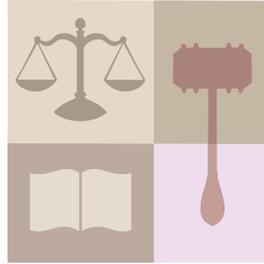


# TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton  
Vice-Chairman: Mark Lane

Sarah Edwards  
Keith Dimsdale

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

**Meeting Date: Wednesday, November 18, 2020**

**Meeting Time: 6:00 p.m.**

**Meeting Place: Council Chambers, Smithfield Town Hall**

**AGENDA**  
**BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**NOVEMBER 18, 2020**  
**MEETING TIME: 6:00 PM**  
**TOWN HALL**

**Call to Order.**

**Approval of the minutes for September 24, 2020**

**Public Hearings**

**BA-20-05 Paul R. Schultze:** 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 OI (Office-Institutional) zoning district. The property considered for a variance is located on the northwest side of the intersection of Booker Dairy Road and Heritage Drive and further identified as Johnston County Tax ID# 14057197D.

**BA-20-07 Johnston County:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 2, Section 2.22 to allow relief from the requirement to construct a 5-foot sidewalk on property located with a OI (Office-Institutional) zoning district. The property considered for a variance is located on the north side of US Highway 70 Business East, approximately 325 feet east of its intersection with Yelverton Grove Road. The property is further identified as Johnston County Tax ID# 15L11011.

**Old Business.**

**New Business.**

**Adjournment.**

**Draft  
Smithfield Board of Adjustment  
Minutes  
Thursday, September 24, 2020  
6:00 P.M.,  
Town Hall, Council Chambers**

**Members Present:**

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

**Members Absent:**

Keith Dimsdale

**Staff Present:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

**Staff Absent:**

Stephen Wensman, Planning Director

**CALL TO ORDER**

**Approval of minutes from August 27, 2020**

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

**Open Public Hearing**

David Johnson made a motion to open BA-20-06, seconded by Sarah Edwards. Unanimously Approved

**BA-20-06 Historic Smithfield Foundation:**

Mark Helmer said the Historic Smithfield Foundation is requesting a 23-foot variance from the minimum 30-foot front building setback for the addition of a vestibule and staircase to an existing structure located within a R-8 (Residential) zoning district. The Historic Smithfield Foundation is rehabilitating the Historic Freedman School House with plans to use the structure for a public use. The Smithfield Town Council, at their June 6, 2020 meeting issued a special use permit for a public use. The Smithfield Board of Adjustment, at their January 31, 2019 meeting, issued a 6' 9" variance from a 10' side yard setback, a 5' 8" variance from a 10' side yard setback and an 1,888 square foot variance from the 8000 squares foot minimum lot size for the creation of an individual lot of record in preparation for the transfer of ownership of the Freedman School House to the Historic Smithfield Foundation. The most recent site plan indicates the removal of an enclosed front porch that was constructed in the recent past and has outlasted its usefulness.

The Historic Smithfield Foundation is proposing to reconstruct the vestibule that would typically be found on a Freedman School House. The addition of the vestibule will be sensitive to the architectural history of the structure and serve as a value-added feature to building and community. The proposed site plan indicates that the existing structure, minus the demolished front porch, encroaches 10 feet into the required 30-foot building setback from North Fourth Street and the proposed vestibule with staircase will encroach an additional 13 feet into the required 30-foot building setback. Therefore a 23-foot variance will be required for the construction of the proposed vestibule and staircase. The

following Unified Development Ordinance section highlights the dimensional requirements for lots located within the R-8 (Residential) zoning district.

As part of a complete variance application, the applicant has submitted a surveyed plot plan indicating the vestibule and staircase will be approximately 7 feet from the public right-of-way of North Third Street.

#### **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. ***Unnecessary hardship will occur, because the existing structure predates modern zoning and cannot meet the minimum building setbacks of the R-8 (Residential) zoning district. If the variance is not granted, any effort to return the structure to its historic form would require moving the entire structure from its current location.***

***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 existing structure was constructed before modern zoning and the historical significance of the structure results in a peculiar situation were preservation of the structure will be impossible to perform if a variance from the front building setback is not granted.***

***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 existing structure not meeting current building setbacks is a nonconformity that was not originally created by the applicant. Returning the structure to a more accurate historical form is not 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. ***The variance is in keeping with the spirit, purpose, and intent of the Ordinance. The variance will serve to protect and preserve the fabric and history of the district in which this historic structure is located.***

Mark Lane said we've already issued a 10-foot variance on this same property. He asked if it was allowable to issue another variance on the same property.

Mark Helmer said yes.

Mark Lane said so this will give them a 7-foot setback.

Mark Helmer said yes, it will be a little closer than what it was before demolition.

Mark Lane asked if adjacent property owners we notified.

Mark Helmer said yes absolutely, by First Class Mail.

Mark Lane said he didn't mind granting the applicant the variance, he agrees it is needed. He just feels like the by granting a 23-foot variance the board would be setting a precedence.

Mark Helmer said there wouldn't be a precedence set because every case is based on facts of that case not something previously before.

Mark Lane asked if a house that is currently in the setback being lived in wants to remodel or rebuild a burnt front porch; would they have to come back before to BOA to get approval?

Mark Helmer said no. A single family dwelling can be rebuilt on an existing building footprint if destroyed by fire. Any additional footprint would require conformance with building setbacks or receive a variance and you will find in most historic neighborhoods that it is more common then not that single family dwellings do not and can not meet modern zoning setbacks setbacks.

David Johnson made a motion to approve finding of fact; seconded by Sarah Edwards. Unanimously Approved.

Sarah Edwards made a motion to approve variance BA-20-06 based on the finding of fact found in the staff report to allow for a 23-foot variance from the 30-foot front building setback for the addition of a vestibule and staircase to an existing historic structure located within a R-8 (Residential) zoning district; seconded by David Johnson. Unanimously approved

Sarah Edwards made a motion to close BA-20-06; seconded by David Johnson. Unanimously approved.

The next BOA meeting will take place on Thursday, October 22<sup>nd</sup>, 2020 at 6pm.

Old Business  
None

New Business  
None

Mark Lane made a motion to adjourn, seconded by Sarah Edwards.

