

**Smithfield Board of Adjustment
Minutes
Thursday, August 27, 2020
6:00 P.M.,
Town Hall, Council Chambers**

Members Present:

Stephen Upton, Chairman
Mark Lane, Vice Chairman
David Johnson
Sarah Edwards
Keith Dimsdale

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from May 28, 2020

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

Public Hearing

Mark Lane made a motion to open BA-20-04, seconded by David Johnson

BA-20-04 Donald E. Millard: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.3 to allow for a reduction to the minimum sign setback requirements on property located within a B-3 (Business) zoning district. The property considered for a variance is located on the south side of the intersection of M. Durwood Stephenson Parkway and North Brightleaf Boulevard further identified as Johnston County Tax ID# 14L10199B.

Mark Helmer stated that Donald Millard of Carolina Realty is requesting a 10-foot variance from the 10-foot sign setback along North Brightleaf Boulevard to allow for a new ground mounted monument sign. The new monument sign will replace an aging, out of date and non-conforming sign. The proposed sign generally meets all current Town of Smithfield UDO sign standards to include total overall height and maximum sign area to include the digital changeable copy component. As part of the M. Durwood Stephenson Parkway construction project, NCDOT, through the power of eminent domain was required to purchase portion of the subject property for the placement of large traffic signal support structures. The portion of land purchased by NCDOT was such that the signal support structures would be located behind the front property line of the remaining portion of land not purchased by NCDOT. If the applicants sign is required to meet the UDO sign setback regulations, the proposed sign will be located behind the traffic signal support structures

causing visibility of the sign to be greatly reduced. Further exacerbating the hardship is the fact that the NCDOT has an additional 10ft of right-of way on the south side of North Brightleaf Boulevard which will in effect cause the sign to be setback an additional 10 feet from the back of the curb of Brightleaf Boulevard. If the applicant is required to meet UDO sign setback regulations, the proposed sign will be located 30 feet back from the roadway of North Brightleaf Boulevard which is considerably more than what other similar business would have to endure. If the requested variance is granted, the proposed sign will be located 20 feet behind the curb of north Brightleaf Boulevard and in front of the traffic signal support structures thus eliminating visibility issues caused by this unique configuration.

Planning staff recommends approval of the variance request for a 10-foot reduction to the 10-foot sign setback standard because of the fact that the configuration of land that NCDOT purchased and the placement of large signal support structures will reduce visibility of the proposed sign if strict adherence to the standards are required.

Finding of Fact for a variance approval

4.10.2.2.1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. ***The applicant has demonstrated that if the proposed monument sign is setback 10' feet from the NCDOT right-of-way line, the sign will be obstructed by the installation of NCDOT traffic signal support structures which are themselves located behind the subject property's front property line. This unique configuration of the NCDOT right-of-way lines and placement of traffic signal support structures will make strict application of the Town of Smithfield sign setback standards a hardship to the subject 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. ***The NCDOT condemnation of property that is behind the front of subject property and the installation of large traffic signal support structures creates an obstruction in visibility of the proposed sign. The additional 10' sign setback requirement of the UDO will exacerbate this unique hardship that is uncommon among properties within the North Brightleaf Boulevard corridor.***

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 action of condemnation by the North Carolina Department of Transportation has created an undue hardship if the applicant is required to conform to the Town of Smithfield sign setback standards.***

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 granting of the variance is very much consistent with the spirit, purpose and intent of the sign ordinance. The applicant has clearly demonstrated that despite varying from the required 10' sign setback standards, the proposed sign will be still be setback 20' from the back of the existing curb of North Brightleaf Boulevard thus ensuring that the health welfare and safety of public at large will not be jeopardized.***

Sarah Edwards stated based upon satisfactory compliance with the above BA-20-04 stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the Planning Staff, I move to approve BA-20-04; seconded by Mark Lane. Unanimously approved

Keith Dimsdale made a motion to close BA-02-04; seconded by David Johnson. Unanimously approved.

Old Business
None

New Business
None

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



Julie Edmonds
Administrative Support Specialist
Town of Smithfield Planning Department