

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Sarah Edwards
Vice-Chairman: Jeremy Pearce

Monique Austin
Thomas Bell

Stephen Wensman, AICP, RLA, Planning Director
Micah Woodard, CZO Planner I
Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, April 24, 2025

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
APRIL 24TH, 2025
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Approval of the minutes for March 27th, 2025.

Public Hearing.

- **BA-25-02:** Requesting a variance to increase the allowable square footage for an Accessory Dwelling Unit (ADU) by 28% and for the ADU to have its own separate utility metering. Unified Development Ordinance (UDO) Section 7.3.3. regulates ADU's. The property considered for variance is located at 57 Strickland Road, further identified by Johnston County Tax ID 17J07024E

Old Business.

New Business.

Adjournment.

**Draft
Town of Smithfield
Board of Adjustment Minutes
Thursday, March 27th, 2025
6:00 P.M. Town Hall,
Conference Room**

Members Present:

Jeremy Pearce, Vice Chairman
Thomas Bell
Monique Austin

Members Absent:

Sarah Edwards, Chairman

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from January 30th, 2025

Tom Bell made a motion, seconded by Monique Austin to approve the minutes as written. Unanimously approved

Open Public Hearing

Tom Bell made a motion to open the public hearing; seconded by Monique Austin. Unanimously approved.

Oath was administered to all individuals wishing to speak.

BA-25-01: The property owner, Lynda Carroll, residing at 833 Country Club Road, further identified by the Johnston County Tax ID 15J11023P, is requesting variance from the Unified Development Ordinance Section 7.3 to allow a swimming pool in the side & front yard and associated masonry fence/wall in the front yard to be greater than 4' tall.

Planner Micah Woodard explained to the board the applicant was requesting a variance allowing a swimming pool in the side and front yard and masonry fence in the front yard that would exceed 4' in height.

The applicant Lynda Carroll briefly spoke. She stated the swimming pool and masonry fence would be constructed correctly and look very nice. She and her husband want this pool for their grandchildren.

Close Public Hearing

Tom Bell made a motion to close BA-25-01; seconded by Monique Austin. Unanimously approved.

Jeremy Pearce read the four Finding of Fact.

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **In absence of this variance, the applicant will not be able to construct a pool and the associated masonry wall, which are reasonable accessory uses/ structures on a residential property. All BOA members agreed.**
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 back yard is heavily impacted by environmental features and regulations which prohibit the use of the back yard for the swimming pool. The impacts are not the result of personal circumstances. All BOA members agreed**

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. **This site was developed decades ago and legal restrictions were imposed on the property afterwards. The hardship is not self-created. All BOA members agreed**

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 in that the applicant will be screening the pool with an architecturally pleasing masonry wall that will blend into the architecture of the home. All BOA members agreed.**

Old Business.

None

Adjournment.

Jeremy Pearce made a motion to adjourn; seconded by Tom Bell. Unanimously approved.

Julie Edmonds



Administrative Support Specialist
Town of Smithfield Planning Department



Request for Board of Adjustment Action

Agenda
Item: BA-25-02
Date: 4/24/25

Subject: Marilyn Mozingo ADU Variance
Department: Planning
Presented by: Micah Woodard, CZO, Planner I
Presentation: Public Hearing

Issue Statement

To review a variance from the Unified Development Ordinance, Section 7.3.3. (7.3.3.1. & 7.3.3.7.) to allow an ADU to be larger than the allowed seventy-five (75%) percent of the gross floor area of the total principal dwelling and to allow the ADU to have separate utility meters.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of the variance, Case no. BA-25-02, based on the finding of fact.

Approved: ☐ Town Manager ☐ Town Attorney

Attachments:

- Staff Report
- Finding of Fact
- Application
- Site Plan



Staff Report

Agenda Item: BA-25-02

REQUEST:

The property owner, Marilyn Mozingo, residing at 57 Strickland Road, further identified by the Johnston County Tax ID# 17J07024E, is requesting variance from the Unified Development Ordinance Section 7.3.3. to allow an Accessory Dwelling Unit (hereafter 'ADU') to be larger than the allowed seventy-five (75) percent of the gross floor area of the total principal dwelling and to allow the ADU to have separate utility meters.

