TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Sarah Edwards Vice-Chairman: Jeremy Pearce

> Monique Austin Thomas Bell Jason Evans

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

Meeting Date: Thursday, October 30, 2025

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

AGENDA BOARD OF ADJUSTMENT REGULAR MEETING OCTOBER 30TH, 2025 MEETING TIME: 6:00 PM TOWN HALL

Call to Order

Approval of the minutes for July 31st, 2025

New Business

None

Public Hearing

<u>BA-25-05:</u> To review a variance to refurbish two existing nonconforming signs. Simon Property Group DBA Carolina Premium Outlets LLC is requesting a variance to refurbish two existing nonconforming signs. Unified Development Ordinance (UDO) Section 9.9. outlines the restrictions for nonconforming signs. UDO Sections 10.22.1.1.6., 10.24.4., 10.25.3.1., and 10.25.3.2.5. regulate setbacks, maximum sign height, and allowable square footage for sign faces. The signs considered for the variance are located along Outlet Center Drive, further identified by Johnston County Tax ID 15074012Q and 15074012A.

Old Business

None

Adjournment

Draft
Town of Smithfield
Board of Adjustment
Thursday, July 31st, 2025
6:00 P.M. Town Hall,
Council Chambers

Members Present:

Members Absent:

Sarah Edwards, Chairman
Jeremy Pearce, Vice Chairman
Thomas Bell
Monique Austin
Jason Evans
Greg Evans

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from June 12th, 2025

Jeremy Pearce made a motion, seconded by Greg Evans to approve the minutes as written. Unanimously approved

Planner Micah Woodard informed the board there was a clerical error. He stated the Board of Adjustment should be comprised of five in-town members and two alternate members. Greg Evans and Jason Evans joined at the same time and Jason Evans should have been appointed as a full-time in-town member. Greg Evans should have been an alternate member. Alternate members only vote when there's an absence. Micah told Greg Evans he couldn't vote on the case at hand at tonight's meeting because all members are present.

New Business

Open Public Hearing

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

Oath was administered by Sarah Edwards to all individuals wishing to speak. Michael Wolfe of MSW Rollout Services was sworn in over the phone due to living out of state.

BA-25-04 Chicken Salad Chick: To review a variance to re-use a nonconforming pylon sign pole for a new sign. Unified Development Ordinance (UDO) Section 9.9. outlines the restrictions for nonconforming signs, and Section 10.24.2. sets the parameters for new signs. The property considered for variance is located at 924 N. Brightleaf Blvd, further identified by Johnston County Tax ID 15005033.

Micah Woodard stated 924 N Brightleaf Boulevard has been renovated for a new restaurant. The former restaurant closed and with it, the sign and sign cabinet were removed from the pole sign leaving the pole behind. The pole sign was a legal nonconforming sign and when the sign and sign cabinet were removed, the nonconforming status became null and void and regulations require only a conforming sign to be installed in its place. The new tenant, Chicken Salad Chick, applied for a sign permit intending to use the existing pole by installing a new sign cabinet and sign on it but were informed that the existing pole sign was non-conforming and could not be used.

The new tenant, Chicken Salad Chick, inherited a site and building that was designed long before current zoning code. The site was designed long ago when pole signs were allowed and when there were no sign setbacks. There is inadequate space between the building and the right-of-way for a 6' ground mounted sign with a 10' setback as

required by the current code. Consequently, the applicant has a need for the reuse of the pole for a new sign to provide for needed commercial sign.

