MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
JANUARY 27, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, January 27, 2025, at 5:32 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Cory Randolph, Ted Oliver, Drew Wofford, Allen Jones, and Will Yearns. City staff present were Mike Kirkman, Shayna Thiel, and Andrew Nelson (Planning Department), and Brent Ducharme (Assistant City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Necas further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas went on to explain how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (December 9, 2024 Meeting)

Vice Chair Randolph made a motion to approve the December 9, 2024 minutes, seconded by Mr. Yearns.

The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Wofford, Jones, Yearns, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the minutes were approved unanimously.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

NEW BUSINESS

a. BOA-25-01: 1617 Roseland Street (APPROVED)

Ms. Thiel stated in BOA-25-01, Lemuel Cox requests two variances: (1) To allow proposed additions to encroach 8 feet into a required 26.5 foot front setback. The additions will be 18.5 feet from the front property line; and (2) To allow an existing house and proposed addition to encroach 0.4 feet into a required 5 foot side setback. The house and addition will be 4.6 feet from the side property line. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were Section 30-7-1.4(A)(1)(b): Where 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average setback that exists on the lots on either side of the subject lot; and Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum side setback is 5 feet.

Background and Site Information: The subject lot is located on the west side of Roseland Street, south of Macy Street, and is zoned R-5 (Residential Single-Family). Tax records indicate the lot contains approximately 7,405 square feet and the house was constructed in 1952. As shown on the submitted site

plan, the existing house is considered a nonconforming structure since it encroaches into the front setback and also into the southern side setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. Based on the average front setback calculation using 1609, 1615, 1701 and 1703 Roseland Street, the prevailing front setback for the subject property is 26.5 feet. The applicant proposes to construct two additions at the front of the house that, at their closest point, will encroach 8 feet into the required 26.5 front setback and be 18.5 feet from the front property line. Also, the proposed addition on the southern front side of the house will be aligned with the existing structure, and at its closest point, will encroach 0.4 feet into a required 5 foot side setback and be 4.6 feet from the side property line. If the variances are granted, the existing house, along with the proposed additions, will become conforming, and the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicant to provide his name/address for the record and swore in Lemuel Cox for his testimony.

Lemuel Cox, 1410-A West Lake Drive, stated that he seeks to upgrade the residence to make it more usable for family members with mobility issues, and the variance is necessary as the only reasonable location for the additions require the setback encroachment. He stated that he discussed his request with his neighbors and heard no opposition.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Mr. Wofford moved that in BOA-25-01, 1617 Roseland Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances 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 addition will not be allowed; (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 the position of the house on the property; (3) The hardship is not the result of the applicant's own actions because the house is over 70 years old; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserves its spirit and assures public safety, welfare and substantial justice because no harm will be caused by the addition. Mr. Oliver seconded the motion.

The Board voted 6-0 in favor of the motion (Ayes: Oliver, Wofford, Jones, Yearns, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting was adjourned at 5:44 p.m.

Respectfully submitted,

Leah Necas, Chair

Greensboro Board of Adjustment

LN/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
FEBRUARY 24, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, February 2, 2025, at 5:35 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Cory Randolph, Ted Oliver, Tifanie Rudd, Drew Wofford, Allen Jones, and Will Yearns. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Associate City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Necas further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas went on to explain how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (January 27, 2025 Meeting)

Vice Chair Randolph made a motion to approve the January 27, 2025 minutes, seconded by Mr. Jones.

The Board voted 6-0-1 in favor of the motion, (Ayes: Oliver, Wofford, Jones, Yearns, Vice Chair Randolph, Chair Necas; Nays: None; Abstention: Rudd). Chair Necas advised the minutes were approved.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

Ms. Thiel noted BOA-25-02 at 1906 White Street and BOA-25-05 at 802-A North Josephine Boyd Street have been withdrawn.

NEW BUSINESS

a. BOA-25-04: 1915 Granville Road (APPROVED)

Ms. Thiel stated in BOA-25-04, Elliott and Stephanie Jones request a variance to allow a proposed house to encroach 8.25 feet into a required 60 foot front setback. The house will be 51.75 feet from the front property line. Evidence provided by the applicant included Exhibits A through E. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-1.4(A)(1)(b): Where 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average setback that exists on the lots on either side of the subject lot.

Background and Site Information: The subject lot is located on the west side of Granville Road, south of Saint Andrews Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the vacant lot contains approximately 17,860 square feet. The applicants propose to construct a single-family house with a footprint of 3,728 square feet, along with a detached garage, swimming pool and sport court, on

the vacant lot. Based on the average front setback calculation using 1805, 1913, 1917 and 1919 Granville Road, the prevailing front setback for the subject property is 60 feet. The proposed house will encroach 8.25 feet into the required 60 foot front setback and will be 51.75 feet from the front property line. The submitted site plan shows the proposed house to also include a 50 square foot covered front porch. Per the Land Development Ordinance, open air / covered porches are allowed to encroach up to 10 feet into a required front setback. If the variance is granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicant to provide his name/address for the record and swore in Elliott Jones for his testimony.