PROJECT LOCATION:

The property considered for variance is located down a private drive off Strickland Road.

CASE DATA:

Applicant/Owner:	Marilyn Mozingo
Tax ID#:	17J07024E
Town/ETJ:	ETJ
Acreage:	2.813 acres
Present Zoning:	R-20A (Residential-Agriculture)
Existing Use:	Detached single-family home
Water Service:	Private Well
Sewer Service:	Septic
Electrical Service:	Duke

ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
North	R-20A	Detached Single-Family
South:	R-20A	Detached Single-Family
West:	R-20A	Detached Single-Family
East:	R-20A	Detached Single-Family

ANALYSIS:

Mrs. Mozingo is looking to have an accessory dwelling unit (ADU) built to meet her husband's specific healthcare needs. She applied for and received a grant from the Veteran's Administration to modify her current residence but later found that they could not modify her existing residence because it is a manufactured home. So, her plan shifted to see if she could build an ADU. To adequately meet her husband's needs the ADU should be at least 1,200 sq. ft., however the UDO Section 7.3.3.1. restricts ADUs to 75% of the principal structure which is 936 sq. ft., , thus the need for the variance.

Separate utility connections exist on the property that served a second manufactured home that has been removed; therefore adherence to section 7.3.3.7. "ADUs shall not have utility meters separate from the principal dwelling." is unnecessary.

The property in question is located down a private drive off Strickland Road, not visible to passing traffic and is surrounded by mature trees. Section 7.3.3. starts by outlining the main requirements that must be met to construct an ADU in the town limits or the ETJ. The property meets the main requirements of size, zoning, and adequate utilities. Without the variance the ADU would not be able to serve its intended purpose.

STAFF FINDING OF FACT FOR VARIANCE:

To approve a variance, the Board of Adjustments shall find all of the following provisions can be met (Staff's finding are in ***bold/italic***) (the applicant's finding are in the report packet):

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. ***In absence of this variance, the applicant will not be able to construct the ADU to an adequate size to fit their needs; an increase of around 300 sq. ft. Staff finds this a reasonable variance in sq. ft. given the situation.***
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 manufactured home is not handicap accessible and will not meets the needs of the residents. Without the variance residents would likely have to move away from the property.***
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. ***The property was purchased over thirty-years ago. There were no issues upon their original***

purchase of the property. At one time, there had been a second manufactured home on the property. The husband's health could not have been predicted. The hardship is not self-created.

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 applicant meets the main primary requirements to permit ADU's. By deviating slightly on the previously stated two specific sections the variance still adheres to the general intent of the ordinance and it is consistent with the overall spirit, and purpose.*

RECOMMENDATION:

Planning Staff recommend the Board of Adjustment approve variance from the Unified Development Ordinance to allow the construction of an accessory dwelling unit to be 1,200 sq. ft. (larger than the allowed seventy-five (75) percent of the gross floor area of the total principal dwelling) and to allow the ADU to have separate utility meters based on the finding of fact for variances:

1. Unnecessary hardship would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or the property owner.
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.

RECOMMENDED MOTION:

"Move to approve variance BA-25-02 granting a variance from UDO Section 7.3 to allow a 1,200 sq. ft. accessory dwelling unit (to be larger than the allowed seventy-five (75) percent of the gross floor area of the total principal dwelling) and to allow the ADU to have separate utility meters, based on the four finding of fact."

