

TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Sarah Edwards
Vice-Chairman: Jeremy Pearce

Monique Austin
Thomas Bell
Jason Evans

Micah Woodard, CZO Planner I
Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, January 29th, 2026

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall



**BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
JANUARY 29TH, 2026
MEETING TIME: 6:00 PM
TOWN HALL**

1) Call to Order

2) Approval of the minutes for December 18th, 2025

3) New Business

None

4) Public Hearing

a) **BA-25-07:** Partners Commercial Realty, is requesting a variance from the Unified Development Ordinance (UDO) Section 10.13.1.6, regarding required landscape minimums on interior landscape islands. This is regarding their current project located on W. Market Street. Further identified by Johnston County Tax ID #'s 15084003D & 15084003F.

b) **BA-26-01:** The McMillen family is requesting a variance from the Unified Development Ordinance (UDO) Section 8.2.1. (G) and 8.13.2. regarding the required 10' building setback for accessory structures. The property in questions is located 1061 North Lakeside Dr, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15J11025D.

c) **BA-26-02:** The Young family is requesting a variance from the Unified Development Ordinance (UDO) Section 7.3.10.2. regarding fence height and placement. The property in questions is located at 111 E Sanders St, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15051026.

5) Old Business

None

6) Adjournment

**Draft
Town of Smithfield
Board of Adjustment
Thursday, December 18th, 2025
6:00 P.M. Town Hall,
Council Chambers**

Members Present:

Sarah Edwards, Chairman
Jeremy Pearce, Vice Chairman
Thomas Bell
Jason Evans

Members Absent:

Monique Austin

Staff Present:

Micah Woodard, Planner I
Julie Edmonds, Admin Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Approval of minutes from October 30th, 2025

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

New Business

Open Public Hearing

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

Oath was administered by Sarah Edwards to all individuals wishing to speak.

BA-25-06: Clarius Partners, LLC: Clarius Partners, LLC is requesting a variance from Unified Development Ordinance (UDO): Section 10.111.18, the maximum length of cul-de-sac allowed is 750 feet. This regulation is derived from the length of roadway that can reasonably be protected from fire in the event the cul-de-sac is blocked. The proposed private cul-de-sac is 1,585 feet long and the applicant is seeking an 835 lineal foot variance.

Planner Micah Woodard stated Clarius Partners, LLC is requesting a variance to subdivide and develop their property. The requested deviation pertains to cul-de-sac length. The parcel considered for the variance is located along the east side of US 70 Business West, Clayton near St. Ann Catholic Church, further identified by Johnston County Tax ID 17J07032. Micah went on to say this site will be served by a single private cul-de-sac that exceeds the maximum length for cul-de-sacs with no lateral road connections because of the adjacent residential land developments (to the north and east) and wetlands to the south. In the UDO, the maximum length of cul-de-sac is allowed is 750 feet. This regulation is derived from the length of roadway that can reasonably be protected from fire in the event the cul-de-sac is blocked. The proposed private cul-de-sac is 1,585 feet long and the applicant is seeking an 835 lineal foot variance.

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. **Strict adherence to the maximum length of a cul-de-sac presents a hardship for development of this site. The depth of the development lot requires a road to service each lot and developable area. Lateral connections to the north and east are not recommended because of the desire to keep truck traffic away from the adjacent residential land uses. Lateral connection to the south isn't feasible because of the wetlands on the site in that area. strict**

adherence to the maximum length of street before a cul-de-sac would negatively impact the site's circulation and significantly decrease available site parking and building footprint.

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 subject property is a large singular property. It totals over 60 acres and extends between 1500' and 2000' away from US-70. Within the large footprint there is a significant quantity of jurisdictional wetlands and intermittent, buffered streams. These environmental features heavily influence the developable area of the project and where building footprint, circulation, and parking are capable of being located. These existing environmental features are also the location of available low elevations on-site where stormwater control measures need to be located for the project.**

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. **In this instance, strict adherence to the UDO would result in hardships to the project driven by the demands of the site's developable footprint and environmental constraints. The applicant/owner hasn't created these hardships, as they result from the property's existing size and configuration, as well as impacts from naturally-occurring vegetative and topographical constraints.**

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 request of this variance to allow a greater street length towards a cul-de-sac is consistent with the spirit, purpose, and intent of the UDO. Stated previously, the cul-de-sac is intended to allow truck drivers to turn around more easily without having to navigate the site's building circulation routes and other truck courts. Related to life safety, the cul-de-sac as proposed does not function as a true dead end; routes off of the cul-de-sac are available to circulate the site for truck traffic and other users including fire trucks and other life-safety needs. The site's geometry, which is designed to accommodate tractor trailers, will allow for successful fire truck aerial apparatus turning movements through the proposed site. This variance being granted still meets the intent of the UDO while also maintaining health and life safety standards.**

Sarah Edwards mentioned the applicant could've possibly created a T shaped intersection.

Micah Woodard explained where the road would end and stated the street exceeds the required length. He said cul-de-sac or not the issue is distance not necessarily the shape or geometry.

Sarah Edwards asked the reasoning behind the road length standard?

Micah Woodard stated so firetrucks can easily access the road in case of an emergency and adequately fight fire in the event that all accesses are blocked.

Tom Bell stated there seemed to be an error in the UDO

Sidney Wiswell of Smith Anderson Law Firm came forward to represent the applicant. She stated the purpose of the variance and offered to answer any questions the board members may have.

Jeremy Pearce made a motion to close BA-25-06; seconded by Jason Evans. Unanimously approved.

Sarah Edwards read each finding of fact and the board voted as follows.

- 1) The motion to adopt Finding of Fact #1 passed with BOA Members Edwards, Pearce, Evans and Bell voting in favor.
- 2) The motion to adopt Finding of Fact #2 passed with BOA Members Edwards, Pearce, Evans and Bell voting in favor.
- 3) The motion to adopt Finding of Fact #3 passed with BOA Members Edwards, Pearce, Evans and Bell voting in favor.

4) The motion to adopt Finding of Fact #4 passed with BOA Members Edwards, Pearce, Evans and Bell voting in favor.

Tom Bell made a motion to approve BA-25-06 granting an 835' ft variance from UDO Sections 10.111.18 Maximum length of cul-de-sac based on the four finding of fact; seconded by Jeremy Pearce. Unanimously approved.

Old Business.

None

Adjournment.

Jason Evans made a motion to adjourn; seconded by Jeremy Pearce. Unanimously approved.

Julie Edmonds

A handwritten signature in black ink that reads "Julie Edmonds". The signature is written in a cursive, flowing style.

Administrative Support Specialist
Town of Smithfield
Planning Department



Request for Board of Adjustment Action

Agenda
Item: BA-25-07
Date: 1/29/26

Subject: Smithfield West Landscape Variance
Department: Planning
Presented by: Micah Woodard, CZO, Planner I
Presentation: Public Hearing

Issue Statement

To review a variance from the Unified Development Ordinance (UDO) Section 10.13.1.6, requiring 1 tree and six shrubs be planted in parking lot landscape islands.

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-25-07, based on the finding of fact.

Approved: ☐ Town Manager ☐ Town Attorney

Attachments:

- Staff Report
- Finding of Fact
- Application



Staff Report

Agenda BA-25-07
Item:

REQUEST:

Partners Commercial Realty, Jim Perricone, is requesting a variance from the Unified Development Ordinance (UDO) Section 10.13.1.6, requiring 1 tree and six shrubs be planted in two parking lot landscape islands.

PROJECT LOCATION:

West Smithfield adjacent to the McDonald's at the corner of W Market St and Wilson's Mills Rd

CASE DATA:

Owner:	Smithfield West Development LLC
Applicant:	Jim Perricone, Partners Commercial Realty
Tax ID#:	15084003D & 15084003F
Town/ETJ:	Town
Acreage:	5.42
Present Zoning:	B-3
Existing Use:	B-3 Commercial
Water/Sewer Service:	Town of Smithfield
Electrical Service:	Duke

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

	Zoning	Existing Land Uses
North	B-3	Commercial
South	B-3	Commercial
East	B-3	Commercial
West	B-3	Multi-family Townhouse Development.

OVERVIEW:

The old K-Mart/Heilig Meyers site is being redeveloped into a multi-tenant commercial site with a new commercial strip building in the parking lot with the old buildings being repurposed into new commercial/industrial type uses. Dunkin Donuts is developing the Heilig Meyers site as a donut manufacturing facility. The site development includes a newly renovated parking lot, lighting, and landscaping meeting town standards. The site plan was approved, but since approval, the developer has identified the planting of two landscape islands as being problematic for the project. One island will contain a mail kiosk. The location of the kiosk in the landscape island was not anticipated and is the result of a negotiation with the USPS (postal service). The developer claims the second landscape island conflicts with fire protection, truck traffic and underground utilities.

Trees in the landscape islands break up masses of parking by providing shade, providing reduced stormwater runoff, and aesthetic benefits. The landscape islands protect vehicles parked at the end of a row of cars from vehicular damage.

The area where the islands are located will be shaded much of the time by the location of the new commercial building and will be out sight for most customers.