Elliott Jones, 1915 Granville Road, stated that the lot is uniquely shaped and narrow compared to adjacent parcels, and they require the variance to build a home that fits the character of the neighborhood.

Chair Necas asked how the front porch fit in to the variance request. Mr. Jones stated that it was essentially a covered stoop and not a significant porch. Mr. Kirkman stated that the proposed porch area is not part of the dimension requested in the variance as the LDO permits an open air/covered porch to encroach into a front setback.

Mr. Oliver stated that the adjacent lots have more consistent sizes, which supports the variance request.

Vice Chair Randolph asked if the applicant had considered an attached versus detached garage, and if that would have prevented the need for a variance. Mr. Kirkman stated that it would have created a separate issue regarding the rear setback if the garage was attached.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Mr. Oliver moved that in BOA-25-04, 1915 Granville Road, based on the stated Findings of Fact, 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 applicant will not be able to build their desired home even though a home next door and other neighboring homes have the same setback as the applicants' request; (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 the 60-foot setback is the result of an averaging method that harms the applicant, two neighboring homes are further back while others are about the same distance from the road as the applicants; (3) The hardship is not the result of the applicant's own actions because the two neighboring homes have much deeper lots, causing the average to not be the same setback as neighboring homes; (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 by granting this variance, the applicants' home setback will be the same as neighboring homes. Vice Chair Randolph seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

Chair Necas advised the Board to break at 5:50 p.m. awaiting the arrival of counsel for item BOA-25-03, and the meeting resumed at 5:57 p.m.

b. BOA-25-03: 5 Benjamin Court (APPROVED)

Ms. Thiel stated in BOA-25-03, Ellen Kavanagh requests a variance to allow a proposed addition to encroach 9.5 feet into a required 20 foot street setback. The addition will be 10.5 feet from the property line along Woodpine Drive. Evidence provided by the applicant included Exhibits A through C. Supporting

documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-5 District, the minimum street setback is 20 feet.

Background and Site Information: The subject lot is located on the north side of Benjamin Court, west of Bethany Drive, and is zoned R-5 (Residential Single-Family). Survey records indicate the cul-de-sac lot contains approximately 9,678 square feet, and the house was constructed in 2023. The subject lot is considered a through lot since it fronts on two streets that do not intersect at the corner of the lot. As such, a through lot has two street setbacks, but no rear setback. The applicant proposes to create a covered porch over an existing 339 square foot patio at the back of the house. The existing at-grade patio can encroach into a required setback. However, if covered by a roof and supports, it must meet R-5 setback requirements. The proposed covered porch will encroach 9.5 feet into a required 20 foot street setback and be 10.5 feet from the property line along Woodpine Drive. If the variance is granted, the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicant to provide her name/address for the record.

Catherine Stalker, 445 Dolley Madison Road, Suite 200, attorney for applicant, stated that the neighborhood is newly constructed, and the applicant wishes to cover the existing uncovered patio. The proposed addition will not intrude on the use of any neighbors' property. The encroachment is not significant, and it is only extant due to the lot being considered a through lot. Ms. Stalker stated that the right-of-way at the rear property line will not be impacted, and that the applicant has conducted neighborhood outreach and heard no opposition to the request.

David Stone, 2904 Lawndale Drive, stated that he was the builder of the home and developer of the community and noted that adjacent neighbors to the north have expressed no opposition to the request.

Mr. Oliver asked if the variance would have been required if built originally with a covered patio, and Mr. Kirkman stated it would require the same variance.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Vice Chair Randolph moved that in BOA-25-03, 5 Benjamin Court, based on the stated Findings of Fact, 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 applicant will not be able to cover her back patio to protect her from the weather elements that will contribute to a loss of her enjoyment and use of 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 the property is located on a cul-de-sac which causes a unique rear property line that is uneven from east to west which causes greater distance on one side of the property versus the other side of the property which is in question for the variance, additionally the gravel road that exists behind the property is the result of another property owner; (3) The hardship is not the result of the applicant's own actions because the conditions of the property existed prior to the home's ownership as a result of the plat of the existing neighborhood and the gravel road was in place prior to the homeowners' ownership of the property; (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 by granting the variance, the homeowner will be protected from the weather elements and will be able to utilize her property, there's no concerns of safety or welfare to her neighbors on either side, and the property will be in line with the existing homes in the neighborhood. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Leah Necas, Chair
Greensboro Board of Adjustment
LN/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
MARCH 24, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, March 24, 2025, at 5:36 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Cory Randolph, Ted Oliver, Tifanie Rudd, Allen Jones, Will Yearns, and Deborah Bowers. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Associate City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Necas further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas went on to explain how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (February 24, 2025 Meeting)

Vice Chair Randolph made a motion to approve the February 24, 2025 minutes, seconded by Ms. Rudd.