(Vote on each finding)

BA-25-02 Strickland Road ADU

File Number:
BA-25-02

Project Name:
Strickland Road ADU

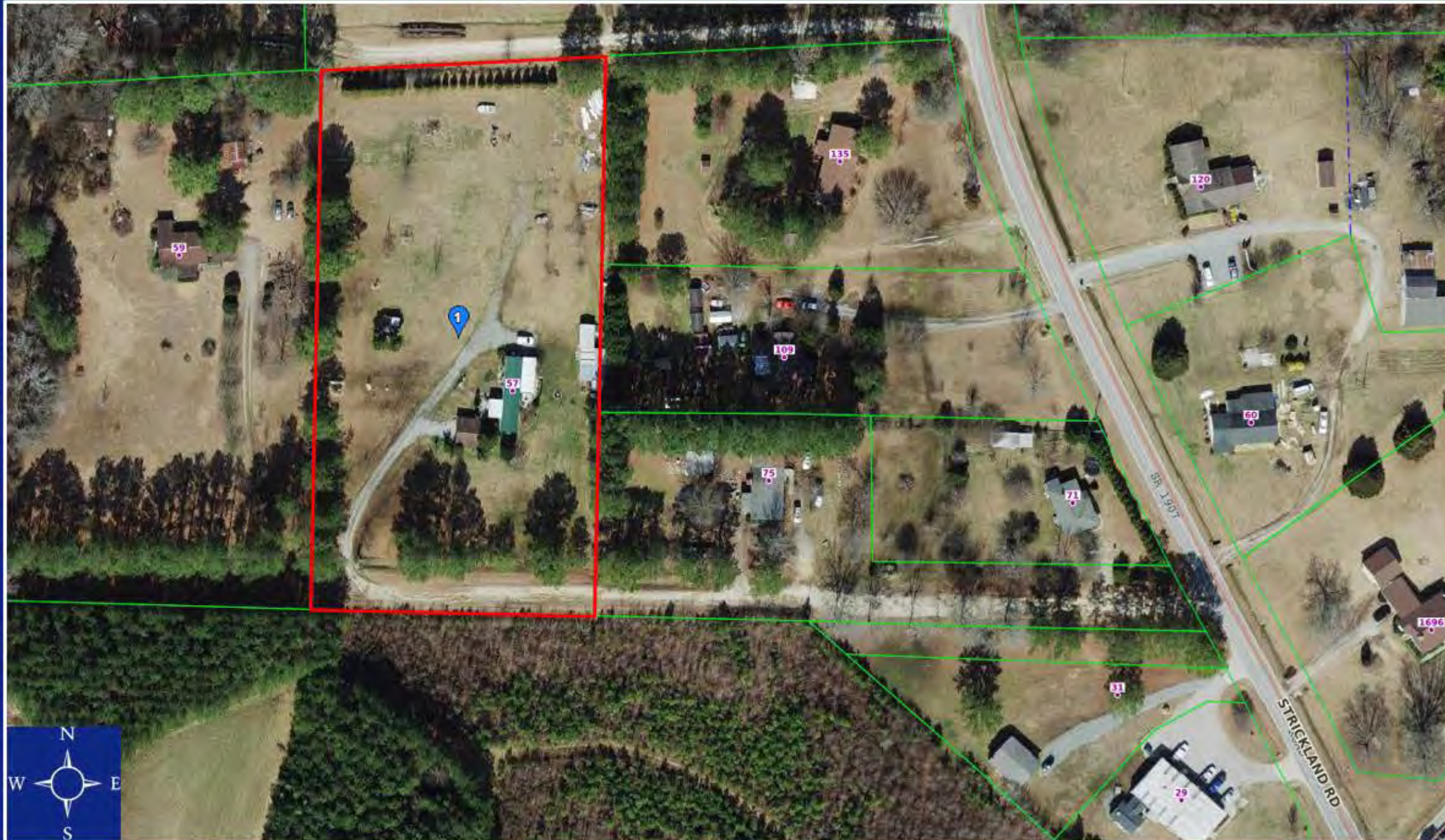
Location:
57 Strickland Rd,
Smithfield, NC 27577

Tax ID#:
17J07024E

Existing Zoning:
R-20A
(Residential-Ag)

Property Owner:
MOZINGO, EDDIE MELVIN,
MOZINGO, MARILYN

Applicant:
Marilyn Mozingo



Map created by Micah Woodard,
Planned I on 4/9/2025

Map Scale
1" = 70'

SURVEYOR'S DISCLAIMER:

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED; HOWEVER, A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH, AND LOCATIONS OF ANY EASEMENTS, RIGHTS OF WAY, CEMETERIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNER(S) AT THE TIME OF THIS SURVEY AND OTHER QUESTIONS THAT MAY BE REVEALED BY THE TITLE EXAMINATION INCLUDING ANY RESTRICTIVE COVENANTS. ALSO THIS SURVEYOR HAS NO KNOWLEDGE OF THE OWNERSHIP OR MAINTENANCE RESPONSIBILITIES OF ANY FENCES OR NEAR THE BOUNDARY LINES, NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE, MATERIALS/SITES, WETLANDS, FLOOD HAZARD AREAS/SOILS, OR ANY UNDERGROUND UTILITIES, EXISTING OR PROPOSED EASEMENTS OR RIGHT-OF-WAYS, ETC. NOT SHOWN HEREON. ANY UTILITIES OR FEATURES AND ANY EASEMENTS RIGHT-OF-WAYS OR BUFFERS ASSOCIATED WITH SAID UTILITIES OR FEATURES SHOWN HEREON ARE SHOWN ACCORDING ONLY TO WHAT WAS KNOWN OR VISIBLE AT THE TIME OF THIS SURVEY BY THIS SURVEYOR. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS UNKNOWN TO THE SURVEYOR AT THIS TIME THAT A COMPLETE TITLE EXAMINATION MAY REVEAL. THIS SURVEYOR IS NOT AN ATTORNEY AT LAW AND IT IS ADVISED THAT THE OWNER OF THIS PROPERTY CONSULT WITH A LICENSED ATTORNEY AT LAW TO PERFORM A COMPLETE TITLE EXAMINATION TO CONFIRM ALL KNOWN ENCUMBRANCES AND REVEAL ANY POTENTIAL ENCUMBRANCES OR TITLE ISSUES ASSOCIATED WITH THIS PROPERTY OR ANYTHING ELSE THAT MAY BE IN THE RESTRICTIVE COVENANTS, ALSO AS USED IN THE SURVEYOR'S CERTIFICATION HEREON. THE WORD "CERTIFY" MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED. THE MAP OR PLAT SHOWN HEREON SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE, INCLUDING, BUT NOT LIMITED TO FUTURE LOAN CLOSINGS, PLOT PLANS, CONSTRUCTION, LANDSCAPING, PERMITTING, ETC. IT IS A VIOLATION OF THE FEDERAL COPYRIGHT ACT TO COPY OR MODIFY AND REUSE THIS SURVEY BEYOND THE DATE AND SCOPE NOTED ON THE MAP. JIMMY BARBOUR SURVEYING, P.A., ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE AS NOTED ON THIS MAP OR PLAT.

IMPERVIOUS AREA CALCULATIONS

HOUSE-1,246 SF±
PORCHES, DECK, STEPS, RAMP-526 SF±
BUILDING-387 SF±
BUILDING AND SHELTER-572 SF±
CONCRETE PADS-71 SF±
BLOCK PATIO-203 SF±
BUILDING WITH DECK-158 SF±
WELL AND PUMP HOUSE-80 SF±
GRAVEL DRIVE ON THIS LOT-10,131 SF±

TOTAL IMPERVIOUS AREA-13,374 SF± OR 11.0%

DIMENSIONAL REQUIREMENTS FOR R-20A ZONING
PER THE TOWN OF SMITHFIELD'S UDO, ARTICLE 8,
SECTION 8.1.1-R20A RESIDENTIAL AGRICULTURE ZONING

MINIMUM LOT AREA-15,000 SF
MINIMUM LOT WIDTH-75'

FRONT YARD SETBACK-30'
SIDE YARD SETBACK-10'
REAR YARD SETBACK-10'

ACCESSORY BUILDING-10' FROM ANY PROPERTY LINE
MUST BE LOCATED BEHIND PRINCIPAL STRUCTURE AND
ACCESSORY BUILDINGS MAY OCCUPY 10% OF THE GROSS LOT
AREA. (see SECTION 8.13.2)

