

**MEETING OF THE  
GREENSBORO BOARD OF ADJUSTMENT  
MARCH 25, 2019**

The meeting of the Greensboro Board of Adjustment was held on Monday, March 25, 2019 at 5:37 p.m. in the Council Chamber of the Melvin Municipal Office Building. Board members present: Chair Chuck Truby, Mary Skenes, James Waddell, Vaughn Ramsey Ted Oliver, Leah Necas, and Deborah Bowers. Chair Truby explained the procedures and policies of the meeting. City staff present: Shayna Thiel, Mike Kirkman and Andrew Kelly, City Attorney.

Chair Truby welcomed everyone to the meeting and advised of the policies and procedures in place for the Board of Adjustment. Chair Truby further explained the manner in which the Board conducts its hearings and method of appealing any ruling made by the Board.

**Approval of the Minutes of February 25, 2019**

Mr. Waddell made a motion to approve the minutes, second by Ms. Necas. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

**Swearing in of Staff**

Shayna Thiel and Mike Kirkman of the Planning Department were sworn in for their testimony in the following cases.

**Continuance/Withdrawals**

There are no continues or withdrawals.

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

**1. Variance**

Kenneth and Susann Daly were sworn to present testimony regarding BOA-19-10.

**a. BOA-19-10: 4202 Tallwood Drive.** Kenneth and Susann Daly request a variance to allow a proposed addition to encroach 5-feet into a required 10-foot side setback. The addition will be 5 feet from the property. **(Granted)**

Ms. Thiel stated in BOA-19-10, 4202 Tallwood Drive, the applicants, Kenneth and Susann Daly request a variance to allow a proposed addition to encroach 5 feet into a required 10 foot side setback. The addition will be 5 feet from the side property line.

Ms. Thiel advised that evidence provided by the applicant includes Exhibits A and B. Supporting documentation from staff includes Exhibits 1, 2, 3, 4, 5, 6 7, and 8. Land Development Ordinance reference Section 30-7-3.2, Table 7-1. The R-3 minimum side setback is 10 feet.

**Background and Site information:** The subject property is located on the north side of Tallwood Drive, west of Kemp Road West, and zoned R-3. Tax records indicate the lot contains approximately 15,683 square feet. The house was constructed in 1966.

The applicants propose to construct a carport storage addition along the side of the house that will encroach 5feet into a required 10 foot side setback and be 5 feet from the western side property line. At its meeting on February

19, 2019, the Planning Board approved a 5-foot by 32-foot easement release request along the side property line that corresponds to the proposed carport addition.

There are no applicable overlays or plans. The land use is single-family. The adjacent zoning to the north, east, west, and south is R-3 and the adjacent land uses are single-family dwellings. The R-3 Residential Single-Family District is primarily intended to accommodate low density single-family, detached residential development and the overall growth density in R-3 will typically be 3 units per acre or less.

Chair Truby requested the Applicant to come forward and provide their name and address for the record.

**Kenneth and Susann Daly, 4202 Tallwood Drive, Greensboro, NC.** Mr. Daly stated that they have lived at 4202 Tallwood Drive for 25 years and would like to place a two-car attached carport on the property. To get the width that is needed they will have to go into the setback by 5 feet. It is the most practical place, located at the top of the driveway and where they currently park. The property line at the back where the project would be concluded, takes a good angle making it very difficult to put the carport anyplace else. He has gone through the easement release process and has worked with Shayna. All of the utility companies signed off on it and they are now requesting permission from this Board to go and ahead and construct this carport. Mr. Daly produced letters from the two adjacent property owners who are favorable to this request and they share the property lines. The notarized letters were provided to Ms. Thiel.

Chair Truby inquired if there were any questions for the Applicant. No questions from the Board of the applicant. Chair Truby inquired if there was anyone who wished to speak in favor of the request. No one came forward. He inquired if there was anyone in opposition. No one came forward. Seeing none, Chair Truby requested a motion to close the public hearing.

Ms. Bowers so moved, seconded by Mr. Waddell. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

### **Board Discussion**

The Board members indicated their support of the request as it seemed to be reasonable.