The Board voted 6-0-1 in favor of the motion, (Ayes: Oliver, Rudd, Yearns, Jones, Vice Chair Randolph, Chair Necas; Nays: None; Abstention: Bowers). Chair Necas advised the minutes were approved.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

Chair Necas moved that the Board hear request BOA-25-10 after the first agenda item, seconded by Mr. Oliver. The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

NEW BUSINESS

a. BOA-25-06: 11 Spring Oak Court (APPROVED)

Ms. Thiel stated in BOA-25-06, Thomas and Sharon Cook request a variance to allow a proposed addition to encroach 16 feet into a required 30 foot rear setback. The addition will be 14 feet from the rear property line. Evidence provided by the applicant included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum rear setback is 30 feet.

Background and Site Information: The subject lot is located on the north side of Spring Oak Court, south of Country Woods Lane, and is zoned R-3 (Residential Single-Family). Tax records indicate the cul-de-sac lot contains approximately 12,197 square feet and the house was constructed in 1987. As shown on the submitted site plan, the existing house is considered a nonconforming structure since it encroaches into the rear setback. The Land Development Ordinance states that any enlargement of a

nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to cover an existing deck at the back of the house that will encroach 16 feet into a required 30 foot rear setback and be 14 feet from the rear property line. If the variance is granted, the existing house, along with the proposed covered deck, will become conforming, and the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicants to provide their name and address for the record and swore in Thomas and Sharon Cook for their testimony.

Thomas Cook, 11 Spring Oak Court, stated that the existing deck on the property gets too hot to use in the summer, and the variance is necessary to cover it so his family can make better use of their property.

Chair Necas asked about whether covering the deck would cause obstruction for neighbors.

Sharon Cook, 11 Spring Oak Court, stated that the slope of the property and the addition being below the existing roofline would make it not visible from adjacent properties. They are seeking to cover the existing deck and are not expanding it.

Mr. Yearns asked about the removal of trees, and Ms. Cook stated that they cannot afford to remove any trees and do not need to do so for this proposal.

Vice Chair Randolph asked about how property frontage is measured on cul-de-sac properties, such as the subject property. Mr. Kirkman stated that setbacks are measured from the closest point of the structure to the closest applicable property line.

Ms. Cook stated that the property has a very shallow back yard.

Chair Necas stated that neighboring properties also appear to have larger back yards.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph stated that the testimony by the applicants supports the request as reasonable.

Chair Necas stated the property appears to be pre-existing nonconforming, contributing to the need for the variance.

MOTION

Chair Necas moved that in BOA-25-06, 11 Spring Oak Court, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the house, built in 1987, is a nonconforming structure and would not allow the owners to cover their deck as needed to fully utilize the space year-round; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the house is on a cul-de-sac and has an irregular lot geometry such that the house is sited towards the rear of the property, limiting building possibilities; (3) The hardship is not the result of the applicants' own actions because the house, built in 1987, is nonconforming as built by prior owners; (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 it will not harm neighbors' views or lots and it will allow for increased used of the space year-round by the owners. Vice Chair Randolph seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

b. BOA-25-10: 817 North Eugene Street (APPROVED)

Ms. Thiel stated in BOA-25-10, Michael and Eric Fuko-Rizzo request two variances: (1) to allow a proposed swimming pool to be located in front of the principal structure (when viewed from a road or street); and (2) to allow a proposed fence located within 15 feet of a street right-of-way to exceed the maximum 4 foot height allowed by 2 feet. Evidence provided by the applicant included Exhibits A through D. Supporting documentation from staff included Exhibits 1 through 6. The Land Development Ordinance references were Section 30-8-11.9(C)(1): Swimming pools (as well as the decking and equipment associated with the pool) and interactive water features that are located on single-family lots that are less than one acre in area must be located behind the principal structure (when viewed from a road or street); and Section 30-9-4.6(A): No fence or wall may exceed 4 feet in height within 15 feet of any public or private street right-of-way.

Background and Site Information: The subject lot is located on the west side of North Eugene Street, south of Cleveland Street, and is zoned R-5 (Residential Single-Family). Tax records indicate the corner lot contains approximately 8,712 square feet and the house was constructed in 1937. The applicants propose to install a swimming pool in the back yard behind the existing house that will meet setback and separation requirements. The subject property is a corner lot, so there is also a side street setback measured from the property line that runs along Cleveland Street. Since the corner lot has two road/street frontages, the proposed swimming pool, even though technically located behind the house, will be located in front of a principal structure when viewed from Cleveland Street. The applicants also propose to erect a 6-foot privacy fence along the side property line to screen the back yard from Cleveland Street. Because the fence will be located within 15 feet of the street right-of-way along Cleveland Street, a variance is necessary to allow the fence to exceed the maximum 4 foot height by 2 feet. The Board of Adjustment granted these two variances at its meeting on March 27, 2023, but since construction or installation of the pool and fence did not begin within 12 months of that date, the variances became void. The applicants are seeking new variances at this time, and if the variances are granted, will proceed with the residential building permit process for the swimming pool and install the fence.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable historic district and overlay.

