

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton
Vice-Chairman:

Sarah Edwards
Jeremy Pearce
Monique Austin
Thomas Bell

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

Meeting Date: Thursday, March 28, 2024

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

2024 Board of Adjustment Directory

Chairman: Stephen Upton (In-Town)
1203 S. Vermont St.
Smithfield, NC 27577
919-934-4332 (H)
919-915-4331 (C)

Vice Chair: Vacant

Members: Jeremy Pearce (In-Town)
409 E. Lee Street
Smithfield, NC 27577
919-631-9257 (C)
jpearce@theinsuranceshoppe.com

Sarah Edwards (ETJ Alt)
1282-E Packing Plant Road
Smithfield, NC 27577
919-796-2899 (C)
sarahelizabethedwards@gmail.com

Thomas Bell (In-Town Alt)
301 Longview Drive
Smithfield, NC 27577
919-369-4667 (C)
tombellnc@gmail.com

Monique Austin (In-Town)
103 E. Parker Street
Smithfield, NC 27577
919-725-7745 (C)
mcaustin@hotmail.com

AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MARCH 28, 2024
MEETING TIME: 6:00 PM
TOWN HALL

Call to Order.

Approval of the minutes for April 27, 2023.

Approval of the 2024 Meeting Schedule.

Approval of Vice Chair.

Public Hearing.

BA-24-01 937 N Brightleaf: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for an extension of the current (legal, non-conforming) building that would not meet setback requirements. The applicant is requesting an 8' variance to the sideyard setback. The property considered for variance is located about 650 feet southwest of the intersection of North Brightleaf Boulevard and Canterbury Rd. The property is further identified as Johnston County Tax ID# 15007001.

Old Business.

New Business.

Adjournment.



2024
Board of Adjustments Meeting Schedule

Thursday, January 25, 2024

Thursday, February 29, 2024

Thursday, March 28, 2024

Thursday, April 25, 2024

Thursday, May 30, 2024

Thursday, June 27, 2024

Thursday, July 25, 2024

Thursday, August 29, 2024

Thursday, September 26, 2024

Thursday, October 31, 2024

Thursday, November 21, 2024

Thursday, December 19, 2024

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



Request for Board of Adjustment Action

Agenda
Item: BA-24-01
Date: 3/28/24

Subject: 937 N Brightleaf Blvd Variance
Department: Planning
Presented by: Chloe Allen, Planner I
Presentation: Yes

Issue Statement

The applicant is requesting an 8' side yard setback variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for an extension of the current (legal, non-conforming) building.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of variance BA-24-01 based on finding of fact.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Application

**Draft
Smithfield
Board of Adjustment Minutes
Thursday, April 27, 2023
6:00 P.M.,
Town Hall, Conference Room**

Members Present:

Stephen Upton, Chairman
Sarah Edwards
Richard Upton
Jeremy Pearce
Monique Austin

Members Absent:

Mark Lane, Vice Chairman

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Swearing in of new board member Thomas Bell.

Approval of minutes from February 27, 2023

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

BA-23-05 Georgetown Enterprises LLC: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 10, Street Design Standards, Section 10.110.1.4.4.1, to allow for a division of land which will create a 6.6-acre parcel that will not front on a publicly dedicated and publicly maintained street. The property considered for a variance is located on the west side of Westerman Place, approximately 1300 feet north of its intersection with Short Journey Road. The property is further identified as Johnston County Tax ID#15107040.

Mark Helmer stated the applicant is requesting a variance from street design standards requirements of the Town of Smithfield Unified Development Ordinance (UDO) as it affects the following code sections:

- Section 2.19. - Public Access to Property
- Section 10.110.1.4.4. Every lot shall maintain required street frontage as required in Article 8 on one (1) of the following (Amended 4/3/2018):
- Section 10.110.1.4.4.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.
- Section 10.110.1.4.4.2. A street constructed to the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

The applicant is proposing to divide a 20.9-acre parcel into two lots equaling 6.77 acres and 15.3 acres. The existing parcel is served by a private driveway named Westerman Place located within a 50' private easement. The applicant is proposing to divide the property along this easement in such a way that both lots will continue to be served by the easement. There is no known maintenance agreement for this portion of the easement. However, Creeks Bend Subdivision, which is located on the most northern portion on the easement, has provisions within their homeowners' agreements that seemly allows them to maintain the easement all the way to the state-maintained roadway of Short Journey Road.