REFERENCES:
DEED BOOK 1059, PAGE 244
PLAT BOOK 27, PAGE 413

PARCEL ID NO. 17J07024E

PROPERTY ADDRESS:
57 STRICKLAND ROAD
SMITHFIELD, NC 27577

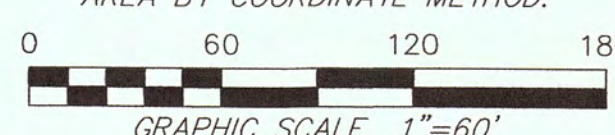
N/F
JUAN MANUEL SALDANA
DB 6793, PG 765
ZONED R-20A

N/F
RAYMOND L. EATMON LIVING TRUST, et al
DB 4896, PG 394
ZONED R-20A

N/F
REGINA WHITAKER HILL, et al
DB 1399, PG 98
ZONED LI

N/F
TOMAS AVILA, et al
DB 6204, PG 47
ZONED LI

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
AREA BY COORDINATE METHOD.



I, JIMMY C. BARBOUR, PLS, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED, DESCRIPTION RECORDED IN BOOK 1059, PAGE 244, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 1059, PAGE 244, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2, STANDARDS FOR GEOID NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS DAY OF March, A.D. 2025.

Jimmy C. Barbour
JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR, NO. 2855

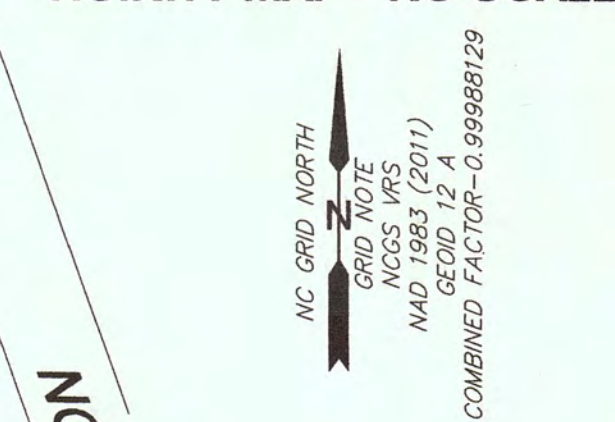
LEGEND

PB/MB/BM	PLAT BOOK/MAP BOOK/BOOK OF MAPS	STDB	SEPTIC TANK DISTRIBUTION BOX LID
PG	PAGE	ATT	AT&T CABLE OR TELEPHONE PEDESTAL BOX
TP	TELEPHONE PEDESTAL BOX	SSMH	SANITARY SEWER MANHOLE
CTV	CABLE TV PEDESTAL BOX	CB	STORM WATER CATCH BASIN
EB	ELECTRICAL TRANSFORMER BOX	EOP	EDGE OF ASPHALT ROAD PAVEMENT
FH	FIRE HYDRANT	MNS	MAGNETIC NAIL SET
DASHED LINES	----- LINES NOT SURVEYED	ERB	EXISTING IRON REBAR
WM / WV	WATER METER / WATER VALVE	MSS	MAGNETIC SPIKE SET
EIP	EXISTING IRON PIPE FOUND	N/F	NOW OR FORMERLY
EIS	EXISTING IRON STAKE FOUND	PP/SP/AL	POWER POLE/SERVICE POLE/AREA LIGHT
D	DECK	OHPL	OVERHEAD POWER LINE
O/L	CENTERLINE OF ROAD	CP	COMPUTED POINT FROM REFERENCED SOURCES
SPK	EXISTING PARKER-KALON NAIL FOUND	ST/STP	SEPTIC TANK LID/SEPTIC TANK PUMP LID
ERRS	EXISTING RAILROAD SPIKE FOUND	R/W	RIGHT OF WAY
SOLID LINES	----- SURVEYED LINES	ICV	IRRIGATION CONTROL VALVE
#5 IRON REBAR w/RED PLASTIC CAP SET FLUSH w/GRADE		CO	SANITARY SEWER CLEANOUT
EXISTING COTTON SPINDLE FOUND		TSVS	ONE STORY DWELLING WITH VINYL SIDING
EXISTING MAGNETIC NAIL FOUND		P/SRP	PORCH/SCREENED IN PORCH

