

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton
Vice-Chairman: Mark Lane

Sarah Edwards
Keith Dimsdale
Jeremy Pearce
Richard Upton

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

Meeting Date: Thursday, June 24, 2021

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
JUNE 24, 2021
MEETING TIME: 6:00 PM
TOWN HALL

Call to Order.

Approval of the minutes for April 29, 2021

Public Hearings.

BA-21-03 Scooter's Coffee Drive-Thru: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Part III, Sign Regulations, Sections 10.23.4 to allow for an additional 68.62 square feet of wall sign area to be located on a freestanding building within an existing shopping center and located within a B-3 (Business) zoning district. The property considered for a variance is located on the northeast side of the intersection on Hospital Road and North Brightleaf Boulevard and further identified as Johnston County Tax ID# 15004024C.

Old Business.

New Business.

Adjournment.

**Draft
Town of Smithfield
Board of Adjustment
Minutes
Thursday, April 29, 2021
6:00 P.M.,
Town Hall, Council Chambers**

Members Present:

Stephen Upton, Chairman
Mark Lane, Vice Chairman
Sarah Edwards
Richard Upton
Jeremy Pearce

Members Absent:

Keith Dimsdale

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

Approval of minutes from December 17, 2020

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

Open Public Hearing

BA-21-01 Tina Hobbs: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Part I, Sections 10.2.1 and 10.3, to allow for a reduction of required off-street parking and to allow for the construction of off-street parking within a required landscape yard. The property considered for a variance is located on the north side of Stancil Street approximately 200 feet northeast of its intersection with Fareway Drive and further identified as Johnston County Tax ID# 15089017.

Stephen Wensman said McGill and Associates is representing the owner in requesting the variance to construct a parking lot with 4-parking spaces that is 2.5 feet from the public right-of-way. The structure on the property is a 3600 sq. ft. metal sided garage that was likely made non-conforming when the area was annexed into the Town with Town zoning regulations. The Structure is legal nonconforming as it does not meet the front yard setback requirements of the UDO. Furthermore, there is no parking facility associated with the property and no landscaping. The applicant is requesting the variance to construct a required parking for a new zoning permit. The property had been vacant for an extended period of time and an application for a zoning permit has been requested for permission to operate an auto repair garage. The UDO Section 10.3 has no specific parking requirement for auto repair garages or similar auto uses. The UDO requires the Board of Adjustment to determine required parking when the off-street parking

requirement is unspecified for a particular use. The applicant for the zoning application began operating the business without a valid zoning permit and often had 2-4 cars parked on site behind the building.

The minimum parking requirement for the use based on the demonstrated need is at least 4-spaces. To construct a parking lot with four parking spaces on this property, the parking facility will encroach into the streetyard area (no streetyard landscaping is required at this time). The UDO Section 10.2 specifically states, "No required off-street parking shall be located on any public right-of-way or encroach by more than 50% on any required setback, or into any required streetyard. The streetyard width is 15', so 50% is 7.5'. The proposed parking will be 2.5' from the public right-of-way, will encroach 12.5 feet into the streetyard and 5 feet beyond the maximum streetyard encroachment. It is typical for auto repair businesses and similar uses to utilize outdoor storage. The applicant for the zoning permit has already utilized the open space behind the building for the parking of cars from time to time. Outdoor storage is regulated in the Town of Smithfield and must comply with UDO Sections 7.41 and 7.44. No outdoor storage of material or vehicles has been proposed; therefore, no outdoor storage is allowed unless in accordance with Sections 7.41 and 7.44 and no parking is allowed unless in paved parking spaces.

Planning Staff recommends the Board of Adjustment approve the variance, BA-21-01, with the following conditions based on the finding of fact:

1. Outdoor storage shall only be allowed in accordance with the UDO requirements.
2. Off-street parking shall be limited to the paved parking lot.

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. ***Without the variance, a parking facility cannot be constructed which is a requirement to obtain a zoning permit.***

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 property was developed prior to current zoning and it contains a building that does not meet current setbacks. The building is too close to the road to construct a parking facility that meets all UDO regulations.***

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 exists because the property was developed prior to current zoning and the lot and its existing development does not accommodate standard parking meeting UDO requirements.***

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 consistent with the spirit, purpose, and intent of the Ordinance. The applicant is constructing***

the parking facility in response to zoning requirements, although unable to meet all of them. The proposed parking will be an improvement to the site and the neighborhood, ensuring public safety and providing justice to the applicant and the Town.

Mark Lane asked if the applicant would be required to pave the parking lot.

Mr. Wensman said yes, the use ceased and according to the code it must come into compliance when the structure remains vacant for at least 6 months.

Sarah Edwards said if the applicant has a need beyond the 4 parking stalls, they would need to provide that in the back of the proposed location.

Mr. Wensman said yes or a screened storage yard to store them.

Stephen Upton pointed out the parking being shown in the back, he asked if there was a reason for that.

Mr. Wensman said the applicant doesn't want to build that rear parking yet, they are only proposing minimum parking for now. If everyone is in agreement that's all they need then great.

Mark Lanes asked how the Planning Board and Town Council can approve a project without any paved parking but this one has to be paved.

Mr. Wensman said he believed this project came into the town without any approval. This garage was built many years ago when the West side of town was annexed in and it became subject to our zoning code. The code has changed over time. This is a new use on a vacant property; therefore, the applicant needs to provide parking for the new use.

Dan Simmons of 125 Everett Lane, Smithfield, NC came forward on behalf of the applicant. Mr. Simmons said the original use of this building was for the West Smithfield Sanitary District and Maintenance area. It was built in the 1960's. We've come up with as many parking spaces as we could to accommodate this project. We're encroaching on the front yard setback

Mark Lane made a motion to approve variance BA-21-01, with the following conditions based on the finding of fact found in the staff report; seconded by Jeremy Pearce. Unanimously approved.

1. Outdoor storage shall only be allowed in accordance with the UDO requirements.
2. Off-street parking shall be limited to the paved parking lot."

BA-21-02 Aaron's: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.2 to allow for a 31 square foot increase over the maximum permitted sign area. The sign considered for a variance will be located at 1267-A North Brightleaf Boulevard and within the Centre Pointe Plaza shopping center. The property is further identified as Johnston County Tax ID# 14074002.

Mark Helmer stated Sign Consulting and Permitting is representing Aaron's in requesting a variance to allow for a 92.53 square foot sign on a portion of a wall that is 1249.33 square feet in

area. Aaron's is a long-term tenant within the Centre Point Plaza. Aaron's occupies approximately 48 linear feet of the shopping centers store front. They have an existing wall mounted sign estimated to be approximately 168 square feet in area. Between the years of 1988 and 2008, the Town of Smithfield limited wall signs to one sign per store front with a maximum wall mounted sign size of 1.25 square feet per linear foot. It is unclear how the existing sign was permitted and no records of any previous issued variances have been found. The front façade of the shopping center is setback approximately 830 feet from the right of- way of North Brightleaf Boulevard with two landscaped outparcels between the right of- way of North Brightleaf Boulevard and the proposed wall sign. Any expectation of visibility of the proposed wall sign from North Brightleaf Boulevard is unreasonable. Aaron's has an existing advertisement on one of the two existing shopping center pylon signs located on North Brightleaf Boulevard.

The applicant has submitted a rendered sign drawing showing the proposed 92.53 square foot all-new wall mounted sign. Since the wall is greater than 20 feet high, 5% of the wall area is used to calculate the maximum permitted sign area. The dimensions of the proposal are as follows:

Wall dimension $25.85 \times 48.33 = 1249.33$ sq ft

Max sign area permitted $1249.33 \times .05 = 62.46$ sq ft

Wall sign requested 92.53 sq ft

Requested Variance 30.1 sq ft

Staff generally agrees with these sign computations as submitted. Since the proposed wall sign exceeds the maximum permitted by Section 10.23.4, the proposed sign will require a 30.1 square foot variance. The existing shopping center pylon sign located adjacent to North Brightleaf Boulevard can be refaced as submitted with a staff approved zoning permit.

