

Town of Smithfield

Board of Adjustment Meeting Minutes

Thursday, January 29, 2026

6:00 P.M. – Town Hall, Council Chambers

Members Present

- Sarah Edwards, Chairman (*arrived at 6:06 p.m.*)
- Jeremy Pearce, Vice Chairman
- Thomas Bell
- Jason Evans
- Monique Austin

Members Absent

None

Staff Present

- Micah Woodard, Planner I

Staff Absent

- Julie Edmonds, Administrative Support Specialist
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CALL TO ORDER

Approval of Minutes – December 18, 2025

Jeremy Pearce made a motion to approve the minutes as written. The motion was seconded by Jason Evans and was **unanimously approved**.

NEW BUSINESS

Open Public Hearing

Tom Bell made a motion to open the public hearing; seconded by Jeremy Pearce. The motion was **unanimously approved**.

Chairman Sarah Edwards administered the oath to all individuals wishing to speak.

a) BA-25-07

Applicant: Partners Commercial Realty

Request: Variance from Unified Development Ordinance (UDO) Section 10.13.1.6 regarding required landscape minimums on interior landscape islands.

Location: 940, 950 & 960 W. Market Street

Johnston County Tax ID #: 15084003D & 15084003F

Planner Micah Woodard stated that the former K-Mart/Heilig Meyers property is currently being redeveloped into a multi-tenant commercial site. The project includes the construction of a new commercial strip building within the existing parking lot, while the former buildings are being repurposed for new commercial and light industrial uses.

Dunkin Donuts is developing the former Heilig Meyers building as a donut manufacturing facility. The approved site plan includes a renovated parking lot, updated lighting, and landscaping designed to meet Town standards.

Since site plan approval, the developer has identified concerns regarding two required landscape islands within the parking area.

Landscape Island #1:

This island is proposed to contain a mail kiosk. The placement of the kiosk within the island was not anticipated at the time of approval and is the result of negotiations with the United States Postal Service.

Landscape Island #2:

The developer asserts that this island conflicts with fire access requirements, truck maneuverability, and existing underground utilities.

Landscape islands serve several important functions, including:

- Breaking up large expanses of parking lot pavement
- Providing shade that reduces heat gain and stormwater runoff
- Enhancing aesthetics
- Protecting vehicles parked at the ends of rows from potential vehicular damage

However, the developer notes that the subject area will receive significant shading from the new commercial building and will be largely out of view from customers, potentially reducing the practical impact of removing the islands.

Planner Micah Woodard read the four Findings of Fact and stated that Planning Staff recommends the Board of Adjustment approve the variance from Unified Development Ordinance Section 10.13.1.6 for the two landscape islands based on the following findings:

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.

Chairman Sarah Edwards asked how a mail kiosk works.

Jim Perricone of Partners Commercial Realty came forward to answer Ms. Edwards' question. He explained that mail kiosks centralize mail delivery and make it easier for USPS to deliver mail. He stated that all three buildings will have a mail kiosk.

Chairman Edwards read each Finding of Fact aloud and each Board member voted.

1. Motion to adopt Finding of Fact #1 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
2. Motion to adopt Finding of Fact #2 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
3. Motion to adopt Finding of Fact #3 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.

4. Motion to adopt Finding of Fact #4 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.

Jeremy Pearce made a motion to approve variance BA-25-07 granting a variance from UDO Section 10.13.1.6 for the two landscape islands based on the four Findings of Fact. The motion was seconded by Monique Austin and **unanimously approved**.

Open Public Hearing

Jason Evans made a motion to open the public hearing; seconded by Monique Austin. The motion was **unanimously approved**.

Chairman Sarah Edwards administered the oath to all individuals wishing to speak.

b) BA-26-01

Applicant: McMillen Family

Request: Variance from UDO Sections 8.2.1(G) and 8.13.2 regarding the required 10-foot building setback for accessory structures.

Location: 1061 North Lakeside Dr., Smithfield, NC 27577

Johnston County Tax ID #: 15J11025D

Planner Micah Woodard stated the McMillen family recently received zoning approval to construct a swimming pool in their backyard and are now seeking to build a pool house to accompany the pool. However, due to existing site constraints, the amount of buildable area on their property is limited.

The primary constraint affecting the property is the required 50-foot Neuse Riparian Buffer. This buffer is mandated by North Carolina Administrative Code (NCAC) 15A 02B .0233, which requires a 50-foot protected buffer to be maintained along certain water bodies within the Neuse River Basin. Because of this requirement, a significant portion of the property cannot be disturbed or developed, further restricting the available area where the proposed pool house could be constructed.