FINDING OF FACT FOR VARIANCE 1 (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. **The landscaping in the islands is a hardship because the trucks making deliveries to the site may strike the tree branches causing damage to the trees and vehicles. In addition, the islands may be driven over by vehicles that mismanage the turn, requiring repeated replanting. There is no other suitable location for a mail kiosk other than the landscape island in front of the old K-mart building.**

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 landscape islands are required by Smithfield UDO, however the project involved redevelopment of an existing site with existing buildings that result in many site constraints such as loading locations, building entrances, utility locations, etc. The location of receiving deliveries and the location of the mail kiosk is limited and are the cause of the hardship.**

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 site is significantly restricted by existing utilities and buildings resulting in few options for site facilities. The landscaping in the islands is a hardship.**

4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved. **The variance is consistent with the spirit, purpose and intent of the ordinance. There will be shade from the new building in this area, the islands will still protect adjacent vehicles parked at the end of rows, the plantings are generally out of the view shed of most customers who will visit the site.**

RECOMMENDATION:

Planning Staff recommend the Board of Adjustment approve the variance from the Unified Development Ordinance Sections 10.13.1.6 for the two landscape islands, 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-25-07 granting a variance from UDO Sections 10.13.1.6 for the two landscape islands, based on the four finding of fact."

(Vote on each finding)

BA-25-07 Smithfield West Variance

File Number:
BA-25-07

Project Name:
Smithfield West Variance

Location:
940, 950 & 960 W Market
St, Smithfield NC 27577

Tax ID#:
15084003D & 15084003F

Existing Zoning:
B-3

Property Owner:
Smithfield West
Development, LLC

Applicant:
Partners Commercial
Realty as Property
Manager on behalf of
Smithfield West
Development

City or ETJ:
City





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: Smithfield West Acreage of property: 5.421
Parcel ID Number: 169409-06-7033 & 169409-05-7771 Tax ID: 15084003D & 15084003F
Deed Book: 5792 & 5689 Deed Page(s): 412 & 897
Address: 940, 950 & 960 W Market St, Smithfield NC 27577
Location: West Smithfield adjacent to the McDonald's at the corner of W Market St and Wilson's Mills Rd

Existing Use: Highway Business Proposed Use: Highway Business
Existing Zoning District: B-3
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)

UDC 10.13.1.6

FOR OFFICE USE ONLY

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

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 ordinance requiring landscape islands for a user specific parking area designed to provide safer employee access increases the Applicant's risk and expense exposure on an ongoing basis with limited if any benefit to the public.

Please Statement of Justification Addendum for supporting details.

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.

This project is an adaptive reuse of a long vacant retail property. Extracting value from the existing buildings through new uses, along with optimizing the use of an over parked property by adding new construction in a portion of the parking area while meeting code and safety requirements created design constraints resulting in the hardship. Because Adaptive reuse is about repurposing properties originally designed to meet outdated code requirements, but now meet current codes leads to hardships requiring good judgement to address.

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

The applicant's design for the adaptive reuse of the Property adds to the Property's existing site plan, but does not alter it. With respect to ingress and egress it remains the same with the exception of adding a cross access easement to the parcel to the West where the current Townhome project is underway. This change is in compliance with the current UDC.

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.

This variance request in no way minimizes the value quality landscape design in any project and serves to improve public safety while meeting the spirit of the code.

Please Statement of Justification Addendum for supporting details.

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.

Jim Perricone

Print Name

Jim Perricone

Signature of Applicant

12/05/2025

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: Smithfield West

Submittal Date: 12/05/2025

OWNERS AUTHORIZATION

I hereby give CONSENT to Jim Perricone, Partners Commercial Realty (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.

Wael Mohamad

Wael Mohamad

12/05/2025

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.

Jim Perricone

Jim Perricone

12/05/2025

Signature of Owner/Applicant

Print Name

Date

FOR OFFICE USE ONLY

File Number:

Date Received:

Parcel ID Number:

Smithfield West Project

Landscaping Variance Application Addendum

December 5, 2025

Statement of Justification

The alley between the front of the two existing buildings and the back of the new building provides for the following.

- Emergency Vehicle access to the front of the two existing buildings and the back of the new building.
- Parking for Dunkin CML staff.
- Delivery vehicle access to new building tenant back doors.
- USPS deliveries to central mailbox hub.
- Traffic flow to the new building West Endcap Drive Thru window.
- Utility lines that serve multiple buildings.

All traffic flow through the alley, except for Emergency Vehicles, will be from East to West. Emergency Vehicles may enter the alley as need to provide services.

This variance application is to waive the landscaping requirement for the parking islands at the East and West ends of the parking stalls for the Dunkin CML staff. The purpose of the requirement is to provide pleasant and natural visual breaks in long runs of parking stalls, some areas of shade in parking lots and a reduction in impervious surface area. In the case of this alley the desired benefits are minimal at best.

Visual Breaks. The approximately 375 foot long by 55 foot wide alley is located between the buildings with limited site views into the alley. The only public use will be the traffic queuing for the west endcap drive thru. The islands will provide limited public benefit regarding improving the visual landscape versus those in the parking area in front of the retail building that is visible from W Market Street.

Shaded Parking. Considering the orientation of the alley and its width, the buildings on either side will provide far more shade than the landscape islands.

Reduction in Impervious Surface. The size of the islands as a percentage of the total surface area of the alley is very small and the resulting impact on reducing impervious surface area of the Project would be negligible. Further, the Project in total is reducing the impervious surface area from the previous use and design of the combined properties.

In addition to the minimal benefit of the landscape islands there are issues they may create.

Compromise Emergency Access. The width of the alley meets minimum code requirements. The addition of two trees creates additional obstacles the Fire department will have to work around in the event of a problem.

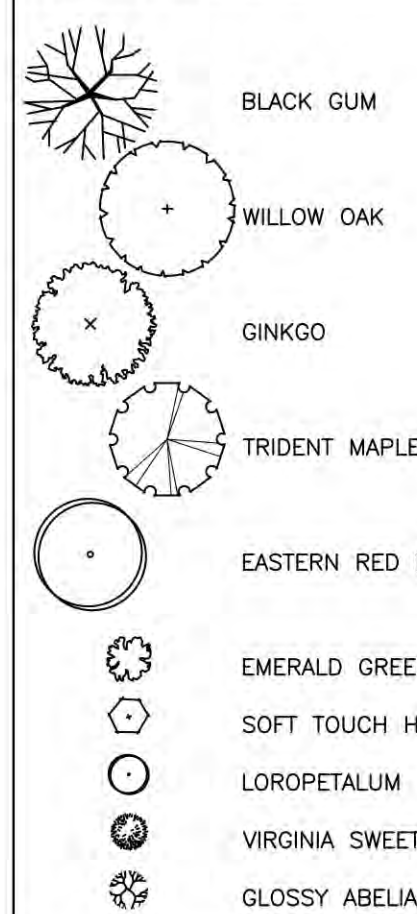
Interfere With Delivery Vehicles. Large/tall trucks may strike tree branches with potential damage to the trees and vehicles. The former compromising the tree's long-term viability and the latter creating a potential liability. In addition, based on experience at other retail centers the landscape island at the west end of the alley is likely to suffer repeated damage as vehicles mismanage the turn out of the alley. Damage landscaping will require replacement with a corresponding cost.

Root Growth Damage to Utilities. Natural gas, sewer and storm water utility lines run through the alley and a grease interceptor for the Dunkin CML is in the alley. Overtime root growth creates risk of damage to those lines leading to service disruption and repair expenses.

LANDSCAPING NOTES & SPECIFICATIONS:

1. BOUNDARY, SURVEY AND TOPOGRAPHIC INFORMATION PROVIDED BY: MAERSTAN, PLLC, OF 2411 US 84 BUSINESS WEST PITTSBORO, NORTH CAROLINA 27312. TELEPHONE NUMBER: 919.545.7001 DATED 17 MAY 2024.
2. THIS PLAN IS FOR PLANTING PURPOSES ONLY. FOR INFORMATION RELATING TO GRADING, REFER TO GRADING PLAN.
3. VERIFICATION OF TOTAL QUANTITIES AS SHOWN IN THE PLANT LIST SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
4. ALL PLANTS AND PLANTING PROCEDURES SHALL CONFORM TO ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN LATEST EDITION.
5. ALL SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
6. ALL TREES AND SHRUBS SHALL BE FULL-WELL BRANCHED PLANTS WHICH ARE CHARACTERISTIC OF THE SPECIES.
7. ALL GRASS IS TO BE ARID FESCUE, OR BETTER QUALITY (SEE SEEDING SCHEDULE). ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO BACKFILLING.
8. REMOVE ALL STRING AND WIRE FROM BASE OF ALL PLANT MATERIAL.
9. MULCH ALL BEDS WITH 3" OF CLEAN PINE NEEDLES, UNLESS OTHERWISE NOTED.
10. ALL AREAS NOT COVERED WITH PAVING, GRAVEL, BUILDINGS OR PLANTING BEDS SHALL BE SEEDED AS SHOWN IN THE SEEDBED PREP, AND SEEDING SCHEDULE.
11. LAWN AREAS SHALL BE RAKED TO REMOVE ROCKS, STICKS, ROOTS AND OTHER TRASH AND DEBRIS AND SHALL BE SMOOTH FOR EASE OF MOWING.
12. ALL PLANTINGS OF TREES & SHRUBS SHALL BE A MINIMUM OF 3' BEHIND ALL CURBS. WHERE NO CURB AND GUTTER IS PROPOSED BORDERING PARKING SPACES, WHEEL STOPS MUST BE PROVIDED TO PREVENT DAMAGE TO PLANT MATERIAL.
13. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING SOD. (SEE GRADING PLAN FOR LOCATION.)
14. ALL CONSTRUCTION TO BE PERFORMED TO THE TOWN OF SMITHFIELD AND JOHNSTON COUNTY CONSTRUCTION STANDARDS.
15. ALL NEWLY PLANTED TREES AND SCRUBS SHALL RECEIVE WATER AT A MINIMUM RATE OF ONE INCH PER WEEK FROM A COMBINATION OF NATURAL RAINFALL AND IRRIGATION BETWEEN JUNE 1 AND OCTOBER 1 FOR A MINIMUM OF ONE YEAR AFTER PLANTING.
16. TO ASSURE HEALTHY PLANT GROWTH, THE PROPERTY OWNER SHALL PROVIDE SERVICES NECESSARY TO MAINTAIN AND ENHANCE THE GROUNDS. THIS SHOULD INCLUDE WEEDING, WEDDING, WATERING REMOVAL OF DEAD/UNATTRACTIVE PLANT MATERIAL AND GENERAL CLEAN-UP OF THE GROUNDS.