Ms. Necas made a motion for approval based on the stated findings of fact and moved that the Zoning Enforcement Officer be overruled and the variance granted based on the following:

1. If the applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the side property angles creating a difficulty in placement of a proposed carport/storage addition. Also, the backyard topography slopes 1-5 feet downhill away from the property.
2. The hardship of which the applicant complains results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because of that angle and topography in the rear of the yard. Both present hardships to adding additional structures.
3. The hardship is not the result of the applicant's own actions because the house was constructed in 1964 prior to the current owners. The topography is unchanged.
4. The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and assures public safety, welfare, and substantial justice because the proposed carport/storage addition will seamlessly blend into the character of the neighborhood by matching existing residences as closely as possible. Complementary landscaping will be installed around the perimeter of the new construction.

Motion by Ms. Necas, second by Mr. Waddell. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

## 2. Special Exception

**b. BOA-19-11: 1207 Ross Avenue.** Kevin Brown on behalf of Clifton Parker, requesting two special exceptions. **(Denied)**

Chair Truby advised that all those planning to speak on this matter will need to be sworn in. Those in favor were sworn in first and those in opposition were sworn in next.

Ms. Thiel stated in case BOA-19-11 at 1207 Ross Avenue, Kevin Brown, on behalf of Clifton Parker, requests two special exceptions.

I. To allow a proposed family care home to be 412 feet from another family care home located at 1403 South Benbow Road when 2,640-feet is required.

II. To allow a proposed family care home to be 2,323 feet from another family care home located at 1628 Dunbar Street when 2,640 feet is required.

Ms. Thiel advised that evidence provided by the applicant are Exhibits A and B. Supporting documentation from staff includes Exhibits 1, 2, 3, 4, 5, 6, and 7. Land Development Ordinance reference Section 30-7-10.1(B)(1), no new family care home may be located within ½ mile of an existing family care home unless a Special Exception is granted by the Board of Adjustment for reduced separation.

**Background and Site Information:** Ms. Thiel advised the subject property is located on the north side of Ross Avenue at the intersection of Ellis Street and is zoned R-5. Tax records indicate the lot contains approximately 21,780 square feet and the house was constructed in 1954. The applicant wishes to establish a GP Sober House and Recovery Program at the subject property which is located within a half mile of two other existing facilities. A family care home, Benbow Manor, operates at 1403 South Benbow Road which is 412 feet away. A family care home, Rickard's Residential Family Care, operates at 1628 Dunbar Street, which is 2,323 feet away. There are no applicable overlays or plans. The land use is single-family dwelling. The adjacent zoning to the north, east, west and south is R-5 and the adjacent land uses are single-family dwellings.

The R-5 Residential Single-Family District is primarily intended to accommodate low-density single-family, detached residential development. The overall growth density in R-5 will typically be 5 units per acre or less.

Chair Truby requested the applicant to come to the podium and provide their name and address.

**Kevin Brown, 1207 Ross Avenue, Greensboro.** Mr. Brown provided information on himself on what he is trying to do in the community. He stated the GP Sober House and Recovery Program was developed as a safe and supportive place for recovering addicts to live during their first months of being sober. It was developed by himself, a minister with Good News Ministries since 2014, at 930 Walker Avenue in downtown Greensboro. It is connected with UNCG Saint Mary House. Mr. Brown has been involved in helping people in the 12-step program for over 20 years. During his 20 plus years of sobriety, he has identified a need for clean living communities for individuals whose goals are to remain clean from alcohol and other illegal substance. He has provided a GP Sober Recovery Program as a transitional tool that will provide a bridge to those who are in recovery to teach the skills necessary to avoid a relapse back into addiction. The goal for sober living homes is to help people in the early stage of their sobriety journey to have the tools to maintain sobriety, and to progress into the path for their new and better life.

Mr. Brown stated that he lives at this facility. It is really great what is going on America where the country as a whole is willing to try to help individuals get their life. In order for him to have federal funding, he needs to have zoning approval. Everything has to be order to receive funding from the government to get this started. He is currently working without federal funding and is using out of pocket monies and whatever can be raised through churches or Uber driving.