*Julie Gdmonds*

Administrative Support Specialist  
Town of Smithfield Planning Department



# Request for Board of Adjustment Action

Agenda BA-20-  
Item: 05  
Date: 11/18/20

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**Subject:** Variance  
**Department:** Planning  
**Presented by:** Mark Helmer  
**Presentation:** Yes

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## Issue Statement

Paul Schultz, owner of the Schultz Insurance Agency is requesting a 2-foot variance from the 10' setback to construct a 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 approval of variance BA-20-05.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of fact
- Application



# Staff Report

**Agenda Item:** BA-20-05  
**Date:** 11/18/20

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**Application Number:** BA-20-05  
**Applicant:** Paul Schultz  
**Owner:** Paul Schultz  
**Agents:** none  
**TAX ID number:** 14057197D  
**Town Limits/ETJ:** City

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**PROJECT LOCATION:** 1638 and 1640 East Booker Dairy Road

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**REQUEST:**

Paul Schultz, owner of the Schultz Insurance Agency is requesting a 2-foot variance from the 10' setback to construct a ground mounted monument sign.

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**SITE DATA:**

**Acreage:** 0.39 acres  
**Present Zoning:** O/I Office/Institutional  
**Existing Use:** Insurance Office  
**Proposed Use:** Ground Mounted Sign  
**Water Service:** Town of Smithfield  
**Sewer Service:** Town of Smithfield  
**Electrical Service:** Town of Smithfield

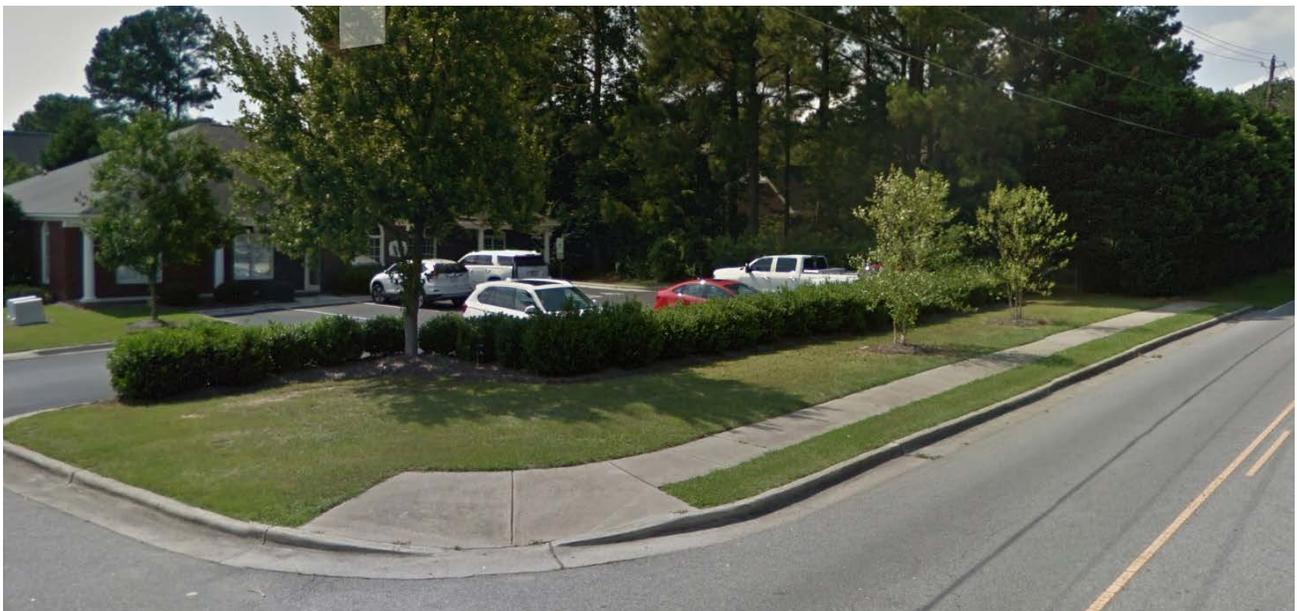
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**ADJACENT ZONING AND LAND USES:**

	<b>Zoning</b>	<b>Existing Use</b>
<b>North:</b>	R-8	Single Family Residential
<b>South:</b>	O/I	Offices
<b>West:</b>	R-8	Single Family Residential
<b>East:</b>	O/I	Offices

**PETITION DESCRIPTION:**

Mr. Shultz is requesting a 2-foot variance from the 10-foot sign setback to construct a ground mounted monument sign. The visibility to the office from the street is limited due to a mature hedge (4.5-feet high) and trees that were required at the time the site was developed. The existing wall signs are small and not visible from the street. Furthermore, there is a mature evergreen buffer along the north property line up to the sidewalk (between the commercial and residential uses) that restrict visibility from the north. The applicant wants the monument sign so that customers can more easily find his business and to advertise his business. The applicant intends to remove some of the mature hedge and replace it with shorter shrubs that will not obscure the proposed sign. The applicant is requesting the 2'-foot variance in order to bring the sign a bit closer to the street to mitigate the impact of the evergreen trees along the north property line. The applicant has proposed a sign that meets the sign regulations, which is in keeping with a reasonable size and scale for the property and type of business.



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**RECOMMENDATION:**

Staff recommends approval of the variance request for a 2-foot variance from the 10-foot sign setback standard.

## 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 variance is warranted because a ten-foot setback would hinder visibility of the proposed sign. A sign to advertise the business is a regular accessory to a business, and often essential for the business to thrive.***

***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 hardship results from the fact that this property has a mature landscape that was required as part of the site development and a mature evergreen buffer between the commercial and residential land uses along the north property line which limits where a sign can be located and remain visible from the road.***

***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 hardship was not created by the applicant, rather, the landscaping and buffer were requirements of development. The landscaping has matured and has blocked visibility of existing signs and limited where a new sign can be located and be seen from the road.***

***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 tried to minimize the amount of variance being requested to install the needed sign.***

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**RECOMMENDATION:**

Planning Staff recommends the Board of Adjustment approve variance BA-20-05 based on the adoption of Staff's finding of fact.

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**RECOMMENDED MOTION:**

***“Motion to approve BA-20-05, granting a 2-foot variance from the 10-foot sign setback from the Booker Dairy Road public right-of-way, based on the adoption of Staff's finding of fact.”***

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

**Application Number:** BA-20-05      **Name:** Schultz Insurance Agency Sign

**Request:** Applicant seeks a 2-foot variance from the 10-foot setback, Article 10.23.2, for a ground mounted sign located in the O zoning district.