PLANT SYMBOLS



SITE PLAN NOTES:

1. TOPOGRAPHIC, PLANIMETRIC AND BOUNDARY INFORMATION ARE OBTAINED FROM A SURVEY FOR THIS PROJECT PROVIDED BY MAERSTAN, PLLC OF 2411 US 84 BUSINESS WEST; PHONE: (919) 545-7001; DATED: 5/17/2024.
2. THE RECEIVING WATER COURSE SWIFT CREEK AND LIES IN NEUSE RIVER BASIN.
3. SUBJECT PARCEL LIES OUTSIDE OF SPECIAL FLOOD HAZARD ZONE PER FIRM PANEL #3720169400K DATED 6/20/2018.
4. SUBJECT PARCEL LIES OUTSIDE OF SPECIAL FLOOD HAZARD ZONE PER FIRM PANEL #3720169400K DATED 6/20/2018.
5. ALL MATERIALS AND CONSTRUCTION METHODS PER THE LATEST EDITION OF TOWN OF SMITHFIELD SPECIFICATIONS AND DETAILS.

STREET YARD PLANTING

REQ'D: 2 TREES & 20 SHRUBS PER 100 L.F.

LOCAL/COLLECTOR STREETS:

WILSONS MILL REQUIRED = 416' / 100 = 4.16 (9 TREES & 84 SHRUBS)
WILSONS MILL PROVIDED = 9 TREES (CANOPY) & 84 SHRUBS

THOROUGHFARE STREETS:

W. MARKET ST REQ'D = (603' / 100') = 6.03 (12 TREES & 121 SHRUBS)
W. MARKET ST PROP = 12 TREES (UNDERSTORY) & 126 SHRUBS

PLANT LIST

QTY	BOTANICAL NAME	COMMON NAME	ROOT	CAL/HT.
LARGE TREES:				
19	GINGKO BILOBA	GINGKO	B&B	2"/8'
15	NYSSA SYLVATICA	BLACK GUM	B&B	2"/8'
12	QUERCUS PHELLOS	WILLOW OAK	B&B	2"/8'
SMALL TREES:				
7	ACER BUERGERIANUM	TRIDENT MAPLE	B&B	5'
5	CERCIS CANADENSIS	EASTERN REDBUD	B&B	5'
SHRUBS:				
144	ABELIA X GRANDIFLORA	GLOSSY ABELIA	CONT.	15"
105	ITEA VIRGINICA	VIRGINIA SWEETSPICE	CONT.	18"
115	LOROPETALUM CHINENSE	LOROPETALUM	CONT.	18"
144	ILEX CRENATA 'SOFT TOUCH'	SOFT TOUCH HOLLY	CONT.	18"
65	THUJA OCCIDENTALIS 'EMERALD GREEN'	EMERALD GREEN ARBORVITAE	CONT.	4"

ALL PLANT MATERIAL SHALL CONFORM W/ AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1

BUFFER CALCULATIONS

SECTION	PLANT MATERIAL REQUIRED	PLANT MATERIAL PROVIDED	% OF REQUIRED BY TYPE	% OF REQUIREMENT PROVIDED
EAST				
E1	TYPE A PERIMETER BUFFER 1 TREE/ 100' 6 SHRUBS/ 100'	PROPOSED PLANT MATERIAL 4 DECIDUOUS TREES 28 SHRUBS	100% 116%	108% OF TYPE A BUFFER
WEST				
W1	TYPE A PERIMETER BUFFER 1 TREES/ 100' 6 SHRUBS/ 100'	PROPOSED TREE PRESERVATION 6 DECIDUOUS TREES 34 SHRUBS	100% 113%	107% OF TYPE A BUFFER
SOUTH				
S1	TYPE A PERIMETER BUFFER 1 TREES/ 100' 6 SHRUBS/ 100'	PROPOSED TREE PRESERVATION 4 DECIDUOUS TREES 20 SHRUBS	100% 105%	103% OF TYPE A BUFFER

COMMERCIAL ZONING ABUTTING COMMERCIAL ZONING IS 50% OF TYPE A BUFFER*

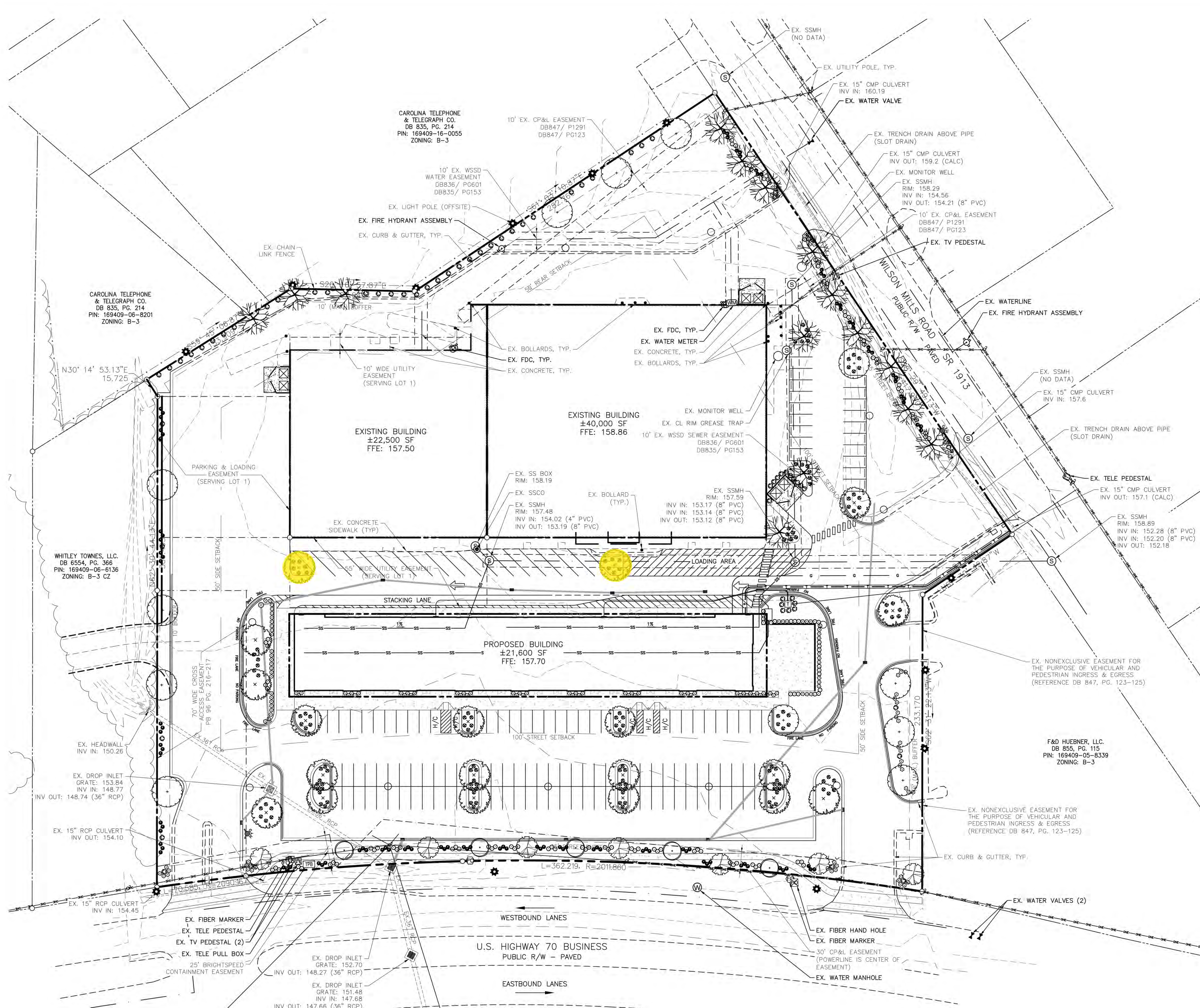
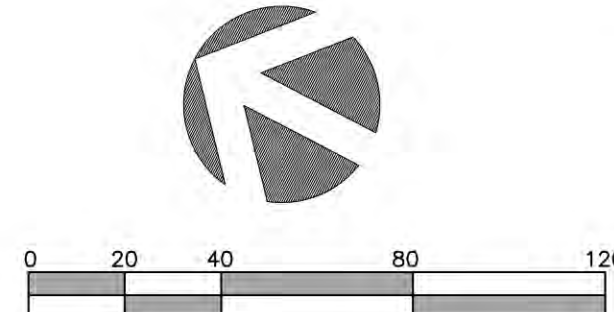
REVIEWER NOTE:
CIVIL DOCUMENTS ARE UNDER A SEPARATE PERMIT REVIEW
THROUGH THE TOWN OF SMITHFIELD. PERMIT NO: SP-24-12

**APPROVED FOR
PERMITTING**
NOT FOR CONSTRUCTION

REVISIONS			
No.	DATE	DESCRIPTION	REV. BY
1	3 JAN '25	REV. PER COMMENTS	BPP

CALL BEFORE YOU DIG!
NORTH CAROLINA LAW REQUIRES THAT
THREE (3) FULL DAYS BEFORE EVERY EXCAVATION
THE PERSON RESPONSIBLE
PLACES A NOTIFICATION TO NC ONE CALL

811
www.nc811.org
1-800-632-4949
North Carolina One-Call Center, Inc.