FINDING OF FACT FOR VARIANCE (STAFF FINDINGS):

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. Brand awareness from Brightleaf Blvd. would be hindered and may affect sales and traffic into the business if the pole sign were not allowed. This is based upon the fact of the current setback requirement and existing vehicle travel lane in front of the building will not allow a ground mounted sign of size that would be appropriate or effective.
- 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 was created years ago by the original site development by others. The site limitations appear to be somewhat unique and will not create a precedent for granting similar requests without warrant.
- 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. Property is leased and not owned by Chicken Salad Chick. The prior tenant also had a pylon sign for which the sign was removed, but not the pole. The applicant did not have any prior understanding of the limitations of the sign ordinance related to the reuse of the pole and its nonconforming status.
- 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. All signage will meet current sq. ft. standards apart from this sign being a pole sign rather than a ground mounted sign. The sign will be installed by a professional sign installation company with all necessary permits.

Greg Evans stated he didn't know his role considering he's an alternate. He said after the meeting ended, he would be resigning because he wasn't told he would only be voting in another members absence.

Greg Evans asked if the current pole in question was required to be boxed in?

Micah Woodard said it's not a matter of the pole being enclosed it's the fact that it's a pole period. Signs of that nature aren't allowed anymore according to the Town's Sign Ordinance. The only option would be a ground mounted or monument sign.

Jeremy Pearce asked if a monument sign wouldn't block the traffic view.

Micah Woodard said yes and if the sign sat on the ground, it would still encroach on the setback.

The board as a whole requested the applicant box in or wrap the pole to give a better appearance but keeping it small enough not to cause visibility issues with oncoming traffic.

Jason Evans made a motion to close BA-25-04; seconded by Jeremy Pearce. Unanimously approved.

Sarah Edwards read all four finding of facts and all board members agreed with the staff findings. Unanimously approved.

Tom Bell moved to approve variance BA-25-04 granting a variance from UDO Section 9.9. to reuse a nonconforming pylon sign pole for a new sign, based on the four finding of fact; seconded by Monique Austin. Unanimously approved.

Planner Micah Woodard briefly held a training session for the board members. He presented a slideshow explaining the rules, roles and expectations of their position as a board member as well as the quasi-judicial procedure.

Old Business.

None

Adjournment.

Jason Evans made a motion to adjourn; seconded by Monique Austin. Unanimously approved.

Julie Edmonds

Administrative Support Specialist

Julie Gdmonds

Town of Smithfield

Planning Department



Request for Board of Adjustment Action

Agenda Item: **BA-25-05** Date: 10/30/25

Subject: Carolina Premium Outlets Signs

Department: Planning

Presented by: Micah Woodard, CZO, Planner I

Presentation: Public Hearing

Issue Statement

To review a variance to refurbish two existing nonconforming signs.

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-25-05, based on the finding of fact.

Approved: ☐ Town Manager ☐ Town Attorney

Attachments:

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



Agenda BA-25-05 Item:

REQUEST:

Simon Property Group DBA Carolina Premium Outlets LLC is requesting a variance to refurbish two existing nonconforming signs. Unified Development Ordinance (UDO) Section 9.9. outlines the restrictions for nonconforming signs. UDO Sections 10.22.1.1.6., 10.24.4., 10.25.3.1., and 10.25.3.2.5. regulate setbacks, maximum sign height, and allowable square footage for sign faces. The signs considered for the variance are located along Outlet Center Drive, further identified by Johnston County Tax ID 15074012Q and 15074012A.

PROJECT LOCATION:

The property considered for variance is located at 1025 Outlet Center Dr, Smithfield, NC 27577

CASE DATA:

Owner: Carolina Premium Outlets, LLC

Applicant: Julie Gasper, GM

Tax ID#: 15074012Q and 15074012A

Town/ETJ: Town

Acreage: \pm 42.5acres

Present Zoning: B-3

Existing Use: Multi-Tenant Shopping Center w/Pole Signs

Water Service: Town of Smithfield Sewer Service: Town of Smithfield Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USE:

	Zoning	Existing Use
North	B-3	Single Tenant Business
South:	N/A (Outlet Center Drive and I-95 corridor)	N/A
West:	B-3	Single Tenant Business
East:	B-3	Vacant

Precedent. Sign ordinances are of the most scrutinized part of the development code (UDO) because commercial properties are reliant on effective advertising and branding. As with other regulations, the Town is required to follow the regulations and treat all applications and applicants equally without favor or bias.