Chair Necas asked the applicant to provide his name and address for the record and swore in Michael Fuko-Rizzo for his testimony.

Michael Fuko-Rizzo, 301 Fisher Park Circle, stated that they are re-applying for the same variances previously granted due to a delay in applying for a building permit that caused the prior variances to expire. The property is a corner lot and the pool, which is only practical in the location proposed, would be slightly visible from Cleveland Street. The proposed fence will block view of the pool.

Mr. Oliver asked about the size of the pool, and Mr. Fuko-Rizzo stated it was a smaller 12 foot by 24 foot plunge pool that isn't particularly deep and serves decorative purposes, as well.

Ms. Bowers asked if the previous variance granted included specifications on the fence, and Mr. Fuko-Rizzo stated that was correct, and that nonconformities regarding encroachment were cured previously.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph stated the property does not have a standard back yard and the applicant has taken measures to address any safety and privacy concerns associated with the requested variances.

Ms. Bowers stated that there has not been testimony indicating any change in the conditions associated with the request such that the Board should not re-approve the variances.

MOTION

Mr. Yearns moved that in BOA-25-10, 817 North Eugene Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the subject property is a corner lot with two road frontages, strict application of the ordinance would prevent the installation of a swimming pool and six foot fence, and an otherwise reasonable and functional back yard; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the subject property is a corner lot where both the front and side street setback requirements impact the placement of swimming pools and fences, this is a condition does not affect interior lots; (3) The hardship is not the result of the applicants' own actions because the hardship arises due to existing lot configurations and zoning regulations rather than any action or choice made by the applicant; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the variances allow for reasonable use of the property while maintaining the character of the neighborhood, the proposed fence providing privacy while still allowing visibility along the street, and the swimming pool's location does not interfere with public safety. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

c. BOA-25-07: 2302 Creekwood Drive (APPROVED)

Ms. Thiel stated in BOA-25-07, Elobeid Elobeid and Ghada Mohammed request two variances: (1) to allow a proposed addition to encroach 15 feet into a required 39 foot front setback. The addition will be 24 feet from the front property line; and (2) to allow a proposed addition to encroach 3 feet into a required 10 foot side setback. The addition will be 7 feet from the side property line. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were Section 30-7-1.4(A)(1)(b): Where 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average setback that exists on the lots on either side of the subject lot; and Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum side setback is 10 feet.

Background and Site Information: The subject lot is located on the west side of Creekwood Drive, north of Bracyridge Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 12,895 square feet, and the house was constructed in 1989. Based on the average front setback calculation using only 2300 Creekwood Drive, the prevailing front setback for the subject property is 39 feet. The applicants propose to construct an addition at the front of the house, containing a bathroom and sunroom, which encroaches 15 feet into the required 39 front setback and would be 24 feet from the front property line. The proposed addition will also encroach 3 feet into a required 10 foot side setback and will be 7 feet from the side property line. The Board of Adjustment granted a variance for a smaller addition at its meeting on February 27, 2017, but since construction did not begin within 12 months of that date, that variance became void. The applicants are seeking new variances at this time, and if the variances are granted, will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicant to provide his name and address for the record.

Elobeid Elobeid, 2302 Creekwood Drive, stated that the variance requests were to facilitate an expansion to the home, and the location proposed is the only reasonable place to complete the addition. He had previously received a variance but could not secure funds to begin construction and thus the prior variance expired.

Chair Necas asked about the dimensional changes in this variance request versus the previous. Mr. Elobeid stated he was asking for an additional foot encroachment into the front setback to address construction concerns.

Vice Chair Randolph asked about the difficulty in expanding the residence into the back yard. Mr. Elobeid stated that the rear of the property slopes toward the house, and water drainage would be directed toward the house. He stated that he spoke to adjacent neighbors and did not hear opposition to the request.

Chair Necas asked if the applicant's property was unique in its proximity to the adjacent drainageway, and Mr. Elobeid stated that was correct.

Mr. Oliver asked about the front setback average clause in the Land Development Ordinance. Mr. Kirkman stated that the controlling front setback was the neighboring property due to it being the only adjacent single-family residential property.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Ms. Rudd stated that the requested side setback was very small. Mr. Kirkman stated that the variance as requested did not encroach on the structure separation required by State Fire Code requirements.

Vice Chair Randolph asked if the separation was from property line or an adjacent structure, and Mr. Kirkman stated that it was to the property line.

Mr. Yearns stated that the side yard setback would not require a variance if the property was zoned R-5 or R-7, and noted that without the average front setback computation, the property would effectively be within zoning standards.