SIGNATURE CERTIFICATE



REFERENCE NUMBER
D9B59749-9D24-4C4C-B685-2F91BCDEC170

TRANSACTION DETAILS

Reference Number
D9B59749-9D24-4C4C-B685-2F91BCDEC170

Transaction Type
Signature Request

Sent At
12/05/2025 04:36:17 PM EST

Executed At
12/05/2025 04:51:12 PM EST

Identity Method
email

Distribution Method
email

Signed Checksum
8e6a8de72cf3a014b49a29f62e0ec1809af99174d94ee345254443c3b65fc3e5

Signer Sequencing
Disabled

Document Passcode
Disabled

DOCUMENT DETAILS

Document Name
Smithfield West Variance Application - Alley Landscaping 12-05-2025 Presig

Filename
Smithfield_West_Variance_Application_-_Alley_Landscaping_12-05-2025_Presig.pdf




Pages
6 pages

Content Type
application/pdf

File Size
366 KB

Original Checksum
4fc954a046b8c10e11157248f1e8a0556c466939bfac2be385fdb05f034994b

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
Name waiel mohamad	Status signed	Viewed At 12/05/2025 04:50:32 PM EST
Email waiel@soundstationsecurity.net	Multi-factor Digital Fingerprint Checksum 4f53cda18c2baa0c0354bb5f9a3ecbe5ed12ab4d8e11ba873c2f11161202b945	Identity Authenticated At 12/05/2025 04:51:12 PM EST
Components 1	IP Address 24.106.202.182	Signed At 12/05/2025 04:51:12 PM EST
	Device Chrome via Mac	
	Typed Signature 	
	Signature Reference ID 388607C2	
Name Jim Perricone	Status signed	Viewed At 12/05/2025 04:36:34 PM EST
Email jperricone@partnerscrnc.com	Multi-factor Digital Fingerprint Checksum 4f53cda18c2baa0c0354bb5f9a3ecbe5ed12ab4d8e11ba873c2f11161202b945	Identity Authenticated At 12/05/2025 04:37:47 PM EST
Components 2	IP Address 212.32.49.181	Signed At 12/05/2025 04:37:47 PM EST
	Device Microsoft Edge via Windows	
	Typed Signature 	
	Signature Reference ID 9152410F	
	Typed Signature 	
	Signature Reference ID E3ACBDF3	

AUDITS

TIMESTAMP	AUDIT
12/05/2025 04:36:18 PM EST	Jim Perricone (jperricone@partnerscrnc.com) created document 'Smithfield_West_Variance_Application_-_Alley_Landscaping_12-05-2025_Presig.pdf' on Microsoft Edge via Windows from 212.32.49.181.
12/05/2025 04:36:18 PM EST	waiel mohamad (waiel@soundstationsecurity.net) was emailed a link to sign.

TIMESTAMP	AUDIT
12/05/2025 04:36:18 PM EST	Jim Perricone (jperricone@partnerscrnc.com) was emailed a link to sign.
12/05/2025 04:36:34 PM EST	Jim Perricone (jperricone@partnerscrnc.com) viewed the document on Microsoft Edge via Windows from 212.32.49.181.
12/05/2025 04:37:47 PM EST	Jim Perricone (jperricone@partnerscrnc.com) authenticated via email on Microsoft Edge via Windows from 212.32.49.181.
12/05/2025 04:37:47 PM EST	Jim Perricone (jperricone@partnerscrnc.com) signed the document on Microsoft Edge via Windows from 212.32.49.181.
12/05/2025 04:50:32 PM EST	waiel mohamad (waiel@soundstationsecurity.net) viewed the document on Chrome via Mac from 24.106.202.182.
12/05/2025 04:51:12 PM EST	waiel mohamad (waiel@soundstationsecurity.net) authenticated via email on Chrome via Mac from 24.106.202.182.
12/05/2025 04:51:13 PM EST	waiel mohamad (waiel@soundstationsecurity.net) signed the document on Chrome via Mac from 24.106.202.182.



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-25-07, BA-26-01, and BA-26-02 were notified by First Class Mail on 1/16/26 of the Public Hearing on January 29th, 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

16th day of January, 2026

Notary Public Signature

Notary Public Name

My Commission expires on 1-15-2028



BA-25-07 Adjacent Property Owners

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15084003D	AMERICUS PARTNERS DEVELOPMENT, LLC		7105 GLENWOOD AVE		RALEIGH, NC 27612-7146
15077012A	SMITHFIELD NC NG LLC			PO BOX 1929	EASLEY, SC 29641-0000
15077014B	ANRAN PARTNERSHIP			P O BOX 531	SMITHFIELD, NC 27577-0000
15084003B	F&D HUEBNER LLC		1300 CORPORATE CHAPLAIN DR STE 201		WAKE FOREST, NC 27587-6596
15080041	METRON LIFE, LLC		210 WILSONS MILLS RD		SMITHFIELD, NC 27577-3246
15084013	ROBIN MILLS TRUST	PARRISH, ELIZABETH TRUSTEE		PO BOX 785	SMITHFIELD, NC 27577-0000
15084015	RICHARDSON, LIONEL		307 WILSONS MILLS RD #A		SMITHFIELD, NC 27577-3247
15084014	VERGARA, LUIS ENRIQUE TOLENTINO		4234 BERTRAM DR		RALEIGH, NC 27604-2658
15084007	EVANS, W DANIEL	EVANS, VICKIE S	849 PARKRIDGE DR		CLAYTON, NC 27527-5309
15099030Q	CAROLINA TELEPHONE & TELEGRAPH		720 WESTERN BLVD		TARBORO, NC 27886-0000
15099030P	CAROLINA TELEPHONE & TELEGRAPH		720 WESTERN BLVD		TARBORO, NC 27886-0000
15077014A	MATA, MAHALY		402 WILSON'S MILL ROAD		SMITHFIELD, NC 27577-0000
15077015	MCLEOD, AMELIA MASSENGILL		210 S SMITH ST		CLAYTON, NC 27520-2537
15084016	GILMORE, NELSON LAVERN		307C WILSONS MILLS RD		SMITHFIELD, NC 27577-3247
15084001	WHITLEY TOWNES, LLC		1016 MOCKINGBIRD DR		RALEIGH, NC 27615-6124
15084003E	AMERICUS PARTNERS EDUCATION IMPROVEMENT, INC.		7105 GLENWOOD AVE		RALEIGH, NC 27612-7146
15084003	AMERICUS PARTNERS EDUCATION IMPROVEMENT, INC.		7105 GLENWOOD AVE		RALEIGH, NC 27612-7146
15084012	HENDRICKSON, JOHN EUGENE		305C WILSONS MILLS RD		SMITHFIELD, NC 27577-3247
15084003A	MK REALTY - SMITHFIELD LLC		107 N TECH DR		CLAYTON, NC 27520-5002
15084003C	WHITLEY TOWNES, LLC		1016 MOCKINGBIRD DR		RALEIGH, NC 27615-6124
15084003F	AMERICUS PARTNERS EDUCATION IMPROVEMENT, INC.		7105 GLENWOOD AVE		RALEIGH, NC 27612-7146
15080042	JAMS PROPERTIES LLC		849 PARKRIDGE DR		CLAYTON, NC 27527-5309
15082012	GRACE REFORMED PRESBYTERIAN CHURCH		2585 LITTLE CREEK CHURCH RD		CLAYTON, NC 27520-9053
15077041	1023 WEST MARKET LLC			PO BOX 708	SMITHFIELD, NC 27577-0708
15084017	FLORES, ELIA ROJAS	ROJAS, DAISY FLORES	307B WILSON MILLS ROAD		SMITHFIELD, NC 27577-0000
15084007A	FRAIRE, LUIS ALBERTO RODRIGUEZ	AGUILAR, ARTEMIA GARCIA	305 B WILSONS MILLS RD		SMITHFIELD, NC 27577-0000
15080029	HOME SUPPLY COMPANY LLC		110 WILSONS MILLS RD		SMITHFIELD, NC 27577-3229
15080033	HABSHY INVESTMENTS, LLC		836 W MARKET ST		SMITHFIELD, NC 27577-3329
15080035	ROSE, ZENA E HAMILTON			PO BOX 2054	SMITHFIELD, NC 27577-0000
15080043	ALTMAN, KENNETH DEAN		102 HAMILTON DR		SMITHFIELD, NC 27577-3402
15082012B	GRACE REFORMED PRESBYTERIAN CHURCH		2585 LITTLE CREEK CHURCH RD		CLAYTON, NC 27520-9053
15080044	ROJAS, MARIO		104 HAMILTON DR		SMITHFIELD, NC 27577-3402
15080038	BAREFOOT, WAYNE L		258 MEADOWBROOK DR		FOUR OAKS, NC 27524-8550
15080035A	LUNDY, EVELYN WEATHERLY		15 RENS RD		POQUOSON, VA 23662-1609
15080036	LUNDY, EVELYN WEATHERLY		15 RENS RD		POQUOSON, VA 23662-1609
15080045	SHERMAN, MICHAEL J	SHERMAN, LAURA LEE		PO BOX 1322	FOUR OAKS, NC 27524-0000
15080037A	HAMILTON, JAMES EDWARD		206 WILSON MILLS RD	PO BOX 818	SELMA, NC 27576-0818
15080037	HAMILTON, JAMES EDWARD			P O BOX 818	SELMA, NC 27576-0000
15082012A	GRACE REFORMED PRESBYTERIAN CHURCH		2585 LITTLE CREEK CHURCH RD		CLAYTON, NC 27520-9053

Public Notice Sign for BA-25-07 on Wilsons Mills Road.



