

# TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Sarah Edwards  
Vice-Chairman: Jeremy Pearce

Monique Austin  
Thomas Bell  
Jason Evans

Brent Reck, AICP, CZO Planning Director  
Micah Woodard, CZO Planner I  
Julie Edmonds, Administrative Assistant

**Meeting Date: Thursday, April 30<sup>th</sup>, 2026**

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

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



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
AGENDA APRIL 30<sup>TH</sup>, 2026  
MEETING TIME: 6:00 PM  
TOWN HALL**

**1) Call to Order**

**2) Approval of the minutes for January 29<sup>th</sup>, 2025 and March 26th, 2026.**

**3) New Business**

None

**4) Public Hearing**

- a) **BA-26-03:** GM Service, LLC is requesting a variance from the Unified Development Ordinance (UDO) Sections 10.22.1.1.6. and 10.25.2.3.5.1. regarding the required 10' right-of-way setback for signs. The property in questions is located at 1701 S Brightleaf Blvd, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15A61055A.
  
- b) **BA-26-04:** Damiano Mezzina is requesting a variance from the Unified Development Ordinance (UDO) Sections 8.2.1. (G), and 8.13.2. regarding the required 10' building setback for accessory structure. The property in questions is located at 14 Eden Dr, Smithfield, NC 27577, Further identified by Johnston County Tax ID # 14057008I.

**5) Old Business**

None

**6) Adjournment**

Draft Town of Smithfield

Board of Adjustment Meeting Minutes

**Thursday, January 29, 2026**

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

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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

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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**.

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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.

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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**.

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#### 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.

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#### 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**.

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#### 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**.

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#### OLD BUSINESS

None

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#### ADJOURNMENT

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

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**Julie Edmonds**  
Administrative Support Specialist  
Town of Smithfield Planning Department

Draft Town of Smithfield

Board of Adjustment Meeting Minutes

**Thursday, March 26, 2026**

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

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Members Present

- Sarah Edwards, Chairman
- Jeremy Pearce, Vice Chairman
- Thomas Bell

Members Absent

- Monique Austin
- Jason Evans

Staff Present

- Micah Woodard, Planner I
  - Brent Reck, Planning Director
  - Julie Edmonds, Administrative Support Specialist
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Planner Micah Woodard announced a change in plans for the meeting, noting that although a quorum is present, there are not enough members to conduct votes. With two members absent, he requested that Chairman Sarah Edwards excuse the absences of Monique Austin and Jason Evans. Mr. Woodard further stated that all agenda items scheduled for this evening will be deferred to the next regularly scheduled Board of Adjustment meeting on Thursday, April 30, 2026, at 6:00 p.m.

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Approval of Minutes – January 29th, 2026

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

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Reappointment of Tom Bell

Following his reappointment to the Board of Adjustments, Tom Bell was administered the oath of office by Town Clerk Elaine Andrews.

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OLD BUSINESS

None

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ADJOURNMENT

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

NEXT BOARD OF ADJUSTMENTS MEETING

Thursday, April 30<sup>TH</sup>, 2026 6:00 PM

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**Julie Edmonds**  
Administrative Support Specialist  
Town of Smithfield Planning Department

DRAFT





# Request for Board of Adjustment Action

**Agenda  
Item:** BA-26-03  
**Date:** 4/30/26

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**Subject:** GM Service, LLC Sign Variance  
**Department:** Planning  
**Presented by:** Micah Woodard, CZO, Planner I  
**Presentation:** Public Hearing

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## Issue Statement

To review a variance from the Unified Development Ordinance (UDO) Sections 10.22.1.1.6 and 10.25.2.3.5.1 regarding the required 10 foot sign setbacks.

## 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 BA-26-03, based on the finding of fact.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of Fact
- Application
- Map



# Staff Report

Agenda Item: BA-26-03

**REQUEST:**

Gustavo Martinez with GM Service, LLC is requesting a variance from the Unified Development Ordinance (UDO) Sections 10.22.1.1.6 and 10.25.2.3.5.1. to place a sign for his business withing the 10 foot required setback.

**PROJECT LOCATION:**

The property in question is located at 1701 S Brightleaf Blvd, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15A61055A.

**CASE DATA:**

Owner(s):	Gustavo Martinez
Applicant:	Gustavo Martinez
Tax ID#:	15A61055A
Town/ETJ:	Town
Acreage:	.599
Present Zoning:	B-3
Existing Use:	Auto Repair Business
Water/Sewer Service:	Town of Smithfield
Electrical Service:	Town of Smithfield

**ADJACENT ZONING AND LAND USES: (see attached map for complete listing)**

	Zoning	Existing Land Uses
North	B-3	Restaurant
South	B-3	Commercial Businesses
East	B-3	Commercial Businesses
West	R-8	Single-Family Residences

## OVERVIEW:

In July of 2025 staff issued a new "Land Use" Zoning Permit to Gustavo Martinez for his automotive repair business - GM Service, LLC.

A few months later staff was approached regarding new signage for the business. Upon further investigation it was determined that the former noncompliant sign had been removed thereby triggering any new signage to conform to all current UDO standards.

The only issue with the former sign was its location. The former sign was located within the required 10 foot setback.

The former sign was not in the right of way, merely within the setback.

Mr. Martinez would like to have his new sign placed in the same location as the former sign.

Because this is the only signage Mr. Martinez has for his business, staff allowed him to put up the sign. Pending the Boards decision will dictate if the sign can remain in place.

## ANALYSIS:

There are only two permeable (grassy/natural) areas in the front of property for signage. One is where the former sign was located, that area is graded flat and visible. The other area also provides good visibility for signage, but it has a steep grade and is the open drainage ditch for this property and the neighboring property.

By adhering to the 10' setback the amount of usable space in the first area is considerably reduced, and the area that's left is unusable because of the guy-wires holding up the utility pole.

## FINDING OF FACT FOR VARIANCE (STAFF FINDINGS):

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

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. ***Strict application of the ordinance would leave a minimal amount of usable space for ground mounted signage. Wall signs and ground signs are the primary sign types for this corridor.***

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. ***The hardship results from conditions specific to this property, including its layout and frontage orientation. The location where the previous sign stood is the only practical and***

***visible are for signage due to traffic setbacks and site configuration. The request is not based on personal circumstance, but on the physical characteristics and visibility limitations of the property itself.***

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. ***The hardship was not self-created. The previous sign structure deteriorated over time and was removed due to safety concerns. The removal was not intended to eliminate the “grandfathered” status, but to maintain safety and compliance. The sign had existed previously without issue.***

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved. ***The intent of the 10 foot sign setback is partly for visual aesthetics but more importantly to prevent sight lines from being obstructed at intersections/driveways/entrances. The previous sign (in the same location) did not present itself as an issue and was far enough back as to prevent visibility issues. The new sign in the same location will not negatively impact the surrounding properties and is reasonable and within the intent of the ordinance.***

**RECOMMENDATION:**

Planning Staff recommend the Board of Adjustment approve the variance from the Unified Development Ordinance (UDO) Sections 10.22.1.1.6. and 10.25.2.3.5.1. regarding the required 10’ sign setback, thereby allowing GM Service, LLC to keep their sign in its current location (within the 10’ setback) as presented in the following documents, 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:**

“Motion to approve variance BA-26-03 granting a variance from UDO Sections 10.22.1.1.6. and 10.25.2.3.5.1. regarding the required 10’ sign setback, to allow GM Service, LLC to keep their sign in its current location (within the 10’ setback) as presented in the staff report.”