The Board of Adjustment should consider the potential precedent that this variance could create and to carefully consider the finding of fact such that the Board is not granting favor to the business that is not supported by the facts associated with the property in question and its unique configuration and limitations.

Nonconforming Code. The intent of the nonconforming code is to protect nonconformities that were once legal, protecting the investment and rights of property owners with such structures. Although the nonconforming code protects those legal nonconforming structures, the code also recognizes that regulations change and has provided triggers for when the legal status become null and void with the intent of bringing such properties up to date with current regulations.

ANALYSIS:

On Wednesday October 1st, applicant Julie Gasper submitted a variance application to retrofit two (2) existing signs at Carolina Premium Outlets (<u>Sign A</u> and <u>Sign B</u> for our purposes).

<u>Sign A:</u> This sign was damaged in a storm and the current face was a temporary solution. By our current code this sign would be considered nonconforming. The UDO states in Section 9.9.1. that nonconforming sign(s) that were otherwise lawful may be continued... However, a nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.

So, while the sign has been in place for many years, the act of altering, changing, retrofitting, etc. would require the sign to be brought into conformity. The applicant wants to keep the existing underlying structure of this sign and merely up-fit it to look more modern and attractive to keep up with their current branding.

<u>Sign B</u>: This sign was not damaged in a storm, but is also due for a refresh. The same statements above regarding nonconformity and updates also pertain to Sign B. However; the proposed plan for Sign B is different. They plan to remove the nonconforming pole sign and change to a monument style sign, the proposed dimensions for the monument sign are also beyond the permitted scope of the sign code, hence why a variance is required.

DEVIATIONS FROM EXISTING CODE:

Sign A: The proposed sign faces equal 732sqft. While this is a reduction from the current 806sqft. the sign code only allows 300sqft. (UDO Sec. 10.25.3.1.)

The proposed sign face is a dual pole sign. The sign code states the sign must be of monopole design. (UDO Sec. 10.25.3.2.5.)

Sign B: While monument signs are a permitted sign type the proposed height for the monument sign is 8' 4" and the sign code only allows a height of 6'. (UDO Section 10.24.4.).

Also, the required 10' setback cannot be met given the site development. (UDO Sec. 10.22.1.1.6.)

FINDING OF FACT FOR VARIANCE (STAFF FINDINGS):

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. If the applicant were to be required to comply with the current code obligations, the sign foundation and structure would require a complete removal and reconstruction. This is a financial hardship for the maintenance project. There is no location for Sign B that would meet the 10' required setback.
- 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. Advertising and branding are essential to a successful business, Outlet Center Drive and I-95 have large trees all along their frontage. Because of the location, signs of substantial size are needed in order to be well seen. The proposed signs will not standout anymore than what is already existing.
- 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 signs were previously approved based on the code requirements of the time. Due to a natural event, Sign A was damaged and needs replacement. Being a business branding is important and the need for consistency is imperative.*
- 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 proposed variance keeps the existing height requirements within the range of what was originally approved for Sign A and close for Sign B. The sign face square footages for Sign A have been reduced to be closer to the existing signage ordinance. And Sign B is within the allowable sign square footage. It is staff opinion that these requests are within the scope of reason and close to the set parameters outlined in the UDO.

RECOMMENDATION:

Planning Staff recommends that the Board of Adjustment approve the variance from the Unified Development Ordinance Sections 10.22.1.1.6., 10.24.4., 10.25.3.1., and 10.25.3.2.5 to refurbish two existing nonconforming signs, based on the findings 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-25-05 granting a variance from four UDO Sections (10.22.1.1.6., 10.24.4., 10.25.3.1., and 10.25.3.2.5) to refurbish two existing nonconforming signs, based on the four finding of fact."