Planning Staff recommends the Board of Adjustment deny the variance, BA-21-02, since no hardship exists and the requested variance is not consistent with the spirit, purpose, and intent of the Ordinance.

STAFF FINDINGS OF FACT:

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. ***The maximum sign area permitted by the Town of Smithfield Regulations for Signs does not create a hardship. Thus, no grounds for a variance exists.***

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 is nothing peculiar about the Aaron's façade that is different from any other store front located within the Centre Pointe Plaza shopping center. Aaron's store front is very typical in size and any sign meeting the Town of Smithfield Regulations for Signs will be seen from within the shopping center parking lot.***

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. ***There is no hardship requiring the need for addition sign area above what is allowed by the Town of Smithfield Regulations for Signs.***

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 not consistent with the spirit, purpose, and intent of the ordinance. Granting the variance will afford Aaron's with privileges that are not available to other businesses requesting new signs.***

Mark Lane asked if the existing sign was considered all one sign since it had separate lettering spaced all around it.

Mark Helmer said yes, in his estimation of the square footage of that he would draw a 4-sided polygon two going across and two going down. The spaces between the letters and the components of the sign are considered part of the sign.

Stephen Upton asked if this was in the UDO?

Mr. Helmer said yes, it is.

Mr. Helmer said the applicant is going with a smaller sign but it still exceeds what is allowed by code.

Mark Lane asked the square feet of the existing sign.

Mr. Helmer said 168 sq. feet

Mark Lane asked the square feet of the proposed sign.

Mr. Helmer said 92.5 sq. feet, which is 30 square feet more than the sign code allows.

Karla Sherrell of 6010 Renaissance Parkway, Atlanta Georgia came forward on behalf of the applicant. She stated it had been at least 20 years since this Aaron's location had been updated. Last year they came in and remodeled the entire interior of the store. In doing that, their branding has changed. That would be the purpose in changing the sign.

Sarah Edwards made a motion to deny variance BA-21-02 for failing to meet all the required finding of fact for a variance to the maximum permitted sign area; seconded by Jeremy Pearce. Unanimously approved.

Old Business

None

New Business

None

Sarah Edwards made a motion to adjourn, seconded by Richard Upton. Unanimously Approved

Julie Edmonds

Julie Edmonds

Administrative Support Specialist
Town of Smithfield Planning Department

DRAFT



**Request for
Board of Adjustment
Action**

**Agenda
Item: BA-21-03
Date: 6/24/21**

Subject: 701 North Brightleaf Boulevard
Department: Planning
Presented by: Mark Helmer
Presentation: Yes

Issue Statement

The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.4 to allow for 82.8 square foot increase over the maximum permitted sign area.

Financial Impact

None.

Action Needed

To hold a public hearing and to review the variance application to approve, approve with conditions or deny.

Recommendation

Planning Staff recommends denial of variance BA-21-03.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report BA-21-03
- Application
- Proposed sign package



Staff Report

Agenda
Item: BA-21-03
Date: 6/24/21

APPLICATION NUMBER: BA-21-03
APPLICANT/OWNER: Scooter's Coffee Drive-Thru / Shawn Pearce
AGENTS: Omaha Neon Sign Co., Inc.
TAX ID NUMBER: 15004024C
TOWN LIMITS/ETJ: Corporate Limits

PROJECT LOCATION: 701 North Brightleaf Boulevard

REQUEST:

The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.4, Commercial Major Site Plans and Developments (OI, B-1, B-2 and B-3) to allow for an additional 82.8 square feet increase over the maximum permitted sign area for multiple signs located on two sperate façades. The signs considered for a variance will be located at 701 North Brightleaf Boulevard and within the Pine Needles Shopping Center.

SITE DATA:

Acreage: 10.73 acres
Present Zoning: B-3
Existing Use: Retail Shopping Center
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

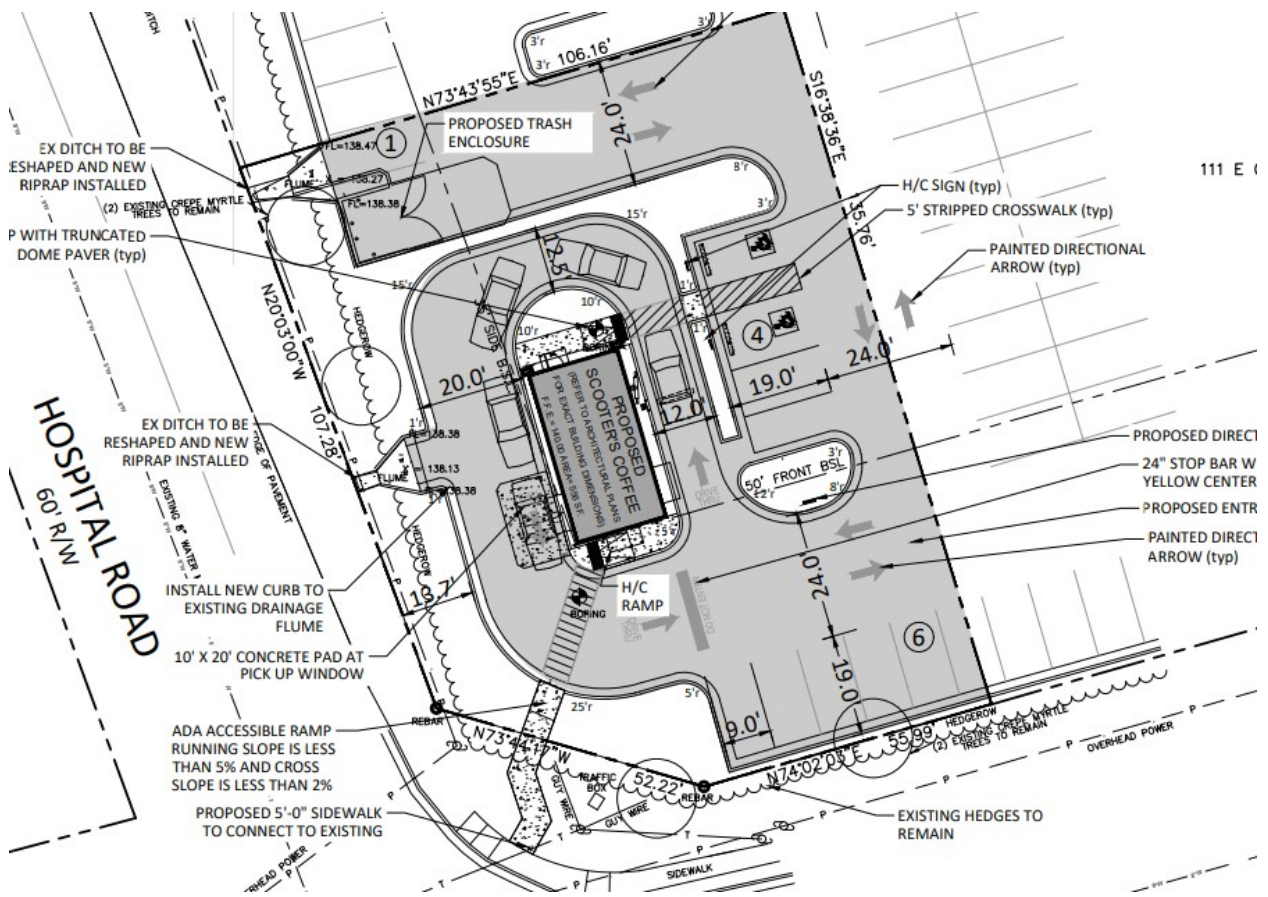
ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
North	OI Office-Institutional	Senior Living Facility
South:	B-3 Commercial	Mini-Storage, Restaurant,
West:	OI Office-Institutional	Hospital-Open Space
East:	R-10 Residential	Single Family Dwellings

BACKGROUND AND HISTORY:

Scooter's Coffee Drive-Thru is a privately held franchise restaurant specializing in coffee drinks and breakfast menu items. Scooter's Coffee current business model appears to favor small kiosk style outlets within outparcels and parking lots of existing retail centers. Scooter's Coffee primarily caters to drive-thru consumer traffic, and in most locations, appear to offer no indoor or outdoor seating.

