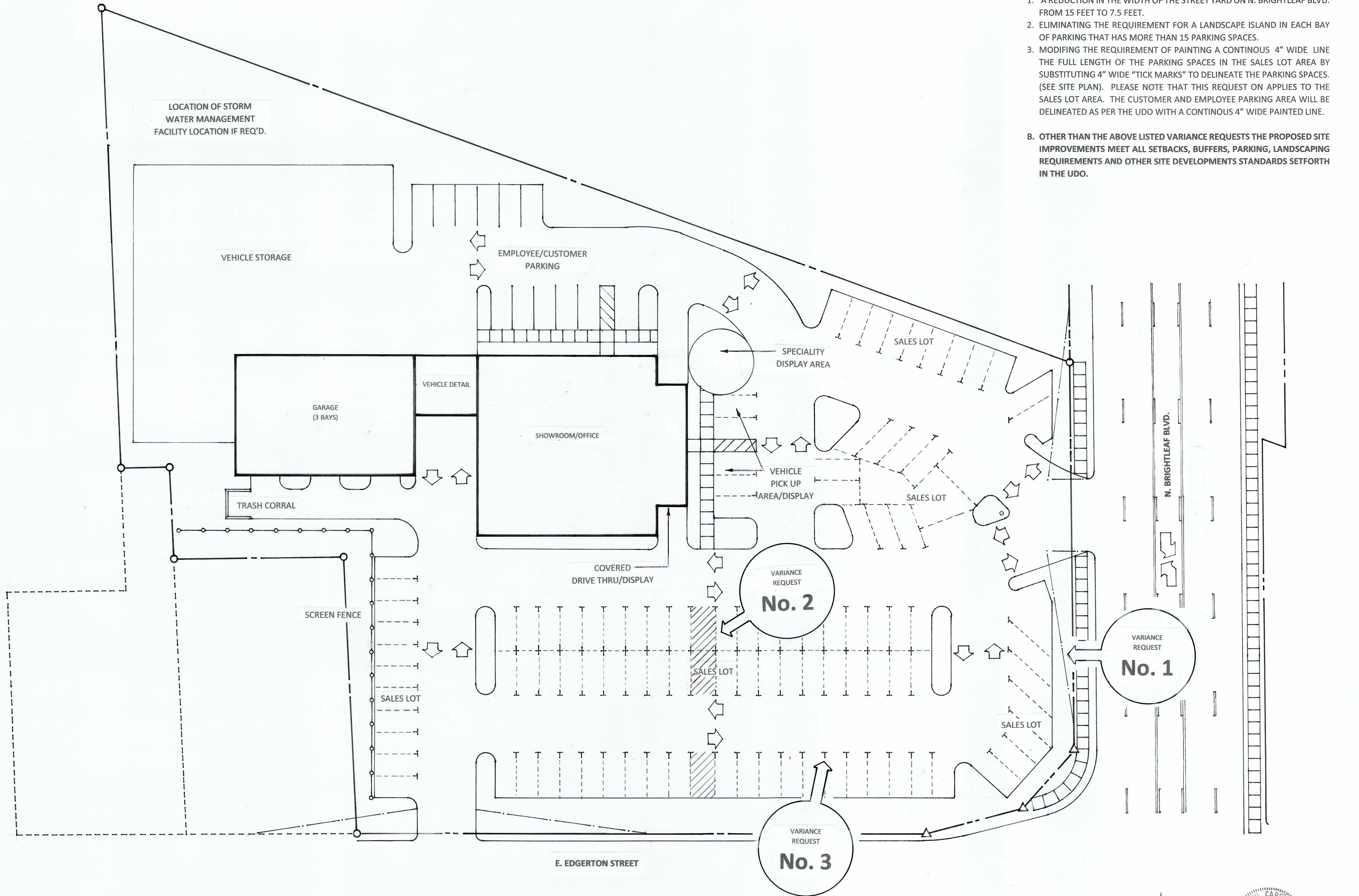


NOTE:

- A. VARIANCE REQUEST INCLUDES THE FOLLOWING:**
1. A REDUCTION IN THE WIDTH OF THE STREET YARD ON N. BRIGHTLEAF BLVD. FROM 15 FEET TO 7.5 FEET.
 2. ELIMINATING THE REQUIREMENT FOR A LANDSCAPE ISLAND IN EACH BAY OF PARKING THAT HAS MORE THAN 15 PARKING SPACES.
 3. MODIFYING THE REQUIREMENT OF PAINTING A CONTINUOUS 4" WIDE LINE THE FULL LENGTH OF THE PARKING SPACES IN THE SALES LOT AREA BY SUBSTITUTING 4" WIDE "TICK MARKS" TO DELINEATE THE PARKING SPACES. (SEE SITE PLAN). PLEASE NOTE THAT THIS REQUEST ON APPLIES TO THE SALES LOT AREA. THE CUSTOMER AND EMPLOYEE PARKING AREA WILL BE DELINEATED AS PER THE UDO WITH A CONTINUOUS 4" WIDE PAINTED LINE.
- B. OTHER THAN THE ABOVE LISTED VARIANCE REQUESTS THE PROPOSED SITE IMPROVEMENTS MEET ALL SETBACKS, BUFFERS, PARKING, LANDSCAPING REQUIREMENTS AND OTHER SITE DEVELOPMENTS STANDARDS SETFORTH IN THE UDO.**

GRAPHIC SCALE
 (IN FEET)
 1 inch = 20 ft.