Existing development patterns are well established on Westerman Place and were originally approved by Johnston County prior to the Town of Smithfield extending its extra territorial jurisdiction to this area. There are currently 17 lots being served by the Westerman Place easement and 11 of these lots are less

than 10 acres in size. The condition of the gravel road surface is generally good, making safe passage of emergency vehicles possible.

The Town of Smithfield Unified Development Ordinance (UDO) has established minimum standards for the dividing of land when newly created lots that are less than 10 acres in size. The UDO states that all such lots shall be subject to the following standard;

Sec. 2.19. - Public Access to Property.

Every building or structure hereafter erected shall be located on a lot and the lot shall abut a public street or have access to an approved private street, or the lot shall abut a common area properly restricted through deed restrictions and/or property owners' association at least partly owned by the owner of the building, structure, or portion thereof.

The UDO also requires that all newly created lots less than 10 acres provide street frontage on a publicly maintained street.

10.110.1. - Design Standards.

Every lot shall maintain required street frontage as required in Article 8 on one (1) of the following (Amended 4/3/2018):

A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

A street constructed to the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

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*):

- 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. *Strict application of the Ordinance will create a hardship to the land because without the variance, the subdivider would be required to create irregular lot shapes that will include one flag lot and one lot split by the existing easement.*
- . The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. *The hardship is due to the shape of the lot and the location of the easement which creates a natural divide and is peculiar to this lot. No other lot along this easement suffer from this hardship.*
- . The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. *The applicant is not responsible for the placement of the easement through this property nor the setting of the boundary lines of the parcel and is therefore it is not a self-created hardship.*
- . 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 in that the creation of irregular lots will be avoided while preserving public safety through proper access.*

Richard Upton asked if the easement shown on the map was used by residents to access their homes?

Mark Helmer said it is an access easement so allow access to the properties. He stated that this subdivision was created prior to being in the Town of Smithfield's jurisdiction. Johnston County does allow for lots on easements the Town of Smithfield does not. We only allow newly created lots which are subject to the Town of Smithfield's subdivision ordinance which means 10 acres or less. Lots of 10 acres or less must meet the requirements of the subdivision regulations which requires it to be on a public street.

Sarah Edwards asked Mr. Helmer to share what the intent of the last finding of fact, 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 was?

Mr. Helmer stated the intent of the ordinance is to require access or for lots to front on a public street. We have a higher standard for infrastructure than a more rural area. That's another reason staff feels comfortable recommending approval because this is an existing easement. What the applicant has proposed is consistent with the way these lots have been divided in the past.

Jason Wensel of 102 S. Third Street came forward to speak. He presented a packet to each Board of Adjustment member. He reviewed each exhibit to the board.

Exhibit 1. Town of Smithfield Official Zoning Map

Exhibit 2. 1992 Plats showing Westerman Place

- a. Plat Book 36, page 381
- b. Plat Book 37, page 227
- c. Plat Book 60, page 70

Exhibit 3. 2022 Easement Declaration, Book 6355, page 808

Exhibit 4. GIS Map for Parcel 15107040

Exhibit 5. Photos of Property

Exhibit 6. Statutory Authority

- a. G.S. 160D-302, Boards of Adjustment
- b. G.S. 160D-705, Quasi-judicial zoning decisions
 - i. Subsection (d) Variances [emphasis added]
- (d) Variances-When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size or topography.
- (3) The Hardship did not result from actions taken by the applicant or the property, such as location, size or topography.
- (4) The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Debbie Howard from Carolina Reality 1330 N. Brightleaf Blvd came forward to speak on behalf of the seller. For market ability the road does split the track into two and for them to market the property a 10-acre track splits. No one would want to purchase a 10-acre track where they have 3 acres across the street, 6.7 acres across the street and building elsewhere to maintain.

Michael and Jill Prouty of 14 Cordova Street Clayton came forward to speak. They intend to build their forever home on this property, they have plans to build a large well kept home as well. They have a 3-year-old daughter they want to raise.

Rosalie Clark of 416 Westerman Place came forward to speak. She wanted to point out that both parcels of land owned by Georgetown Enterprises aka Dennis Russell are both delinquent on the Johnston County Tax Records April 2023 listing. This shows they are delinquent on their 2022 county tax obligations.