Town of Smithfield Planning Department issued Scooters Coffee site plan approval on May 21, 2021. The plan included a 559 square foot kiosk, associated parking, automobile drive thru stacking and landscaping. The project does not qualify for a ground mounted sign and if requested must be located on the Pine Needles Shopping Center pylon sign.



EXISTING CONDITIONS:

The proposed Scooter's Coffee will be located on the southwest corner of the Pine Needles Shopping Center immediately adjacent to the right-of-way of Hospital Road and North Brightleaf Boulevard. Planning Staff has requested that the existing landscape yard along North Brightleaf Boulevard and Hospital Road be retained as part of the development with only slight modifications approved to bring the yards in compliance with

existing landscape standards. The existing street trees along North Brightleaf Boulevard are of a low and compact variety of Creep Myrtle and was not planted with outparcel development in mind.

STAFF ANALYSIS:

The Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part III Regulations for Signs, 10.23.4 Commercial Major Site Plan Developments (O/I, B-1, B-2, and B-3) provides standards which include the maximum sign area for wall mounted signs on all qualifying walls within a multi-tenant Development.

Permitted Sign Type(s)	Specific Applicability	Maximum Area ¹	Maximum Height	Maximum Number
BUILDING MOUNTED				
Wall ²	Front facades	1 sq ft for each linear foot of wall frontage <u>or</u> 5% of wall whichever is greater	N/A	N/A
Wall ²	Secondary to primary signage	½ sq ft for each linear foot of building facing side street and/or interior area of a planned building group	N/A	N/A
Window	Businesses	25% of first floor total building front facade window and/or door area	N/A	N/A
Projecting ^{3,4}	Businesses (excluding home occupations)	12 sq ft (total of 24 sq ft)	8 ft	1
Canopy or Awning ^{3,4}	Businesses (excluding home occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1

The applicant has submitted a rendered sign drawing showing 32.8 square feet all-new wall mounted signs. When qualifying walls are less than 25 feet in length, a minimum wall sign area of 25 square feet is used to calculate the maximum permitted sign area.

Façade	Area Permitted	Area Requested	Variance needed
Western front	25 sq ft	66.4 sq ft	41.4 sq ft
Eastern interior	25 sq ft	66.4 sq ft	41.4 sq ft
Total	50 sq ft	132.8 sq ft	82.8 sq ft

Since the proposed wall sign area exceeds the maximum permitted by Section 10.23.4, the proposed sign application will require an 82.8 square foot variance to be approved as submitted.

Planning staff is of the belief that the existing sign code does not scale well to very small walls, particularly when addressing free standing buildings. The sign code makes every attempt to match the scale of the sign with the size of the wall it is to be mounted on. However, when very small walls are involved, and in the absence of a ground mounted sign, it can be argued that opportunities for affective advertising is limited. There are no provisions in the UDO for the transfer of unused ground mounted sign area to a qualifying wall sign.

RECOMMENDATION:

Planning Staff recommends the Board of Adjustment approve the variance, BA-21-03, since granting the variance will be consistent with the spirit, purpose, and intent of the Ordinance.

STAFF FINDINGS OF FACT:

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. ***The maximum sign area permitted by the Town of Smithfield Regulations for Signs creates a hardship when very small freestanding walls are involved.***

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 peculiar size of the wall creates an unusual situation that merits 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. ***The applicant has not created the hardship. The hardship is the result of a sign ordinance not specially tailored to accommodate very small walls.***

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 consistent with the spirit, purpose, and intent of the ordinance. Granting the variance will afford Scooter’s Coffee with the visibility needed to be successful at the proposed location.***

RECOMMENDED MOTION:

Planning Staff recommends approval with the following motion:

“Move to approve BA-21-03 for meeting all the required finding of fact for a variance to Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.4, Commercial Major Site Plans and Developments (OI, B-1, B-2 and B-3) to allow for an additional 82.8 square feet increase over the maximum permitted sign area for multiple signs located on two separate façades.



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: Scooter's Coffee Drive-Thru Submittal Date: 6/3/21

OWNERS AUTHORIZATION

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

 [Signature] Shawn Pearce 6/2/21
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date Received: 6-3-2021 Parcel ID Number: _____



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: Scooter's Coffee Drive-Thru Acreage of property: _____
Parcel ID Number: _____ Tax ID: _____
Deed Book: _____ Deed Page(s): _____
Address: 721 N. Brightleaf Blvd, SMithfield, NC 27577
Location: _____

Existing Use: _____ Proposed Use: _____

Existing Zoning District: B-3

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)

Request to install a signs as shown on the west elevation up to 61.81 SF total & install signs up to 61.81 SF on the East.

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: Shawn Pearce
Mailing Address: 7710 NC 39 Hwy Zebulon, NC 27597
Phone Number: 9198189184 **Fax:**
Email Address: spearce191@gmail.com

APPLICANT INFORMATION:

Applicant: Shawn Pearce
Mailing Address: 7710 NC 39 Hwy Zebulon, NC 27597
Phone Number: 9198189184 **Fax:**
Contact Person: Shawn
Email Address: spearcef191@gmail.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 requesting a variance on our drive thru kiosk due to the small nature of the building and the setback of the location. With the building set back and visibility from the street and the way the code reads, we are struggling to brand the building with readable wording. We are seeking a varaince to increase the allowable square footage on the west elevation to 61.81SF for "Scooters Coffee Drive Thru" and 3 snap frames to advertise changeable specials. We are seeking a varaince to allow signage on the East elevation with a maximum square footage of 61.81SF to install the building sign reading "Scooters Coffee Drive-Thru" and 3 snap frames to advertise changable specials.

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.

Ordinance does not allow a monument sign to be installed on the lot as it is a shared lot and due to the small size of the primary elevation currently, its not adequate to build and install a branded sign for the building.

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 condition of the property and the small nature of the drive thru kiosk defers visibility from the road to be seen prior to passing it. We are unable to install a monument sign as well on the property due to being on a combined lot with no additional room for ground signage.

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.

We pride ourselves in a clean & safe small drive thru kiosk that is exceptionally maintained. Being new to Smithfield, we need to provide the public adequate signage to show that we are a Coffee Drive Thru kiosk as well.

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.