Mr. Brown has lived in this house since May 2018. The landlord lowered the rent to help to get the program started. It is not a shelter house, which is different from a lot of transition houses. There are three meetings a day, starting at 7:30 a.m., a meal, meeting at night, and church service on Sunday. He knows this works because it worked for him over 27 years ago through the Gospel Mission, a Catholic Diocese. Mr. Brown never knew that he

was going to come full circle and be in a position to do this. He came to North Carolina and received his call for ministry while in the House of Refuge Delivery Ministry, now the Refuge. It is a men's ministry where they reach out to people in the community struggling with drugs and alcohol and feed them breakfast and have a meeting. It started with just a handful of people and within a short period of time almost every seat at the table was taken.

Mr. Brown has since opened his own ministry at 930 Walker Avenue and was led to obtain this house. He ran into a snag and discovered that the City of Greensboro does not allow family care homes within ½-mile of each other. In order for him to operate a house, he has to go before the Board. He is here letting the Board and citizens know what kind of house he is asking permission for and letting the community know he is living at the house. He will be there 24/7. It will be a safe environment. If it's unsafe, he'll call the police and have anybody removed from the property. His door is open to anyone who wants to come over and help, as it would be truly appreciated.

Mr. Brown expressed surprise at how many people were there in opposition but feels they want to make sure their neighborhood is safe and will continue to be safe. The whole block is a very nice neighborhood and that is one of the reasons why he wants to start out with a GP Sober House there. One of the main things for a person leaving treatment is for them to not go back into the environment they were in previously. The most important part is to provide hope. He spoke of his struggle and how his life was turned around by the Gospel Mission. He knows it can work and is very passionate in that belief. He indicated that two people were present to testify in favor, Jackie Pate and Scott Jones.

Chair Truby asked if there was anyone who had questions for the applicant. No questions were presented. Chair Truby asked for anyone in favor.

### **Speakers in Favor**

**Jackie Pate, 1433 Grantland Place, Greensboro, NC.** Ms. Pate stated she met Kevin as she is a recovering alcoholic of 21 years. She volunteers for the District VA in Guilford County and as a correctional coordinator to bring AA meetings into the jails. She is currently doing service work and does meetings at treatment facilities. She will do whatever anybody asks her to do, as helping each other is a part of recovery. They are a fellowship of men and women who share their experience, strength, and hope with each other that may solve a common problem and help others to recover from alcohol addiction. She believes very much in what Kevin is doing and has known him 3 years or more. Ms. Pate will vouch for his character as a minister and as the person who has been in recovery himself. She imagines the stigma of alcoholism and drug use has hurt them today with the current Opioid crisis more than anything. People do not want to be around it and do not want to live in it.

From her personal experience with these houses, she is not aware of any trouble in the neighborhoods of the houses. There are a group of houses called the Oxford Houses and currently those houses are full. There is a shortage of places for people to go and have money to stay as a lot of them have lost everything. She worked for 32 years for the VF Corporation and works as hard today as she did then and is now helping people get sober and realize the problems with alcoholism. There are 120 or more meetings in Guilford County for people working the 12-step program. Ms. Pate vouched for herself that recovery works, if the person works it. A house like this one is very important as most alcoholics and addicts do not know how to stop. They have tried and failed because they were doing it on their own. They did not have a group of people helping them.

Ms. Pate thinks this housing is very important and that Kevin is a good man who would operate it within the law within the area of the community. She does fully understand the opposition against it.

Chair Truby inquired if there were any questions for this speaker. Mr. Ramsey asked how many clients they plan on having at the house at any given time. Mr. Brown responded that he would start off with two and will transition over 30 to 45 days to 4. If he has funding, there will be people to drive back and forth to meetings. The Bishop is going to help with the cooking. People will clean up for themselves and eventually will cook and clean for themselves. The maximum will be 6 people and the next two as they transition in and out. That way he will keep safe, hopes to have people drive back and for to meetings.