MOTION

Vice Chair Randolph moved that in BOA-25-07, 2302 Creekwood Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicant will be prohibited from expanding the residence to meet the useful needs of the residence for his family; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the most reasonable location for the addition would be on the side of the property because the rear of the property is a prohibited building site due to the sloped grading in the rear location of the property and on the opposite side there's already an existing driveway which doesn't meet the applicants' need for the expansion to a sunroom and a bathroom; (3) The hardship is not the result of the applicants' own actions because the home was built in 1979 and the conditions of the property existed prior to the applicants' home ownership and the front setback is the result of the adjoining property's setback measurements; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the addition of the sunroom and bathroom will improve the utility of the residence, the front setback is substantially similar to the adjacent property, and there are no public safety or welfare concerns because the property will be located in an area that is still substantially from the front and side setbacks. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

d. BOA-25-08: 3530 Charing Cross Road (APPROVED)

Ms. Thiel stated in BOA-25-08, Tobiloba Fawole and Triad 1 Development LLC request two variances: (1) to allow a proposed house to encroach 3.49 feet into a required 31.6 foot front setback. The house will be 28.11 feet from the front property line; and (2) To allow a proposed house to encroach 29.18 feet into a required 35 foot thoroughfare setback. The house will be 5.82 feet from the property line along I-

840. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance references were Section 30-7 1.4(A)(1)(b): Where 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average setback that exists on the lots on either side of the subject lot; and Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum thoroughfare setback is 35 feet.

Background and Site Information: The subject lot is located on the north side of Charing Cross Road, east of Cotswold Terrace, and is zoned R-3 (Residential Single-Family). Survey records indicate the vacant lot contains approximately 6,236 square feet. The current property owner and applicant are within the due diligence period of a purchase/sale agreement for the subject property, and the applicant wishes to construct a single-family house with a footprint of 728 square feet on it. Based on the average front setback calculation using 3526, 3528, 3532 and 3534 Charing Cross Road, the prevailing front setback for the subject property is 31.6 feet. The proposed house will encroach 3.49 feet into a required 31.6 foot front setback and will be 28.11 feet from the front property line. The proposed house will also encroach 29.18 feet into a required 35 foot thoroughfare setback and will be 5.82 feet from the property line along I-840. The submitted site plan shows the proposed house to also include a 132 square foot covered front porch. Per the Land Development Ordinance, open air / covered porches are allowed to encroach up to 10 feet into a required front setback. The applicant is seeking variances to address these issues, and if they are granted, will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicant to provide his name and address for the record.

Nick Blackwood, 804 Green Valley Road, attorney for the applicants, stated that the subject property was originally platted in 1970 to be much larger and had a single-family home as late as 2014, but its current configuration was established by State Department of Transportation right-of-way acquisition to facilitate the completion of the Greensboro Urban Loop's Interstate 840 segment. He stated that the property as currently configured unbuildable absent a variance approval. He stated that the applicant sent letters to neighbors in the area and did not receive negative feedback regarding the request.

Mr. Oliver asked about the distance between the rear property line and the highway itself, and Mr. Blackwood stated there was a significant distance including a large sound wall between the Interstate and the property. Mr. Oliver asked about other properties on Charing Cross Road which had recently been considered by the Board, and Mr. Kirkman stated that the Board has recently approved setback variances for two properties to the east.

Mr. Yearns asked if the front yard setback calculation used the proposed setbacks of the properties to the east, and Ms. Thiel stated that as there were no occupied structures, they had not; only the standard zoning district setbacks. Mr. Yearns asked about what the front yard setback would be if the eastern properties were complete, and Mr. Blackwood stated they are meeting the average setback of the two homes to the west of the subject property and the standard zoning district 25 foot front setback for the others.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Chair Necas stated that subject property was larger than the properties in previously approved requests and it would otherwise not have a productive use without the variances.

Vice Chair Randolph stated that granting the variances would support the intent of the Ordinance.

MOTION

Mr. Oliver moved that in BOA-25-08, 3530 Charing Cross Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the home the applicants want to build cannot be built on this lot unless the variance is granted; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because a Scenic Corridor Overlay from I-840 is at the rear of the property, this created an oddly shaped lot, the averaging setback method disadvantages the lot because of the shallow depth; (3) The hardship is not the result of the applicants' own actions because the lot's shape was created from the construction of I-840 to the rear of the lot; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because there are not and cannot be other homes on the rear of the lot, there is reason to enforce the rear setback, no harm will result to public safety or welfare, also a wall and land are between the lot and the highway. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

e. BOA-25-09: 12 Regal Court (APPROVED)

Ms. Thiel stated in BOA-25-09, Cheryl Hoffman requests a variance to allow a proposed addition to encroach 25 feet into a required 30 foot rear setback. The addition will be 5 feet from the rear property line. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum rear setback is 30 feet.