NOTE:

- A. VARIANCE REQUEST INCLUDES THE FOLLOWING:**
1. A REDUCTION IN THE WIDTH OF THE STREET YARD ON N. BRIGHTLEAF BLVD. FROM 15 FEET TO 7.5 FEET.
 2. ELIMINATING THE REQUIREMENT FOR A LANDSCAPE ISLAND IN EACH BAY OF PARKING THAT HAS MORE THAN 15 PARKING SPACES.
 3. MODIFYING THE REQUIREMENT OF PAINTING A CONTINUOUS 4" WIDE LINE THE FULL LENGTH OF THE PARKING SPACES IN THE SALES LOT AREA BY SUBSTITUTING 4" WIDE "TICK MARKS" TO DELINEATE THE PARKING SPACES. (SEE SITE PLAN). PLEASE NOTE THAT THIS REQUEST ON APPLIES TO THE SALES LOT AREA. THE CUSTOMER AND EMPLOYEE PARKING AREA WILL BE DELINEATED AS PER THE UDO WITH A CONTINUOUS 4" WIDE PAINTED LINE.
- B. OTHER THAN THE ABOVE LISTED VARIANCE REQUESTS THE PROPOSED SITE IMPROVEMENTS MEET ALL SETBACKS, BUFFERS, PARKING, LANDSCAPING REQUIREMENTS AND OTHER SITE DEVELOPMENTS STANDARDS SETFORTH IN THE UDO.**

11 KENTWOOD DRIVE
SMITHFIELD, NC 27577
sembler@sembler.com
919-219-3410
LM-729

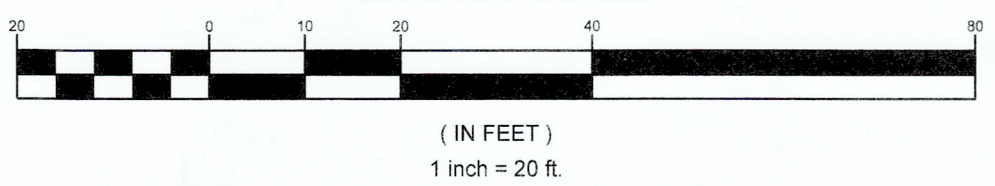
TERRAEDEN
LANDSCAPE & DESIGN, LLC
LANDSCAPE ARCHITECTS - PLANNERS



PERFECT RIDE
SMITHFIELD, NORTH CAROLINA
JOHNSTON COUNTY, NORTH CAROLINA

VARIANCE REQUEST

DESIGN PCE
DRAWN PCE
CHECKED PCE
HORIZONTAL SCALE SEE GRAPHIC SCALE
VERTICAL SCALE
DATE 1/25/03
JOB NO. 1/A
SHEET



700 Block of North Brightleaf Boulevard

File Number:
BA-23-03

Project Name:
Pefect Ride Inc.

Request:
Street Yard Reduction
Parking Lot Trees
Parking Lot Striping

Existing Zoning:
B-3 (Business)

Existing Land Use:
Automobile Sales

Tax ID#
15006006

Owner:
Gray Creek
Properties, Inc.

Applicant:
TerraEden Landscape
& Design, LLC



1 in = 200 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 2/9/2023



Adjacent Property Owners of
BA-23-03

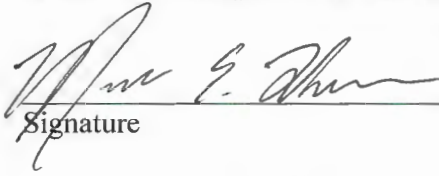
TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15004024C	169416-93-4124	PATANDO II, LLC	101 S RAIFORD ST STE 200	SELMA	NC	27576-3154
15006008	260413-02-0585	GRAY CREEK PROPERTIES, LLC	732 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577
15006002	169416-92-5692	MOHAMED AND SONS INC	P O BOX 1236	SMITHFIELD	NC	27577-0000
15006006	169416-92-9618	STANLEY, ROGER E	732 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15006011	260413-02-2758	PHILLIPS PROPERTIES OF	114 CASTLE CIR	SMITHFIELD	NC	27577-3501
15006010	260413-02-1766	REVOCABLE TRUST	921 S VERMONT ST	SMITHFIELD	NC	27577-3725
15006003	169416-92-7780	MOHAMED & SONS, INC.	713 E MARKET ST	SMITHFIELD	NC	27577-4039
15005003	169416-93-9153	WORLEY, JEAN CREECH	733 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4329
15005001	169416-93-8084	WORLEY, JEAN CREECH	733 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4329
15005002	260413-03-0024	WORLEY, JEAN CREECH	733 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4329
15006004	260413-02-0517	STANLEY, ROGER LEE	732 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4330
15099030	260413-02-1588	STANLEY, ROGER LEE	732 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4330
15006015	260417-02-2237	NEW VISION PARTNERS LLC	13200 STRICKLAND RD	RALEIGH	NC	27613-5212



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION


I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, BA-23-03 were notified by First Class Mail on 2-7-23.


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

7th day of February, 2023


Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on January 15th, 2028





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, February 23, 2023 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

BA-23-02 Deacon Jones CDJR: The applicant is requesting variances to the Town of Smithfield Unified Development Ordinances, Section 10.2.1 Off-Street Parking Requirements, Section 10.2.2, Minimum Parking Requirements, Section 10.2.5.2, Markings and Section 7.44, Outdoor Vehicle Storage, Sales and Display. The property considered for variances 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.

BA-23-03 Perfect Ride: The applicant is requesting variances to the Town of Smithfield Unified Development Ordinances, Section 10.13.1.8.1. Street Yards for Commercial Developments, Article 10.13.1.7.3, Parking lot Facility Requirements and Section 10.2.5.2, Parking Lot with More Than Four Spaces. The property considered for variances is located on the southwest side of the intersection of North Brightleaf Boulevard and East Edgerton Street and further identified as Johnston County Tax ID# 15006006.

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.