(Vote on each finding)

# BA-26-03 GM Service, LLC Sign Variance

**File Number:**  
BA-26-03

**Project Name:**  
GM Service, LLC Sign  
Variance

**Location:**  
1701 S Brightleaf Blvd,  
Smithfield, NC 27577

**Tax ID#:**  
15A61055A

**Existing Zoning:**  
B-3

**Property Owner:**  
Gustavo Martinez

**Applicant:**  
Gustavo Martinez

**City or ETJ:**  
City



← 1701 S Brightleaf Blvd 🔍 ✕

← Share ✕

**1699 US-301**  
 Smithfield, North Carolina

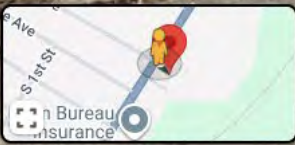
Google Street View

Dec 2024 [See more dates](#)

Concrete Property Line Markers

Guy-Wires

Post Holes from Former Sign





Former Sign



AUTO REPAIR NEW TIRES USED TIRES OIL CHANGE BRAKES WHEEL ALIGNMENT



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 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 ensure 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: G.M Service LLC, sign request Acreage of property: \_\_\_\_\_  
 Parcel ID Number: 15A610558 Tax ID: 39-2497435  
 Deed Book: 06649 Deed Page(s): 0403  
 Address: 17015 Brightleaf Blvd, Smithfield NC 27577  
 Location: same as above

Existing Use: sign Proposed Use: sign

Existing Zoning District: B3

Requested Zoning District: N/A

Is project within a Planned Development: Yes  No

Planned Development District (if applicable): \_\_\_\_\_

Variance Request (List Unified Development Code sections and paragraph numbers)  
10.22.1.1.4 - 10.25.2.3.5.1

### FOR OFFICE USE ONLY

File Number: BA-26-03 Date Received: 2-11-2026 Amount Paid: \$400.00

## OWNER INFORMATION:

Name: Gustavo Martinez  
Mailing Address: 1701 S Brightleaf Blvd, Smithfield NC 27577  
Phone Number: 919-903-3454 Fax: \_\_\_\_\_  
Email Address: gusmartinez214@gmail.com

## APPLICANT INFORMATION:

Applicant: Gustavo Martinez  
Mailing Address: 1701 S Brightleaf Blvd, Smithfield NC 27577  
Phone Number: 919-903-3454 Fax: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Email Address: gusmartinez214@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.*

I am writing to respectfully request approval to reinstall a sign at my business location. There was previously a sign installed in the same location. The structure was older wood and had become damaged and unsafe, so I removed it to prevent any hazards. My intention was simply to replace it with safer and updated sign in the same location. I was recently informed that I cannot reinstall it because the original structure was removed. However this is the only suitable location on my property for signage and the sign has been there previously without issue.

## 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.

There was previously a sign located in the same area on the property. The prior structure was made of wood and had deteriorated, creating a safety concern. It was removed solely to prevent potential hazards and to replace it with a safer and update structure in the same location, without approval to reinstall the sign, the property loses its primary visibility from the roadway.

**4.10.2.2.2.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The hardship results from conditions specific to this property, including its layout and frontage orientation. The location where the previous sign stood is the only practical and visible area for signage due to traffic, setbacks, and site configuration. The request is not based on personal circumstance, but on the physical characteristics and visibility limitations of the property itself.

**4.10.2.2.3.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship was not self-created. The previous sign structure deteriorated over time and was removed due to safety concern. The removal was not intended to eliminate grandfathered rights, but to maintain safety and compliance. The sign had existed previously without issue. The intent is simply to replace it in the same location with an improved and code compliant structure.

**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 requested variance is consistent with the spirit and intent of the ordinance. The replacement sign will be constructed to meet safety standards and will not negatively impact surrounding properties or traffic visibility.

Approving the variance will maintain public safety preserve the property's reasonable use and achieve substantial justice while respecting the purpose of the regulations.

**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.*

Gustaw Maitirez

*Print Name*



*Signature of Applicant*

2/11/2024

*Date*



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## OWNER'S CONSENT FORM

Name of Project: G.M Services LLC-sign request Submittal Date: 2/11/2024

### 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.

Gustavo Martinez 2/11/2024  
*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.

Gustavo Martinez 2/11/2024  
*Signature of Owner/Applicant* *Print Name* *Date*

### FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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**PLANNING DEPARTMENT**  
Micah Woodard, Town Planner

**ADJOINING PROPERTY OWNERS' CERTIFICATION**

I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s), **BA-26-03, and BA-26-04** were notified by First Class Mail on 4/17/26 of the Public Hearing on April 30<sup>th</sup>, 2026.

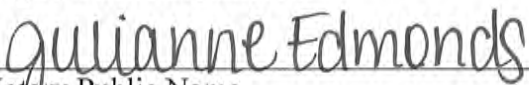
  
\_\_\_\_\_  
Signature

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

17th day of April, 2026

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028  
(Seal)



# BA-26-03 Adjacent Property Owners List

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15A61055A	REYES, GUSTAVO ANTONIO MARTINEZ		1599 HWY 11 55		KINSTON, NC 28504-4751
15061015	WORLEY, M GLENN	WORLEY, JANICE S	205 E UNDERWOOD AVE		SMITHFIELD, NC 27577-0000
15061019	SNEAD, WILLIAM RONNIE		1622 S BRIGHTLEAF BLVD		SMITHFIELD, NC 27577-8358
15061018	TRIANGLE CAPITAL INVESTMENTS, LLC		5236 HARTFELT DR		GARNER, NC 27529-7132
15061021A	WORLEY, MICHAEL LYNN		108 QUAIL RUN		SMITHFIELD, NC 27577-0000
15061046	ASBURY UNITED METHODIST CHURCH		215 EAST CAROLINE AVE		SMITHFIELD, NC 27577-0000
15061020	WHITLEY, RICKY H	WHITLEY, BETTY S	1555 YELVERTON GROVE RD		SMITHFIELD, NC 27577-7583
15061021	WORLEY, MICHAEL LYNN		108 QUAIL RUN		SMITHFIELD, NC 27577-0000
15A61036	BALDOVINOS, BEATRIZ		175 GALILEE RD		SMITHFIELD, NC 27577-9485
15060032	STEWART, JAMES RAY	STEWART, DAVID WILSON	112 COTTONWOOD DR	WHITLEY HEIGHTS SUBDIVISION	CLAYTON, NC 27520
15A61055B	INTERSTATE REALTY, LLC		109 W WILSON ST		SMITHFIELD, NC 27577-5130
15A61037A	MJP VISIONS REALTY, LLC		105 SUSAN CIR		GOLDSBORO, NC 27530-9319
15A61055D	WNW INVESTMENTS, LLC		110 WHIPPOORWILL DR		SMITHFIELD, NC 27577-9511
15110199H	BALDOVINOS, BEATRIZ		175 GALILEE RD		SMITHFIELD, NC 27577-9485
15A61055	B AND V PROPERTIES LLC		175 GALILEE RD		SMITHFIELD, NC 27577-9485
15A61037	JORDAN INVESTMENT PROPERTIES, LLC			PO BOX 1232	JAMESTOWN, NC 27282-1232
15A61055C	TURNAROUND PROPERTIES, LLC			PO BOX 760	OAK RIDGE, NC 27310-0760
15061110	ASBURY METHODIST CHURCH	SCOTT, CATHY D TRUSTEE	215 E CAROLINA AVE		SMITHFIELD, NC 27577-5207
15A61037C	JORDAN INVESTMENT PROPERTIES, LLC			PO BOX 1232	JAMESTOWN, NC 27282-1232
15O99007C	BALDOVINOS, BEATRIZ		175 GALILEE RD		SMITHFIELD, NC 27577-9485
15061047	PARKER, ARAH LEE		1806 S BRIGHTLEAF BLVD		SMITHFIELD, NC 27577-8360
15061017	BYRD, C A JR		3777 US 70 BUS HWY W		CLAYTON, NC 27520-6826
15061091	CLARK, ERSKINE JR	CLARK, PEARLE S	2558 N CLEVELAND ST		PHILADELPHIA, PA 19132-3819