NOTICE OF PUBLIC HEARING

For Information Please Contact
The Technical Planning and Land Department
(919) 934-2116

01/16/2026 11:53

Public Notice Sign for BA-25-07 on W. Market St.



**NOTICE OF
PUBLIC HEARING**

For Information Please Contact
The Smithfield Planning and Zoning Department
(919) 934-2116

250 EAST MARKET STREET
SMITHFIELD, NC 27577
www.smithfieldnc.gov

01/16/2026 11:56



Request for Board of Adjustment Action

**Agenda
Item:** BA-26-01
Date: 1/29/26

Subject: McMillen Pool House Variance
Department: Planning
Presented by: Micah Woodard, CZO, Planner I
Presentation: Public Hearing

Issue Statement

To review a variance from the Unified Development Ordinance (UDO) Section(s) 8.2.1. (G) and 8.13.2. regarding the required 10' building setback 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-26-01, based on the finding of fact.

Approved: ☐ Town Manager ☐ Town Attorney

Attachments:

- Staff Report
- Finding of Fact
- Application



Staff Report

Agenda Item: BA-26-01

REQUEST:

The McMillen family is requesting a 10' variance from the Unified Development Ordinance (UDO) Section 8.2.1. (G) and 8.13.2. regarding the required 10' building setback for accessory structures.

PROJECT LOCATION:

The property in question is located 1061 North Lakeside Dr, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15J11025D.

CASE DATA:

Owner(s): Mark and Alisa McMillen
Applicant: Mark McMillen
Tax ID#: 15J11025D
Town/ETJ: Town
Acreage: .585
Present Zoning: R-10
Existing Use: Single-Family Residence
Water/Sewer Service: Town of Smithfield
Electrical Service: Duke

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

	Zoning	Existing Land Uses
North	R-10	Single-Family Residence
South	N/A (Lake)	N/A (Lake)
East	R-10	Vacant
West	R-10	Single-Family Residence

OVERVIEW:

The McMillen family recently received zoning approval to build a pool in their back yard. They are now looking to build a pool house. However, due to existing site constraints the available buildable land on their property is limited. The biggest constraint is the required 50' Neuse Riparian Buffer. North Carolina Administrative Code (NCAC) 15A 02B .0233 is the rule that requires the 50' buffer be in place.

*"This Rule shall apply to 50-foot wide riparian buffers directly adjacent to surface waters in the Neuse River Basin (intermittent streams, perennial streams, **lakes**, ponds, and estuaries), excluding wetlands"*

Because of this required buffer the McMillen's lose 6,500sqft. **or** 24.9% of their total property. The other site constraint is the presence of existing trees and landscaping the McMillen's have on the western side of their back yard. It's because of these site constraints that the only available area left to build is on the eastern side of their back yard. Fortunately for the McMillen's their neighbor to the east is a vacant parcel that is owned by the Lakeside Homeowners Association. While the neighboring property is technically vacant it does however contain a storm pond. So, to the benefit of the McMillen's the property to their east is likely to never be developed at any time. The potential encroachment of their pool house over the required 10' setback is not likely to adversely affect anyone.

FINDING OF FACT FOR VARIANCE 1 (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 ordinance were applied the McMillen's could not make reasonable use of their property. Because of the existing landscaping, pool, decking, and site constraints they are limited on useable real estate.***
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. ***Because the property is located adjacent to Holts Lake the mandated 50' Neuse Riparian Buffer is the is the biggest geographic hardship.***
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 McMillen's have owned the property nearly twenty years and claim that they were***

unaware of the environmental constraints when they initially purchased their home.

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.

Because of the geographic and environmental constraints placed on the McMillen's property and the added benefit that the neighboring property to the east will not be developed the potential encroachment of the required setback is minimal in the scheme of ordinance adherence.

RECOMMENDATION:

Planning Staff recommend the Board of Adjustment approve the variance from Unified Development Ordinance Sections 8.2.1. (G) and 8.13.2. for an accessory structure side-setback encroachment ***up to*** 10 feet, 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-26-01 granting a variance from UDO Sections 8.2.1. (G) and 8.13.2. for an accessory structure side-setback encroachment up to 10 feet."

(Vote on each finding)

BA-26-01 McMillen Pool House

File Number:
BA-26-01

Project Name:
McMillen Pool House

Location:
1061 North Lakeside Dr,
Smithfield, NC 27577

Tax ID#:
15J11025D

Existing Zoning:
R-10

Property Owner:
Mark and Alisa McMillen

Applicant:
Mark McMillen

City or ETJ:
City



Map created by Micah Woodard,
Planner I on 1/22/2026

Map Scale
1" = 100'



Scale: 1:240 - 1 in. = 20 feet

(The scale is only accurate when printed portrait on a 11 x 17 size sheet with no page scaling.)

Johnston County GIS
January 22, 2026

NORTH LAKESIDE DRIVE

50' PUBLIC R/W
BM 55 PG 200

CONC. CURB & GUTTER
CONC. WALK
N78°06'27"E
130.01'

EDGE OF PAVEMENT
COLUMN (TYP.)

UTILITY BOXES

1051

POND

EDGE OF WATER

N/F
LAKESIDE HOMEOWNERS
ASSOC INC
PIN 15J11025C
DB 3583 PG 805

GENERAL NOTES

1. THIS MAP IS FOR DESCRIPTIVE AND REFERENCE PURPOSES ONLY. IT DOES NOT CONSTITUTE A DEDICATION OR CONVEYANCE OF PROPERTY, EASEMENTS, OR RIGHT OF WAY.
2. REFERENCES ON THE FACE OF THE MAP WERE ACQUIRED FROM THE JOHNSTON COUNTY REGISTER OF DEEDS.
3. THE SUBJECT PARCEL SHOWN HEREON LIES IN FLOOD ZONES X (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM PANEL 3720168200L, EFFECTIVE DATE 06/20/2018.
4. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND MEASUREMENTS IN US SURVEY FEET, UNLESS OTHERWISE NOTED. AREAS ARE BY COORDINATE COMPUTATION.
5. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH DISCLOSES.
6. WETLANDS WERE NEITHER INVESTIGATED NOR DETERMINED AS PART OF THIS SURVEY.
7. EXISTING UNDERGROUND UTILITY LINES WITHIN THE LIMITS OF THIS SURVEY, IF ANY EXIST, HAVE NOT BEEN DETERMINED AND HAVE NOT BEEN INCLUDED AS A PART OF THIS SURVEY. PRIOR TO EXCAVATION, UNDERGROUND UTILITY LOCATIONS SHOULD BE REQUESTED BY CALLING THE NORTH CAROLINA 811.
8. THE SUBJECT PARCEL IS ZONED R-10, TOWN OF SMITHFIELD PER JOHNSTON COUNTY GIS.
9. THIS PROPERTY DOES NOT LIE WITHIN 2,000' OF A N.C.G.S. MONUMENT.
10. ALL CREEKS, EASEMENTS, BUFFERS TAKEN FROM BOOK OF MAPS 55, PAGE 200.



VICINITY MAP
(NOT TO SCALE)

THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS.

LEGEND

- Line Surveyed
- Line Not Surveyed
- Iron Property Corner
- New Corner Set
- Computed Point
- Existing Iron Pipe
- Iron Pipe Set
- Deed Book
- Book of Maps
- Page Number
- Right Of Way
- Typical



I, CHAN CHOI, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THAT THE SURVEY IS OF AN EXISTING PARCEL.

