### TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton Vice-Chairman: Mark Lane

Sarah Edwards David Johnson Keith Dimsdale

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

Meeting Date: Thursday, August 27, 2020

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

## AGENDA BOARD OF ADJUSTMENT REGULAR MEETING AUGUST 27, 2020 MEETING TIME: 6:00 PM TOWN HALL

Approval of the minutes for May 28, 2020
Public Hearing
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.  Old Business.
New Business.
Adjournment.

Call to Order.

Draft
Smithfield Board of Adjustment
Minutes
Thursday, May 28, 2020
6:00 P.M.,
Town Hall, Council Chambers

**Members Present:** 

**Members Absent:** 

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

**Staff Present:** 

**Staff Absent:** 

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Stephen Wensman, Planning Director

**CALL TO ORDER** 

Swearing in of new member Keith Dimsdale

#### Approval of minutes from February 27, 2020

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

#### **Public Hearing**

<u>BA-20-03 Daughtry, Woodard, Lawrence and Starling:</u> 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-2 (Business) zoning district. The property considered for a variance is located on the northeast side of the intersection of East Market Street and North Fourth Street and further identified as Johnston County Tax ID#15020051.

Mr. Helmer stated that Russell Meinert is requesting a 5-foot variance from the 10-foot sign setback located at 405 E. Market Street to allow for a new ground mounted monument sign that was recently destroyed in an accident. The property is a 0.297-acre tract of land and is currently used as a law office. The applicant's previous sign was a legal non-conforming sign because it did not meet current setback from adjacent streets and was in place for over 40 years, and prior to the current sign ordinance. The old sign was located about 6 feet from the N. 4th Street right-of way and 0-feet from the Market Street right-of-way. The new sign will meet

the 10-foot setback on Fourth Street but will need approximately 5-foot variance on Market Street. We saw approximately 5 feet because the applicant didn't give us a surveyed drawing. Staff believes it is closer to 6 feet, so you may choose to grant a 6-foot variance.

Mr. Helmer reviewed Section 9.9 Nonconforming Signs from the Unified Development Ordinance.

#### SECTION 9.9 NONCONFORMING SIGNS.

- 9.9.1. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued.
- 9.9.2. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition; nor may illumination be added to any nonconforming sign.
- 9.9.3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- 9.9.4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign damaged.
- 9.9.5. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating a pole sign under circumstances where such a sign would not be allowed).
- 9.9.6. Subject to other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 50% of the value (tax value if listed for tax purposes) of such sign.
- Mr. Helmer said staff recommends approval of the variance because the amount of variance has been minimized and is reasonable to allow for sign construction and visibility from the road.

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

**4.10.2.2.1.** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **Unnecessary hardship will result from the strict application of** 

the Ordinance. The monument sign can only be constructed with a variance and the amount of variance has been minimized and is reasonable to allow for sign construction and visibility from the road.

- **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 building setback is less than what is required in the B-2 zoning district which leaves less space for signs than is typical. A sign is a regular feature for business and the sign could not be constructed without the 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. **The previous sign** was destroyed by an accident which was no fault of the owner. The location and configuration of the building on the lot and the remaining space for a sign was not created by the owner.
- **4.10.2.2.4.** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. The granting of the variance is very much consistent with the spirit, purpose and intent of the sign ordinance. The applicant has minimized the variance as much as is reasonable in order to have the sign remain effective and visible to passing motorists. The properties located across the street on two corners have zero setbacks.

Mr. Helmer requested that the board review the application and make a decision for the variance.

Mr. Lane asked if there were any changes to the sign.

Mr. Helmer said it's generally the same. Their may be some slight changes. It meets all requirements of the code except for the setbacks.

Mr. Lane made a motion to approve BA-20-03; seconded by David Johnson. Unanimously approved

Mr. Upton didn't close BA-20-03, he asked for a motion to close.

Mr. Dimsdale made a motion to close; seconded by David Johnson. Unanimously approved.

Old Business None

New Business None David Johnson made a motion to adjourn, seconded by Mark Lane. Unanimously Approved

gulie Gdmonds

Julie Edmonds Administrative Support Specialist Town of Smithfield Planning Department



# Request for Board of Adjustment Action

Agenda BA-20-Item: 04

Date: 8/27/20

Subject: Variance
Department: Planning
Presented by: Mark Helmer

**Presentation:** Yes

#### **Issue Statement**

Donald Millard 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.

#### Financial Impact

None

#### **Action Needed**

To review the variance application, conduct a public hearing and render a decision.