# Request for Board of Adjustment Action

Agenda  
Item: BA-26-04  
Date: 4/30/26

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**Subject:** Mezzina Detached Garage  
**Department:** Planning  
**Presented by:** Micah Woodard, CZO, Planner I  
**Presentation:** Public Hearing

---

## Issue Statement

To review a variance from the Unified Development Ordinance (UDO) Sections 8.2.1. (G) and 8.13.2. regarding the required 10 setbacks for accessory structures.

## 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 BA-26-04, based on the finding of fact.

Approved:  Town Manager  Town Attorney

## Attachments:

- Staff Report
- Finding of Fact
- Application
- Map
- Applicant Exhibits



# Staff Report

Agenda Item: BA-26-04

**REQUEST:**

Damiano Mezzina is requesting a variance from the Unified Development Ordinance (UDO) Sections 8.2.1. (G) and 8.13.2. regarding the required 10 setbacks for accessory structures. He is asking for a five (5) foot encroachment for the construction of a detached garage.

**PROJECT LOCATION:**

The property in question is located at 14 Eden Dr, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 14057008I.

**CASE DATA:**

Owner(s):	Damiano Mezzina
Applicant:	Damiano Mezzina
Tax ID#:	14057008I
Town/ETJ:	Town
Acreage:	.413
Present Zoning:	R-10
Existing Use:	Single-Family Residence
Water/Sewer Service:	Town of Smithfield
Electrical Service:	Town of Smithfield

**ADJACENT ZONING AND LAND USES: (see attached map for complete listing)**

	<b>Zoning</b>	<b>Existing Land Uses</b>
<b>North</b>	R-10	Single-Family Residences
<b>South</b>	R-10	Single-Family Residences
<b>East</b>	R-10	Single-Family Residences
<b>West</b>	R-10	Single-Family Residences

## **ANALYSIS:**

Accessory structures are required to be placed on the rear of the lot behind the principal structure on the parcel. Mr. Mezzina's property is a corner lot, because of these facts, it holds a greater constraint as far as building setbacks are concerned.

Mr. Mezzina is looking to build a 26' x 30' two-car garage with a driveway leading to the structure, due to the layout of the property along with the constraints of being a corner lot, the available usable footprint for building any accessory structure is very limited.

## **FINDING OF FACT FOR VARIANCE (STAFF FINDINGS):**

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

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. ***Strict application the setback requirements would create an unnecessary hardship by preventing reasonable placement of a garage on the property. The property is a corner lot subject to front, corner, side, and rear setbacks, which significantly reduces the available buildable area compared to interior lots within the same neighborhood. Without the requested variance, placement of a functional detached garage would not be reasonably feasible.***
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. ***The hardship results from conditions specific to this property, specifically the corner lot designation and the irregular configuration of the lot. These physical conditions limit the available building envelop and restrict placement options for accessory structures. The constraint is related to the land itself rather than personal preference.***
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. ***The hardship was not self-created. The property configuration and applicable setback requirements existed prior to the applicants ownership of the property. The applicant has not taken any action that created the hardship conditions.***
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 requested variance is consistent with the spirit, purpose and intent of the ordinance. The proposed garage will match the architectural character of the existing home and improve the overall appearance of the property. The project***

***will also improve drainage conditions in the rear yard through the installation of a properly pitched driveway and grading improvements. The variance will not negatively impact neighboring properties or public safety.***

**RECOMMENDATION:**

Planning Staff recommend the Board of Adjustment approve the variance from the Unified Development Ordinance (UDO) Sections 8.2.1. (G) and 8.13.2. regarding the required 10 foot setback for accessory structures. To allow the development of a two-car garage that encroaches 5 feet into the setback, 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:**

“Motion to approve variance BA-26-04 granting a variance from UDO 8.2.1. (G) and 8.13.2. regarding the required 10 foot setback for accessory structures. To allow the development of a two-car garage that encroaches 5 feet into the setback as presented in the staff report.”

(Vote on each finding)

# BA-26-04 Mezzina Detached Garage

**File Number:**  
BA-26-04

**Project Name:**  
Mezzina Detached Garage

**Location:**  
14 Eden Dr, Smithfield, NC  
27577

**Tax ID#:**  
140570081

**Existing Zoning:**  
R-10

**Property Owner:**  
Damiano Mezzina

**Applicant:**  
Damiano Mezzina

**City or ETJ:**  
City



### **Exhibit A – Proposed Garage Access and Drainage Improvement**

The proposed garage structure will be located to the rear of the residence. Access to the garage will be provided by a newly constructed driveway extending to the rear of the property. The driveway will be pitched and graded to promote proper stormwater drainage and to reduce existing pooling conditions in the rear yard. This design will provide safe and practical vehicle access to the garage while improving overall drainage and site functionality.



## **Exhibit B – Existing Storage Building Removal, Proposed Garage Location, and Driveway Tie-In**

This exhibit identifies the location of the existing storage building currently situated on the property. The existing structure will be removed in its entirety and replaced with a proposed garage structure in approximately the same general area.

The proposed garage will reduce the current encroachment associated with the existing storage building, thereby improving the property's overall compliance.

This location will also serve as the tie-in point for the proposed driveway that will extend to the rear of the property. The driveway will be properly graded and pitched to promote effective drainage and to provide safe and practical access to the garage.



**Exhibit C – Existing Storage Building Removal, Proposed Garage Location, and Drainage Improvement Area**

This exhibit identifies the location of the existing storage building currently situated on the property. The existing structure is proposed to be removed in its entirety and replaced with a new garage structure in approximately the same general area.

The exhibit also identifies the area where stormwater currently pools during rainfall events, as indicated in the highlighted zone. The proposed garage and associated driveway tie-in will incorporate proper grading and a pitched driveway design. This improvement is intended to reduce existing pooling conditions and enhance overall drainage in the rear portion of the property.



### Exhibit D – Property Line Configuration and Unique Site Conditions

This exhibit identifies the locations of the survey stakes from the recent property survey, which mark the rear property lines and their angled configuration. These survey markers illustrate the unique physical characteristics of the lot, including the irregular rear property line layout.