PAVING ARE
TRANS/APSP-16 2017"
NGB COMPLIANT
EXPANSION BOARDS
TO BE INSTALLED
EVERY 10' OR
MAXIMUM 144" FOR
THE DECK STEEL
CONCRETE
AUDIBLE ALARMS IN
ACCORDANCE WITH
UL 2017, REQUIRED
ON ANY ACCESSIBLE
OPENINGS TO THE
POOL AREA
GATE LATCHES TO

8' Wood Privacy
Fence

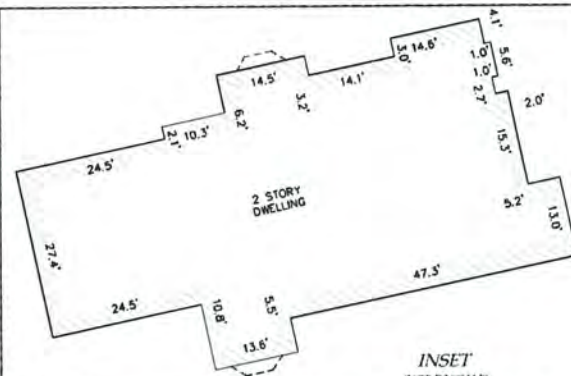
"Pool fence/barrier
will meet 2021 ISPS
upon inspection"

N/F
MARK MCMILLEN
ALISA MCMILLEN
PIN 15J11025D
DB 3520 PG 75
BM 55 PG 200
LOT 19
26,001 SQ. FT.
0.60 ACRES

50' NEUSE
RIBARIAN BUFFER
BM 55 PG 200

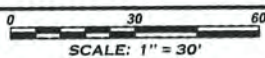
Proposed
20'x26' Pool
House

N/F
HOLT LAKE LLC
PIN 15J11024J
DB 1566 PG 934



INSET
(NOT TO SCALE)

LOT EXHIBIT



SCALE: 1" = 30'



7314 Self Storage Rd Area, NC - 27523
(919) 612 - 1187 NC FIRM # P-2967

PREPARED FOR:
MARK MCMILLEN AND ALISA MCMILLEN
1061 NORTH LAKESIDE DRIVE
SMITHFIELD, NC 27577

TOWNSHIP: SMITHFIELD	COUNTY: JOHNSTON	DATE: 08/21/2025
SURVEY DATE: 08/19/2025	SURVEYED BY: JSM	PROJ ID: C25589

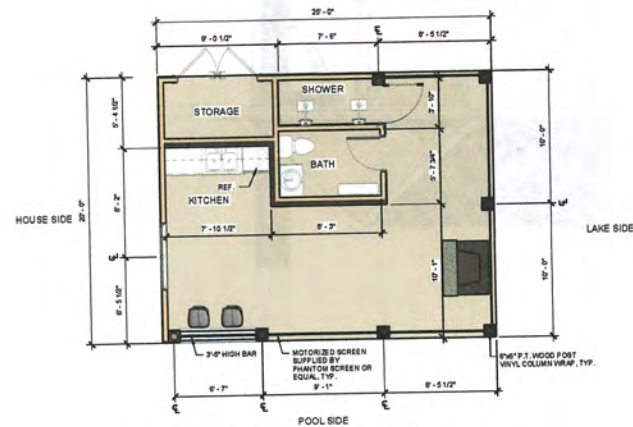
IMPERVIOUS SURFACES	SQ. FT
BUILDING	2,961
DRIVEWAY	1,901
CONC. WALK	254
PORCH	282
BRICK PATIO	538
HVAC	17
STAIRS	133
WALL	92
COLUMN	5
PAVERS	449
DOCK	51
TOTAL	6,680
% IMPERVIOUS	25.69%

[illegible]

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3. 71
- (A
- 37.
4. ALL MEA AREA
5. THIS REPOI
6. SEARCH WETLAN PART O
7. EXISTING THIS SUI HAVE NO. REQUEST TO EXCAV. REQUEST
8. THE SUBJE PER JOHNS
9. THIS PROPEI MONUMENT.
10. ALL CREEKS,

IOUS SURFACES	SQ. FT
Y	2,961
ALK	1,901
TIO	254
	282
	539
	17
	133
	92
	5
	445
	51
	6,680
'S	25.69%

Scale: 1/32" = 1 ft



1
B-1 Main Floor

**WOOTEN
COMPANY INC.**
2841-C Daisy Lane
Wilson, NC 27896
252.467.8183
www.wootencompanyinc.com

Owner:
Mark & Lisa McMillen
1061 North Lakeside Dr.
Smithfield, NC 27577

Notes:
BUILDER / CONTRACTOR TO VERIFY
DIMENSIONS AND ASSURE
PLANS ARE IN COMPLIANCE WITH
ALL LOCAL CODES WHERE THE
BUILDING IS BEING CONSTRUCTED.
BUILDER / CONTRACTOR IS TO
ASSUME RESPONSIBILITY FOR
PLANS.

No.	Description	Date

PRELIMINARY NOT FOR CONSTRUCTION

Floor Plan & Elevations
McMillen's Poolhouse
1061 North Lakeside Dr.
Smithfield, NC 27577

Drawn by: LW
Checked by: LW
Issue Date: 12/3/25
Project number: 25-020
B-1



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: McMillen - Pool House Acreage of property: < 3/4 acre
Parcel ID Number: 168210-26-5436 Tax ID: 15J11025D
Deed Book: 03520 Deed Page(s): 0754
Address: 1061 North Lakeside Drive
Location: Backyard

Existing Use: single family residence Proposed Use: addition of pool house
Existing Zoning District: R10
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)
8.2.1 G

FOR OFFICE USE ONLY

File Number: BA-26-01 Date Received: 1-8-26 Amount Paid: \$400.00

OWNER INFORMATION:

Name: Mark McMillen

Mailing Address: 1061 North Lakeside Drive

Phone Number: 910-279-6286

Fax:

Email Address: markaqua@aol.com

APPLICANT INFORMATION:

Applicant: Same

Mailing Address: 1061 North Lakeside Drive

Phone Number: 910-279-6286

Fax:

Contact Person: Mark McMillen

Email Address: markaqua@aol.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.

~~In order to build an adequately sized pool house we are asking that the 40' setback variance on the back side of where the pool house will be located. See attached~~

In order to build an adequately sized pool house, we are asking for a 10' setback variance on the back side of where the pool house will be located. See attached. Due to the existing landscape, riparian buffer, and HDA border, we feel that this is a reasonable request that will not adversely effect the HDA and its members.

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.

The pool was placed on a central location directly behind our home. Based on existing landscape, decking, and sight constraints, we were limited on its location.

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.

Our biggest hardship is due to losing 6500 square feet in our backyard due to the Nelse Riparian Buffer. In essence a large portion of our backyard cannot be used.

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.

Nearly twenty years ago, we purchased our home unaware of these environmental constraints. Our Realtor failed to disclose this pertinent information. Pool construction was underway prior to this revelation.

4.10.2.2.4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

We are requesting the ten feet of variance because we feel this will not effect our neighbors. The border falls on property that will never be utilized for residential use.

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.

Mark McMillen

Print Name

Signature of Applicant

12/1/25
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: McMillen Pool House Submittal Date: 12/1/25

OWNERS AUTHORIZATION

I hereby give CONSENT to GC TRD (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]
Signature of Owner

Mark McMillen
Print Name

12/1/25
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]
Signature of Owner/Applicant

Mark McMillen
Print Name

12/1/25
Date

FOR OFFICE USE ONLY

File Number:

Date Received:

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-25-07, BA-26-01, and BA-26-02 were notified by First Class Mail on 1/16/26 of the Public Hearing on January 29th, 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

16th day of January, 2026

Notary Public Signature

Notary Public Name

My Commission expires on 1-15-2028



BA-26-01 Adjacent Property Owners

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15J11025D	MCMILLEN, MARK	MCMILLEN, ALISA	1061 N LAKESIDE DRIVE		SMITHFIELD, NC 27577-0000
15J11024W	WILLIFORD, CLARENCE T JR	WILLIFORD, BARBARA B	113 LAKE RIDGE DR		SMITHFIELD, NC 27577-8386
15J11025G	GRAHAM R NEVILLE & ANGELA W NEVILLE REVOCABLE TRUST	NEVILLE, GRAHAM R TRUSTEE		PO BOX 410	SMITHFIELD, NC 27577-0410
15J11024U	HINNANT, WILLARD B. JR.	HINNANT, MARGARET A.	110 CYPRESS PT		SMITHFIELD, NC 27577-8387
15J11023	SUTTON, EDWARD E JR	SUTTON, KELLY C	125 WHIPPORWILL DRIVE		SMITHFIELD, NC 27577-0000
15J11024J	HOLT LAKE LLC			PO BOX 2504	SMITHFIELD, NC 27577-2504
15J11024T	URBAN, NICHOLAS A	URBAN, MELISSA A	114 CYPRESS POINTE		SMITHFIELD, NC 27577-0000
15J11025E	CARROLL, MICHAEL W	CARROLL, LYNDA L	833 COUNTRY CLUB RD		SMITHFIELD, NC 27577-8306
15J11024X	HOWELL, CHRISTOPHER D. JOINT TENANTS (WROS)	HICKEY, VONNIE D. JOINT TENANTS (WROS)	1076 N LAKESIDE DR		SMITHFIELD, NC 27577-8382
15J11025F	DELAPORTE, STEPHEN J	DELAPORTE, DEBORAH J	1073 N LAKESIDE DR		SMITHFIELD, NC 27577-0000
15J11025B	EVANS, MATTHEW R.	EVANS, CAROLINE K.	849 PARKRIDGE DR		CLAYTON, NC 27527-5309
15J11025A	DENNING, WILLIAM ROBERT III	DENNING, MICHELLE D	1052 N LAKESIDE DR		SMITHFIELD, NC 27577-0000
15J11024V	OGBURN, ARNOLD CLIFTON	OGBURN, GLORIA WILLIAMS	104 CYPRESS PT		SMITHFIELD, NC 27577-8387
15J11024Z	BROWNLEE, ERIC VICTOR	BROWNLEE, MICHELE DIANE	1064 N LAKESIDE DR		SMITHFIELD, NC 27577-8382
15J11025	HESTER, MATTHEW W	HESTER, CINDY C	1058 N LAKESIDE DR		SMITHFIELD, NC 27577-0000
15J11025C	LAKESIDE HOMEOWNERS ASSOC INC		1084 N LAKESIDE DR		SMITHFIELD, NC 27577-8383
15J11024Y	HERRING, THOMAS BRIAN	HERRING, CHRISTY WARD	1070 N LAKESIDE DR		SMITHFIELD, NC 27577-8382
15J11024S	WILSON, MEWBORN BRAXTON III		118 CYPRESS PT		SMITHFIELD, NC 27577-8387



**NOTICE OF
PUBLIC HEARING**

For Information Please Contact
The Smithfield Planning and Zoning Department
(919) 934-2116
800 EAST MAIN STREET
SMITHFIELD, NC 27577
WWW.SMITHFIELD-NC.GOV

Public Notice Sign for
BA-26-01

01/16/2026 11:31



Request for Board of Adjustment Action

**Agenda
Item:** BA-26-02
Date: 1/29/26

Subject: Privacy Fence Variance
Department: Planning
Presented by: Micah Woodard, CZO, Planner I
Presentation: Public Hearing

Issue Statement

To review a variance from the Unified Development Ordinance (UDO) Section 7.3.10.2. regarding fence height and placement.