Shawn Pearce

Print Name

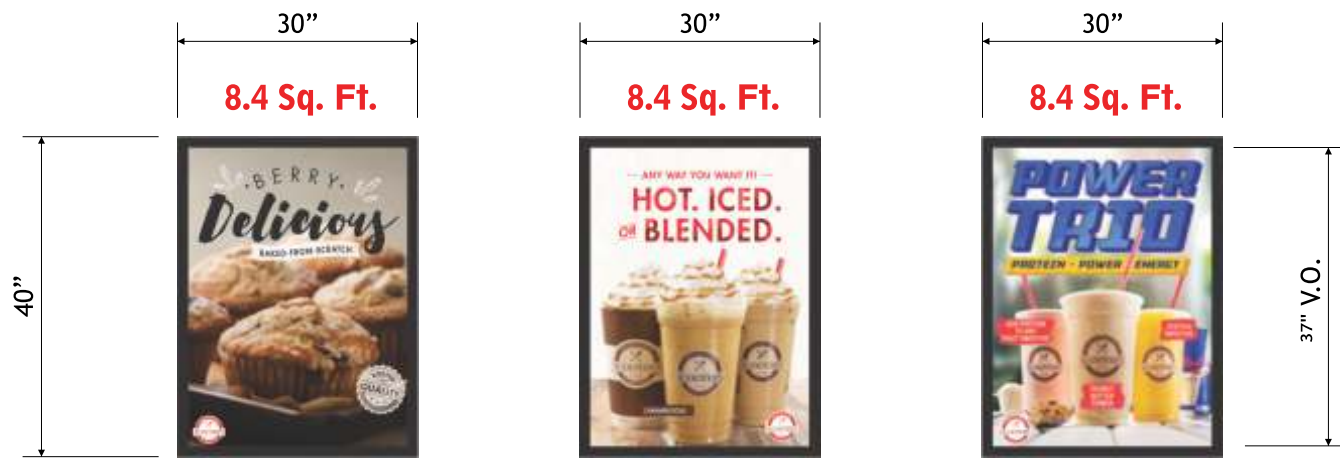


Signature of Applicant

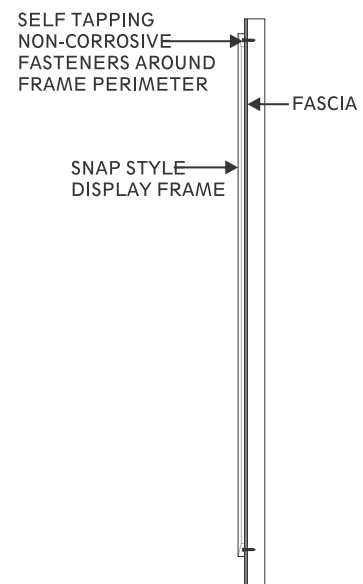
6/2/21

Date





25.2 Total Sq. Ft.



INSTALL CUSTOMER PROVIDED SIGN PANELS
SCALE: 1/2" = 1'-0"

SCOOTER'S

COFFEE DRIVE-THRU

Snap Frame Panels

SCOPE OF WORK:
 INSTALL CUSTOMER PROVIDED SIGN PANELS. PANELS ARE TO BE MOUNTED TO FASCIA IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).

NOTE: SNAP FRAMES ARE TO BE INSTALLED BY ON SITE G.C.

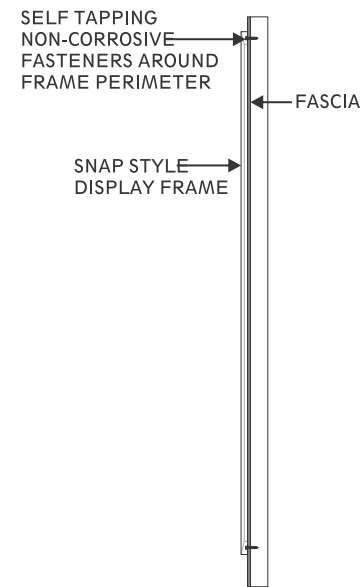


DRIVE THRU ELEVATION
SCALE: 1/4" = 1'-0"

INSTALL CUSTOMER PROVIDED SIGN PANELS
SCALE: 1/2" = 1'-0"



25.2 Total Sq. Ft.



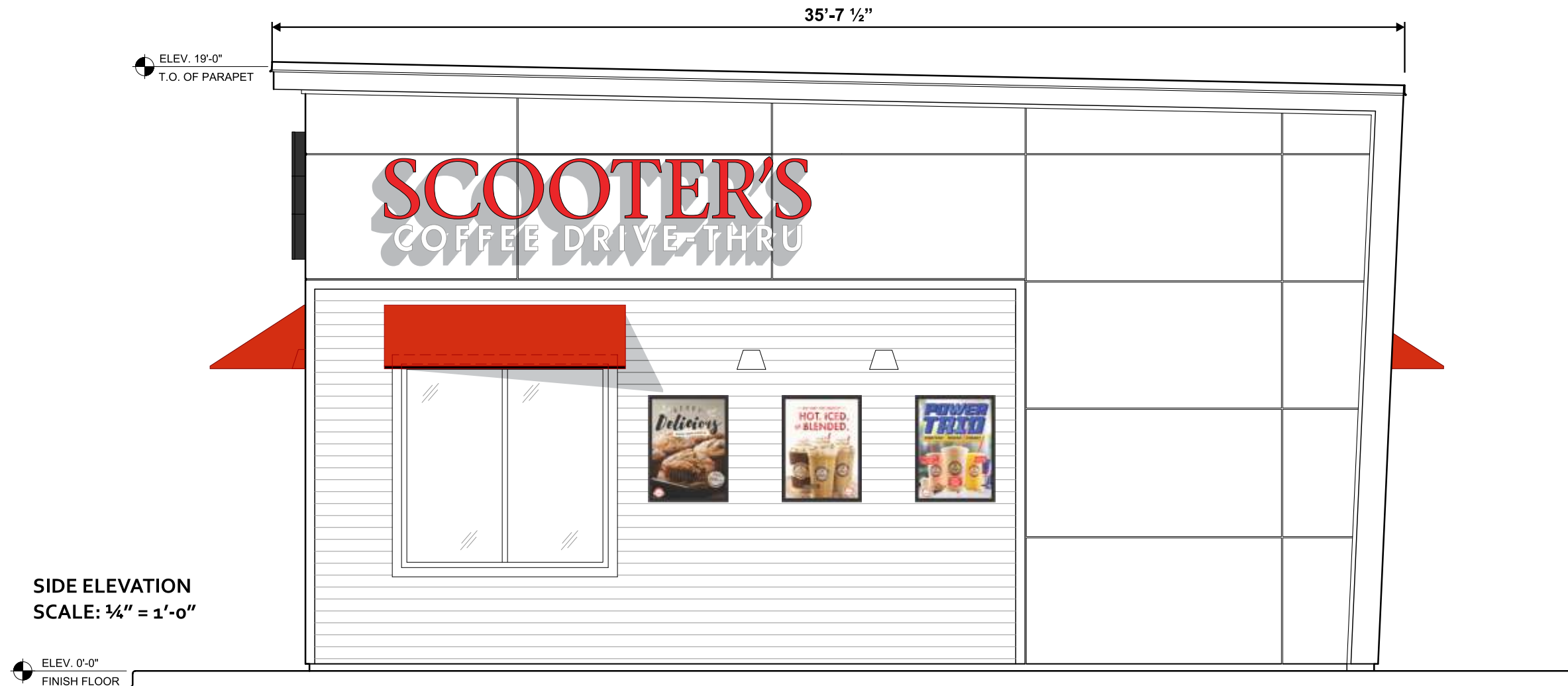
SCOOTER'S

COFFEE DRIVE-THRU

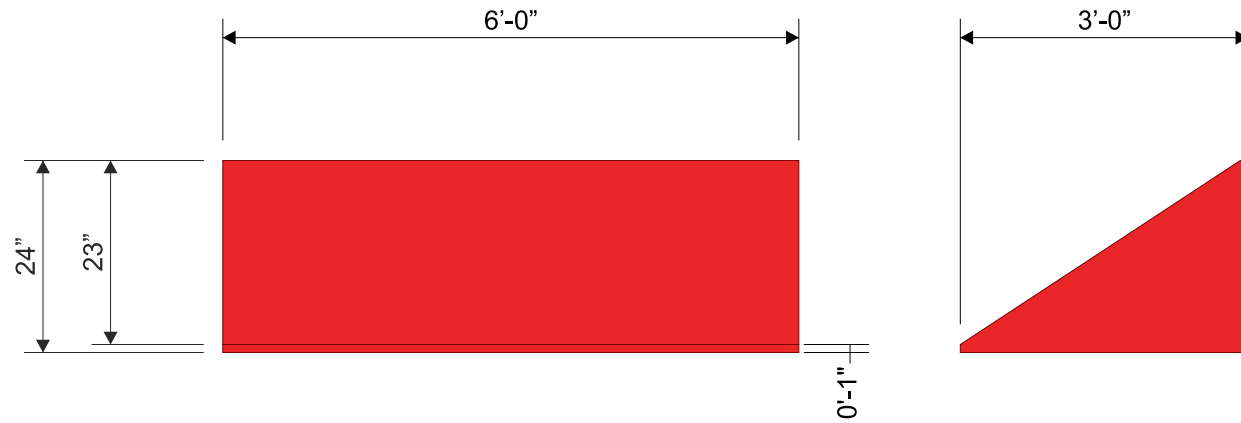
Snap Frame Panels

SCOPE OF WORK:
 INSTALL CUSTOMER PROVIDED SIGN PANELS. PANELS ARE TO BE MOUNTED TO FASCIA IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).