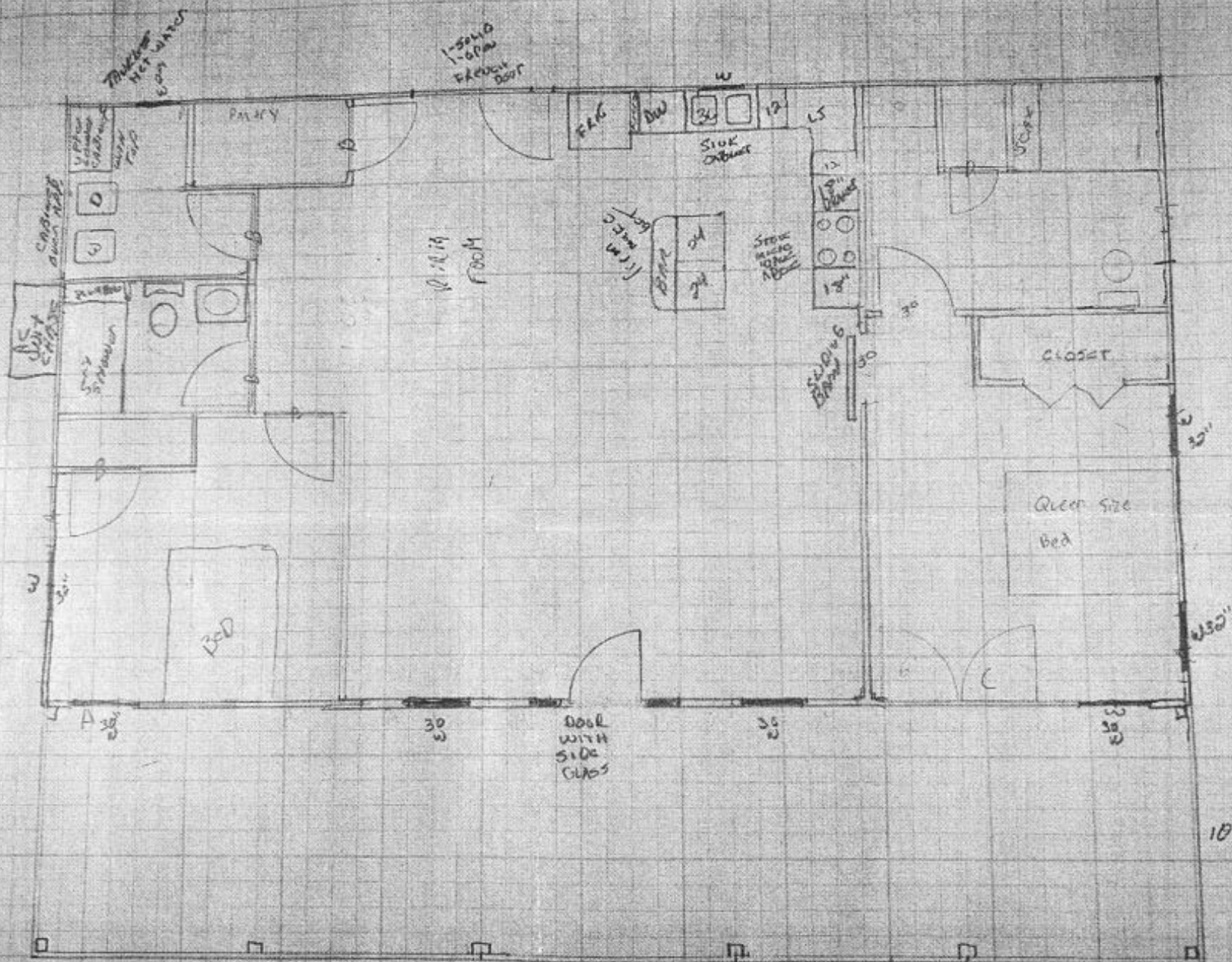
JIMMY BARBOUR SURVEYING, PA
JIMMY C. BARBOUR, PLS, GSI
C-3109
213 S. SECOND STREET
P. O. BOX 28
SMITHFIELD, N.C. 27577
919 989-6642 919-989-3013
Email: jimmy@jbsurveying.com