Background and Site Information: The subject lot is located on the east side of Regal Court, north of Hobbs Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the cul-de-sac lot contains approximately 9,583 square feet and the house was constructed in 1997. The Land Development Ordinance allows a rear setback of a conventional single-family lot to be administratively reduced to 15 feet when it abuts dedicated open space or common area of at least 30 feet in width. As shown on the submitted site plan, the existing house with uncovered rear deck is considered a nonconforming structure since it encroaches into the rear setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicant proposes to convert the existing deck at the back of the house into a screened porch, which will increase the area under roof, and be considered an enlargement of the structure. Because the structure cannot meet the rear setback, even with the allowance provided by the LDO, a variance from the standard R-3 rear setback is required. The screened porch will encroach 25 feet into a required 30 foot rear setback and be 5 feet from the rear property line. If the variance is granted, the existing house and proposed addition will become conforming, and the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicant to provide her name and address for the record and swore in Cheryl Hoffman for her testimony.

Cheryl Hoffman, 12 Regal Court, stated that she wishes to screen in a pre-existing deck, and the variance is necessary to do so.

Mr. Oliver asked if the applicant was adding to the deck, and Ms. Hoffman stated she was not, and that there was a ravine in the rear of the property.

Vice Chair Randolph asked when the original deck was built, and Ms. Hoffman stated that the deck was originally built with the home in 1996.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph noted that this was one of many cul-de-sac cases before the Board and stated that the City may wish to consider how the LDO's provisions apply to such properties. Mr. Kirkman stated that the Ordinance allows for an administrative remedy to minor encroachments, but the needed distance in this case required the variance request.

MOTION

Ms. Bowers moved that in BOA-25-09, 12 Regal Court, based on the stated Findings of Fact, 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 covering the existing deck would not be possible and the deck was already in place at the time the property was purchased; (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 the placement of the house and the deck close to the rear property line makes it difficult for the applicant to fully utilize the property's deck without the variance; (3) The hardship is not the result of the applicant's own actions because the house and the deck were already located on the lot close to the rear setback at the time the applicant purchased the property; (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 deck is already in place so the footprint will not change and the deck covering will enhance the house's value and that of the neighborhood, no neighbors object, and there are woods behind the house. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

f. BOA-25-11: 1505 Gorrell Street (APPROVED)

Ms. Thiel stated in BOA-25-11, Javier Saldana and Josefina Vaquera request a variance to allow the lot width of a proposed (recombined) lot to be 37.61 feet when at least 50 feet is required. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references was Section 30-7-3.2 – Table 7-3: In the R-7 District, the minimum lot width is 50 feet.

Background and Site Information: The subject lot, containing houses addressed as 1505 and 1507 Gorrell Street, is located on the north side of Gorrell Street, west of South O'Henry Boulevard, and is currently zoned R-5 (Residential Single-Family). Tax records indicate the subject lot contains approximately 10,890 square feet, and both houses were constructed in 1940. Per the Land Development Ordinance, only one single-family dwelling is allowed to be constructed on a lot in R- Districts. Because two houses are on the subject lot, they are considered nonconforming. To bring the houses into compliance, the applicants propose to subdivide the parcel into two smaller lots to allow each house to be on a separate lot. As a first step, the applicants requested to rezone the property from R-5 to R-7 to allow for reduced minimum lot sizes. The rezoning request was approved by the Planning & Zoning Commission at its meeting on March 17, 2025, and is still within the appeal period on the date of the Board of Adjustment meeting. The lot width of the proposed (recombined) lot at 1505 Gorrell Street will be 37.61 feet when at least 50 feet is required. At this time, the applicants seek a variance to address the minimum lot width requirement deficiency. If the variance is granted, subject to the successful rezoning, the applicants will proceed with the subdivision process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked about the outcome of the public hearing for the subject properties at the Planning and Zoning Commission, and Mr. Kirkman confirmed those requests were approved without opposition expressed but the action was still under the 10-day appeal period.

Bowers asked about the subject property's conformity status given its construction in 1940. Mr. Kirkman stated that the properties have historic nonconforming use status, but creating new lots requires curing the existing nonconformities, thus the variance requests.

Chair Necas asked the applicant to provide his name and address for the record and swore in Javier Saldana for his testimony.

Javier Saldana, 1505 Gorrell Street, stated that he and the other owner of the property wish to establish separate lots, and they cannot get proper insurance on the property due to the nonconformity. They are requesting the variance to subdivide the properties into two legally conforming lots.

Chair Necas asked to confirm that Mr. Saldana and Ms. Vaquera seek to eventually establish individual separated ownership of the subsequent parcels, and Mr. Saldana stated that was correct.

Vice Chair Randolph asked about the subject property deed indicating separate addresses, and Mr. Kirkman stated that the current deed would be superseded by future deeds after successful subdivision.

Chair Necas asked about insurance on the subject property, and Mr. Saldana stated they could not obtain homeowners' insurance because of the nonconforming status of the property.