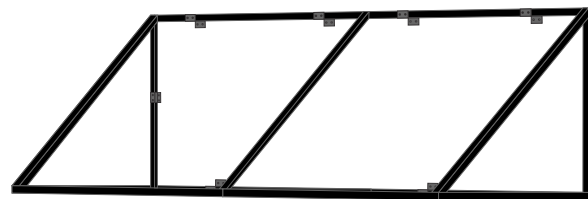
NOTE: SNAP FRAMES ARE TO BE INSTALLED BY ON SITE G.C.



NON-ILLUMINATED AWNING DISPLAY:
SCALE: 1/2" = 1'-0"



SCOOTER'S COFFEE DRIVE-THRU	
Awning Display	
FRAME:	1"x 1" ALUM. Sq. TUBE FRAME (Painted Black)
SKIN:	LOGO RED SUNBRELLA MATERIAL #6066-0000
GRAPHICS:	(As Noted)
INSTALLATION:	
PANEL IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE). 14GA. Z-CLIPS - #12 SELF TAPPING TEKS - 3/16" 0 x 1 1/2" TAP CONS TO EXISTING FASCIA.	



2 FRONT ELEVATION
 scale: 1/4" = 1'-0"



1120 N 18th Street • Omaha 68102
 402.341.6077 • 402.341.7654 fax
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DRAWING # : 127287
PROJECT ID: 25506

SALES PERSON: andye nelson
DRAWN BY: wes stephens

DATE: 04.13.21
Revised:
DATE: 05.07.21

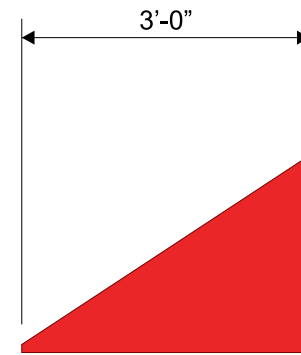
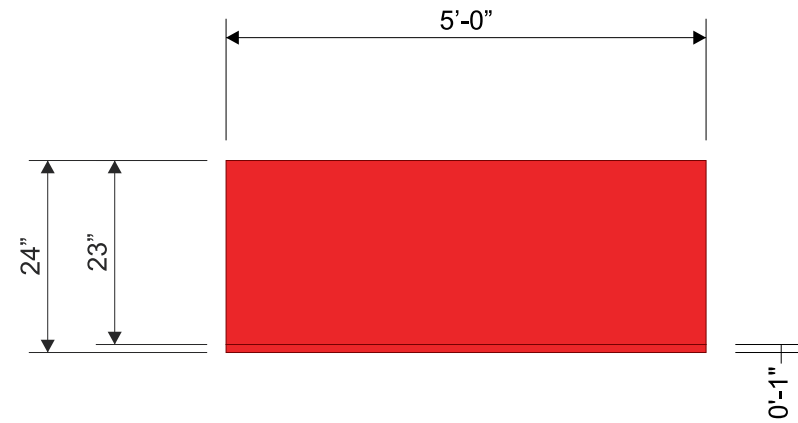
INSPECTED BY:

**SCOOTER'S
COFFEE DRIVE-THRU**
 721 N Brightleaf Blvd
 Smithfield, NC 27577

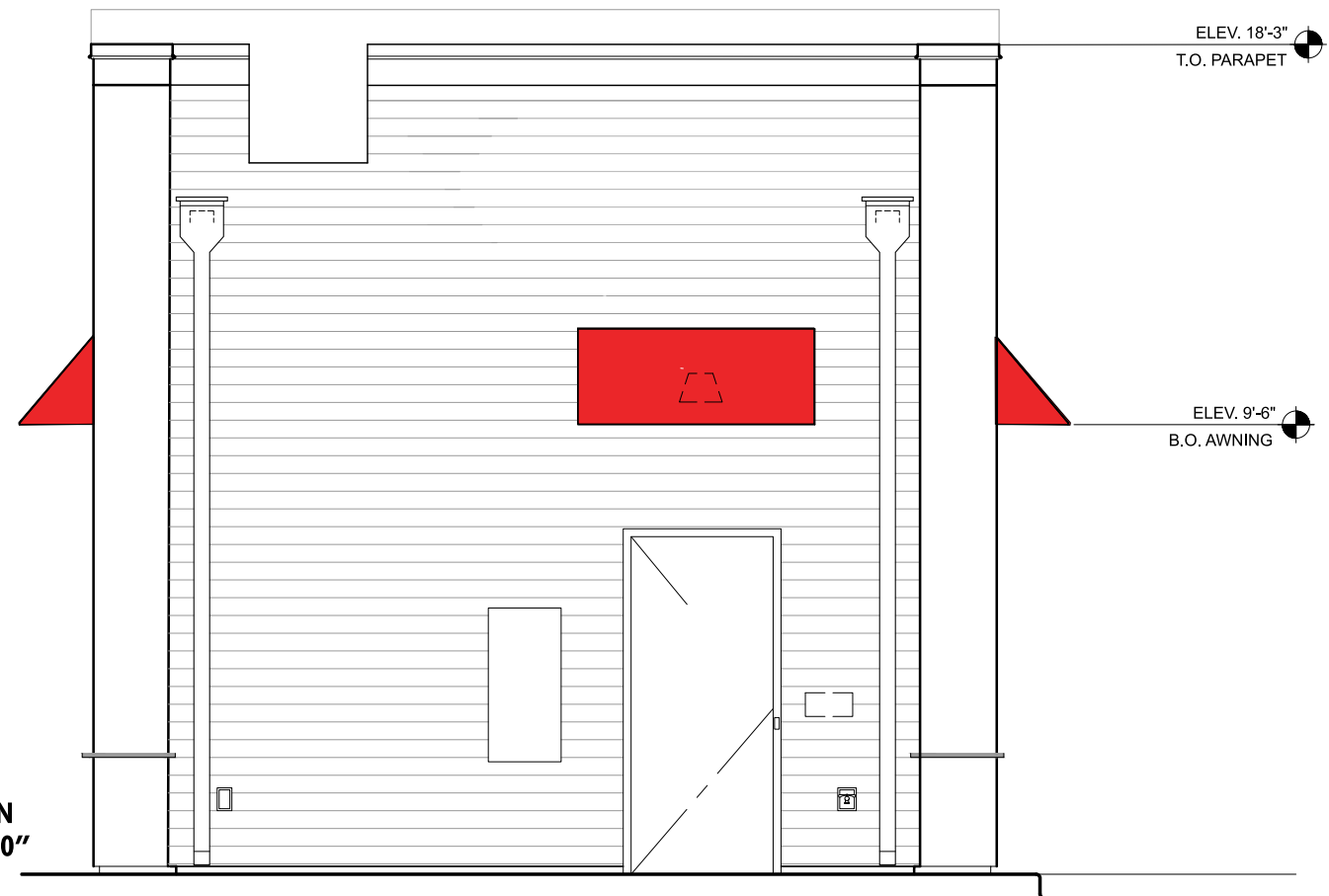
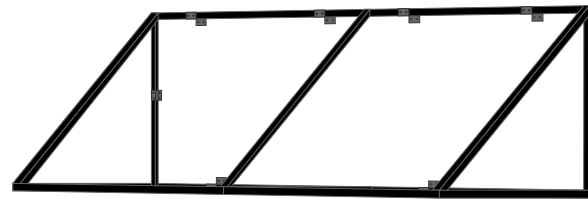
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 Signed _____ Date _____
 Sales Rep. _____ Date _____