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-20-05 with the following condition(s):*

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**Motion to Deny:** *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance BA-20-05 for the following stated reason:*

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**Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BA-20-05 is hereby:**

\_\_\_\_\_ **approved upon acceptance and conformity with the following conditions:**

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\_\_\_\_\_ **denied for the noted reasons.**

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**Decision made this 18th day of November, 2020 while in regular session.**

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**Mr. Stephen Upton**  
**Chair of the Board of Adjustment**

**ATTEST:**

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**Julie Edmonds, Administrative Support 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: Schultze Insurance Agency, Sign Acreage of property: 0.39 Acres  
 Parcel ID Number: 14057197D Tax ID: 28410-35-4633  
 Deed Book: 02182/0243 Deed Page(s): 0055/0416  
 Address: 1638 & 1640 E Booker Dairy Rd Smithfield NC 27577  
 Location: 1638 & 1640 E Booker Dairy Rd Smithfield NC 27577

Existing Use: Insurance Office Proposed Use: Insurance Office

Existing Zoning District: Town Of Smithfield

Requested Zoning District \_\_\_\_\_

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

Variance Request (List Unified Development Code sections and paragraph numbers)  
 Please allow us to move the Variance by 2' from the right away.

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

### OWNER INFORMATION:

**Name:** Paul R. Schultze  
**Mailing Address:** PO Box 2316 Smithfield NC 27577  
**Phone Number:** 919-934-2240 **Fax:** 919-934-9005  
**Email Address:** paul@schultzeagcy.com

**APPLICANT INFORMATION:**

**Applicant:** Paul R. Schultze  
**Mailing Address:** PO Box 2316 Smithfield NC 27577  
**Phone Number:** 919-934-2240 **Fax:** 919-934-9005  
**Contact Person:** Paul R. Schultze  
**Email Address:** paul@schultzeagcy.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.*

We are trying to install a sign for advertising our agency - Schultze Insurance Agency, Inc. The current location allowed by the Town Of Smithfield does not allow the sign to be visible from the road. We are going to replace the Shrubs, but the sign will still be hidden. We are asking for your help in allowing us to move the variance of the sign by 2'

Thank you so much

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**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.

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**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.

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**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.

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**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.

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**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 R Schultze**

10/06/2020

*Print Name*

*Signature of Applicant*

*Date*

# 1600 Block of Booker Dairy Road

**Project Name:**  
Schultz Insurance  
Sign Variance

**Location:**  
1638 & 1640  
Booker Dairy Road

**File Number:**  
BA-20-05

**Existing Zoning:**  
OI (Office-  
Institutional)

**Request:**  
Variance from  
10' sign setback

**Property Owner:**  
Paul Schultz

**Tax ID# 14057197D**



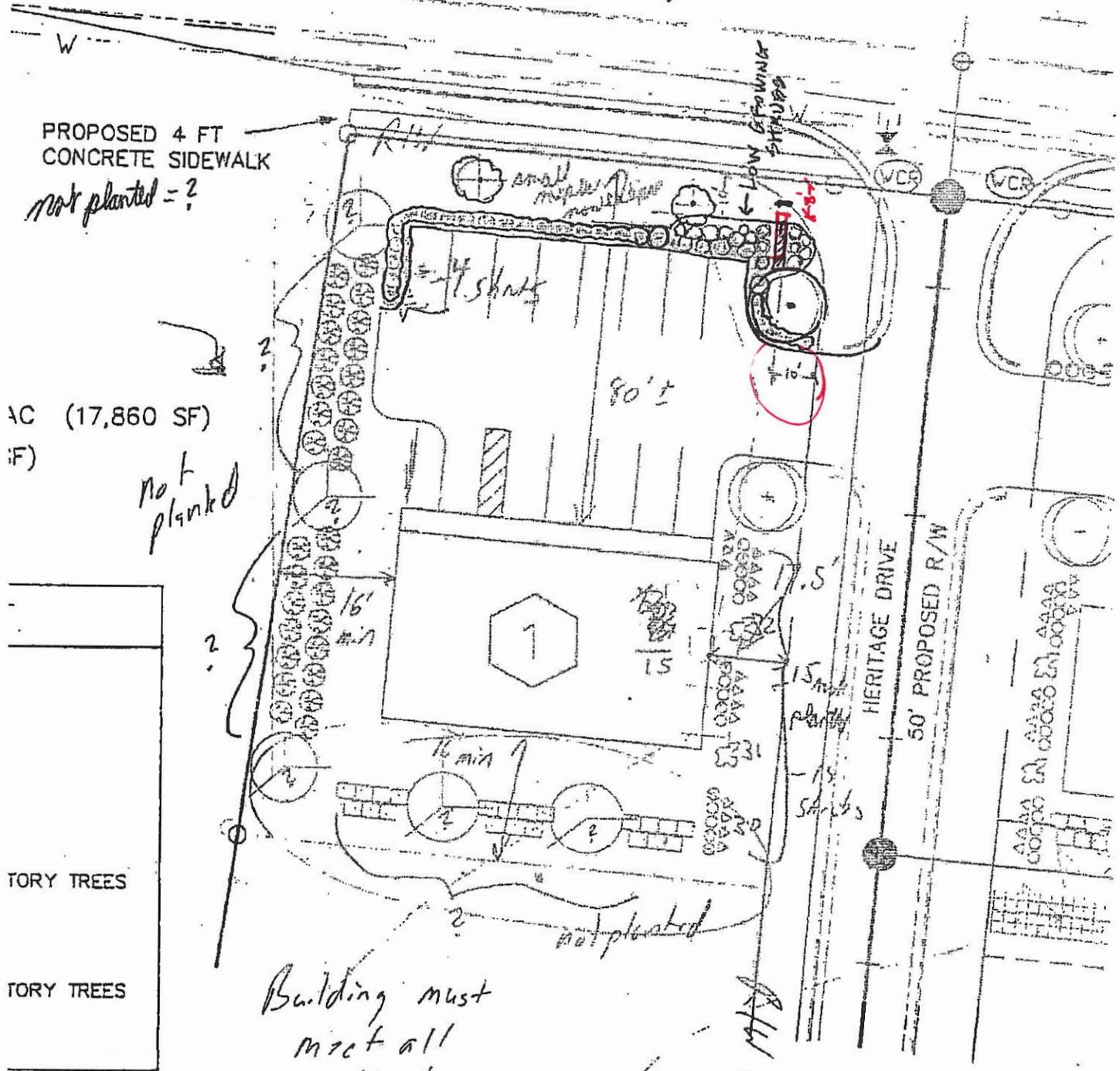
1 in = 80 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 9/21/2020



938-3817 Chris Rypel

27



AC (17,860 SF)  
IF)

not planted

TORY TREES

TORY TREES

Building must meet all setbacks

1" = 30'

*[Handwritten signature]*

Dale Jones 934-8101  
LANDSCAPING PROVIDED

tree sizes too small

	LOT 2	LOT 3	
	0.34 ACRES	0.34 ACRES	0.34 ACR
	4,643 SF	4,637 SF	5,087 SF



PLANNING DEPARTMENT  
Mark E. Helmer, AICP, Senior Planner

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ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **BA-20-05**, were notified by First Class Mail on **11-2-20**.