(Vote on each finding)

BA-25-05 Carolina Premium Outlets Signs

File Number: BA-25-05

Project Name:Carolina Premium Outlets
Signs

Location:

1025 Outlet Center Dr, Smithfield, NC 27577

Tax ID#: 15074012Q, 15074012A

Existing Zoning: B-3

Property Owner: CAROLINA PREMIUM OUTLETS LLC

Applicant: Julie Gasper, GM



Map Scale 1" = 250'



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: Sign R Parcel ID Number: 15074 Deed Book: 4206 Address: 1025 Outlet C Location: Smithfield, NC	enter Dr	-	erty: <u>61</u> 12022 35	
	3-3 3-3 velopment:	Proposed Use:	Signage No	
Planned Development District (if applicable): Variance Request (List Unified Development Code sections and paragraph numbers) Sections 10.25.3.1 (signage area requested is 732 sqft per side), 10.2.3.2.5 (bottom of sign is 20' above the base of the pole)				
FOR OFFICE USE ONLY				
File Number: BA-25-05	Date Received: 10-1-20	025 A	Amount Paid: \$400.00	
OWNER INFORMATION:				

Mailing Address:	1025 Outlet Center Dr., Suite 905, Smithfield NC 27577
Phone Number:	919-989-8453 Fax:
Email Address:	jgasper@simon.com
	75-1-0
APPLICANT IN	FORMATION:
Applicant: Caro	lina Premium Outlets
Mailing Address:	1025 Outlet Center Dr., Suite 905 Smithfield NC 27577
Phone Number:	919-989-8453 Fax:
Contact Person:	Julie Gasper, GM
Email Address:	jgasper@simon.com
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REQUIRED PLA	ANS AND SUPPLEMENTAL INFORMATION
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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

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7	nis is a financial hardship for the maintenance project.
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surch b	asing property with knowledge that circumstances exist that may justify the granting of a variance shall regarded as a self-created hardship. The existing sign was previously approved based on the code sections at the time. Due to a natural event, the sign was damaged and needs replacement. 2.2.4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that

adequately address the findings may result in denial of the application. Please attach additional pages if

necessary.

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.

Julie Gasper	Julie Gasper	9/30/25
Print Name	Signature of Applicant	Date



File 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

OWNER'S CONSENT FORM

o attend and represent me a ted above. Furthermore, I	e submitted this application and all
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and conditions which may a	hereby give consent to the party arise as part of the approval of this
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int Name	Date
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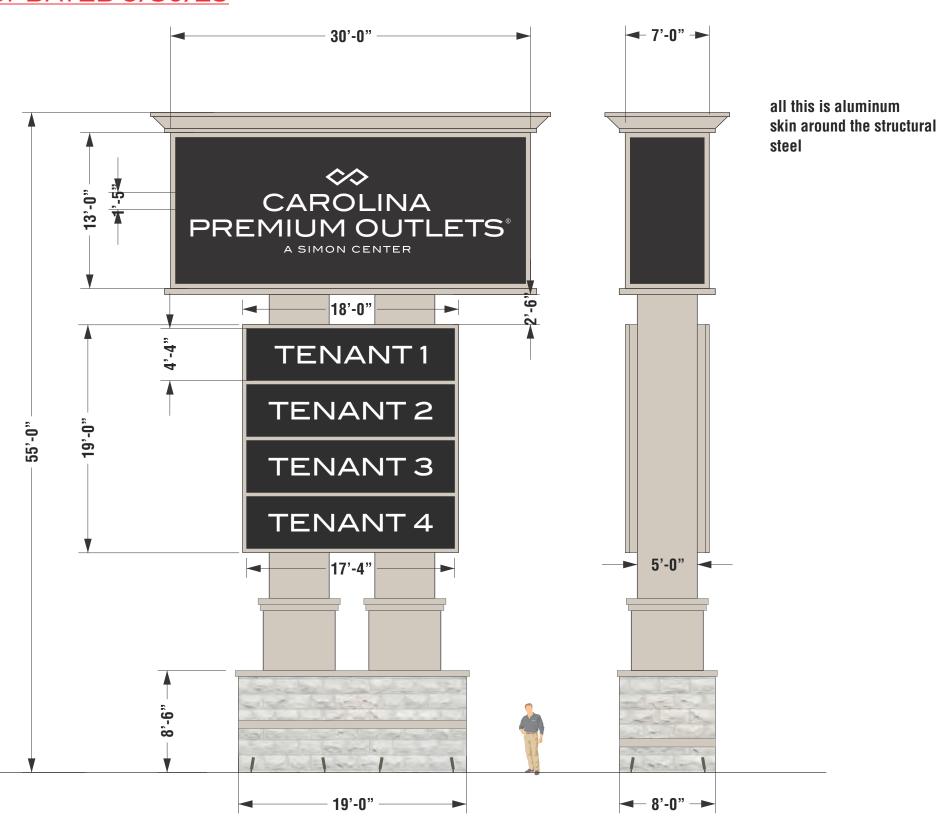
Parcel ID Number:

Date Received:

SIGN A

*CONCEPTUAL DESIGN ONLY

EXACT COLORS, LOGOS, DIMENSIONS TBD DURING SHOP DRAWING APPROVAL **UPDATED 9/30/25**





EXISTING CONDITIONS



PROPOSED - NOT SHOWN TO EXACT SCALE



1660 Pacolet Court Gastonia, NC 28052 ph 704.868.4500 fx 704.868.4592

www.signcon.com



Client:

J0B#:

Customer: Carolina Premium Outlets

Job Name: Carolina Premium Outlets

Address: 1025 Outlet Center Dr Suite 905, Smithfield NC 27577 Sales Contact: ME

Initial Design Date: 9/4/25 Designer: M. Elkin Scale:

Conceptual Drawing

Design Development

Revision Date(s): xx/xx/xxxx

Critical to Quality Information:

XXX

Font Schedule

FONT 1 FONT 2 FONT 3



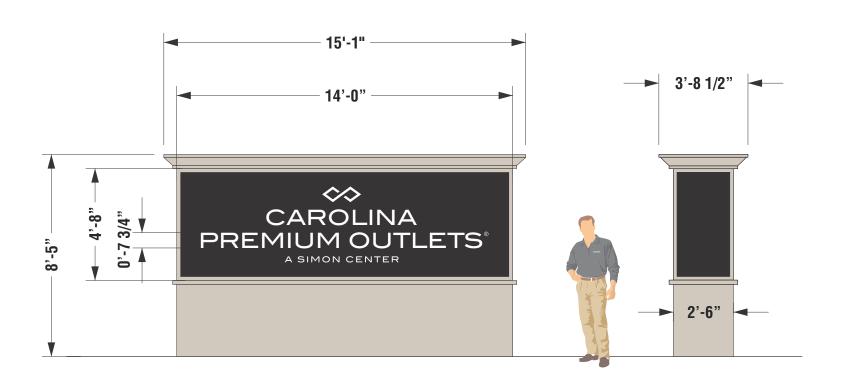
© 2016, Sign Connection, Incorporated

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical

ISO 9001:2018 CERTIFIED

*CONCEPTUAL DESIGN ONLY EXACT COLORS, LOGOS, DIMENSIONS TBD DURING SHOP DRAWING APPROVAL **UPDATED 9/30/25**

SIGN B





EXISTING CONDITIONS



PROPOSED - NOT SHOWN TO EXACT SCALE



1660 Pacolet Court Gastonia, NC 28052 ph 704.868.4500 fx 704.868.4592

www.signcon.com



Client:

JOB#:

Customer: Carolina Premium Outlets

Job Name: Carolina Premium Outlets

Address: 1025 Outlet Center Dr Suite 905, Smithfield NC 27577 Sales Contact: ME

Initial Design Date: 9/4/25 Designer: M. Elkin Scale:

Conceptual Drawing

Design Development

Revision Date(s): xx/xx/xxxx

Critical to Quality Information:

XXX

Font Schedule

FONT 1





© 2016, Sign Connection, Incorporated

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

ISO 9001:2018 CERTIFIED



PLANNING DEPARTMENT

Stephen Wensman, Planning Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition, <u>BA-25-05</u>, were notified by First Class Mail on 10/16/25 of the Public Hearing on October 30^{th} , 2025.