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
UL LISTED

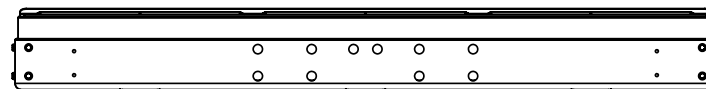
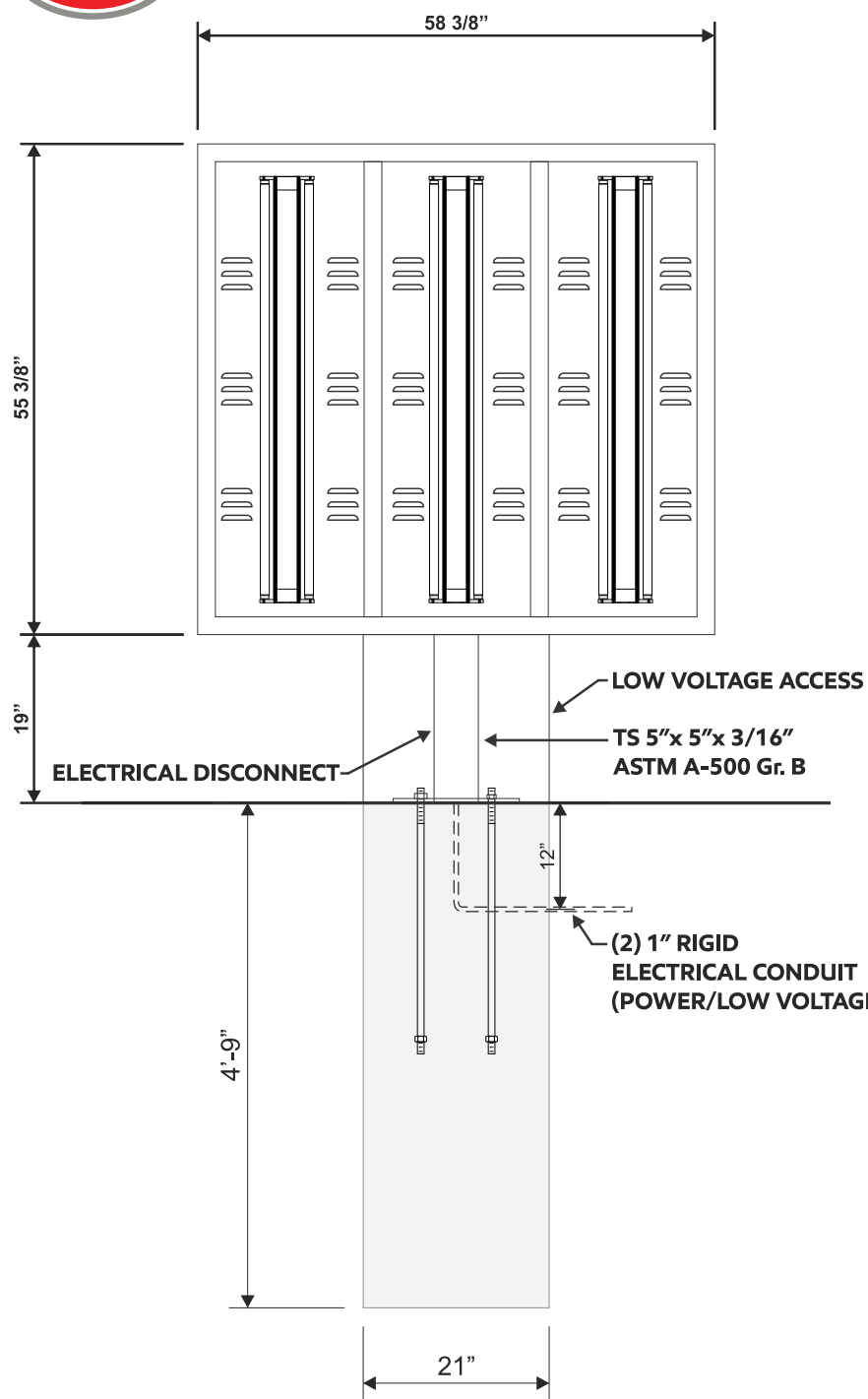
NON-ILLUMINATED AWNING DISPLAY:
SCALE: 1/2" = 1'-0"



SCOOTER'S COFFEE DRIVE-THRU	
AWNING DISPLAY(S)	
FRAME:	1"x 1" ALUM. Sq. TUBE FRAME (Painted Black)
SKIN:	Crimson Red: 82017-0000 - 60 Inch
GRAPHICS:	(AS NOTED).
INSTALLATION:	PANEL IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE). 14GA. Z-CLIPS - #12 SELF TAPPING TEKS - 3/16" 0 x 1 1/2" TAP CONS TO EXISTING FASCIA.



REAR ELEVATION
SCALE: 1/4" = 1' - 0"



MENU BOARD DISPLAY

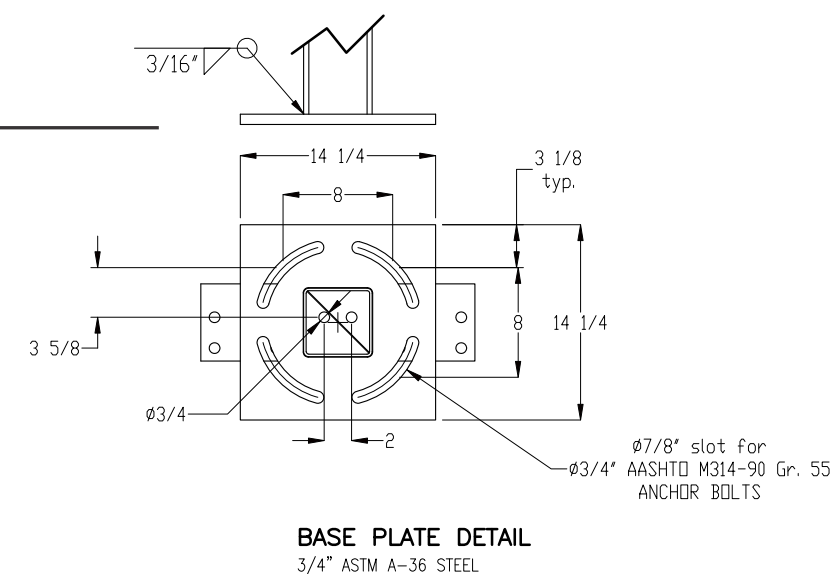
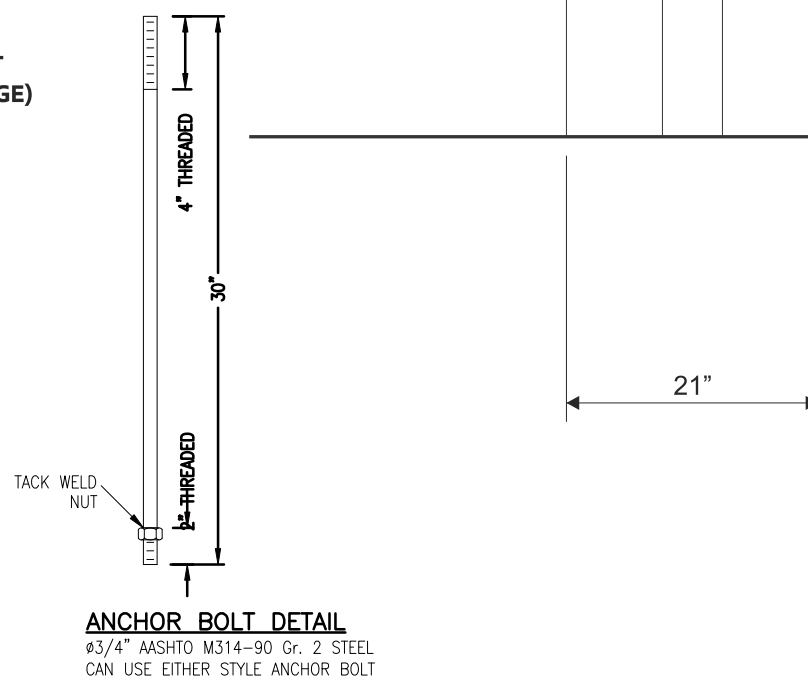
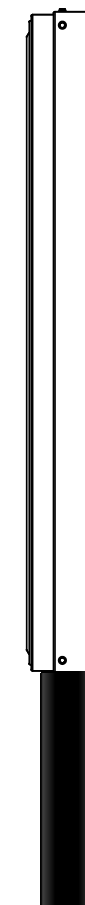