Mr. Oliver inquired if these people would stay all day or come in morning and leave in afternoon. Mr. Brown responded that the 12-step program will be done in the morning. The first meeting is at 7:30, so they will get up at 6:00 or 6:30 am, prepare and eat breakfast, and head out to the first meeting. The power of recovery and staying

clean are the meetings. It's the fellowship of the 12-step program that will be used as a tool. Everyone attends the program meetings at least 3 to 4 times a day.

Mr. Oliver asked if they will live there. Mr. Brown responded yes. Ms. Bowers asked what population is served by the other two-family care homes within the restricted area, Benbow Manor and Rikard's Residential Family Care. Ms. Thiel responded that Benbow Manor is licensed for six residents and Rikard's Residential Family Care has one. Ms. Bowers asked if the purpose of the other family care homes and if they served youth. Ms. Thiel replied that staff doesn't know.

Counsel Kelly clarified that the City doesn't differentiate the type of disability the family care home is serving and doesn't record that type of information.

Ms. Bowers inquired if the rationale behind the restriction on location was based on populations served so you don't have the same folks clustering together. Counsel Kelly responded that clustering together, maintaining and preserving the character of the neighborhood are considerations before the Board, but there is no legal distinction between disabilities.

Ms. Necas inquired if the occupants have their vehicles with them. Mr. Brown responded no, they will not. The only vehicle at this time will be the transportation that he has until there is funding. He currently has an SUV and when he receives funding, will purchase a van and there will be five people plus himself. He does not want to overcrowd the house or put himself or the community in jeopardy. The house is 2,700 square feet that can accommodate that amount of people. Ms. Necas stated she saw four vehicles outside the property. Mr. Brown state those four vehicles are from the people present tonight.

Ms. Bowers inquired if the people that are being taken into this home live there but meet elsewhere. Mr. Brown responded that the AA meetings are held elsewhere. They would never be held at the house as they are large meetings and have to get permission to have a meeting at any facility. He will take people to the meetings.

Ms. Bowers asked if the occupants live there, were transported to meetings elsewhere three times a day, ate meals at the house, and were transported to church on Sunday. Mr. Brown responded that is correct and is thankful for the bus route. He has researched the bus route because when they go looking for work, they will be able to get on their own, learn to be responsible, not depending on the house. Part of the criteria is to acquire work within 30 days, get to a point where they can pay rent. Some may want to stay longer and would not be refused. He will charge a \$100.00 or so for rent so they can adjust. All are tools for getting them transitioned into the community, to be able to cook, clean, pay their rent, save money and move out on their own.

Mr. Waddell inquired about the proposed property being just a little over 400 feet from one of the current properties and asked the reasoning for that close distance between the two homes. Mr. Brown responded that he didn't know there was one in the area. Neither one knew of each other's existence. They will not know when he starts the program because it is a low-key program. There is no program advertising because these houses are under family care and information regarding the type of home is protected. He does not think it is a program for people struggling with addiction as he would have heard about it through the fellowship of the AA meetings.

Mr. Oliver inquired if he owned the home. Mr. Brown responded that he currently rents and hopes to be able to rent the home with an option to buy. Mr. Clifton Parker, the owner, is present and knows what this is about and is supportive. Mr. Oliver asked if he has to do it at this location or if it could be done at another leased location. Mr. Brown stated if need be, yes, but this is an ideal location because of the transportation.

Mr. Ramsey inquired if Mr. Brown had backup because if he is doing this 24/7, it could be very draining. Mr. Brown responded that he does have backup. One of the main ones is Dr. Carl Wilkinson, who is 30 years sober and semi-retired. He is licensed in counseling and is an ordained minister. He will be counseling every other weekend, has done this and is familiar with all of it. Dr. Wilkinson was his sponsor in New York City. His Bishop and other people at his church can also help.