  
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

2nd day of November, 2020

  
Notary Public Signature

Julianne Edmonds  
Notary Public Name

My Commission expires on 1-15-2023  
(Seal)



Adjacent Property Owners of  
BA-20-05

TAG	PIN	NAME1	Address	City	State	Zip Code
14057009V	260410-35-3736	ALLIED RESIDENTIAL PROP LLC	PO BOX 1761	SMITHFIELD	NC	27577
14057009W	260410-35-4756	DUNN, CLAUD L JR	14 WOODSDALE DRIVE	SMITHFIELD	NC	27577-0000
14074001F	260410-35-6640	JEM PROFESSIONAL PROPERTIES LLC	1609 BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14074001G	260410-35-6750	JEM PROFESSIONAL PROPERTIES LLC	1609 BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14057198D	260410-35-3613	SCHMELZER, CLAY A	100 HERITAGE DRIVE	SMITHFIELD	NC	27577-0000
14057197D	260410-35-4633	SCHULTZE, PAUL R	P O BOX 2316	SMITHFIELD	NC	27577-2316
14057197E	260410-35-4438	INTERSTATE REALTY LLC	125 CYPRESS PT	SMITHFIELD	NC	27577-8387
14057197K	260410-35-2498	BUNTING, WILLIE E. IV	101 HERITAGE DR	SMITHFIELD	NC	27577-9404



# Request for Board of Adjustment Action

**Agenda  
Item:** BA-20-07  
**Date:** 11/18/2020

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**Subject:** Variance  
**Department:** Planning  
**Presented by:** Stephen Wensman, AICP  
**Presentation:** Yes

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## Issue Statement

Johnston County is requesting a variance from the requirement to construct a sidewalk along the public right-of-way, Unified Development Ordinance, Section 2.22.

## Financial Impact

If the County does not construct the sidewalk with this project, then it will become the Town's responsibility in the future.

## Action Needed

To review the variance application to approve or deny.

## Recommendation

Planning Staff recommends denial of variance BA-20-07.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report BA-20-07
- Application



# Staff Report

**Agenda Item:** BA-20-07  
**Date:** 11/18/20

**Application Number:** BA-20-07  
**Applicant/Owner:** Johnston County  
**Agents:** Dan Simmons, Project Manager, McGill Associates, P.A.  
**TAX ID number:** 15L11011  
**Town Limits/ETJ:** City

**PROJECT LOCATION:** 1071 Yelverton Grove Road

## REQUEST:

Johnston County is requesting a variance from the requirement to construct a sidewalk along the public right-of-way, Unified Development Ordinance, Section 2.22.

## SITE DATA:

**Acreage:** 16.84 acres  
**Present Zoning:** O/I Office/Institutional  
**Existing Use:** Johnston County Detention Center  
**Water Service:** Town of Smithfield  
**Sewer Service:** Town of Smithfield  
**Electrical Service:** Town of Smithfield

## ADJACENT ZONING AND LAND USES:

	Zoning	Existing Use
<b>North</b>	R-20A Residential-Agriculture	Agricultural
<b>South:</b>	B-3 Commercial	Agricultural and Farm Credit Financial Institution
<b>West:</b>	B-3 Commercial, R-20A Residential-Agriculture, Light Industrial	Commercial Business, Agriculture, and Place of Worship
<b>East:</b>	B-3 Commercial and R-20A Residential-Agriculture	Manufactured homes and Agriculture.

## **PETITION DESCRIPTION:**

Johnston County is constructing the Johnston County Detention Center on the property and is seeking a variance from the sidewalk requirement of UDO Section 2.22. The County bases its request on the following reasons (see application):

- The nearest connecting sidewalk is on the west side of Interstate-95 (roughly a mile away) and there are no sidewalks on the I-95 bridge.
- The area to the east is sparsely developed and the sidewalk on US Hwy 70 Business East would not be used.
- The area to the north of the development is primarily agriculture and the sidewalk on Yelverton would not be used.
- Pedestrian traffic is generally considered a security risk for the detention center and is monitored and controlled.
- The sidewalks are a liability because they direct pedestrians to areas without sidewalks with vehicle traffic.