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-26-02, based on the finding of fact.

Approved: ☐ Town Manager ☐ Town Attorney

Attachments:

- Staff Report
- Finding of Fact
- Application



Staff Report

Agenda BA-26-02
Item:

REQUEST:

The Young family is requesting a variance from the Unified Development Ordinance (UDO) Section 7.3.10.2. regarding fence height and placement.

PROJECT LOCATION:

The property in question is located at 111 E Sanders St, Smithfield, NC 27577. Further identified by Johnston County Tax ID # 15051026.

CASE DATA:

Owner(s):	Caleb and Sarah Young
Applicant:	Caleb and Sarah Young
Tax ID#:	15051026
Town/ETJ:	Town
Acreage:	.228
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)

	Zoning	Existing Land Uses
North	R-10	Single-Family Residence
South	R-10	Single-Family Residence
East	R-10	Single-Family Residence
West	R-10	Single-Family Residence

OVERVIEW:

The Young family resides at 111 E. Sanders Street. Their property is a corner lot situated at the intersection of East Sanders Street and South Second Street, there is a public alley running parallel down the western edge of their property. Because of their proximity to South Smithfield Elementary, downtown, and close access to Brightleaf Boulevard (1 block away) traffic can be very busy at times right at their home.

Simply put, the Young's house is situated on their property in an unfortunate way. Instead of facing Second Street and having a front yard and backyard, the house faces Sanders Street and has a front yard, a left and right side yard, **but no backyard**. The back of the home is mere feet from the rear property line. The only suitable area for their children to play and for any outdoor family activities is on the left side yard of their property. The Young's want to build and place a 6' wooden privacy fence on the left hand side yard.

UDO Section 7.3.10.2. says the following regarding fences:

"No fence or wall more than forty-eight (48) inches in height, which is more than seventy-five (75) percent solid, may be placed in the front of a principal structure."

What the Young family is requesting deviates from that section entirely; the proposed fence would exceed 48 inches, be over 75% solid, and would extend past the front plane of their home (principal structure).

Due to the unfortunate layout of their property and code constraints they are limited to usable locations.

FINDING OF FACT FOR VARIANCE 1 (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. ***Strict application of the ordinance would leave any children playing in the un-fenced side yard susceptible to harm whether from traffic or strangers passing by. The alternative to a privacy fence would be a natural hedge or landscaped area which would take years to reach maturity.***
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. ***Because of the decision made by the original builders to place the house in way that eliminated the option of having a backyard, the Young's are left with no safe or suitable area for***

outdoor activities. By fencing in the side, they would be able to safely make use of their property.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. ***The property has always been laid out in this unfortunate manner, when the Young family purchased their home, they were unaware of how bad the traffic was and how many people would use the public alley that runs adjacent to their property.***

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 UDO Section 7.3.10.2. is partly for visual aesthetics but more importantly to prevent sight lines from being obstructed at intersections with tall, solid fences. Because the Young family is only proposing fencing in the left hand side of their property (not the right hand side with the intersection), there would be no impact to road intersection sight lines at all.***

RECOMMENDATION:

Planning Staff recommend the Board of Adjustment approve the variance from the Unified Development Ordinance (UDO) Section 7.3.10.2. regarding fence height and placement, thereby allowing the Young's to build their privacy fence as sketched out, 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-26-02 granting a variance from UDO Section 7.3.10.2. regarding fence height and placement, to allow the Young family to build their privacy fence as depicted in their sketch plans."

(Vote on each finding)

BA-26-02 Young Privacy Fence

File Number:
BA-26-01

Project Name:
Young Privacy Fence

Location:
111 E Sanders St,
Smithfield, NC 27577

Tax ID#:
15051026

Existing Zoning:
R-10

Property Owner:
Caleb and Sarah Young

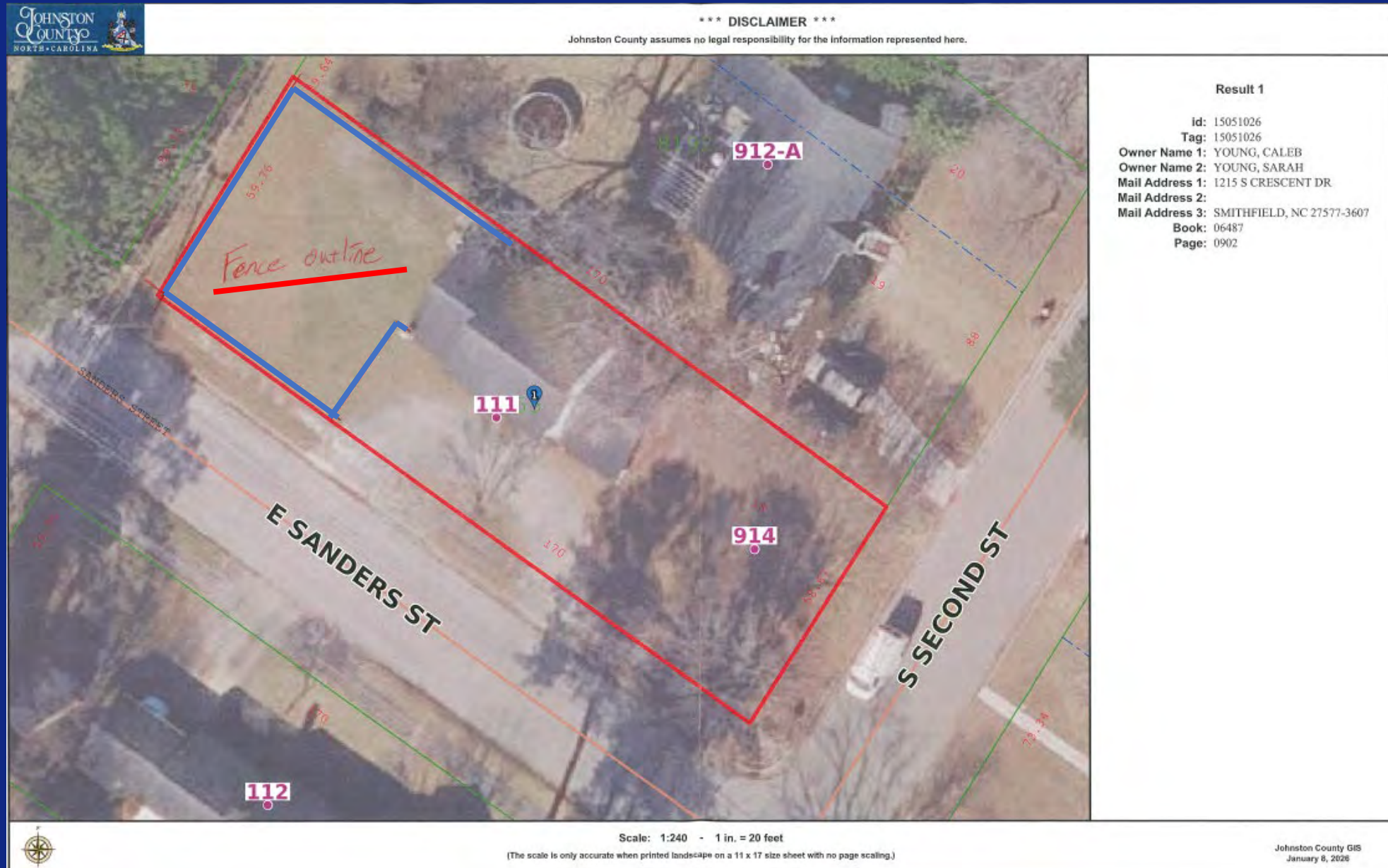
Applicant:
Caleb and Sarah Young

City or ETJ:
City



Map Scale
1" = 100'

Sketch Plan Exhibit:





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: Privacy Fence Acreage of property: 0.228
Parcel ID Number: 169 309-17-8055 Tax ID: 1505 1026
Deed Book: 064 87 Deed Page(s): 0902
Address: 111 E Sanders St, Smithfield, NC 27577
Location: Left side of property

Existing Use: Residential, empty field Proposed Use: Residential, fenced
Existing Zoning District: R-10
Requested Zoning District No Change
Is project within a Planned Development: Yes No
Planned Development District (if applicable):

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

7.3.10.2

FOR OFFICE USE ONLY

File Number: BA-26-02 Date Received: 1/8/26 Amount Paid: \$400.00

OWNER INFORMATION:

Name: Caleb Young and Sarah Young

Mailing Address: 111 E Sanders St, Smithfield, NC 27577

Phone Number: 919-818-3891

Fax:

Email Address: mcleod.young@gmail.com

APPLICANT INFORMATION:

Applicant: Same

Mailing Address:

Phone Number:

Fax:

Contact Person:

Email Address:

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.