Stephen Upton spoke up as well as Mark Helmer and said this information is irrelevant to our purpose for meeting here tonight.

Mrs. Clark wanted to ask the board if the 2022 taxes for the parcel in question is unpaid why is this parcel of land being considered tonight?

Stephen Upton reminded Mrs. Clark that this board wasn't here to discuss taxes, it's not on the agenda.

James Clark of 416 Westerman Place spoke and expressed his concern of the maintenance of Westerman Place. It is the road that leads to everyone's properties. He feels adding more properties on this road will cause a burden to the few of them currently paying the HOA fees to maintain the road. He would like to know if these new homeowners are going to contribute to the HOA dues.

Mark Helmer said he understood the concern about the road maintenance but additional lots can be created regardless to whether they are granted a variance or not. This is why the Town of Smithfield doesn't usually allow subdivisions on easements because of the maintenance issue. This board is here tonight to decide if there is a hardship to justify deviating from the minimum standards in the UDO.

Sarah Edwards made a motion to move the public hearing, seconded by Jeremy Pearce. Unanimously approved.

Stephen Upton read the staff Finding of Fact for variance:

Strict application of the Ordinance will create a hardship to the land because without the variance, the subdivider would be required to create irregular lot shapes that will include one flag lot and one lot split by the existing easement.

Thomas Bell	Yay
Monique Austin	Yay
Jeremy Pearce	Yay
Richard Upton	Yay
Stephen Upton	Yay
Sarah Edwards	Yay

Unanimously approved

The hardship is due to the shape of the lot and the location of the easement which creates a natural divide and is peculiar to this lot. No other lot along this easement suffer from this hardship.

Thomas Bell	Yay
Monique Austin	Yay
Jeremy Pearce	Yay
Richard Upton	Yay
Stephen Upton	Yay
Sarah Edwards	Yay

Unanimously approved

The applicant is not responsible for the placement of the easement through this property nor the setting of the boundary lines of the parcel and is therefore it is not a self-created hardship.

Thomas Bell	Yay
Monique Austin	Yay
Jeremy Pearce	Yay
Richard Upton	Yay
Stephen Upton	Yay
Sarah Edwards	Yay

Unanimously approved

The request is consistent with the spirit, purpose and intent of the Ordinance in that the creation of irregular lots will be avoided while preserving public safety through proper access.

Thomas Bell	Yay
Monique Austin	Yay
Jeremy Pearce	Yay
Richard Upton	Yay
Stephen Upton	Yay
Sarah Edwards	Yay

Unanimously approved

BA-23-05 unanimously passes

Stephen Upton read the recommended motion: Move to approved variance BA-23-05, to allow for the subdivision of the 21.9-acre parcel into two lots, one of which will be less than 10 acres in size without road frontage on a publicly maintain road or a private road with a maintenance agreement.

Old Business

None

Jeremy Pearce made a motion to adjourn the meeting, seconded by Sarah Edwards. Unanimously approved.

Julie Edmonds



Administrative Support Specialist
Town of Smithfield Planning Department



Request for Board of Adjustment Action

Agenda
Item: BA-24-01
Date: 3/28/24

Subject: 937 N Brightleaf Blvd Variance
Department: Planning
Presented by: Chloe Allen, Planner I
Presentation: Yes

Issue Statement

The applicant is requesting an 8' side yard setback variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for an extension of the current (legal, non-conforming) building.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of variance BA-24-01 based on finding of fact.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Application



Staff Report

Agenda Item: BA-24-01

REQUEST:

The applicant is requesting an 8' side yard setback variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for an extension of the current (legal, non-conforming) building that would not meet setback requirements.

PROJECT LOCATION:

The property considered for variance is located about 650 feet southwest of the intersection of North Brightleaf Boulevard and Canterbury Rd. The property is further identified as Johnston County Tax ID# 15007001.

CASE DATA:

Applicant: Morris T. Sessoms
Property Owner: Comfort Shield HVAC of NC
Tax ID#: 15007001
Town/ETJ: Town
Acreage: 0.83 acres
Present Zoning: B-3 (Highway Entrance Business)
Existing Use: Contractor Building & Yard
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 is planning an extension to a building that is already on the lot with 0' side yard setback. The applicant's business provides HVAC/Plumbing/Electrical services 24 hours a day, 7 days a week, and to provide adequate service to their expanding customer base, they require an additional building.