Scooter's Coffee
Project U19

Ref#GK-18-536r3 • Aug. 21, 2018

ILLUMINATED DRIVE-THRU SYSTEM:

- ☐ LED LIGHTING
- ☐ MOUNTED TO EXISTING PIPE AND FOOTING AS SHOWN
- ☐ GRAPHICS ARE CHANGEABLE



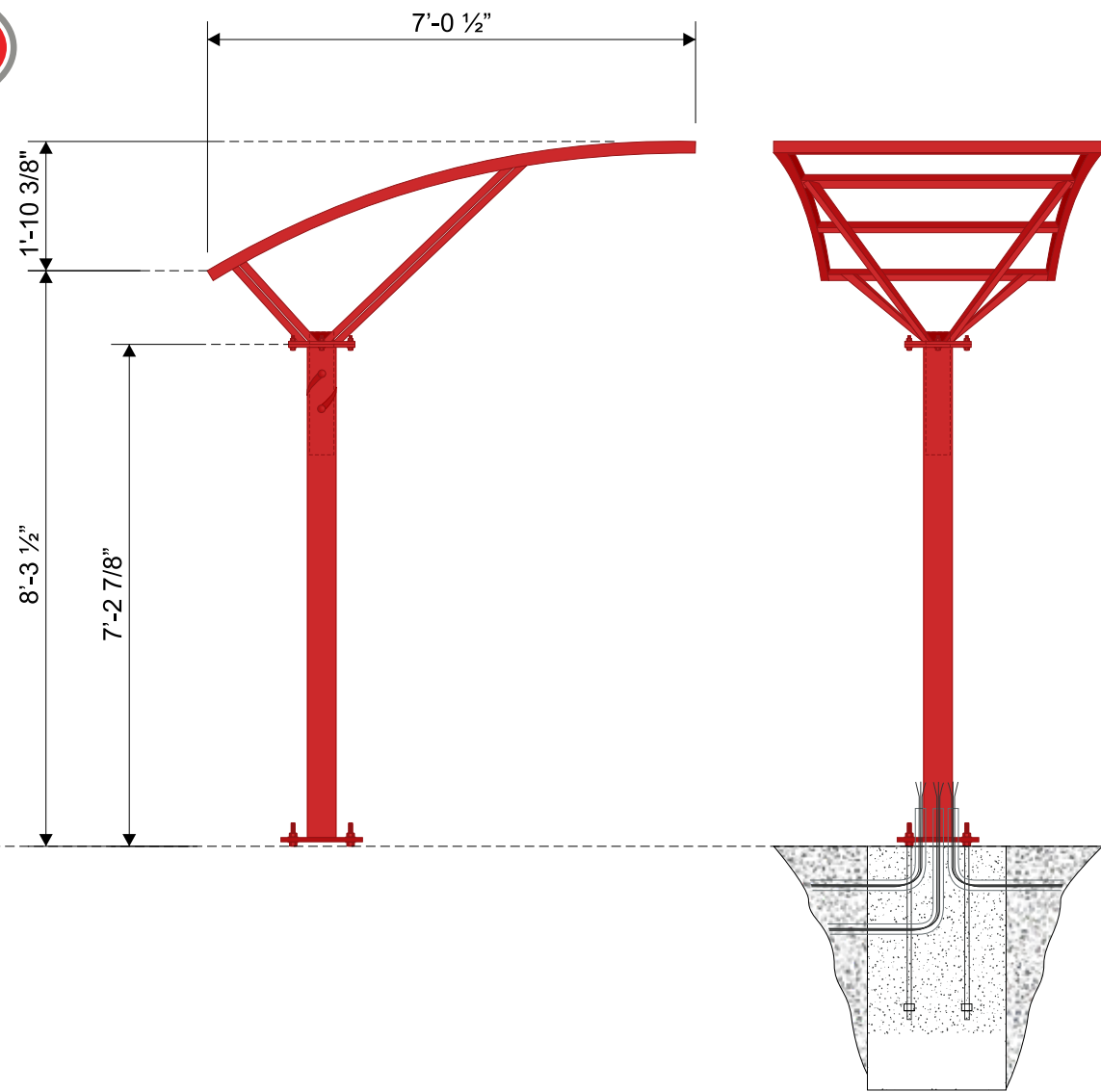
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Signed _____ Date _____
Sales Rep. _____ Date _____

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.





Mounting to Foundation

After the concrete has set, remove template and discard. **NOTE: Do not discard the four (4) or, (8) nuts that were just removed.**

The pedestal base plate is now ready to be mounted. Remove any concrete residue from the threads of the anchor bolts. Thread one (1) nut onto each bolt until it stops; then put a flat washer over each bolt. Feed the 120VAC power lines and ground lead into the inside back hole of the bottom of the pedestal base (see **Diagram G, H and J**). Set pedestal base onto anchor bolts place a flat and lock washer over each bolt, and thread on nut. The top surface of the pedestal base should be rough leveled at this time. Adjust the upper and lower hex nuts until the pedestal base is level and tighten. **NOTE: Final leveling can be done after the product is in place (if required).** Use the same procedure as above.

Locate the power leads. These will be hanging from the opening in the bottom of the menu board.

The product is factory wired and needs only to be energized on the job site. This should be done by a qualified electrician only. No disassembly is required.

Connect unit power leads and grounding conductor (green lead) to the power source. Power source must be 120VAC, 60 Hz. Energize the circuit to check the operation. Connect the speaker/microphone (if provided) to the internal communication system

WARNING: DO NOT CONNECT THE SPEAKER/MIC/DATA/CAT 5/LOOP WIRE TO 120VAC (POWER SOURCE).