Micd Landson

Johnston County, North Carolina

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

Autianne Gemondo
Notary Public Signature

Tutianne Edmondo
Notary Public Name

My Commission expires on -15-2028

Adjacent Properties List

ParcelID Name1	Name2	Address1	Address2	CityStateZip
15074012L CAROLINA PREMIUM OUTLETS LLC			PO BOX 6120	INDIANAPOLIS, IN 46206
15L11008P CDM PROPERTIES LLC			PO BOX 7794	ROCKY MOUNT, NC 27804-0000
15L11008T WOLBERT, WENDY L		622 LORENZO DR		N MYRTLE BCH, SC 29582-6613
15L11009K WEAVER, E FRANK III		350 WAGONER DRIVE		FAYETTEVILLE, NC 28303-0000
15L11008H MCLAMB INVESTMENTS LLC			P O BOX 105	SMITHFIELD, NC 27577-0000
15L11009M G3TECH, LLC		199 SETTLEMENT DR		APEX, NC 27523-6731
15L11009L ALLIED DEVELOPMENT INC		350 WAGONER DRIVE		FAYETTEVILLE, NC 28303-0000
15L11008C HUGHES, JOHN TIMOTHY		2435 US HIGHWAY 70 BUS E		SMITHFIELD, NC 27577-7788
15L11008R HERITAGE IV SMITHFIELD LLC			PO BOX 3342	CHAPEL HILL, NC 27515-3342
15L10020A PENN COMPRESSION MOULDING, INC		309 COMPONENTS DR		SMITHFIELD, NC 27577-0000
15L11008M KEARNEY, EUGENE LARRY		5442 LAURETTA ST APT A		SAN DIEGO, CA 92110-2420
15074012I TOSCO/SAV, LLC		400 MALL BLVD STE M		SAVANNAH, GA 31406-4820
15074012P AEB PROPERTIES, LLC			PO BOX 605	HOPE MILLS, NC 28348-0605
15074013B BARBETTA LLC			PO BOX 97	SELMA, NC 27576-0097
15L11008U SPARKS MCLAMB INVESTMENTS LLC		111 MARIAH DR		FOUR OAKS, NC 27524-8433
15L10021 SHALLCO INC			P O BOX 1089	SMITHFIELD, NC 27577-0000
15L11008N SHRI SMITHFIELD, LLC		121 BROOKBANK HILL PL		CARY, NC 27519-8397
15L11008O WISE DEVELOPMENT LLC			PO BOX 804	MOUNT AIRY, NC 27030-0804
15L11008S ALLIED DEVELOPMENT INC		350 WAGONER DRIVE STE 100		FAYETTEVILLE, NC 28303-0000
15074012K CFB POWERSPORTS, LLC		1508 HOPE MILLS RD		FAYETTEVILLE, NC 28304-4221
15074012C SMITHFIELD-SELMA CHAMBER ECONOMIC DEVELOPMENT FOUNDATION, IN	C.		PO BOX 467	SMITHFIELD, NC 27577-0467
15074012J PEGGALUBE, LLC			PO BOX 48	VERSAILLES, KY 40383-0048
15074012N NATIONAL RETAIL PROPERTIES LP		2202 N WEST SHORE BLVD 5TH FL		TAMPA, FL 33607
15L10061A CARMAX AUTO SUPERSTORES INC		12800 TUCKAHOE CREEK PKWY		RICHMOND, VA 23238-0000