Mr. Ramsey asked for confirmation from staff that there is a restriction on no more than four unrelated people living in a house and how this could be a licensed house for six people. Mr. Kirkman responded that both of those are correct. One of the definitions of a family according to the Greensboro Land Development Ordinance is four unrelated persons living in a single dwelling. With a family care home, if established by right, you can go up to six

individuals. You would have to have that additional permission which is what he thinks Mr. Brown is saying. He may start small but is looking to eventually expand up to the six.

Chair Truby inquired if there were any other questions for the applicant. He then inquired if there was anybody else who wished to speak in favor of this request.

Ms. Jackie Pate requested to say one thing more. The World Health Organization states that alcoholism is the third largest untreatable disease killer in this country, far exceeding any street drugs.

**Scott Jones, 1207 Ross Avenue.** Mr. Jones is a roommate of Mr. Brown has lived there since August 2018. He provided the background of how they met and the friendship they have built. He felt very comfortable from the beginning with him. He had not been to the neighborhood before and was unsure of the neighborhood but was assured by Mr. Brown. He stated Mr. Brown is a good man and that the men gained each other's trust right away. It has been very positive for him.

Mr. Jones stated that he worked as personal trainer in a small gym and now owns it, which he attributes to meeting Mr. Brown. He is not in the program, but in his own way, he needed a peaceful re-start of his life and a place to feel safe. They share the same faith and he helps with bible study on Sundays. Now that he owns the gym, he will use it as part of Mr. Brown's program and offer it for his people to discipline their lives through working out, like military training.

Chair Truby thanked him for speaking. Ms. Bowers asked how Mr. Clifton Parker fits in as the owner of the property. Chair Truby responded that the Reverend leases the house from the owner. Ms. Bowers inquired if the owner consented to this use. Mr. Brown responded yes and that the owner is here. Staff also indicated that the owner signed the application.

Chair Truby inquired if there was anyone who wished to speak in favor of the request. No others came forward. Seeing none, requested the people speaking in opposition to come forward and provide your name and address for the record.

### **Speakers in Opposition**

**Barbara Washington, 1208 Eastside Drive, Greensboro, NC.** Ms. Washington is a block from 1207 Ross Avenue. She provided information on the unique character of her neighborhood. She grew up in the neighborhood and when she was young, there were doctors, lawyers, educators, blue collar workers. They all shared a common desire to live in a good community. During the times she was young, the southeast quadrant of Greensboro was the area that they could live in. The house in question, along with other houses, are custom designed houses by W.E. Jenkins, the first black architect licensed in the state of North Carolina, and William Street. These houses are in historic Dudley Heights. Most of them have come back because their parents have passed away. The daughter of W.E. Jenkins is living in the home across the street from this property.

People in the neighborhood walk their dogs in the morning, sometimes before daybreak because they know each other. They interact, visit each other's homes for coffee. They are all struggling to hold on to the character of the community. They have ownership and interest in their homes. They do not want their community to become rented houses with no one living there and are concerned about this house changing the character of their neighborhood.

Chair Truby inquired if there were any questions for Ms. Washington. No questions were presented. Chair Truby advised if they have questions, they will bring her back up. He asked the next speaker to come forward.

**Christina Yongue, 1103 Ross Avenue.** Ms. Yongue advised her back yard butts up behind South Benbow Road. She is a working mother of two small children and is concerned about changing the character of their neighborhood. She would like for it to remain a residential neighborhood. Her evidence for why the special exception should not be granted is her concern regarding the history of the neighborhood. If residents in the house present new foot traffic to the bus station, her house is between the subject property and where one of the bus stops is located, which is also where her children wait for their school bus. Continued new traffic flow would change the dynamics of the neighborhood and she would not be in favor of that.

Not only is it a personal concern of safety and the change of the flow of walking traffic, she is a public health professional and is in favor of these types of recovery programs, but there are other locations where they can be had. There is a church in the area supporting AA programs. There are other places where individuals can have the programs that the Reverend has offered. It's a good program but it should be in another location.

She spoke on why this is economically affordable. The neighborhood has had various levels of housing property values going down and because they are situated where they can be more affordable, it makes the area seem like a prime place for a family care home. This program could be in another neighborhood.