Because of the required 50-foot buffer, approximately 6,500 square feet, or 24.9% of the total property area, cannot be developed. An additional site constraint is the presence of existing trees and landscaping on the western side of the backyard, which the McMillen family wishes to preserve. Due to these constraints, the only feasible location remaining for the proposed pool house is on the eastern side of the property.

Fortunately, the property immediately to the east is a vacant parcel owned by the Lakeside Homeowners Association. While the parcel is technically vacant, it does contain a stormwater pond, making future development unlikely.

As a result, the potential encroachment of the proposed pool house into the required 10-foot setback is unlikely to adversely affect neighboring properties. The adjacent parcel's current use and ownership significantly reduce the likelihood that the encroachment would negatively impact surrounding property owners.

Planner Micah Woodard read the four Findings of Fact and stated that Planning Staff recommends approval of the variance from UDO Sections 8.2.1(G) and 8.13.2.

Jason Evans made a motion to close BA-26-01; seconded by Monique Austin. The motion was **unanimously approved**.

Chairman Sarah Edwards read each Finding of Fact aloud and the Board voted.

1. Motion to adopt Finding of Fact #1 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
2. Motion to adopt Finding of Fact #2 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
3. Motion to adopt Finding of Fact #3 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
4. Motion to adopt Finding of Fact #4 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.

Jason Evans made a motion to approve variance BA-26-01 granting a variance from UDO Sections 8.2.1(G) and 8.13.2 for an accessory structure side-setback encroachment of up to 10 feet. The motion was seconded by Monique Austin and **unanimously approved**.

c) BA-26-02

Applicant: Young Family

Request: Variance from UDO Section 7.3.10.2 regarding fence height and placement.

Location: 111 E. Sanders St., Smithfield, NC 27577

Johnston County Tax ID #: 15051026

Tom Bell made a motion to open BA-26-02; seconded by Jeremy Pearce. The motion was **unanimously approved**.

Chairman Sarah Edwards administered the oath to all individuals wishing to speak.

Planner Micah Woodard stated that due to the layout of their property and the code constraints placed on fences within the front yard, the Young family is extremely limited in where they can create a safe and private outdoor space for their children.

Because their home faces East Sanders Street, the entire left side yard—where the family would like to install the fence—is technically considered part of the front yard under the Town's Unified Development Ordinance. As a result, any fence in this location must comply with the restriction prohibiting fences taller than forty-eight (48) inches that are more than seventy-five (75) percent solid in front of the principal structure.

The Young family is requesting permission to install a six-foot wooden privacy fence in this area to create a secure and enclosed space for their children to play. Given the heavy traffic generated by the nearby school, downtown area, and the proximity to Brightleaf Boulevard, the request is largely motivated by safety concerns as well as the need for privacy.

Without the requested fence, the family's children would have very limited safe outdoor space available on the property. The proposed fence would allow the family to utilize the only practical area available for outdoor recreation while also providing a buffer from the busy roadway and surrounding traffic.

Due to the unique orientation of the house on the lot, the presence of the alley along the western property boundary, and the lack of a traditional backyard, the Young family believes the requested variance is necessary to allow reasonable use of their property.

Planner Micah Woodard read the four Findings of Fact and stated that Planning Staff recommends approval of the variance from UDO Section 7.3.10.2 regarding fence height and placement.

Jeremy Pearce asked if there was an entrance and exit from the house to the proposed fenced area.

Property owner Caleb Young came forward and stated there is a back door coming off the kitchen approximately six feet from the property line. He expressed concern about the safety of his children and mentioned that there have been several serious accidents at the intersection near his home.

A few other questions were discussed amongst the board and applicant Caleb Young answered.

Tom Bell made a motion to close BA-26-02; seconded by Jason Evans. The motion was **unanimously approved**.

Chairman Sarah Edwards read each Finding of Fact aloud and the Board voted.

1. Motion to adopt Finding of Fact #1 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
2. Motion to adopt Finding of Fact #2 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
3. Motion to adopt Finding of Fact #3 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.
4. Motion to adopt Finding of Fact #4 passed with Edwards, Pearce, Evans, Bell, and Austin voting in favor.

Monique Austin made a motion to approve variance BA-26-02 granting a variance from UDO Section 7.3.10.2 regarding fence height and placement to allow the Young family to construct the privacy fence as depicted in their sketch plans. The motion was seconded by Tom Bell and **unanimously approved**.

OLD BUSINESS

None

ADJOURNMENT

Jeremy Pearce made a motion to adjourn; seconded by Jason Evans. The motion was **unanimously approved**.

Julie Edmonds

Administrative Support Specialist
Town of Smithfield Planning Department