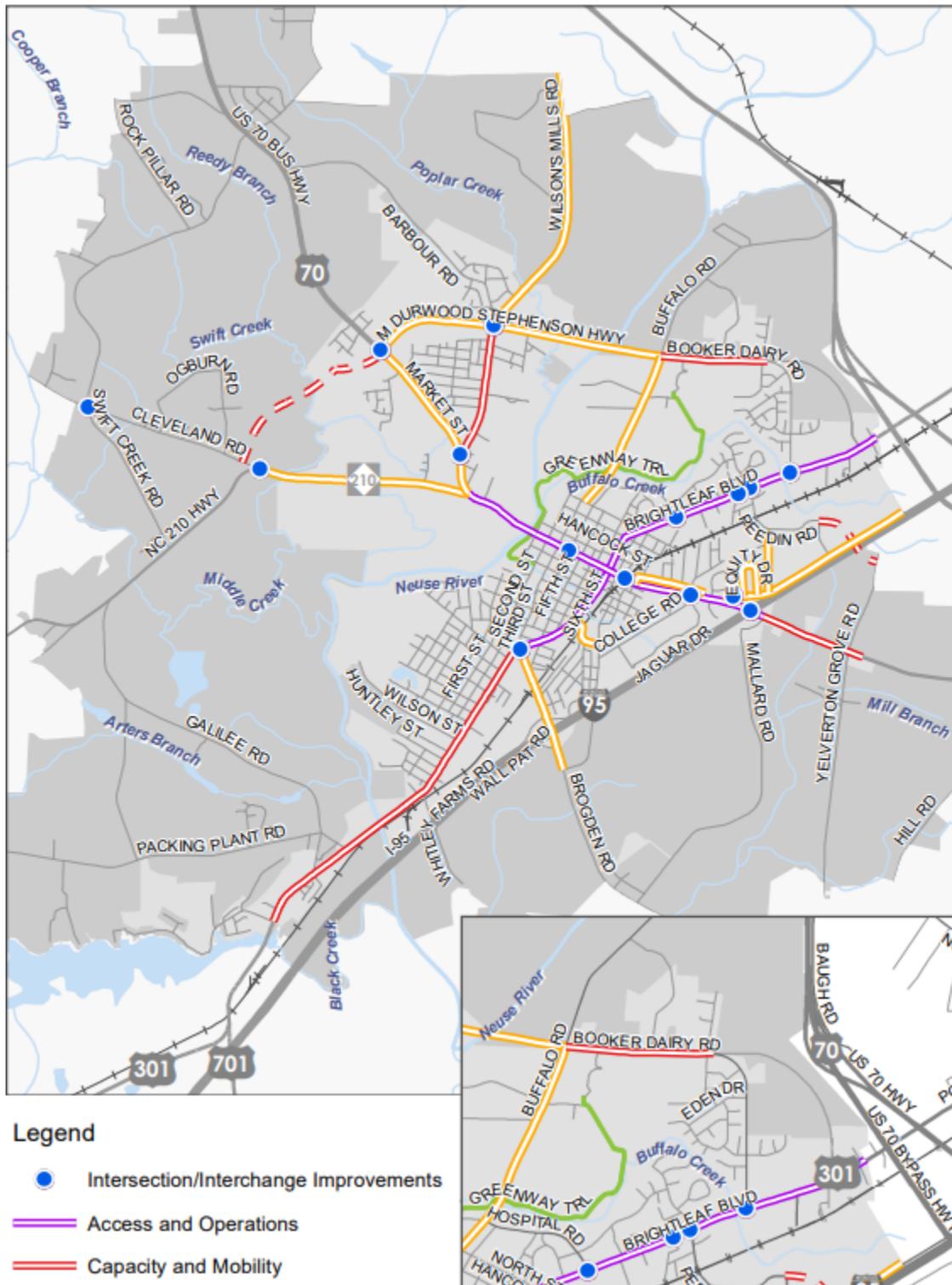
## **STAFF ANALYSIS:**

Staff's analysis of the reasons for the variance differ from that of the applicant. Staff's comments are as follows:

- Although it's true that the nearest sidewalk is nearly a mile away, the NCDOT has plans to replace the I-95 bridge with sidewalks. Furthermore, there has been an increased interest in the east side of I-95 by residential and commercial developers recently. Staff also believes the traffic generated by the Johnston County Detention Center will stimulate increased interest by other businesses to located along the corridor. The sidewalk requirement is intended to provide pedestrian connectivity over time, development by development. It is common for developers or property owners developing their properties to use this argument whenever a required sidewalk lacks a connecting sidewalk. If the sidewalks are not constructed with development, they will likely need to be constructed by the town at the town's expense.
- The east side is currently sparsely developed; however, staff believes the area is in transition. With the Jail's relocation and a new I-95 bridge planned for construction, it is believed that additional development will follow.
- The public right-of-way is currently used primarily for vehicular traffic; however, it is the trend and even the policy of NCDOT to consider multi-modal traffic (bikes and pedestrians). The Town's comprehensive plan (Town Plan) envisions this corridor to be a "Suburban Corridor" with sidewalks on both sides and curb and gutter from I-95 past the Yelverton Grove intersection with "capacity and mobility" improvements needed to reduce congestion by means of additional lanes of traffic and increased mobility options

(sidewalks).

FIGURE 3: TRANSPORTATION RECOMMENDATIONS



- Pedestrians on the detention center property may be a security risk, however, the subject sidewalk will be in a public easement adjacent to the public right-of-way. The risk is no

more than in if the right-of-way were wider with a sidewalk. The existing detention facility is in downtown Smithfield where there are sidewalks in the rights-of-way on all four sides of the building. There is always a risk that a vehicle might stop and a passenger gets out of a vehicle along the detention center facility street frontage. The alternative to the sidewalk on County property in an easement is to develop an urban street section with curb and gutter which is a much more expensive alternative for the County.

- Staff does not see the liability in requiring sidewalks that are not connected to other sidewalks. Over time the system will build out. A similar situation exists all over town. There are many corridors where residents walk in the grass shoulder or ditches and the requirement of UDO Section 2.22 is attempting to remedy that situation by providing for pedestrian mobility.

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## STAFF FINDINGS OF VARIANCE DENIAL:

In order to deny a variance, the Board of Adjustments shall find all of the following provisions cannot 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. ***There is reasonable use of the property without the variance. The security concerns, although real, also exist at the County's current detention facility in Downtown Smithfield. The County could construct an urban street section with curb and gutter to move the sidewalk into the public right-of-way rather than on the County 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. ***There are no conditions peculiar to the property such as location, size or topography that prohibit the construction of the sidewalk. If the County strongly objects to construction the sidewalk adjacent to the public right-of-way in an easement, they could work with NCDOT to construct an urban street section with a sidewalk and curb and gutter.***

***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 regulations were in place prior to the purchase and development of the property.***

***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 intent of the ordinance is to develop pedestrian street connectivity over time, development by development. A public sidewalk does not present a public safety issue. The variance is not consistent with the spirit, purpose and intent of the Ordinance.***

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**RECOMMENDATION:**

- Planning Staff recommends the Board of Adjustment deny variance BA-20-07 for a variance from the requirement to construct a public sidewalk (UDO Section, 2.22).

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**RECOMMENDED MOTION:**

Planning Staff recommends the Board of Adjustment Board deny the variance with the following motion:

***“Move to deny variance BA-20-07 based on the finding of fact cited in the staff report.”***

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

**Application Number:** BOA-20-07 **Name:** Johnston County Detention Sidewalk Variance

**Request:** Applicant seeks a variance from UDO Section 2.22 requiring a 5' public sidewalk on the public right-of-way.

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 # BOA-20-07 with the following condition(s):*

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**Motion to Deny:** *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny variance BOA-20-07 for the following stated reason:*

*There is reasonable use of the property without the variance. The security concerns may exist, but they currently exist at the County's current detention facility in Downtown Smithfield and exists when pedestrians walk the shoulder of the exiting roadway. As an alternative to constructing the sidewalk on the County property in an easement, the County could construct an urban street section with curb and gutter to move the sidewalk into the public right-of-way.*

*There are no conditions peculiar to the property such as location, size or topography that prohibit the construction of the sidewalk. If the County strongly objects to construction the sidewalk adjacent to the public right-of-way in an easement, they could work with NCDOT to construct an urban street section with a sidewalk and curb and gutter.*

*The regulations were in place prior to the purchase and development of the property.*

*The intent of the ordinance is to develop pedestrian street connectivity over time, development by development. A public sidewalk does not present a public safety issue. The variance is not consistent with the spirit, purpose and intent of the Ordinance.*

**Record of Decision:**

Based on a motion and majority vote of the Town of Smithfield Board of Adjustments for the Variance Application Number BOA-20-07 is hereby:

\_\_\_\_\_ approved upon acceptance and conformity with the following conditions:

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\_\_\_\_\_ denied for the noted reasons.