The property currently has 2 buildings, Suite A and Suite B, both with legal but nonconforming setbacks. These buildings were already in existence at the time of purchasing the property and the owners were unable to anticipate the growth in their customer base. There is no alternative to expanding their building without disrupting the flow and use of the site.

This building expansion is not to be visible from the road, nor is it infringing upon neighboring parcels. The expansion setback is consistent with what is already present on this lot.

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 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. *In absence of this variance, the applicant will not have reasonable use of the property. The applicant purchased the property with the existing non-conformities and has no reasonable means to expand without the variance. Short of a variance, the business would likely have to move to accommodate its growth.*

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. *The particular property is long and narrow and was developed at a time when there were different development standards. Because of how the site was originally developed, there are not good alternatives to expand and make good use of 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. *The owner purchased the property with legal non-conforming setbacks and no specific plans for growth. But due to the growth of the business, expansion is necessary and the owners is working with the existing structures and yard*

layout.

RECOMMENDATION:

Planning Staff recommends the Board of Adjustment approve the 8' variance from the side yard setback, variance case number BA-24-01, based on the finding of fact.

RECOMMENDED MOTION:

"Move to approve variance BA-24-01 for an 8' variance to the side yard setback requirements for B-3 (Highway Entranceway Business District) Article 8, Section 8.9.1, 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: 937 N. BRIGHTLEAF Acreage of property: .83
 Parcel ID Number: 260413-13-3627 Tax ID: 15007001
 Deed Book: 06074 Deed Page(s): 0112
 Address: 937 N. BRIGHTLEAF BLVD
 Location: _____

Existing Use: CONTRACTOR BLDG & YARD Proposed Use: SAME
 Existing Zoning District: B-3
 Requested Zoning District: N/A

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

Variance Request (List Unified Development Code sections and paragraph numbers)
SEC. 8.9.1 SIDEYD SETBACK - 8' VARIANCE

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

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.

4.10.2.2.2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

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

4.10.2.2.4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

4.10.2.2.1-We provide HVAC, Plumbing and Electrical services in Johnston County. Over the past few years we have been asked to perform more work, be available to customers more frequently in order to service our customers. We need the additional space added to the structure to keep pace with the demands of our customers. We house our equipment and supplies onsite and we have had to hire additional local employees to meet the needs of our customers. Without this added space we would not be able to continue to provide the level or volume of service we currently provide which is 7 days a week, 24 hours a day.

4.10.2.2.2- The issues are the setbacks which have caused the space to be virtually unusable due to the way it was developed. The current layout of the setbacks for 937 N. Brightleaf Blvd, Ste A. completely engulfed the building. Our original plan was to build onto 937 N. Brightleaf Blvd Ste A. and were undertaken and developed, engineers engaged and several thousands of dollars spent with the anticipation that we would be able to build onto that property. Though the building itself was grandfathered in, even though the setbacks covering the building (937 N. Brightleaf Blvd Ste A)are about 50 feet from the road our plan to add onto this building was denied. 937 N. Brightleaf Blvd Ste B was also grandfathered in as it is currently laid out but the setbacks and the way they come out and through the property reduce the amount of viable building area available to us by about 30%.

If we are not allowed to add value and build onto 937 N. Brightleaf Blvd Ste B., after already having lost thousands of dollars during the planning stage, it would have a detrimental effect on our sustainability and overall business plan. If denied, the ability to improve upon the aesthetic look and utilization of the building area will be negatively impacted. Other recent renovations such those undertaken by our neighbors next door to us(doctors office) and across the street from 937 N. Brightleaf Blvd(new Urgent Care facility) continues to demonstrate the sustainable growth that is underway in Smithfield. We want to be part of that growth by continuing to meet the demands of our customers and our community at large.

4.10.2.2.3- When we purchased this property we had no way of knowing the setbacks were so extensive and encumbering. We were unaware of the extent of the setbacks and how they thoroughly encroached upon 937 N. Brightleaf Blvd Ste A. and about 30% of 937 N. Brightleaf Blvd Ste B. We could not have anticipated the need, at that time, to expand or the growth we were to experience. Our commitment to this area remains steadfast as we have become a fixture in Smithfield, especially on Brightleaf Blvd. We own the building outright, a further testimony to our level of commitment to staying here and continuing to be part of the community.