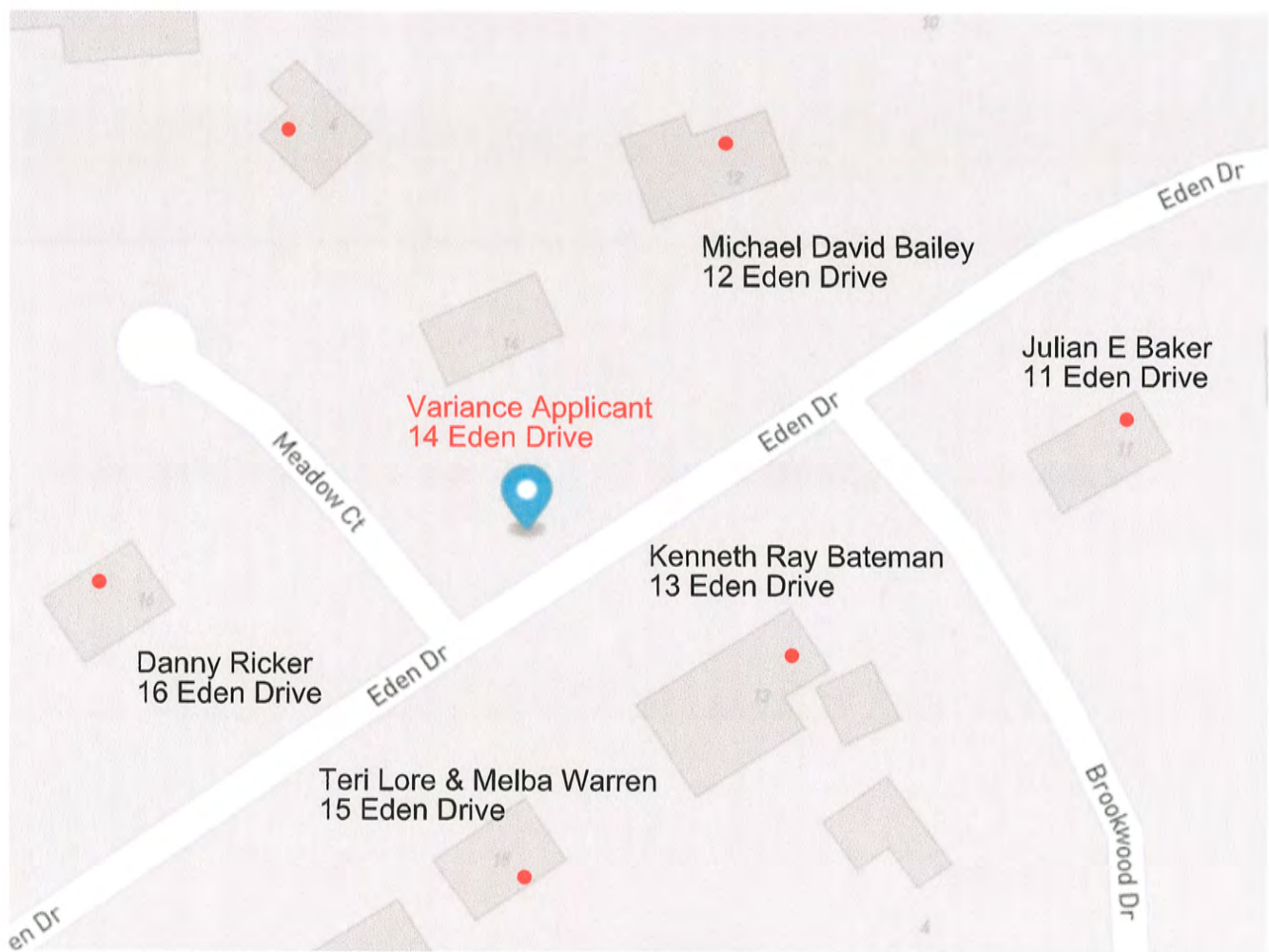
Due to these unique site conditions, the angled property lines significantly limit the available area for the placement of an accessory structure that would fully comply with the required setback standards. As a result, these physical constraints affect the reasonable placement of a garage on the property within the prescribed setback requirements.



### Exhibit E – Neighbor Acknowledgement and Support Signatures

This exhibit includes a map and accompanying signature page identifying neighboring property owners who have reviewed the proposed improvement and variance request. Each neighbor listed on the map has been provided with an overview of the proposed plans and the requested variance.

The homeowners indicated below have reviewed the proposal, acknowledged the variance request, and have expressed their support for the requested improvement and enhancement to the property. The map identifies the neighboring properties and the corresponding homeowners who have reviewed, acknowledged and supported the request.



# NEIGHBOR SUPPORT ACKNOWLEDGMENT

I acknowledge review of the proposed detached garage project at 14 Eden Drive, Smithfield, NC and support the requested five (5) foot rear and side setback variance.

Name: Kenneth Ray Bateson  
Address: 13 EDEN DR  
Signature: Kenneth R. Bateson Date: 3-4-26

Name: Michael David Baker  
Address: 11 Eden Drive  
Signature: Michael David Baker Date: 3-4-26

Name: Julian F. Baker Jr  
Address: 11 Eden Dr.  
Signature: Julian F. Baker Jr Date: 3-4-26

Name: Danny Ricker  
Address: 16 Eden Dr  
Signature: Danny Ricker Date: 3-4-26

Name: Teri Lore + Melba Warren  
Address: 15 Eden Drive  
Signature: Teri Lore Date: 3-4-26

# **Exhibit F**

**14 Eden Drive**

**Smithfield NC, 27577**

**Property Survey**

**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, HEIR, 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 COMMITMENT INCLUDING ANY RESTRICTIVE COVENANTS. ALSO THIS SURVEYOR HAS NO KNOWLEDGE OF THE OWNERSHIP OR MAINTENANCE RESPONSIBILITIES OF ANY UTILITIES OR OF 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 CONDUITS, FAMILIAR BURIAL GROUNDS, TONS OF HAZARDOUS WASTE MATERIALS, DITCHES, 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 THE 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 BY 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. OTHER 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, FLOT PLANS, CONSTRUCTION, LANDSCAPING PERMITS, 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.

**LEGEND**

- EIP-EXISTING IRON PIPE FOUND
- ERB-EXISTING IRON REBAR FOUND
- SSMH-SANITARY SEWER MANHOLE
- CO-SEWER CLEANOUT
- FH-FIRE HYDRANT
- EB-ELECTRICAL TRANSFORMER BOX
- CTV-CABLE TV PEDESTAL BOX
- AL-AREA LIGHT
- WM-WATER METER
- WV-WATER VALVE
- R/W-ROAD RIGHT OF WAY
- BOC-BACK OF 24" WIDE CURB AND GUTTER
- PB-PLAT BOOK
- DB-DEED BOOK
- PG-PAGE
- AC-AREA
- SF-SQUARE FEET
- P-PORCH
- 2SWS-TWO STORY DWELLING WITH WOOD SIDING

CURVE DATA TABLE				
CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH
C1	N79°52'38"W	35.53'	25.00'	39.51'
C2	N43°43'30"W	84.79'	279.15'	85.12'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°32'20"W	19.20'

**IMPERVIOUS AREA CALCULATIONS**

TOTAL IMPERVIOUS AREA FOR THIS LOT IS 4,331 SF± or 25.2%. THIS INCLUDES THE FOLLOWING ITEMS:

- HOUSE, PORCHES, STEPS & 2nd STORY DECK-1,715 SF±
- CONCRETE PADS-347 SF±
- STORAGE BUILDING-150 SF±
- CONCRETE DRIVE, WALKS & CONCRETE AROUND POOL-2,119 SF± (DOES NOT INCLUDE AREA IN POOL)