*There is reasonable use of the property without the variance. The security concerns may exist, but they currently exist at the County's current detention facility in Downtown Smithfield and exists when pedestrians walk the shoulder of the exiting roadway. As an alternative to constructing the sidewalk on the County property in an easement, the County*

**could construct an urban street section with curb and gutter to move the sidewalk into the public right-of-way.**

**There are no conditions peculiar to the property such as location, size or topography that prohibit the construction of the sidewalk. If the County strongly objects to construction the sidewalk adjacent to the public right-of-way in an easement, they could work with NCDOT to construct an urban street section with a sidewalk and curb and gutter.**

**The regulations were in place prior to the purchase and development of the property.**

**The intent of the ordinance is to develop pedestrian street connectivity over time, development by development. A public sidewalk does not present a public safety issue. The variance is not consistent with the spirit, purpose and intent of the Ordinance.**

Decision made this 18th day of November, 2020 while in regular session.

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**Mr. Stephen Upton  
Chair of the Board of Adjustment**

**ATTEST:**

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**Julie Edmonds, Administrative Support 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: Johnston Co. Detention Center      Acreage of property: 16.84  
 Parcel ID Number: 15L11011      Tax ID: 15L11011  
 Deed Book: 5272      Deed Page(s): 536  
 Address: 1071 YELVERTON GROVE RD  
 Location: 1071 YELVERTON GROVE RD

Existing Use: Detention Center      Proposed Use: Detention Center

Existing Zoning District: O-1

Requested Zoning District O-1

Is project within a Planned Development:      Yes      No

Planned Development District (if applicable):

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

Relief from the requirement of sidewalks in Article 2 Section 2.22 off the UDO.

### FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

### OWNER INFORMATION:

**Name:** Johnston County  
**Mailing Address:** PO Box 1049, Smithfield, NC 27577  
**Phone Number:** 919-989-5100 **Fax:** 919-989-5179  
**Email Address:** rick.hester@johnstonnc.com

**APPLICANT INFORMATION:**

**Applicant:** Johnston County  
**Mailing Address:** PO Box 1049, Smithfield, NC 27577  
**Phone Number:** 919-989-5100 **Fax:** 919-989-5179  
**Contact Person:** Rick Hester, County Manager  
**Email Address:** rick.hester@johnstonnc.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.*

We believe the required sidewalks on US Highway 70 East and Yelverton Grove Road should not be required for this development. The nearest sidewalk is over a mile away and across Interstate 95 which bridge has no dedicated sidewalk for pedestrian traffic. The area to the east of the site is not densely developed and therefore no one would use the sidewalk on US Highway 70. The area north of the project along Yelverton Road is mainly farm land and with out a connection to the west side of Interstate 95 there is not a need for a sidewalk. Sidewalks and resulting public pedestrian traffic is considered a security risk elevation at a detention center, where all foot and vehicular traffic is monitored and controlled. Sidewalks that are not contiguously connected actually are a liability to the county in that direct pedestrians into a non connected traffic pattern used by vehicles ( at intersections). Thus creating a liability for the county for installing , and Town for requiring them.

**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.

The required sidewalks on US Highway 70 East and Yelverton Grove Road provide no public benefit for the foreseeable future and installing the sidewalks requires unnecessary cost and is therefore a hardship on the project

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**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 hardship of constructing the sidewalks is caused by the location of the site and the absence of and any existing sidewalk crossing Interstate 95 that would provide access to the commercial development on the west side of Interstate 95. There is also no interconnecting sidewalk system that the public would benefit from.

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**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 hardship is the result of the property location and the absence of any existing sidewalk system to connect to and therefore the sidewalks would not be used.

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**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.

If a sidewalk system is installed on the east side of Interstate 95 without a sidewalk added to the bridge over Interstate 95 an danger to public safety would be created

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**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.*

**Rick Hester**

*Print Name*



*Signature of Applicant*

9-21-20

*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: Johnston Co. Detention Center

Submittal Date: October 2, 2020

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Dan Simmons (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

Rick Hester  
 Print Name

9-21-20  
 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.

  
 Signature of Owner/Applicant

Rick Hester  
 Print Name

9-21-20  
 Date

**FOR OFFICE USE ONLY**

File Number:	Date Received:	Parcel ID Number:
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NO.	DATE	DESCRIPTION
19.01906	SEPTEMBER 9, 2020	REVISIONS
01/23/2020	1	MISCELLANEOUS REVISIONS
02/26/2020	4	REV PER DUKE ENERGY
03/12/2020	5	REV PER CLIENT
03/12/2020	6	SMITHFIELD COMMENTS
03/12/2020	7	DUKE ENERGY COMMENTS
06/18/2020	12	SMITHFIELD COMMENTS
09/09/2020	14	FIELD REV FOR FUTURE PH

**SITE CONSTRUCTION NOTES**

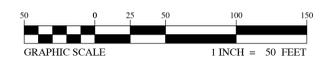
- CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS AND LICENSES NECESSARY TO ACCOMPLISH THE WORK PRIOR TO BEGINNING ANY WORK.
- CONTRACTOR SHALL STAKE OUT THE SITE IMPROVEMENTS FOR THE ENGINEER'S REVIEW PRIOR TO BEGINNING ANY INSTALLATION.
- SEE ARCHITECTURAL DRAWINGS FOR SITE LIGHTING AND ELECTRICAL PLAN.
- ALL OTHER SECURITY FENCING TO BE MINIMUM 8' TALL CHAIN LINK FENCE. SEE ARCHITECTURAL PLAN FOR MORE DETAIL.
- CONTRACTOR SHALL COORDINATE WITH ELECTRICAL PROVIDER AND ENGINEER TO ENSURE CURRENT SITE IMPROVEMENTS NEAR UTILITY POLES WILL NOT REQUIRE ALTERATION.
- FENCING LAYOUT ON ARCHITECTURAL DRAWING SHALL GOVERN IN THE EVENT OF A CONFLICT WITH THE CIVIL DRAWINGS.
- DIMENSIONS ARE FROM BACK OF CURB, WALL, BUILDING OR AS NOTED.
- ALL CONCRETE SIDEWALKS SHALL BE 6" WIDE UNLESS NOTED ON THE PLANS.
- ALL CONCRETE PADS AT EXTERIOR DOORS SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING. (MAX 2.0% SLOPE)
- PRIOR TO INSTALLATION OF ANY IMPROVEMENTS, CONTRACTOR SHALL REVIEW GEOTECHNICAL REPORT AND CONSULT WITH ENGINEER AND GEOTECHNICAL ENGINEER AS RECOMMENDED.