4.10.2.2.4- We believe the spirit, purpose and intent of the ordinance is to protect the town's residents and property owners from development that may infringe upon the overall appearance and sustainability of the town, thus allowing it to maintain its attraction and appeal as a town of choice. Our request meets this sense of spirit, purpose and intent as we are not looking to elevate the height of the building or dramatically change the look but rather add onto the existing property in a similar style and shape. We will still maintain our humble, non imposing appearance and continue to blend in with our community as we grow to meet the demands made of us by our customers. The granting of this Variance request will also reinforce the notion that growth can be good if it is affirmed by the local governmental leaders and community it supports. Rather than leave the town of Smithfield, where we have become a landmark of sorts and taking our service and community stewardship with us, we are committed to reinvesting in the community that has supported us for so many years. We do not wish to relocate to another location outside the Smithfield town area and remove ourselves from the community that we so enjoy being a part of for so many years. We respectfully request an approval of our Variance application.

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.

Morris T. Sessoms

Print Name

Britney Sessoms

[Signature]

Signature of Applicant

2/14/2024

Date

[Signature]



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: _____

Submittal Date: 2-13-2024

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.

X _____ Morris T. Sessoms _____
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.

X _____ Morris T. Sessoms _____
Signature of Owner/Applicant *Print Name* *Date*

X _____ Britney Sessoms _____

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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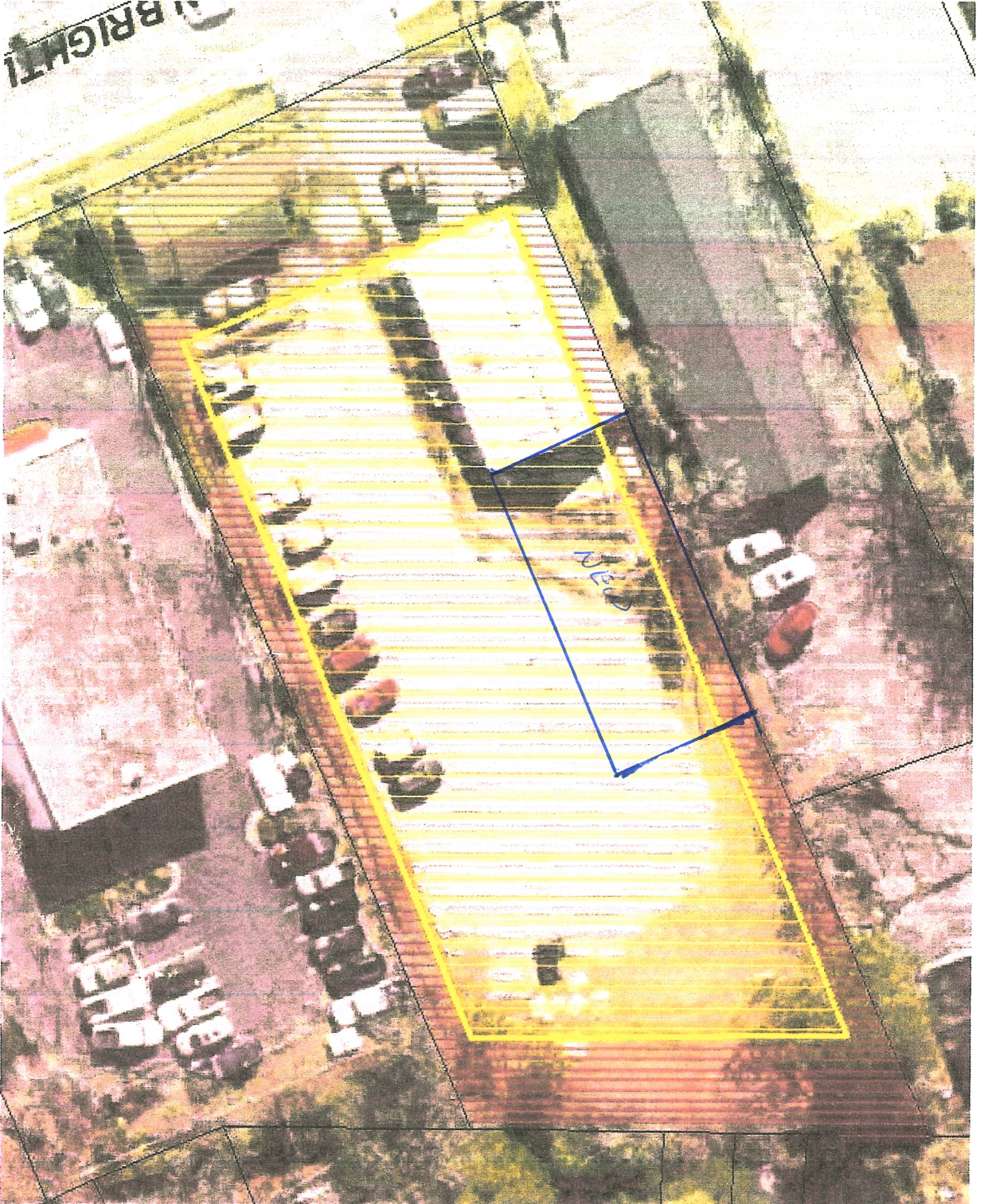