#### Recommendation

	Planning Staff recommends a	pproval of vai	riance BA-20-04
--	-----------------------------	----------------	-----------------

Approved: ☐ Town Manager ☐ Town Attorney

#### Attachments:

- Staff Report
- Finding of fact
- Application



Agenda BA-20-Item: 04 Date: 8/27/20

**Application Number:** BA-20-04

Applicant: Donald E. Millard Owner: Donald E. Millard

Agents: none
TAX ID number: 15020051
Town Limits/ETJ: City

**PROJECT LOCATION:** 1330 North Bright Boulevard

#### **REQUEST:**

Donald E, Millard is requesting a 10-foot variance from the 10-foot sign setback to allow for a for a new ground mounted monument sign on property located on the east side of the intersection of North Brightleaf Boulevard and M. Durwood Stephenson Parkway.

#### **SITE DATA:**

Acreage: 1.45 acres

Present Zoning: B-3 General Business

Proposed Zoning: N/A

Existing Use:
Proposed Use:
Water Service:
Sewer Service:
Cround Mounted Sign
Town of Smithfield
Town of Smithfield
Town of Smithfield
Town of Smithfield

#### **ADJACENT ZONING AND LAND USES:**

	Zoning	Existing Use
North:	B-3 Business	Office Complex
South:	HI Heavy Industrial	Industrial / woodland
West:	B-3 Business	Commercial
East:	B-3 Business	Commercial

#### **PETITION DESCRIPTION:**

The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance (UDO), Article 10, Section 10.23.2. Business District Signs When Site Plan is Not Required, Note 5 which states that all monument or ground mounted signs shall be placed no closer than 10' from a property line.

The applicant is proposing an all new monument sign to replace an aging, out of date and non-conforming sign. The prosed 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 ten feet of right-of-way on the south side of North Brightleaf Boulevard which will in effect causes 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 prosed 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.

#### **RECOMMENDATION:**

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.

#### FINDINGS OF VARIANCE APPROVAL:

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

- 4.10.2.2.1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. 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 foot 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 foot sign setback standards, the proposed sign will be still be setback 20 feet 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.

#### **RECOMMENDATION:**

Planning Staff recommends the Board of Adjustment approve variance BA-20-04 based on the adoption of Staff's finding of fact.

#### **RECOMMENDED MOTION:**

"Motion to approve BA-20-04, a 10-foot variance from the 10-foot sign setback from North Brightleaf Boulevard and based on the adoption of Staff's finding of fact.

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

**Application Number**: BA-20-04 **Name:** Donald Millard

**Request:** Applicant seeks a variance from the 10 foot sign setback requirements.

In accordance with **Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4** of the Town of Smithfield Unified Development Ordinance (UDO), when unnecessary hardships would result from carrying out the strict letter of the UDO, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of having met all of Article 4, Sections 4.10.2.2.1 -4.10.2.2.4.

The Board of Adjustments may impose appropriate conditions and safeguards upon the approval as long as they are related to the variance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustments.

The Board of Adjustments shall include in its comments a statement as to the application having met all of Article 4, Sections 4.10.2.2.1 - 4.10.2.2.4. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

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

- **4.10.2.2.1.** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- **4.10.2.2.2.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- **4.10.2.2.3.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- **4.10.2.2.4.** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved

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

**Motion to Approve:** Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve variance # BA-20-04 with the following condition(s):

· · · · · · · · · · · · · · · · · · ·	e to meet all of the above stated findings and for reasons to # <b>BA-20-04</b> for the following stated reason:
Record of Decision:	
Based on a motion and majority vo the Variance Application Number I	te of the Town of Smithfield Board of Adjustments for BA-20-04 is hereby:
approved upon acceptance a	and conformity with the following conditions:
denied for the noted reasons	S
Decision made this day of, 202	20 while in regular session.
	Chair of the Board of Adjustments
ATTEST:	
Julie Edmonds, Administrative Sup	 pport Specialist



#### Town of Smithfield Planning Department

350 E. Market St. Smithfield, NC 27577

P.O. Box 761, Smithfield, NC 27577 Phone: 919-934-2116

Fax: 919-934-1134

#### VARIANCE APPLICATION

Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment for relief from a requirement of the Unified Development Ordinance and to permit construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