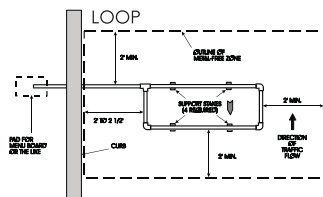
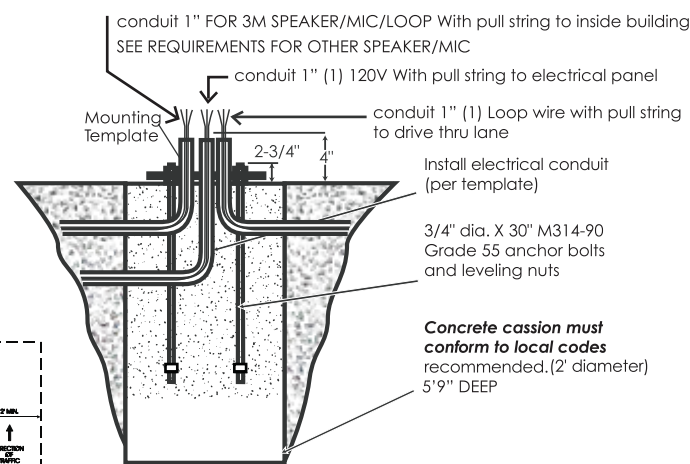
AMPS REQUIRED 120V

CURVED TOP CANOPY LED LIGHTING - .2amps
FLAT TOP CANOPY LED LIGHTING - .3amps



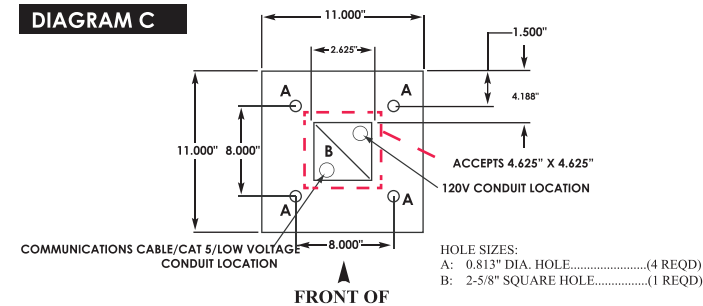
DIAGRAM J

***CANOPY WITH SPEAKER/MIC AND LIGHTING (LOOP REQUIRED)**



Mounting Template

DIAGRAM C



Foundation

The high voltage conduit must be installed in place by a qualified contractor. It runs from the power source to the menu board location. A conduit stub should protrude 4" above the concrete slab (see **Diagram I, J, K and L**). Use the template supplied for the correct relation between the mounting bolts and the conduit location. Power and ground leads should be pulled through the conduit approximately 12" beyond the conduit stub, and be accessible at the time of final wiring. **Note: The 120VAC power lines run up the inside back of the pedestal base (see Diagram C, Mounting Template)**

② Foundation Placement

DIAGRAM G

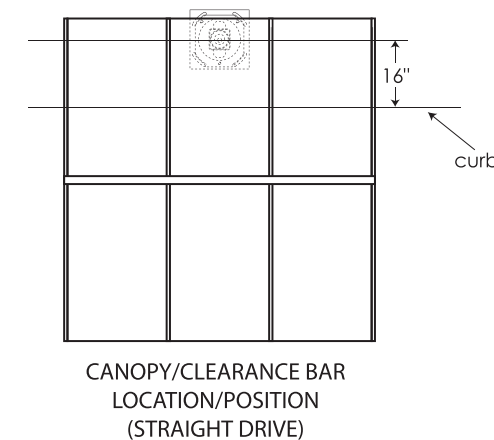
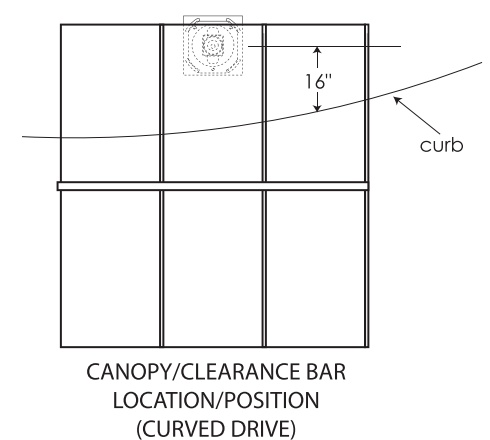


DIAGRAM H



Omaha Neon Sign Co., Inc.
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402.341.8077 • 402.341.7654 fax
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DRAWING # : 127296
PROJECT ID: 25506

SALES PERSON: andye nelson
DRAWN BY: wes stephens

DATE: 04.13.21
Revised: DATE: 000000

INSPECTED BY:
SCOOTER'S COFFEE DRIVE-THRU
721 N Brightleaf Blvd
Smithfield, NC 27577

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Signed _____ Date _____
Sales Rep. _____ Date _____

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UL LISTED

700 Block of North Brightleaf Boulevard

Project Name:
Scooter's Coffee
Sign Variance

File Number:
BA-21-03

Existing Zoning:
B-3 (Highway
Entrance Business)

Property Owner:
Patando II, LLC

Applicant:
Scooters Coffee, LLC

Location:
Pine Needles
Shopping Center



1 in = 100 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 5/8/2021

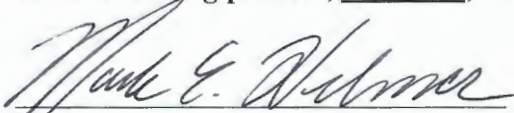




PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

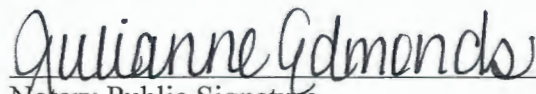
I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **BA-21-03**, were notified by First Class Mail on **6-7-21**.


Signature

Johnston County, North Carolina

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

7th day of June, 2021


Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on January 15, 2021
(Seal)



Adjacent Property Owners of
BA-21-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15005006	169416-93-8365	CONTRACTING LLC	108 CARROLL DRIVE	FOUR OAKS	NC	27524-0000
15005005	169416-93-8278	CONTRACTING LLC	108 CARROLL DRIVE	FOUR OAKS	NC	27524-0000
15005004	169416-93-9212	NARRON RESIDENTIALS LLC	151 NATIONAL DR	CLAYTON	NC	27527-5114
15006001	169416-92-3527	STANCIL 1995 FAMILY LTD PTNRP	PO BOX 188	SELMA	NC	27576-0188
15004024C	169416-93-4124	PATANDO II, LLC	101 S RAIFORD ST STE 200	SELMA	NC	27576-3154
15004020	169416-83-9404	7 BERKSHIRE ASSOCIATES, LLC	101 S RAIFORD ST STE 200	SELMA	NC	27576-3154
15004021	169416-93-0426	CARPENTER, SALLY L	PO BOX 570	SMITHFIELD	NC	27577-0000
15018001	169420-82-6066	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD	NC	27577-0000
15004021G	169416-93-4883	FAIRFIELD DEVELOPMENT CO	PO BOX 150	SMITHFIELD	NC	27577-0000
15006002	169416-92-5692	MOHAMED AND SONS INC	P O BOX 1236	SMITHFIELD	NC	27577-0000
15006006	169416-92-9618	STANLEY, ROGER E	732 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15010058	169416-82-0969	HOSPT	PO BOX 1376	SMITHFIELD	NC	27577-1376
15006003	169416-92-7780	MOHAMED & SONS, INC.	713 E MARKET ST	SMITHFIELD	NC	27577-4039
15005001	169416-93-8084	WORLEY, JEAN CREECH	733 N BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4329
		Shawn Pierce	7710 NC 39 Hwy	Zebulon	NC	27597
15004016J	169416-93-1534	MCCLENNY, ROBERT	554 ALMON RD	NEWTON GROVE	NC	28366-0000
15004018C	169416-93-2548	MCCLENNY, ROBERT	554 ALMON RD	NEWTON GROVE	NC	28366-0000
15004024E	169416-93-6596	PROPERTIES III	550 HERITAGE DR STE 200	JUPITER	FL	33458-3030



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, June 24, 2021 at 6:00 p.m. in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

BA-21-03 Scooter's Coffee Drive-Thru: The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Part III, Sign Regulations, Sections 10.23.4 to allow for an additional 68.62 square feet of wall sign area to be located on a freestanding building within an existing shopping center and located within a B-3 (Business) zoning district. The property considered for a variance is located on the northeast side of the intersection on Hospital Road and North Brightleaf Boulevard and further identified as Johnston County Tax ID# 15004024C.

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.