**EMERGENCY ACCESS ROAD DATA**

LINE TABLE			CURVE TABLE		
SEGMENT	LENGTH	DIRECTION	Curve #	Length	Radius
L1	19.13'	N69° 19' 27"E	C1	25.63'	35.00'
L2	289.32'	S71° 43' 38"E	C2	94.24'	60.00'
L3	347.17'	N18° 16' 45"E	C3	94.25'	60.00'
L4	123.96'	N71° 43' 15"W	C4	27.29'	210.00'
L5	8.97'	N79° 09' 55"W	C5	27.27'	210.00'
L6	14.00'	N71° 43' 26"W			

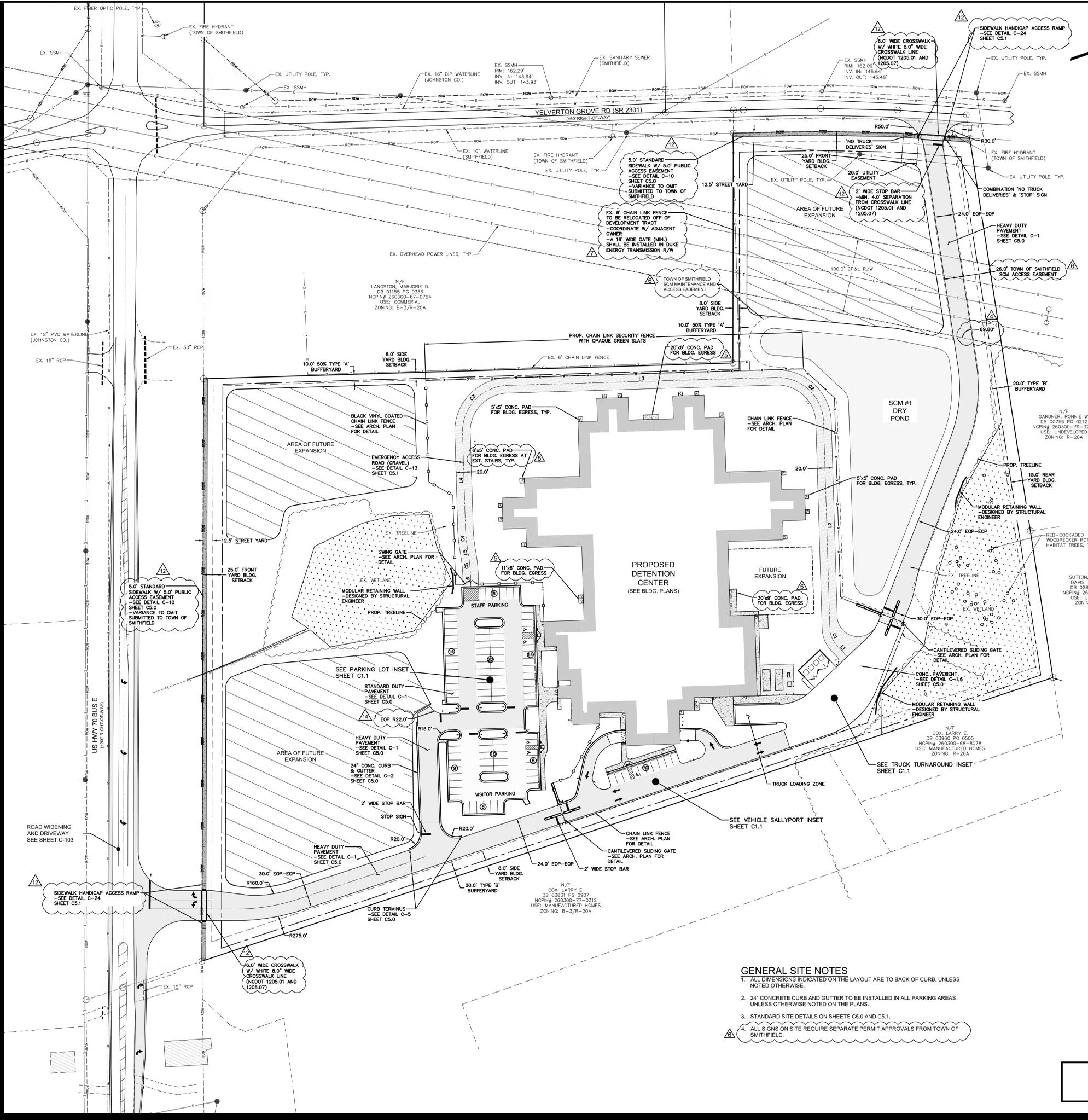
**GENERAL SITE NOTES**

- ALL DIMENSIONS INDICATED ON THE LAYOUT ARE TO BACK OF CURB, UNLESS NOTED OTHERWISE.
- 24" CONCRETE CURB AND GUTTER TO BE INSTALLED IN ALL PARKING AREAS UNLESS OTHERWISE NOTED ON THE PLANS.
- STANDARD SITE DETAILS ON SHEETS C5.0 AND C5.1.
- ALL SIGNS ON SITE REQUIRE SEPARATE PERMIT APPROVALS FROM TOWN OF SMITHFIELD.



ISSUED FOR CONSTRUCTION

**811 mcgill**  
 5400 Trinity Road  
 Suite 107  
 Raleigh, NC 27607  
 919.378.9111  
 NC Firm License # C-0459  
 mcgillassociates.com