image001.jpg

2/13/24, 12:51 PM

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



Result 1

Id: 15007001
 Tag: 15007001
 NCPin: 260413-13-3627
 Mapsheet No: 260413
 Owner Name 1: SESSOMS, MORRIS TIMOTHY
 Owner Name 2: SESSOMS, BRITNEY LYNN
 Mail Address 1: 8120 HARRELL STORE RD
 Mail Address 2:
 Mail Address 3: KENLY, NC 27542-8938
 Site Address 1: 937 N BRIGHTLEAF BLVD
 Site Address 2: SMITHFIELD, NC 27577-
 Book: 06074
 Page: 0112
 Market Value: 333600
 Assessed Acreage: 0.830
 Calc. Acreage: 0.832
 Sales Price: 300000
 Sale Date: 2021-10-08

Scale: 1:683 - 1 in. = 56.88 feet

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



937 N Brightleaf Blvd

File Number:
BA-24-01

Project Name:
937 N Brightleaf

Location:
N Brightleaf Blvd
(Near Dail St and
Waddell Dr)

Tax ID#:
15007001

Existing Zoning:
B-3

Owner:
Morris & Britney
Sessoms

Applicant:
Morris & Britney
Sessoms



1 in = 158 ft

Map created by Chloe Allen
Planner I on 2/12/24



BA-24-01 Adjacent Properties Notified

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15007001	SESSOMS, MORRIS TIMOTHY	SESSOMS, BRITNEY LYNN	8120 HARRELL STORE RD		KENLY, NC 27542-8938
15004016U	EDWARDS, TERESA LYNN		27 S SUSSEX DR		SMITHFIELD, NC 27577-4742
15004017E	WOODARD, ALMA J			PO BOX 1855	SMITHFIELD, NC 27577-1855
15004017C	BIGELOW, APRIL LYNN		29 S SUSSEX DR		SMITHFIELD, NC 27577-4742
15005032C	EDWARDS, JAMES P JR	WHITLEY, CAROLYN EDWARDS AND OTHERS		P O BOX 2307	SMITHFIELD, NC 27577-0000
15007002	DUFF, ALEXANDER	DUFF, LYNDA	4 ROOSEVELT AVE		CLAYTON, NC 27520-6522
15004017M	SCOTT, LAUREN L.	SCOTT, TRACEY D.	31 S SUSSEX DR		SMITHFIELD, NC 27577-4742
15004032	WHITLEY, CAROLYN	EDWARDS, J P JR		P O BOX 2307	SMITHFIELD, NC 27577-0000



PLANNING DEPARTMENT

Chloe Allen, Planner I

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Chloe Allen, hereby certify that the property owner and adjacent property owners of the following petition, BA-24-03 were notified by First Class Mail on 3-12-24.

Chloe Allen

Signature

Johnston County, North Carolina

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

12th day of March, 2024

Julianne Edmonds

Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2028

(Seal)





PLANNING DEPARTMENT

Chloe Allen, Planner I

Notice of Public Hearing

Notice is hereby given that a public hearing will be held before the Board of Adjustment of the Town of Smithfield, N.C., on Thursday, March 28, 2024 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

BA-24-01 937 N Brightleaf: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinances, Article 8, Zoning District Design Standards, Section 8.9.1, to allow for an extension of the current (legal, non-conforming) building that would not meet setback requirements. The applicant is requesting an 8' variance to the sideyard setback. The property considered for variance is located about 650 feet southwest of the intersection of North Brightleaf Boulevard and Canterbury Rd. The property is further identified as Johnston County Tax ID# 15007001.

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