In granting variances, the Board of Adjustment may impose such reasonable conditions as will insure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Variance applications must be accompanied by nine (9) sets of the complete application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:
Name of Project: DIGITAL SIGN Acreage of property: -0/ACRE
Parcel ID Number: 146/998 Tax ID: 146/998
Deed Book: 5/49 Deed Page(s): /05
Address: 1330 N. BRIGHTLEAF SING. SMITHFIELD, N.C. 27577
Location: 1330 N. BRIGHTLEAF NUL SMITHFIELD, NC 27577
Existing Use: Real ESTATE Office Proposed Use: Real ESTATE Office
Existing Zoning District: $\mathcal{R}\beta$
Requested Zoning District 8.3
Is project within a Planned Development: Yes
Planned Development District (if applicable):
Variance Request (List Unified Development Code sections and paragraph numbers)
Jection 10.23. 7.5.1 Setback (LED SIGNAGE)
JECTION TOURS TOURS CEED OFFICE
FOR OFFICE USE ONLY
File Number: Date Received: Amount Paid:
The Frances.
OWNER INFORMATION:

Name: DONALD E. MILLARD
Mailing Address: L.o Sex 595 Jeln A NC 27576
Phone Number: 919-291-3319 Fax: 919-934-9779
Email Address: DONGO CAROLINA FRAITY - NC. COM
APPLICANT INFORMATION:
Applicant: DONAID E. MILLARD
Mailing Address: P. O. Bex 595 Selma NC 27576
Phone Number: 919-291-3319 Fax: 919-924-9779
Contact Person: DONAID E. M. 1/Ard
Email Address: DNE Carolina reality- No. 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: Photos See Addention 3
STATEMENT OF JUSTIFICATION
Please provide detailed information concerning all requests. Attach additional sheets if necessary.  1330 N. Brightleaf WAS CONSTRUCTED AS A REALESTATE OFFICE  IN 1980 DBA CARSLING REALTY. THIS USE HAS BEEN UNINTERPUTED  AND CONTINUES SINCE 1980
Jee Addendum A
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



P.O. Box 595 Selma, NC 27576

www.CarolinaRealty-NC.com

(919) 934-0118 Fax (919) 934-9779

1330 NORTH BRIGHTLEAF WAS CONSTRUCTED AS A REAL ESTATE OFFICE IN 1980 DBA CAROLINA REALTY. THIS USE HAS BEEN UNINTERUPTED AND CONTINOUS SINCE 1980. OUR SIGNAGE WAS ERRECTED AND COMPLETED THAT SAME YEAR(1980) WHEN BRIGHTLEAF BLVD. WAS ONLY A 2 LANE ROAD. BUSINESSES WERE AND STILL ARE ATTRACTED TO THIS SECTION OF HIGHWAY. THESE BUSINESSES ERRECTED THEIR OWN SIGNAGE FOR COMPANY IDENTIFICATION SUBSTANTIALLY IN A LINE OF SITE CONSISTENT WITH WHAT WAS ERRECTED BY CAROLINA REALTY AND ITS THEN NEIGHBOR, JONES BROTHERS FURNITURE. THE CHANGES SINCE 1980 HAVE BEEN EXTRAORDINARY AND PROFOUND. THE 2 LANE ROAD HAS BECOME A 5 LANE BOULEVARD. ROAD IMPROVEMENTS TO HANDLE A 25,000 PER DAY CAR COUNT HAS BROUGHT ON AN UNDUE HARDSHIP TO MY BUSINESS, CAROLINA REALTY. AFTER 40 YEARS, OUR SIGNAGE IS OBSOLETE AND WE FEEL DIGITAL LED SIGNAGE IS OVERDUE AND NEEDED ESPECIALLY WITH THE NEW CONFIGERATION OF TRAFFIC CONTROL. WHAT IS ADVERSLY AFFECTING US IS THE FACT THAT THE MOST RECENT ROAD IMPROVEMENTS TOOK THROUGH THE NORMAL DOT CONDEMNATION PROCESS A SUBSTANTIAL PORTION OF OUR ROAD FRONTAGE ON BOTH SIDES OF OUR DRIVEWAY AND ERECTED OVERSIZED TRAFFIC LIGHT SUPPORT POLES. I HAD NO CHOICE OR NO SAY IN THIS PROCESS. IN ADDITION, SIGNAGE AND LANDSCAPING HAS SUBSTANTIALLY IMPEDED OUR LINE OF SIGHT FOR MY COMPANY'S VISIBILITY TO THE GENERAL PUBLIC. I NEED TO BE ALLOWED TO PUT A DIGITAL SIGN IN THE SAME SPOT AS MY ORIGINAL SIGN WHICH IS IN LINE WITH ALL THE EXISTING SIGNAGE FROM THE NORTHERN BORDERS OF THE TOWN OF SMITHFIELD CITY LIMITS TO THE CURVATURE ON THE EASTERN SIDE OF BRIGHTLEAF BOULEVARD. CLEAR PHOTO EVIDENCE OF THE NEW LINE OF SIGHT IS ATTACHED ON THE SUPPORTIVE ADDENDUM SHOWING OVERSIZED SUPPORTING TRAFFIC LIGHT POLES, DOT SIGNAGE, AND LANDSCAPING MAKING THE VISIBILITY OF OUR COMPANY SIGNAGE ALMOST INEFFECTIVE. MY REQUEST IS SIMPLE, WAIVE THE 10' SETBACK AS REQUIRED IN THE EXISTING ORDINANCE FOR LED SIGNAGE, NOT 10' FURTHER FROM BRIGHTLEAF BOULEVARD.