SURVEY FOR
MARIL YN MOZINGO
LOT 4-BOBMY CREECH SUBDIVISION
AS RECORDED IN PLAT BOOK 27, PAGE 413
TOWNSHIP WILSON'S MILLS COUNTY JOHNSTON STATE NC
TOWN OF SMITHFIELD ETJ
SURVEYED BY EA THOMPSON DRAWN BY CINDA S LASSITER
DATE SURVEYED 3-6-2025 SCALE 1"=60' DRAWING NO. 25-065

VICINITY MAP - NO SCALE



of house





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 a complete PDF application, 1 PDF of required plans, an Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:

Name of Project: ADU Acreage of property: 2.81
Parcel ID Number: 17J07024E Tax ID: _____
Deed Book: 1059 Deed Page(s): 244 Plat Book 27, Page 413
Address: 57 Strickland Road, Smithfield, NC
Location: Wilson's Mills

Existing Use: Back of Property - open Proposed Use: Build handicap access house

Existing Zoning District: R-20A

Requested Zoning District: R-20A

Is project within a Planned Development:

Yes

☒ No

Planned Development District (if applicable):

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

Section # 7.3.3.1
7.3.3.7

FOR OFFICE USE ONLY

File Number: BA-25-02 Date Received: 3-28-2025 Amount Paid: \$400.00

OWNER INFORMATION:

Name: MARILYN MOZINGO

Mailing Address: 57 Strickland Road, Smithfield, NC 27577

Phone Number: 984-226-9135 Fax: N/A

Email Address: mm0zin902@netscape.net

APPLICANT INFORMATION:

Applicant: *MARILYN MOZINGO*

Mailing Address: 51 Strickland Road Smithfield, NC 27577

Phone Number: 984-226-9135 Fax: N/A

Contact Person: marilyn mozingo

Email Address: mmozingo2@netscape.net

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.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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.

By sticking to ordinance # 7.3.3.1 I'm limited to 936 sq ft.
I currently have approx 1200 sq ft in my residence.
(mobile home) I need ADA to be at least 1200 sq ft.

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.

Mobile home does not accommodate my husband's disability.
VA grant will not modify existing mobile home,
only applies to new structures (ADA)

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.

When I purchased land ~30 years ago, health
of my husband could not be foreseen.

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.

By increasing the maximum sq ft allowed (936) to
~1200 sq ft is not unreasonable and is compliant with
the rest of the ordinance. Zoning is not (R-20A) and
the minimum size of 2 acres is met.

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.

MARILYN O. MOZINGO
Print Name

Marilyn O. Mozingo
Signature of Applicant

3-24-2025
Date

Subject Justification for variance

From mmozingo2@aol.com
<mmozingo2@netscape.net>

To: Marilyn Mozingo
<mmozingo2@netscape.net>

Date Today at 8:20 AM

My name is Marilyn Mozingo. My husband is Eddie Mozingo. He is an Army veteran who served two tours of duty in Vietnam. It's been determined by the VA, because of his exposure to agent orange, he has developed a condition PSP and has been awarded 100% service connected disability under the approved disability of Parkinsonism.

PSP (progressive supranuclear palsy) is a debilitating condition. He is housebound, in a wheelchair, non verbal, and completely dependent on myself and home healthcare. He is currently on hospice palliative care and will be until end of life. Life expectancy for this diagnosis is 6-9 years and there is currently no known treatment or cure. He was diagnosed by UNC Movement Disorders Clinic in 2022.

We currently live in a "modified " single wide mobile home. (Removed doors, installed ramp, modified slightly the bathroom to remove tub, etc). It is still extremely difficult to move him from bed to wheelchair and room to room given the space I'm working with.

Given all the above, and the fear and possibility of a fire or emergency, I'd have no way of getting him out. I have no emergency exit. Therefore, I applied for a grant with the VA to modify my mobile home to put in an emergency exit. The VA approved the grant but would not modify my mobile home, only build a handicapped accessible house. Since I had the land already, I agreed with the VA that option would be the best.