Chair Truby inquired if there were any questions. There were none. Chair Truby asked the next speaker to come forward and state their name and address for the record.

**Wanda Morehead, 1208 Ross Avenue, Greensboro, NC.** Ms. Morehead stated she has lived there for over 18 years. She is concerned about maintaining and preserving their community as it is. Neighbors United is the name of their community. They get together and know each other and come together to share. It's concerning to have a continuous flow of people that we don't know coming in and out. The subject property is directly across from her and she has observed people coming in and out, did not know it was going to the Board of Adjustment for consideration.

Ms. Morehead stated that there is one family care program on Benbow Road very close to where they are residing and another one on Dunbar Street. Her community will then be gravitated to this type of housing accommodation. She knows there is a need, however you don't want to put it all in the same community. Houses will start to depreciate over the years. When people come and want to buy your house, they want to know what's going on in this neighborhood. She stated people are not going to want to buy a house if they know that you have three different family care homes in your area. It is a very big concern for her.

These people are recovering from alcohol and/or drugs and there is concern over their access to acquire drugs. Currently, drugs are available on Ross Avenue and Martin Luther King Boulevard. They are not in a safe haven.

There is also a concern about Mr. Brown being the one in the house who will be transporting the gentlemen back and forth all day. There is a lot of concern, a lot of things going on that have yet to be worked out. Members of the community want to preserve the community as it is.

Chair Truby thanked the speaker. A new speaker was sworn in for testimony.

**Patrice Hinnant, 1102 Ross Avenue.** Ms. Hinnant grew up at 1011 Broad Avenue, about a block or so away. She did live on Benbow Road in the block contiguous with the block where the family group home. Ms. Hinnant discussed the history of the homes in the neighborhood.

To her knowledge, the family care home on Benbow Road is for older and sickly people. There are not young people running around in the yard or coming in or out. It was originally brought by a husband and wife who have since moved out into the county and no longer reside there. A second house on Pickett Street is across US 29, not in their neighborhood, and there is a definite divide between where that home is and where their homes are. She can say that because she was the co-founder of the Raymond Alexander Drug Treatment Court and was the first presiding Judge. Her mother served on the Board of Drug Action Council for about 20 years, and her family has invested in drug treatment.

Ms. Hinnant stated that most residents in the community are older. She is a retired Superior Court Judge and has sentenced a lot of people to prison for use and dealing of drugs. She spoke about the density of overgrowth, which is not against this person, but is to say that they are holding on to the quality of their neighborhood. They don't need any more transients or rentals that are insensitive to the quality of the neighborhood.

Ms. Hinnant mentioned some of the other residents living in the neighborhood. She discussed their professions and the various amenities and characteristics of the area homes.

The neighborhood is not against the concept of the family care home, but it is disingenuous to suggest the owner has bought the house assuming that the tenants appreciate the historical nature of the neighborhood and is asking the Board to consider the type of homes that are there already.

Ms. Hinnant told the Board that they don't need this house used as a family care home, don't want it and it's not fair to them as homeowners. She would tell Mr. Parker that the neighborhood does not appreciate that he uses it for this purpose. She has never met the tenants in the home. The community all know each other. They are not trying to be a part of the neighborhood. She hopes the Board considers the decision being made and strongly encourages the Board to vote no. Ms. Hinnant thanked Mr. Brown for what he does but asked him to please try to find someplace else. He is welcome to stay in the neighborhood to live but to not use the house for this purpose. It is a safe place and they want to keep it safe.

Chair Truby asked if there were any questions. There were no questions.

**Miltrine Jenkins Barden, 1301 Ross Avenue.** Ms. Barden said that everything has been said but she is standing there as the daughter of the architect, Mr. W.E. Jenkins, and that the house that they would like to use as a family care home, he designed. She lives in the house her father designed years ago and was raised there.

Ms. Barden stated they are thankful for those recovering from anything because everyone has problems. But that is not the place for it. She stated that she also speaks as the former President of Neighbors United. It is a nice neighborhood because the residents have worked hard. Their parents and grandparents before them worked hard to keep the community this way.