RESPECTFULLY SUBMITTED,

DONALD MILLERD

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.

SIGNAGE VISIBILITY IS SEVERLY impaired

WITH 10' SETBACK REQUIREMENT AS SET

FORTH IN 10.23, 7.5 - SETBACK

**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.

HARdship ResultED FROM SUBSTANIA! RECONSIGNATION

OF TRAFFIC PATTERNO LINESTLY IN FRONT OF

CAROLINA REALTY OFFICE

**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.

DARdship RESULTED FROM DOT CONDEMNATION AND TAKING OF & PARCELS OF LAND FROM DONAND MILLARD FRONTING BRIGHT LEAF Which WAS PREVIOUSLY AN UNDESTRUCTED VIEW OF PASSING MOTORISTS

**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.

10 SETBACK IF IMPREMENTED WOULD DISTUPT A CONSISTENT LIKE OF SIGHT to PASSING MOTORISTS REPATIVE TO ALL OTHER SIGNS ON THE CAST SIDE OF SKIGHTLEAF STUD

#### 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.

DONALO E. MILLARD

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: Digital:	Sig V/Carolina Re	स्तरप Submittal l	Date: 8-6-2020	_
OWNERS AUTHORIZATI	ON		TO THE PROPERTY OF THE PARTY OF THE	
I hereby give CONSENT to_clearly full name of agent) to required material and documes pertaining to the application designated above to agree to a application.	nts, and to attend an s) indicated above.	d represent me at a Furthermore, I he	all meetings and public hear reby give consent to the p	d all rings party
I hereby certify I have full knapplication. I understand that agent will result in the denia approval or permits. I acknow application. I further consent to document submitted as a part conditions, which may be imposed.	any false, inaccurate l, revocation or admi wledge that addition the Town of Smith of this application f	e or incomplete info ninistrative withdra nal information m field to publish, co for any third party.	ormation provided by me or wal of this application, req ay be required to process py or reproduce any copyrig I further agree to all terms	r my uest, this ghted
Ab	Dovald 1	7011 app	8-6-20	
Signature of Owner	Print Name		<u>8 -6 - 20</u> Date	
CERTIFICATION OF APP	LICANT AND/OR	PROPERTY OW	NER	
I hereby certify the statements and correct to the best of mattachments become official r Carolina, and will not be return	ly knowledge. I und ecords of the Planni	derstand this appli	cation, related material and	d all
1	DONALD	Millard	5-6-28	
Signature of Owner/Applicant	Print Name		Date	
FOR OFFICE USE ONLY				
File Number: Da	te Received:	Parcel (D No	imber:	



PROJECT:

**CAROLINA** 

ADDRESS:

ΔTF·

07/3/20

DRAWN BY:

WD SIMM

NOTES:

4X7 LED

8mm

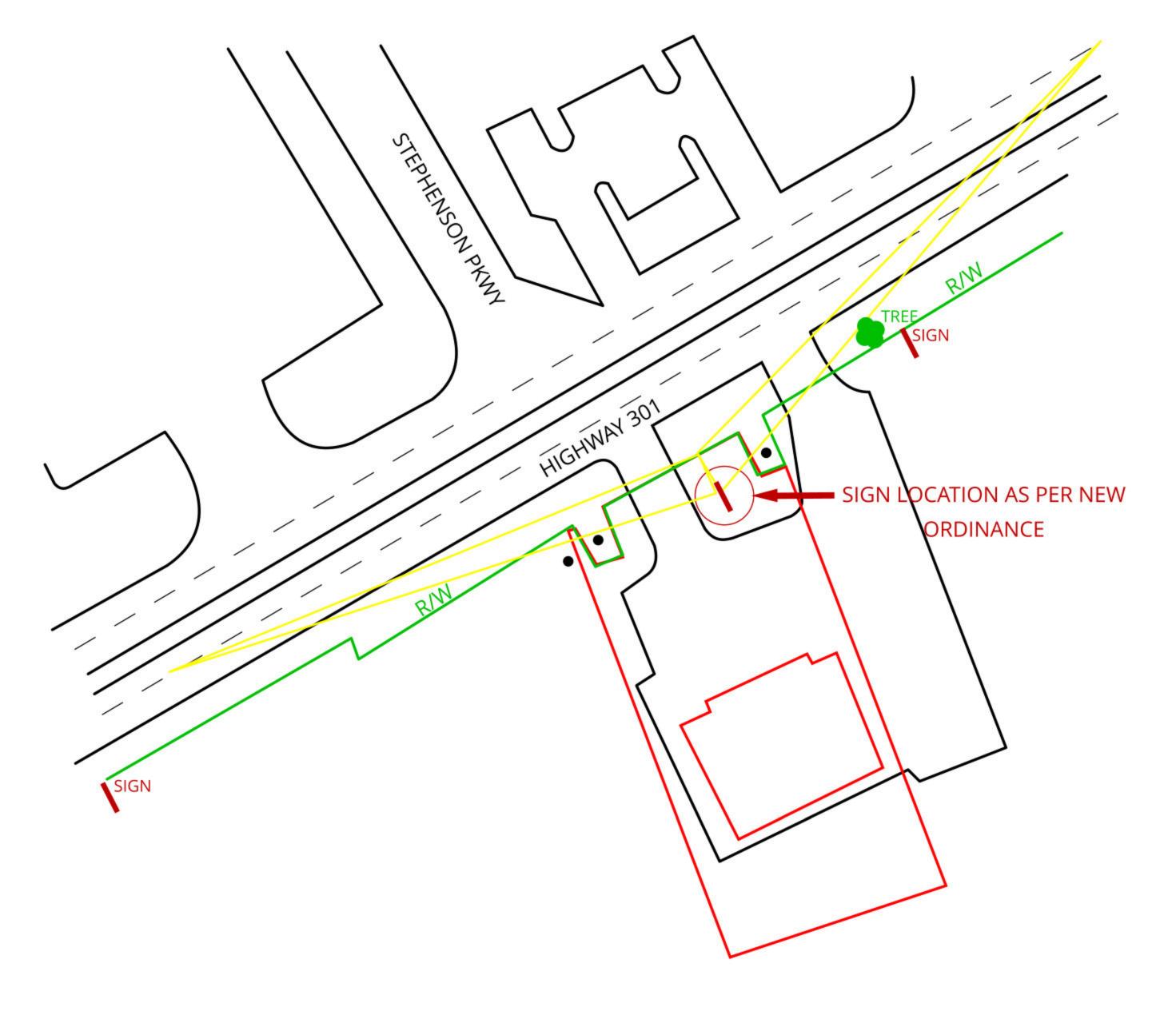
30 sq ft LEI

DRAWING NO.:

07320-0



© 2020 COPY RIGH NY REPRODUCTION O DRAWING WITHOUT PERMISSION OF LIGHT



















#### 1300 Block of North Brightleaf Boulevard

Project Name: Carolina Realty

Location: 1330 North Brightleaf Blvd.

File Number: BA-20-04

Exisiting Zoning: B-3 Highway Entrance Business

> Request: Variance to Sign Setback

Property Owner: Donald E. Millard

Tax ID# 14L10199B



1 in = 162 ft

Map created by the Mark E. Helmer, AICP Senior Planner, GIS Specialist on 8/17/2020





#### 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 own	ners
of the following petition, <u>BA-20-04</u> , were notified by First Class Mail on <u>8-14-20</u> .	
111 11	

Signature

Johnston County, North Carolina

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

Julianne Edmonds
Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on 1-15-2023

## Adjacent Property Owners of BA-20-04

TAG	PIN	Name	Address	City	State	Zip Code
14074005	260415-64-2955	MAMCO ROCK HILL	PO BOX 568	SMITHFIELD	NC	27577-8494
15L10061	260415-63-4202	SMITHFIELD BUSINESS	4020 KINROSS LAKES PKWY STE	RICHFIELD	ОН	44286-9249
14L10081	260411-65-5150	MILLARD, DONALD E	P O BOX 595	SELMA	NC	27576-0595
14L10199B	260411-65-4086	MILLARD, DONALD E	P O BOX 595	SELMA	NC	27576-0595
14057020C	260411-65-0573	TRMIHA LLC	240 LAKEVIEW HILLS DR	FOUR OAKS	NC	27524-8443
14L10199C	260411-65-2428	DEPARTMENT OF	1546 MAIL SERVICE CTR	RALEIGH	NC	27699-1500



#### PLANNING DEPARTMENT

Mark E. Helmer, AICP, Senior Planner

#### **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, August 27, 2020 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**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.

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