Ms. Guarascio confirmed that Ms. Vaquera was not present at the hearing. Vice Chair Randolph asked if the Board could hear the requests without Ms. Vaquera being present. Ms. Guarascio stated that she was inclined to have the other property owner be present, and there may be a question about standing.

Ms. Thiel stated that the property is still one property containing two houses, and that both Mr. Saldana and Ms. Vaquera have a common interest in the subject property, with both owners signing both applications.

Vice Chair Randolph stated that the Board would be granting variances on the property with the understanding that it would be subsequently subdivided and separated into individual ownership, and that posed a question whether Ms. Vaquera's presence was necessary.

Mr. Oliver asked if the Board would need to hear the requests even with final action by the Planning and Zoning Commission, and Mr. Kirkman stated that the subject property would still require variance to create conforming lots.

Chair Necas asked if the Board could hear this request and continue the second request for the other potential property, and if Counsel was advising to wait to hear this request. Ms. Guarascio stated she advised that there may be a separate property interest involved.

Ms. Thiel stated that subdivision would not change the ownership interest in the property without further recordation of deeds.

Guarascio stated that past practice of the Board has not required the presence of all property owners of a multi-owner property, but it is up to the Board's discretion to do so and also to request a continuance.

Mr. Oliver stated that the applicant is unable to obtain insurance on the property due to the nonconformity and that he does not support continuance.

Mr. Yearns stated that Ms. Vaquera signed both variance applications.

Ms. Rudd asked if the signature of the co-applicant is sufficient. Mr. Kirkman stated that the general rule as the Board has applied is that the owner of the property be present in support of a variance request.

Mr. Kirkman stated that both applicants own the subject property and will share joint ownership of a subdivided property unless deeded appropriately.

Ms. Rudd stated she is not comfortable proceeding without the second owner, Ms. Vaquera, present.

Ms. Guarascio stated that the Board has discretion to consider evidence and attribute whatever weight it sees fit to such evidence.

Ms. Bowers stated that the Board is not removing or reducing rights from the other property owner and she is comfortable proceeding with the request.

Vice Chair Randolph concurred and stated that Mr. Saldana testified that both owners would own the property after subdivision.

Mr. Saldana stated that both owners will own the subdivided property, and that they are concerned about the potential for property damage and wish to insure the property. They purchased the property without knowing it was unable to be insured.

Mr. Jones asked if the applicant intended to keep the homes as they are, and Mr. Saldana stated that was correct.

Vice Chair Randolph asked if there was any opposition to the rezoning request, and Mr. Kirkman stated there was not.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Mr. Jones stated the nonconforming situation was fairly clear-cut and the request was reasonable given the existing homes and inability to meet the current Ordinance's width requirement.

Vice Chair Randolph stated that the request is reasonable, as compliance would require demolishing one of the homes and the property would potentially still need one or more variances for setbacks.

MOTION

Mr. Jones moved that in BOA-25-11, 1505 Gorrell Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicants will not be able to subdivide the existing lot into two separate parcels for each of the individual homes in question, allowing for separate ownership and separate insurance; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the house in question is currently nonconforming and it is not possible for 2 50 foot loots, given the dimensions of the single lot currently in place which is roughly 76 feet; (3) The hardship is not the result of the applicants' own actions because the houses were constructed prior to the applicants' purchase and they were also constructed prior to the City adopting the Ordinance in question; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it is the most reasonable plan to bring the houses into compliance, the homes are already in place and will not affect the surrounding owners. Vice Chair Randolph seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

a. BOA-25-12: 1507 Gorrell Street (APPROVED)

Ms. Thiel stated in BOA-25-11, Javier Saldana and Josefina Vaquera request two variances: (1) to allow the lot width of a proposed (recombined) lot to be 39.11 feet when at least 50 feet is required; and (2) to allow an existing house to encroach 1.03 feet into a required 5 foot side setback. The house is 3.97 feet from an existing side property line. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were Section 30-7-3.2 – Table 7-3: In the R-7 District, the minimum lot width is 50 feet and the minimum side setback is 5 feet; and Section 30-7-3.2 – Table 7-3: In the R-7 District, the minimum lot width is 50 feet.