Moving forward, I've talked to planning and zoning department regarding the plan to build on my property. I was told to go ahead and get a survey done, which I did at a cost of \$2500. I took the survey back to planning and zoning and they discussed and gave two options. (1) build a 900 sq ft house or (2) submit a variance to the committee challenging the 900 sq ft and requesting 1200 sq ft house. Also add to new house it's own meter.

I am requesting you approve me to build the 1200 sq ft house. I feel this will accommodate the needs for caring for my disabled husband. Please help me make my husband's time left to be as comfortable as possible.

1. "Moving forward, I've talked to planning and zoning department regarding the plan to build an Accessory Dwelling Unit (ADU) on my property"
2. "I am requesting you approve me to build the 1200 sq ft house with its own meter"

Thank you,
Marilyn mozingo

Sent from the all new AOL app for iOS

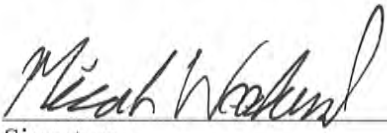


PLANNING DEPARTMENT

Micah Woodard, Planner I

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition, BA-25-02 were notified by First Class Mail on 4/10/25 of the Public Meeting on April 24th, 2025.

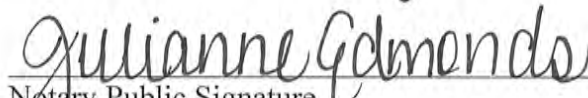


Signature

Johnston County, North Carolina

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

10th day of April, 2025



Notary Public Signature

Julianne Edmonds

Notary Public Name



Commission expires on 1-15-2028

MOZINGO, EDDIE MELVIN
MOZINGO, MARILYN
57 STRICKLAND RD
SMITHFIELD, NC 27577-7605

KELLEY, ANTHONY
KELLEY, KRISTAL
177 STRICKLAND RD
SMITHFIELD, NC 27577-0000

EDWARDS, BETTY LOUISE
COFFEY, CONTESSA FAYE JOINT TENANTS
(WROS)
6121 COLLINS RD LOT 245
JACKSONVILLE, FL 32244-5860

POMERANTZ, MATTHEW LEE
POMERANTZ, COURTNEY MAE
223 BUCKINGHAM CT
SMITHFIELD, NC 27577-9576

SALDANA, JUAN MANUEL
70 BRANTLEY CIR
SMITHFIELD, NC 27577-9133

GOLDSMITH, PATRICIA A
135 STRICKLAND RD
SMITHFIELD, NC 27577-7248

JERRY GOWER CONSTRUCTION CO IN
405 KNIGHTDALE STATION RUN
KNIGHTDALE, NC 27545-7288

AVILA, TOMAS
ROSAS, MARIA
PO BOX 2853
SMITHFIELD, NC 27577-2853

SALDANA, JUAN MANUEL
70 BRANTLEY CIR
SMITHFIELD, NC 27577-9133

ALLEN, MONTE RAY
197 STRICKLAND RD
SMITHFIELD, NC 27577-7248

WILLIAMS, EDWARD EARL
164B STRICKLAND RD
SMITHFIELD, NC 27577-7247

THOMAS, PHILLIP J
THOMAS, PATRICIA T
109 STRICKLAND ROAD
SMITHFIELD, NC 27577-0000

SALDANA, JUAN MANUEL
70 BRANTLEY CIR
SMITHFIELD, NC 27577-9133

RAYLAND L. EATMON AND JEAN L. EATMON
LIVING TRUST
EATMON, RAYLAND L. CO TRUSTEE
110 MAPLE DR
SMITHFIELD, NC 27577-3020

HILL, REGINA WHITAKER
MCGLAMERY, GINGER WHITAKER
1000 EDGEBROOK DR
GARNER, NC 27529-4442

HALES, JIMMY WAYNE
164-A STRICKLAND RD
SMITHFIELD, NC 27577-7247

UPCHURCH, CORRINA LOVETT
8613 OLD STAGE RD
RALEIGH, NC 27603-5505

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