My property is located one block off of Highway 301 and on the primary road for South Smithfield Elementary. Living on the corner of 2nd Street (the major shortcut South Smithfield residents take into town) and Sanders Street, we have a constant flow of traffic past my house. Our house is rather oddly sited on our property. Instead of facing 2nd Street and having a front yard and a back yard, the original owners chose to site the house facing Sanders Street with no back yard at all. The only area of our property suitable for backyard activities is the left side of the property, which is right now an empty field.

I want to provide a safe place for our children, nieces, and nephews to play without worry from the constant traffic around our property. Further, we want to give them privacy to play without concern for strangers walking by on the sidewalk. I would like to build an attractive privacy fence around a portion of the property on the left side of the house to provide a safe, private area for my family. My biggest concern, though, is that neighbors have been using our side yard as a shortcut to exist the alleyway next to our property. This is absolutely unsafe for children to play in that area unless a fence prevents drivers from cutting across our yard. Also, the risk to children playing in their "backyard" of a driver being able to pull up, hidden in the alley, and reach over a short fence, as the zoning allows, seems to me to be a valid reason to build a privacy fence to keep them safe.

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 ordinance would leave any children playing in the only "backyard" area we have within arm's reach of hundreds of people a day. The only alternative to a privacy fence would be a full hedge that would take years to grow to a proper size.

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.

Thanks to the odd decision made by the original owners to site our house with no backyard at all (the back of the house sits mere feet from the property line), we have no place on our property for backyard activities, particularly a place for children to play) other than the side yard. The location of the alley next to our side yard encourages drivers to cut across our side yard, endangering occupants, and also provides a private area for people with bad intentions to approach children playing in our side yard.

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.

This property has always been laid out in this way. We were unaware of just how busy the traffic was on our corner and how many people walk down the sidewalk in front of our house until we moved in. We definitely had no idea that people would cut across our side yard from the alley until we lived here.

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.


According to the Planning Department, the stated purpose of the fence height ordinance is to prevent sight lines at road intersections from being obscured. The planned placement of the fence would leave over 120 feet of clearance on Sanders Street from the intersection. The fence would not impact the 2nd Street side of the property at all. Therefore, there would be no impact on road intersection sight lines at all.

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.

Caleb Young/Sarah Young

Print Name


Signature of Applicant

01/08/2026


Date

1/8/2026



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

OWNER'S CONSENT FORM

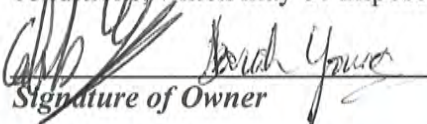
Name of Project: Privacy Fence

Submittal Date: 01/08/2026

OWNERS AUTHORIZATION

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

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


Signature of Owner

Caleb Young/Sarah Young
Print Name

01/08/2026
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 of Owner/Applicant

Caleb Young/Sarah Young
Print Name

01/08/2026
Date

FOR OFFICE USE ONLY

File Number:

Date Received:

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-25-07, BA-26-01, and BA-26-02 were notified by First Class Mail on 1/16/26 of the Public Hearing on January 29th, 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

16th day of January, 2026

Notary Public Signature

Notary Public Name

My Commission expires on 1-15-2028



BA-26-02 Adjacent Property Owners

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15051026	YOUNG, CALEB	YOUNG, SARAH	1215 S CRESCENT DR		SMITHFIELD, NC 27577-3607
15018100	EMERSON, STEPHANIE FRANCIS	EMERSON, JOHN WILLIAM JR.	102 E SANDERS ST		SMITHFIELD, NC 27577-4211
15051039	BYRD, C.L.		2531 BUFFALOE RD		GARNER, NC 27529-5199
15051012	MCDOWELL, ROSHAUN	MCDOWELL, GEICHERRIE	903 S 1ST ST		SMITHFIELD, NC 27577-3719
15051046	BARBOUR, THOMAS EDWARD		914 S BRIGHTLEAF BLVD		SMITHFIELD, NC 27577-4388
15051015	MCLAMB, KEVIN PHILLIP			PO BOX 222	FOUR OAKS, NC 27524
15051016	HOLCOMB, ANDREW		911 S 1ST ST		SMITHFIELD, NC 27577-3719
15051019	MOFFETT, CHANA LYNN		1005 SOUTH FIRST STREET		SMITHFIELD, NC 27577-0000
15051040	BARRACO, JOSEPH	BARRACO, ANNA MARIA	1003 S 2ND ST		SMITHFIELD, NC 27577-4218
15051013	WINEBARGER, CHARLES S. JOINT TENANTS (WROS)	WINEBARGER, CHARLES P. JOINT TENANTS (WROS)	283 DELMER SALTS RD		GRAY, TN 37615-3245
15051037	DOROTHY LATTIMORE REVOCABLE LIVING TRUST	MATIDI, YAVONDA TRUSTEE	911 S 2ND ST		SMITHFIELD, NC 27577-4216
15051038	LAMM, ERIC	LAMM, NATALIE	917 SOUTH SECOND STREET		SMITHFIELD, NC 27577-0000
15051044	TC MASSENGILL MARITAL TRUST	MASSENGILL, JEANETTE A TRUSTEE	1010 S BRIGHTLEAF BLVD		SMITHFIELD, NC 27577-0000
15051014	MCLAMB, KEVIN PHILLIP			PO BOX 222	FOUR OAKS, NC 27524-0222
15051030	SMITH, BRIAN		906 S SECOND STREET		SMITHFIELD, NC 27577-0000
15051035	BRIGHTLEAF #2004, LLC			PO BOX 1266	SMITHFIELD, NC 27577-1266
15051043	JONES, NANCY DARLENE DAUGHTERY		15 PEAR BLOSSOM PKWY		CLAYTON, NC 27520-2081
15051029	MCMANUS, SHANE JOINT TENANTS (WROS)	MCGUINNESS, MAUREEN JOINT TENANTS (WROS)	908 S 2ND ST		SMITHFIELD, NC 27577-4217
15051034	HACHEZ, JESSICA		907 S 2ND ST		SMITHFIELD, NC 27577-4216
15051042	BUNN, HELEN STEPHENS		1007 S SECOND ST		SMITHFIELD, NC 27577-0000
15051027	CARROLL, PAIGE D		914 S 2ND ST		SMITHFIELD, NC 27577-4217
15051047	QT 3.14 HOLDINGS, LLC		5640 DILLARD DR STE 101		CARY, NC 27518-7174
15051033	GRAHAM, JUSTIN MICHAEL	WEAVER, ANNA	903 S 2ND ST		SMITHFIELD, NC 27577-4216
15051021	LOPP, JOHN BRADLEY		1011 S 1ST ST		SMITHFIELD, NC 27577-3721
15051045	NALL, ANNA KATE		1009 WALNUT DRIVE		SMITHFIELD, NC 27577-0000
15051023	COLLIER, ANN ANDREUS		1006 S 2ND STREET		SMITHFIELD, NC 27577-0000
15051017	PITTMAN, LEIGH WILLIFORD		21 DOGWOOD LANE		FOUR OAKS, NC 27524-0000
15051022	JONES, NANCY DARLENE DAUGHTERY		15 PEAR BLOSSOM PKWY		CLAYTON, NC 27520-2081
15051024	FERNANDEZ, RAFAEL	FERNANDEZ, ARELIS MATEO	1004 S 2ND ST		SMITHFIELD, NC 27577-4219
15051006	GORE, JENNY		910 S 1ST ST		SMITHFIELD, NC 27577-3720
15051004	BEASLEY, DAVID		1002 S 1ST ST		SMITHFIELD, NC 27577-3722
15051020	GORE, MICHAEL JACOB		1009 S 1ST ST		SMITHFIELD, NC 27577-3721
15051002	PITTMAN, TIMOTHY R		303 KINROSS CT		DURHAM, NC 27712-1854
15051005	FARZANA, LAILA		3913 DEVAN OAKS WAY		RALEIGH, NC 27606-4350
15051007	HEWITT, CAROL DUFOUR		908 S 1ST ST		SMITHFIELD, NC 27577-3720
15051008	DENNIS DALE HAM RESIDENCE TRUST	BASS, SHANNON HAM CO TRUSTEE	33 BRADFORD ST		SMITHFIELD, NC 27577-9412
15051025	HUSKEY, EDDIE M.	HUSKEY, HILMAN W.	112 E SANDERS ST		SMITHFIELD, NC 27577-4211
15051028	CHRISTIAN, JONNY JAI C.	BOSTOK, JODY	910 S 2ND ST		SMITHFIELD, NC 27577-4217
15051003	NISS, KRYSTAL	NISS, JAMIE S.	1004 S 1ST ST		SMITHFIELD, NC 27577-3722



Public Notice Sign for
BA-26-02

**NOTICE OF
PUBLIC HEARING**

For Information Please Contact
The Smithfield Planning and Zoning Department
(919) 934-2116

3801 EAST WILSON STREET
SMITHFIELD, NC 27577
WWW.SMITHFIELD-NC.GOV

01/16/2026 11:24