PROPERTY ADDRESS:  
14 EDEN DRIVE  
SMITHFIELD, NC 27577



BEING A PORTION OF LOT 10, EDEN WOODS S/D SECTION 1  
THIS MAP IS DRAWN IN TWO SHEETS  
SHEET 1 of 2  
SURVEY FOR:

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 6578 PAGE 860 ETC.) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE 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 GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORKS; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 06.1600).  
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 15th DAY OF Jan. A.D. 2026  
*Jimmy C. Barbour*  
JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR, NC LICENSE NO. L-2855

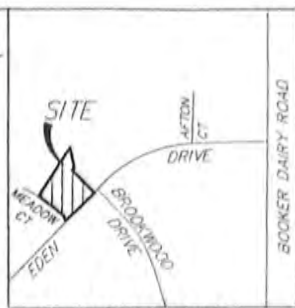
DEED REFERENCE DB 6578, PG 860	<b>DAMIANO MAZZINA</b>
PARCEL ID NO. 140570081	
SURVEYED BY ET	LOT AS RECORDED IN DEED BOOK 6578, PAGE 860
FIELD BOOK SEE FILE	TOWN OF SMITHFIELD CITY LIMITS SELMA TWP. JOHNSTON COUNTY NC
DATE 1-13-26	DRAWN BY CSL
SCALE 1"=50'	<b>JIMMY BARBOUR SURVEYING, P.A.</b> JIMMY C. BARBOUR, PLS, GSI 213 South Second Street P. O. Box 38 SMITHFIELD, N.C. 27577 (919) 989-6642 FPCNE Email: jimmy@barbourjcp.com
DWG NO. 25-557	

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NC GRID NORTH  
 GRID NOTE  
 NCGS VRS  
 NAD 1983 (2011)  
 GEOID 12 A  
 COMBINED FACTOR-0.999988160



*Jimmy C. Barbour*  
 1/15/2026



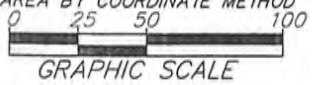
**NORTHVIEW S/D**

**VICINITY MAP (NOT TO SCALE)**



THIS MAP IS DRAWN IN TWO SHEETS  
 SEE SHEET 1 OF 2 FOR NOTES, LEGEND,  
 IMPERVIOUS CALCULATIONS, CURVE DATA,  
 SIGNATURES, etc.

BEING A PORTION OF LOT 10, EDEN WOODS S/D SECTION 1  
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.  
 AREA BY COORDINATE METHOD



PROPERTY ADDRESS:  
 14 EDEN DRIVE  
 SMITHFIELD, NC 27577

SHEET 2 of 2  
 SURVEY FOR:

DEED REFERENCE DB 6578, PG 860	<b>DAMIANO MAZZINA</b>
PARCEL ID NO. 140570081	
SURVEYED BY ET	LOT AS RECORDED IN DEED BOOK 6578, PAGE 860
FIELD BOOK SEE FILE	TOWN OF SMITHFIELD CITY LIMITS SELMA TWP. JOHNSTON COUNTY, NC
DATE 1-13-26	<b>JIMMY C. BARBOUR SURVEYING, P.A.B.</b>
DRAWN BY CSL	JIMMY C. BARBOUR, PLS, GSI
SCALE 1"=50'	213 South Second Street P. O. BOX 28 SMITHFIELD, NC 27577 (919) 989-6642 PHONE Email: jimmy@barbourpa.com
DWG NO. 25-557	

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# **Exhibit G**

## **Proposed Detached Garage Plans and Overlay**

McMillan Design  
 847 Wake Forest Business Park, Suite 102  
 Wake Forest, NC 27587  
 919.263.1509  
 www.mcmillan-design.com



Mezza Detached Garage  
 14 Eden Dr.  
 Smithfield, NC  
 Harbinger Homes

Blind Title  
**FRONT & LEFT ELEVATIONS**

REVISIONS

NUMBER	DATE

This plan is the property of McMillan Design and requires its use in accordance with the approved architectural drawings. These drawings are intended for the client for a specific lot and project. The drawings are not to be used for any other project or purpose. All material shown are only for reference.

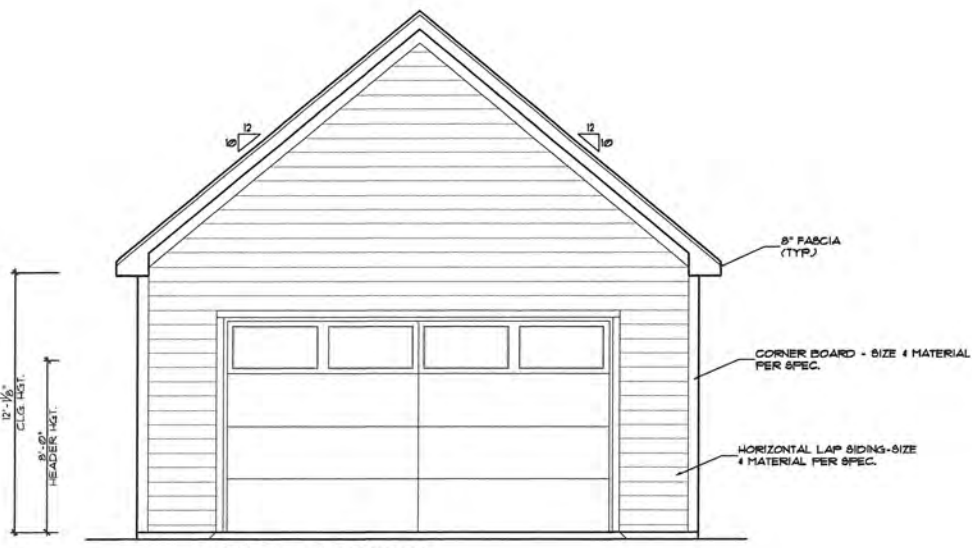
McMillan Design assumes no liability for any errors or omissions that may occur. Changes or alterations will result in additional charges. All work is subject to change without notice. All work is subject to change without notice. All work is subject to change without notice.

Plan Number  
**M084-26**

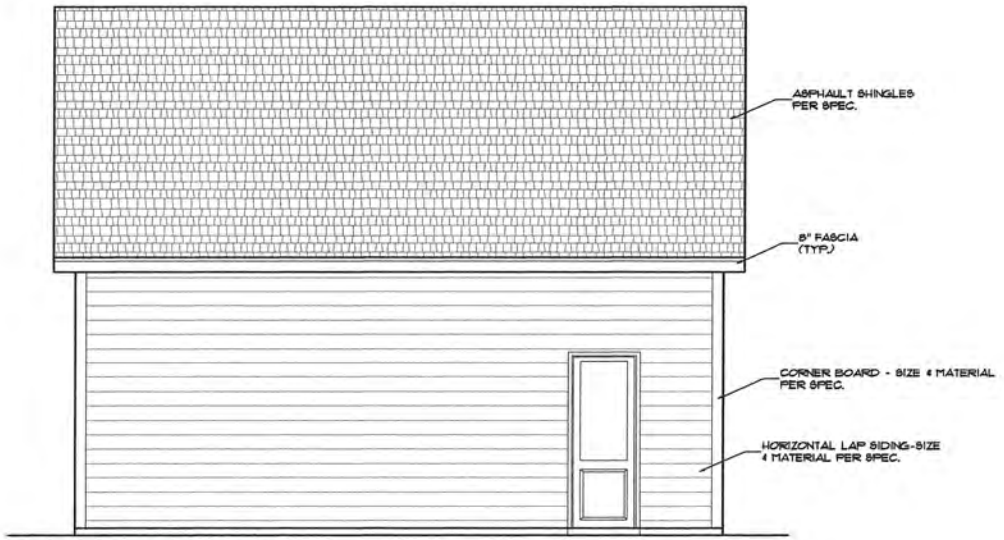
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Drawn By: M.M.C.