# US Highway 70 Business East

**Project Name:**  
Johnston County  
Detention Center

**Location:**  
1071 Ververton  
Grove Road

**File Number:**  
BA-20-07

**Existing Zoning:**  
OI (Office-  
Institutional)

**Request:**  
Variance from  
Sidewalk Requirments

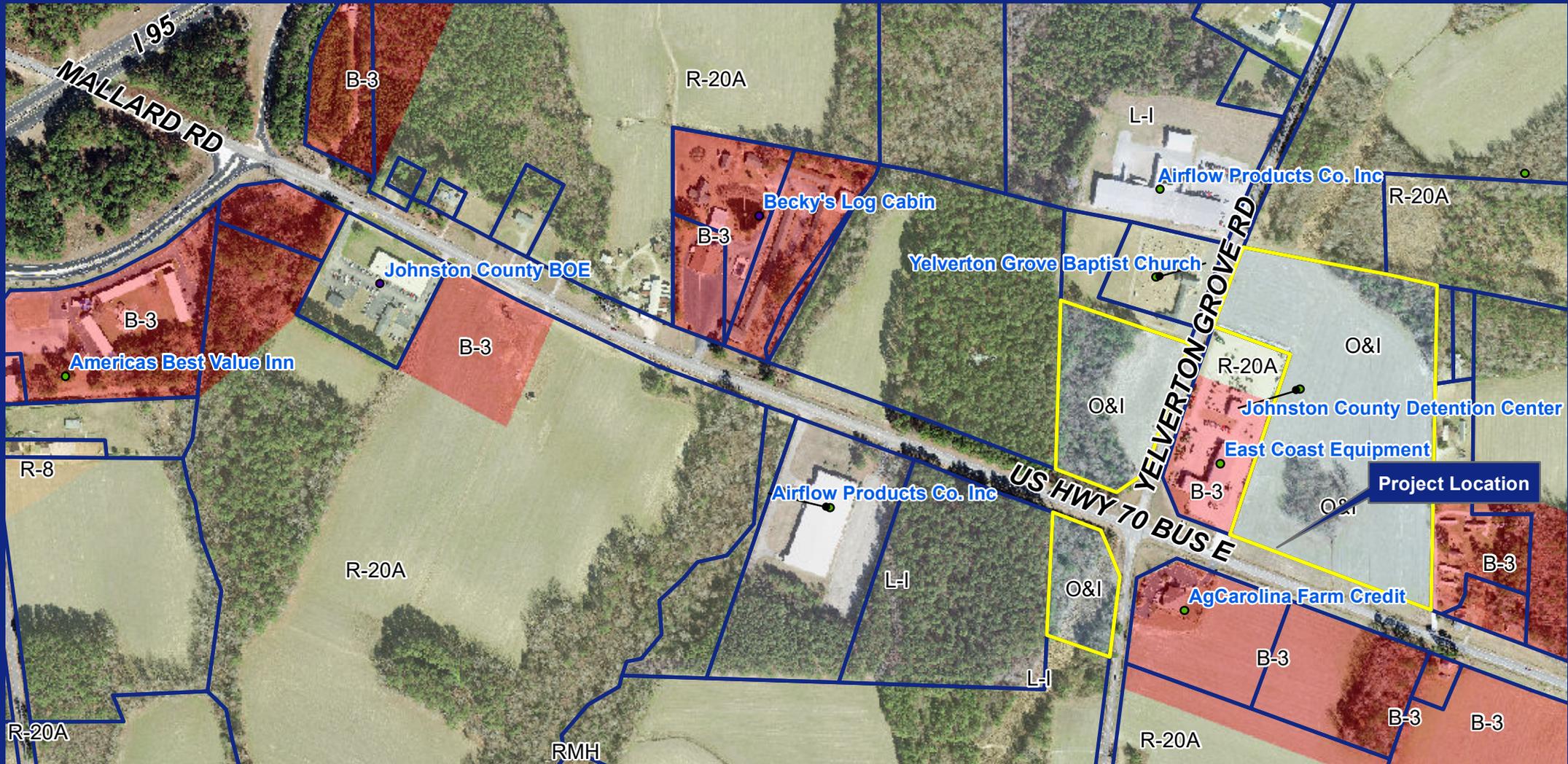
**Property Owner:**  
Johnston County

**Tax ID# 15L11011**



1 in = 500 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 10/21/2020



Adjacent Property Owners of  
BA-20-07

TAXID	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15L10042A	260300-79-3253	GARDNER, RONNIE WAYNE	789 DITCHBANK ROAD	GOLDSBORO	NC	27534-0000
15O99002J	260300-58-7960	TOBACCO ROAD PROPERTIES LLC	PO BOX 518	PINE LEVEL	NC	27568-0000
15L11010	260300-58-8351	YELVERTON GROVE F W CHURCH	1094 YELVERTON GROVE RD	SMITHFIELD	NC	27577-0000
15L11011	260300-67-5886	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD	NC	27577-0000
15L11011C	260300-67-0764	MARJORIE D. LANGSTON REVOCABLE LIVING TRUST	PO BOX 659	SMITHFIELD	NC	27577-0659
15L11014G	260300-68-8078	COX, LARRY E	110 WILSONS MILLS RD	SMITHFIELD	NC	27577-3244
15L11014	260300-77-0312	COX, LARRY E	110 WILSONS MILLS RD	SMITHFIELD	NC	27577-9153
15L10013F	260300-88-4008	SUTTON, BEVERLY ALLEN	2705 SUNNY CORNERS CT	RALEIGH	NC	27614-8095
15L11011A	260300-67-1100	AGCAROLINA FARM CREDIT FLCA	PO BOX 14789	RALEIGH	NC	27620-4789
15L11011D	260300-66-5973	AGCAROLINA FARM CREDIT FLCA	PO BOX 14789	RALEIGH	NC	27620-4789
15O99198	260300-66-9923	KIRKPATRICK LIVING TRUST	1980 NELSON RD	SCOTTS VALLEY	CA	95066-0000



## PLANNING DEPARTMENT

Mark E. Helmer, AICP, Senior Planner

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### **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 Wednesday, November 18, 2020 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**BA-20-05 Paul R. Schultze:** 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 OI (Office-Institutional) zoning district. The property considered for a variance is located on the northwest side of the intersection of Booker Dairy Road and Heritage Drive and further identified as Johnston County Tax ID# 14057197D.

**BA-20-07 Johnston County:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 2, Section 2.22 to allow relief from the requirement to construct a 5-foot sidewalk on property located with a OI (Office-Institutional) zoning district. The property considered for a variance is located on the north side of US Highway 70 Business East, approximately 325 feet east of its intersection with Yelverton Grove Road. The property is further identified as Johnston County Tax ID# 15L11011.

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.



## PLANNING DEPARTMENT

Mark E. Helmer, AICP, Senior Planner

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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](http://www.smithfield-nc.com).



**PLANNING DEPARTMENT**  
Mark E. Helmer, AICP, Senior Planner

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**ADJOINING PROPERTY OWNERS CERTIFICATION**

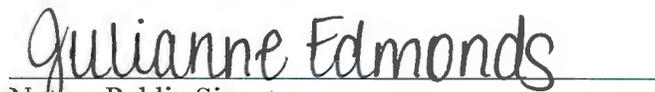
I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, BA-20-07, were notified by First Class Mail on 11-2-20.

  
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

2nd day of November, 2020

  
Notary Public Signature

Julianne Edmonds  
Notary Public Name

My Commission expires on 1-15-2023  
(Seal)