Chair Truby thanked the speaker and inquired if there was anyone else who wished to speak in opposition. No one came forward. Chair Truby asked if there were any questions. Chair Truby asked if there was rebuttal from the applicant. Mr. Kirkman replied that rebuttal is not officially built into the agenda, but would be if the Board has questions for any of the speakers.

Chair Truby inquired if the Board has any questions. Chair Truby stated the Board has heard all the evidence that they need to hear and requested a motion to close the public hearing.

Motion to close the public hearing by Mr. Waddell, second by Ms. Skenes. The board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

### **Discussion by Board**

Ms. Skenes stated that when the Land Development Ordinance was created, the spacing requirements were not pulled out of thin air. They were done for a reason, which was to preserve neighborhoods and make sure that these properties were not clustered. The second special exception request where there is 2,300 feet separation and it's on the other side of 29 is not a problem. Her memory was they have never approved properties only 412 feet apart from each other. It goes against what this ordinance is supposed to do to preserve and protect. She is in total agreement and has great admiration for what Mr. Brown is attempting to do. It is the wrong location because of the other group home that is already there. She is not in favor of granting this special exception.

Chair Truby stated he was on the Planning Board when the distances were closer, and he thought they approved increasing them because these homes were getting clustered in the same neighborhoods, mostly in eastern and southeastern Greensboro. He does not think it's fair. The other home is too close. He admires what Mr. Brown is doing and wishes there wasn't another home this close so he wouldn't have to be here requesting a special exception. He has been on this Board for five years and does not ever recall approving one that was this close to another one. He will be voting against it.

Ms. Bowers stated she was voting against it as well for the same reasons. She applauds Reverend Brown's efforts but it is not the right location. As previously stated, the reason for the proximity requirements to other group homes is done for a reason and it's just too close. She also understands the concerns of the occupants of the neighborhood that are there now and have been there for a long time. As much as they applaud his goals, she will be voting against it because of the proximity to the other homes and does not see the justification for ignoring the requirements of the ordinance.

Mr. Waddell stated the same for him. He is voting against it. He has a deep respect for the neighborhood as he grew up there, went to Dudley and now his daughter will be graduating from there. The home across the highway is only a few feet from being within the ordinance but the 412 feet is just too close. He also knows that the neighborhood is struggling to hold on to everything it can to preserve what they have.

Mr. Waddell read the motion sheet for BOA case 19-11 at 1207 Ross Avenue. The motion should either be to approve the special exception request, approve the special exception request with conditions, or deny the special exception request. He indicated that conclusions must be made for both approvals and denials.

Mr. Waddell made a motion that, based on the stated Findings of Fact, I move that the Zoning Enforcement Officer be upheld and the Special Exception denied based on the following:

1. The special exception is not within harmony of the general purposes and intent of the ordinance and does not preserve its spirit because the requested special exceptions 1 and 2 do not meet the 2,640 foot separation requirement.
2. The granting of the special exception does not assure the public safety and welfare and does not do substantial justice because the proposed property implicates the safety and public welfare of the residents due to not meeting the zoning requirements for a single-family dwelling.

Motion by Mr. Waddell, second by Ms. Skenes. Chair Truby made sure that everyone understood that a yes vote is voting against special exceptions 1 and 2 as stated in the motion by Mr. Waddell.

Board voted 7-0 in favor of the motion. (Ayes: Truby, Skenes, Waddell, Ramsey, Oliver, Necas, and Bowers. Nays; 0.)

Chair Truby advised the applicant he was sorry and the Board really likes what he is doing and hopes he can find another house.

#### **OTHER BUSINESS**

Mr. Kirkman advised staff has no other business.

#### **ACKNOWLEDGEMENT OF ABSENCES**

Ms. Blackstock is absent, with Ms. Bowers in her place.

#### **ADJOURNMENT**

The meeting was adjourned by Chair Truby at approximately 7:00 p.m.

Respectfully submitted,

Chuck Truby, Chair

Greensboro Board of Adjustment