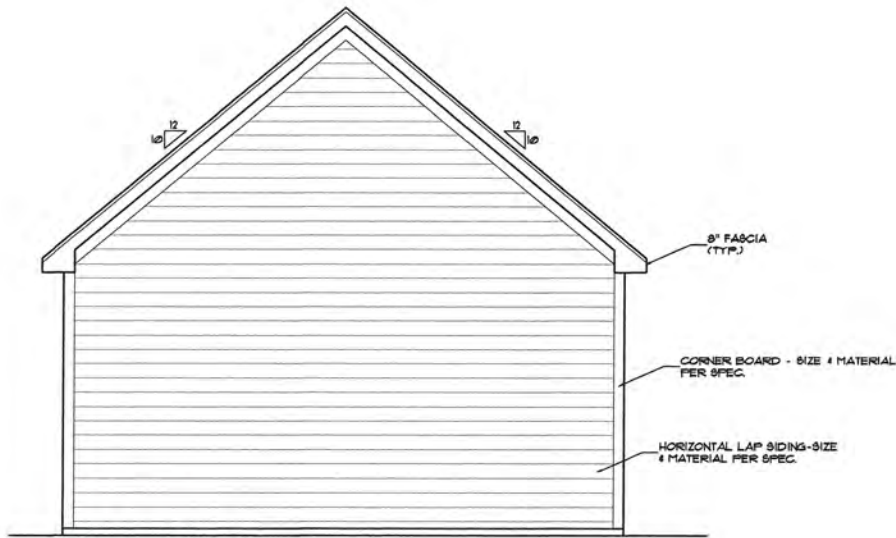
Date: 03.04.2026



**FRONT ELEVATION**  
 Scale: 1/4" = 1'

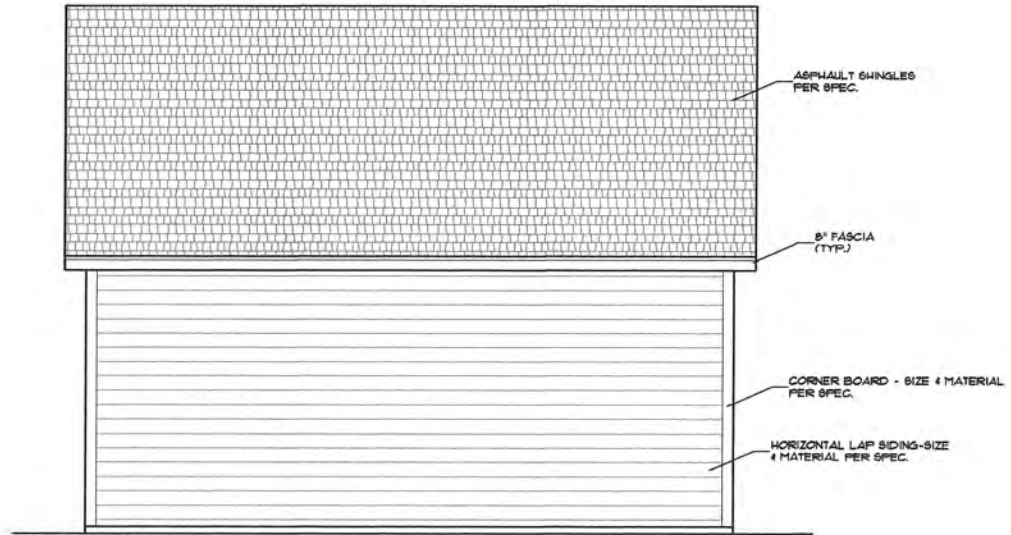


**LEFT ELEVATION**  
 Scale: 1/4" = 1'



**REAR ELEVATION**

Scale: 1/4" = 1'



**RIGHT ELEVATION**

Scale: 1/4" = 1'

**McMillan Design**  
 847 Wake Forest Business Park, Suite 102  
 Wake Forest, NC 27587  
 919.263.1509  
 www.mcmillan-design.com



**Mezza Detached Garage**  
 14 Eden Dr.  
 Smithfield, NC  
 Harbinger Homes

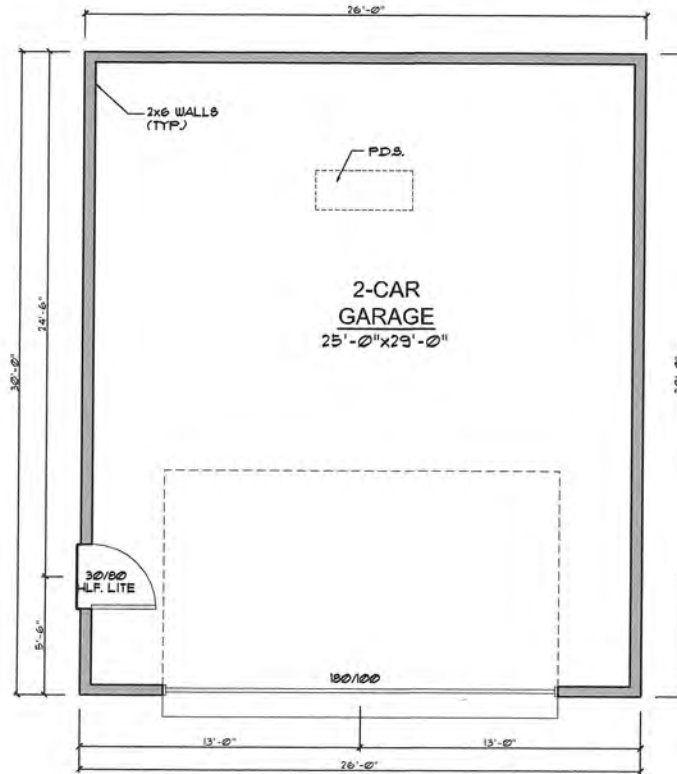
**REAR & RIGHT ELEVATIONS**

REVISIONS

NUMBER	DATE

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Plan Number  
**M084-26**  
 Sheet No. **A2**  
 Drawn by: M.M.C.  
 Date: 03.04.2026



**McMillan Design**  
 847 Wake Forest Business Park, Suite 102  
 Wake Forest, NC 27587  
 919.263.1509  
 www.mcmillan-design.com



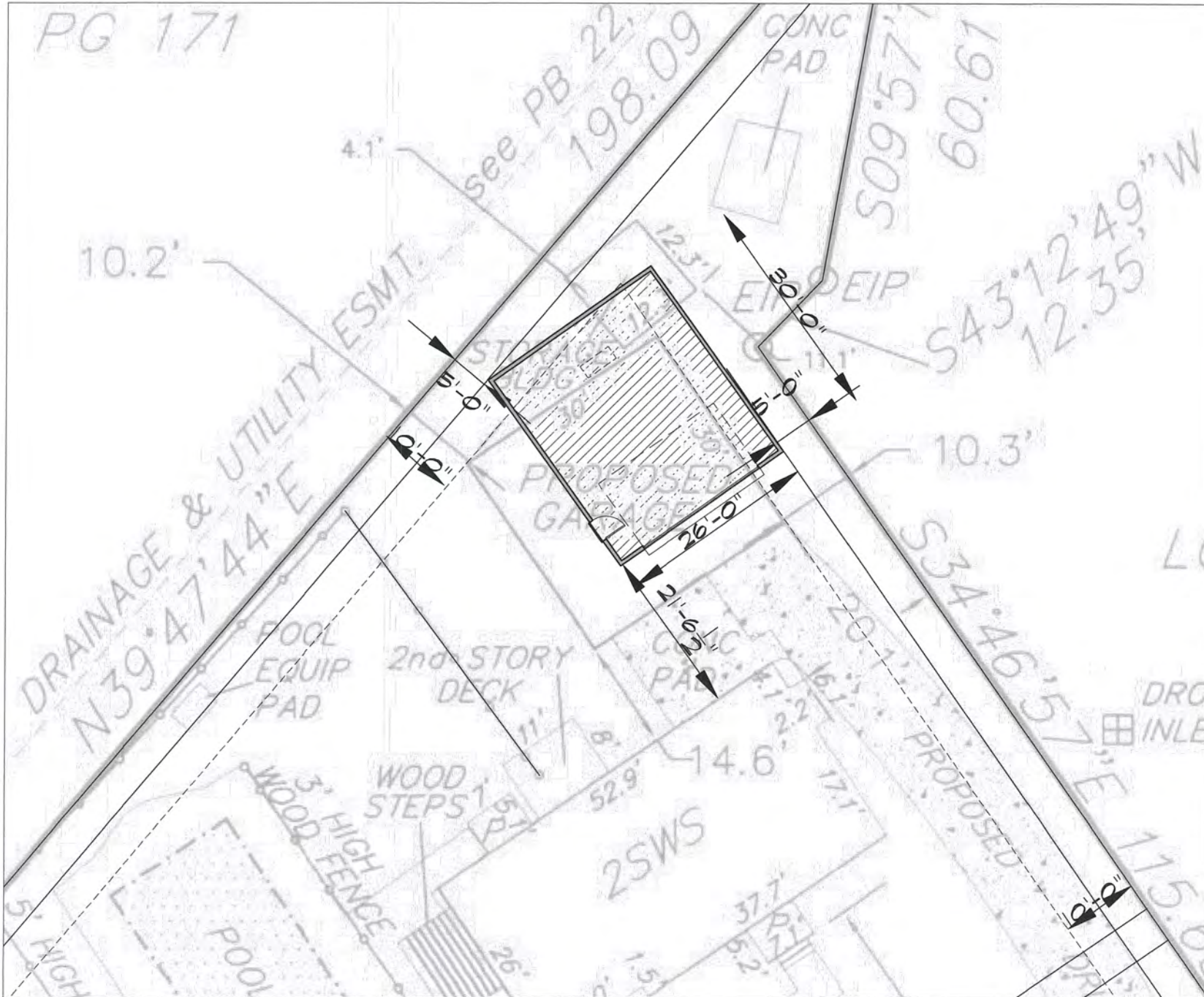
**Mezza Detached Garage**  
 14 Eden Dr.  
 Smithfield, NC  
 Harbinger Homes

Sheet Title:  
**FIRST FLOOR PLAN**

REVISIONS	
NUMBER	DATE

This plan is the property of McMillan Design and may not be used or reproduced without the written consent of McMillan Design. These plans are filed in the name of the client and are not to be used for any other project without the written consent of the client. McMillan Design shall have no liability for any errors or omissions in these plans. The client is responsible for obtaining all necessary permits and approvals. If changes are made to these plans, they must be approved by McMillan Design.

Plan Number  
**M084-26**  
 Sheet No. **A3**  
 Drawn by: **MMC**  
 Date: **03.04.2026**



**McMillan Design**  
 847 Wake Forest Business Park, Suite 102  
 Wake Forest, NC 27587  
 919.263.1509  
 www.mcmillan-design.com



**Mezza Detached Garage**  
 14 Eden Dr.  
 Smithfield, NC  
 Harbinger Homes

Sheet Title: **PLOT OVERLAY**

REVISIONS	
NUMBER	DATE

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McMillan Design assumes no liability for any errors or omissions from this plan. Contractor or Builder shall verify all dimensions and conditions prior to construction. It is the responsibility of the contractor to verify all dimensions and conditions prior to construction. If there are any errors or omissions, please contact the design firm.

Plan Number  
**M084-26**

Sheet No. **A4**

Drawn by: **MMc**

Date: **03.04.2026**



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 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 ensure 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: Detached Garage Variance      Acreage of property: 0.4  
 Parcel ID Number: 14057008i      Tax ID: \_\_\_\_\_  
 Deed Book: 7036      Deed Page(s): 962  
 Address: 14 Eden Drive Smithfield, NC 27577  
 Location: Corner lot located on Eden Drive within the Eden Woods subdivision

Existing Use: Single-Family Residential      Proposed Use: N/A  
 Existing Zoning District: R-10 Residential  
 Requested Zoning District: N/A Variance for construction of residential detached garage

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

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

Variance from rear and side setback requirement to allow a five (5) foot encroachment for construction of a detached garage

Town of Smithfield UDO Article 4, Section 4.10 - Variance Request.      8.2.1. (6) / 8.13.2.

### FOR OFFICE USE ONLY

File Number: BA-26-04      Date Received: 3-6-2026      Amount Paid: \$400.00

**OWNER INFORMATION:**

**Name:** Damiano Mezzina  
**Mailing Address:** 14 Eden Drive Smithfield, NC 27577  
**Phone Number:** 201-686-2555 **Fax:** \_\_\_\_\_  
**Email Address:** damianomezzina23@gmail.com

**APPLICANT INFORMATION:**

**Applicant:** Same as owner  
**Mailing Address:** Same as owner  
**Phone Number:** Same as owner **Fax:** \_\_\_\_\_  
**Contact Person:** Same as owner  
**Email Address:** Same as owner

**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: Garage overlay drawing, Construction Sketch, Neighborhood Agreement

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*

The applicant respectfully requests a variance from the rear and side setback requirements to allow a five (5) foot encroachment for construction of a 30' X 26' detached garage. The proposed garage will replace an existing storage building currently located in the rear yard of the property.

PLEASE SEE ATTACHED

## 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.

Strict application of the setback requirements would create an unnecessary hardship by preventing reasonable placement of a garage on the property. The property is a corner lot subject to both front and corner side setbacks, which significantly reduces the available buildable area compared to interior lots within the same neighborhood. Without the requested variance, placement of a functional detached garage would not be reasonably feasible.

**4.10.2.2.2.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The hardship results from conditions that are peculiar to the property, specifically the corner lot designation and the irregular configuration of the lot. These physical conditions limit the available building envelope and restrict placement options for accessory structures. The constraint is related to the land itself rather than personal preference.

**4.10.2.2.3.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship is not self-created. The property configuration and applicable setback requirements existed prior to the applicant's ownership of the property. The applicant has not taken any action that created the hardship conditions.

**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 requested variance is consistent with the spirit, purpose, and intent of the Town of Smithfield Unified Development Ordinance. The proposed garage will match the architectural character of the existing home and improve the overall appearance of the property. The project will also improve drainage conditions in the rear yard through installation of a properly pitched driveway and grading improvements. The variance will not negatively impact neighboring properties or public safety.

Based on the unique physical characteristics of the property and the minimal nature of the requested relief, the applicant respectfully requests approval of the variance.

**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.*

DANIANO MEZZINA  
Print Name

  
Signature of Applicant

3/6/26  
Date



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: Detached Garage                      Submittal Date: 3/6/2024

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Michaelina Mezzina (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]                      Michaelina Mezzina                      3-6-24  
 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]                      DANIELA MEZZINA                      3/6/26  
 Signature of Owner/Applicant                      Print Name                      Date

**FOR OFFICE USE ONLY**

File Number: BA-26-04      Date Received: 3-6-2026      Parcel ID Number:



**PLANNING DEPARTMENT**  
Micah Woodard, Town Planner

**ADJOINING PROPERTY OWNERS' CERTIFICATION**

I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s), **BA-26-03, and BA-26-04** were notified by First Class Mail on 4/17/26 of the Public Hearing on April 30<sup>th</sup>, 2026.

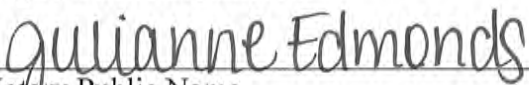
  
\_\_\_\_\_  
Signature

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

17th day of April, 2026

  
\_\_\_\_\_  
Notary Public Signature

  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028  
(Seal)



# BA-26-04 Adjacent Property Owners List

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
14057008I	MEZZINA, DAMIANO		14 EDEN DR		SMITHFIELD, NC 27577-4866
14057151H	ANTHONY PETER FELIZZI REVOCABLE TRUST	FELIZZI, ANTHONY PETER TRUSTEE	10 EDEN DR		SMITHFIELD, NC 27577-4866
14057151I	BAILEY, MICHAEL DAVID	BAILEY, NANCY KAYE	12 EDEN DR		SMITHFIELD, NC 27577-4866
14056054	RS RENTAL I, LLC		199 LAFAYETTE ST FL 7		NEW YORK, NY 10012-4279
14057152I	GRAHAM, TESA	GRAHAM, GREGORY	3 ALPINE CT		SMITHFIELD, NC 27577-4818
14057152L	TORRES, JOSE T.		4 BROOKWOOD DR		SMITHFIELD, NC 27577-4815
14057008Q	KING, WILMA		6 BROOKWOOD DR		SMITHFIELD, NC 27577-4815
14057018	HORNE, CHARLES ALAN	HORNE, KIMBERLY H	22 EDEN DR		SMITHFIELD, NC 27577-4867
14057150D	MINOR, STACIE		3 MEADOW CT		SMITHFIELD, NC 27577-4834
14056053	GONZALEZ, MELISSA JOINT TENANTS (WROS)	ESPINOZA, IVAN JOINT TENANTS (WROS)	21 CAMELIA DR		SMITHFIELD, NC 27577-4802
14057150P	SIMONSON, ROBERT F	SIMONSON, CECILIA F	21 EDEN DRIVE		SMITHFIELD, NC 27577-0000
14057151M	BAKER, JULIAN E	BAKER, BELINDA B	11 EDEN DR		SMITHFIELD, NC 27577-4804
14057151T	BATEMAN, KENNETH RAY	BATEMAN, JANICE	13 EDEN DR		SMITHFIELD, NC 27577-4804
14057008P	PRICE, KATHY MORGAN JORDAN		8 BROOKWOOD DR		SMITHFIELD, NC 27577-0000
14057152J	GRAY, DEAN M.	GRAY, TAYLOR	1 ALPINE CT		SMITHFIELD, NC 27577-4818
14057155H	BOWNES, JANICE HONSTEIN	BOWNES, MATTHEW GERALD	37 WHITE OAK DR		SMITHFIELD, NC 27577-4806
14057155I	SUTTON, BEVERLY ANN		35 WHITE OAK DR		SMITHFIELD, NC 27577-4806
14057197A	FAILOR, MATTHEW	FAILOR, ANGEL	1470 EAGLE CHASE		YOUNGSVILLE, NC 27596
14057150B	TUNSTALL, DONASHIA		6 MEADOW CT		SMITHFIELD, NC 27577-4834
14057008O	HOOD, TACHALA	HOOD, ROBERT D.	4 AFTON LN		SMITHFIELD, NC 27577-4800
14056035	WILLIAMS, AVAKAREN M.		20 CAMELIA DR		SMITHFIELD, NC 27577-4803
14056052	FERGUSON, LINDA		16 CAMELIA DR		SMITHFIELD, NC 27577-4803
14057151F	GAY, RUDOLPH DWAYNE		6 EDEN DR		SMITHFIELD, NC 27577-4866
14057151G	CARRILLO, EMANUEL AGUILAR	RUBIO, AIDE VILLAGRAN	33 GREEN BRAMBLE CT		SMITHFIELD, NC 27577-6947
14057151N	RENFROW, LENNIE B	RENFROW, CATHERINE	9 EDEN DRIVE		SMITHFIELD, NC 27577-4804
14057152K	KING, WILMA		6 BROOKWOOD DR		SMITHFIELD, NC 27577-4815
14056050	LERMA, ANTONIO		2074 C JOYNER BRIDGE RD		FOUR OAKS, NC 27524
14057196D	PRICE, KATHY MORGAN JORDAN		8 BROOKWOOD DR		SMITHFIELD, NC 27577-0000
14056034	PRESTIGE HOME SOLUTIONS LLC		500 CARDINAL DR		RALEIGH, NC 27604-2210
14057151E	THERESA GARLAND SESSOMS REVOCABLE TRUST		6 AVON CT		SMITHFIELD, NC 27577-4801
14056051	DANIELS, JUDY ELLIS		17 CAMELIA DR		SMITHFIELD, NC 27577-0000
14056033	VAZQUEZ, IRENE CASTRO	VELASCO, J ANTONIO ESPARZA	24 CAMELIA DR		SMITHFIELD, NC 27577-4803
14057150M	FAULK, ANGELA MASSENGILL	FAULK, GEORGE EDWARD		PO BOX 1197	SMITHFIELD, NC 27577-1197
14057151P	MITCHELL, MIRIAM MANGUM		7 EDEN DR		SMITHFIELD, NC 27577-4804
14056032	STALLS, SHARON PROCTOR		29 WHITE OAK DR		SMITHFIELD, NC 27577-4806
14057150A	CAREY, DAVID L	CAREY, SARAH B	4 MEADOW CT		SMITHFIELD, NC 27577-4834
14057150N	MARROQUIN, ANA L.	MARROQUIN, CESAR A.	19 EDEN DR		SMITHFIELD, NC 27577-4804
14057151U	LORE, TERESA W		15 EDEN DR		SMITHFIELD, NC 27577-0000
14057150G	FINNELL, PATRICIA G		20 EDEN DR		SMITHFIELD, NC 27577-4867
14057150E	RICKER, DANNY RAY	RICKER, MARCIA M	16 EDEN DRIVE		SMITHFIELD, NC 27577-0000
14057150F	MERTENS, DAVID E.	MERTENS, MARLA M.	18 EDEN DR		SMITHFIELD, NC 27577-4867
14057155J	BLEHM, MARY R HEIRS		1652 RANCH RD		CLAYTON, NC 27520-6455