Background and Site Information: The subject lot, containing houses addressed as 1505 and 1507 Gorrell Street, is located on the north side of Gorrell Street, west of South O'Henry Boulevard, and is currently zoned R-5 (Residential Single-Family). Tax records indicate the subject lot contains approximately 10,890 square feet, and both houses were constructed in 1940. Per the Land Development Ordinance, only one single-family dwelling is allowed to be constructed on a lot in R- Districts. Because two houses are on the subject lot, they are considered nonconforming. To bring the houses into compliance, the applicants propose to subdivide the parcel into two smaller ones to allow each house to be on a separate lot. As a first step, the applicants requested to rezone the property from R-5 to R-7 to allow for reduced minimum lot sizes. The rezoning request was approved by the Planning & Zoning Commission at its meeting on March 17, 2025, and is still within the appeal period on the date of the Board of Adjustment meeting. The lot width of the proposed (recombined) lot at 1507 Gorrell Street will be 39.11 feet when at least 50 feet is required. The submitted site plan also shows the existing house addressed as 1507 Gorrell Street to encroach 1.03 feet into a required 5 foot side setback and is 3.97 feet from the eastern side property line. At this time, the applicants seek variances to address the minimum lot width and minimum side setback requirement deficiencies. If the variances are granted, subject to the successful rezoning, the applicants will proceed with the subdivision process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicant to provide his name and address for the record and swore in Javier Saldana for his testimony.

Javier Saldana, 1505 Gorrell Street, stated that the first variance was similar to the previous request and the second variance was to address the position of the house.

Mr. Yearns asked if the Board needed to reference any material on the record from case BOA-25-11, and Ms. Guarascio stated that the Board should reference that case if it uses any such testimony or evidence in consideration of this request.

Chair Necas stated that the applicant testified in BOA-25-11 that the property owners are unable to obtain homeowners' insurance on the subject property due to its nonconforming status and the variance requests would permit subdivision that cures the nonconformity.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Mr. Jones moved that in BOA-25-11, 1507 Gorrell Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicant will not be able to subdivide the parcel for separate ownership and insurance for the two different existing homes; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the existing houses which currently share a single lot were developed prior to the City adopting the Ordinance in question; (3) The hardship is not the result of the applicants' own actions because the houses were developed in the 1940s prior to the applicants' purchase in 2022 and are currently nonconforming; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the purpose is to correct a currently nonconforming matter in a reasonable manner and no physical changes are planned for the homes. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Yearns, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OTHER BUSINESS

Chair Necas acknowledged Mr. Wofford's absence.

ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Leah Necas, Chair
Greensboro Board of Adjustment
LN/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
APRIL 28, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, April 28, 2025, at 5:37 p.m. in-person in the City Council Chamber. Board members present were: Vice Chair Cory Randolph, Ted Oliver, Tifanie Rudd, Drew Wofford, Allen Jones, Will Yearns, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Brent Ducharme (Assistant City Attorney).

Vice Chair Randolph welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Vice Chair Randolph further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Vice Chair Randolph advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Vice Chair Randolph then explained how the Board would make its decision and votes, based on findings of fact and other factors, and he explained how to appeal decisions.

Vice Chair Randolph advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (March 24, 2025 Meeting)

Ms. Rudd made a motion to approve the March 24, 2025 minutes, seconded by Mr. Yearns.

The Board voted 5-0-1 in favor of the motion, (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Vice Chair Randolph; Nays: None; Abstention: Barkdull). Vice Chair Randolph advised the minutes were approved.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

NEW BUSINESS

a. BOA-25-13: 224 South Tremont Drive (APPROVED)

Ms. Thiel stated in BOA-25-13, Wallis and Kristen Collie request a variance to allow a proposed expanded principal structure to encroach 10.9 feet into a required 20 foot rear setback. The expanded principal structure will be 9.1 feet from the rear property line. Evidence provided by the applicant included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum rear setback is 20 feet.

Background and Site Information: The subject lot is located on the west side of South Tremont Drive, north of Wright Avenue, and is zoned R-5 (Residential Single-Family). Tax records indicate the corner lot contains approximately 8,712 square feet, and the house was constructed in 1925. The applicants propose to construct an addition containing a family/dining area, mudroom and covered porch that will connect their existing house to their existing garage. As they currently exist, the house and garage meet the principal and accessory structure setback requirements, respectively. By connecting the existing garage to the existing house, it becomes part of the principal structure and is subject to the R-5

dimensional standards. The applicants also propose to enlarge the footprint of the existing garage and add a second story that will include a guest bedroom, bathroom, bonus living room and possibly kitchenette. Because the resulting connected structure is only 9.1 feet from the rear property line, a variance is necessary to allow for a 10.9 foot encroachment into a required 20 foot rear setback. The Board of Adjustment granted a variance for an earlier version of this project at its meeting on January 24, 2022, but since construction did not begin within 12 months of that date, the variance became void. The applicants are seeking a new variance at this time, and if the variance is granted, will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable historic district.

Vice Chair Randolph asked the applicants to provide their name and address for the record and swore in Kristen Collie for her testimony.

Kristen Collie, 224 South Tremont Drive, stated that their vehicles did not fit in the previous garage, leading to their expansion. She stated that they are not increasing encroachment with the existing setback, just connecting the detached accessory structure to the principal dwelling thus requiring the variance.

Mr. Oliver asked if any elements of the request varied from the previous request in 2022, and Ms. Collie stated that they did not change the footprint.

Mr. Yearns asked if the existing detached garage was nonconforming, and Ms. Thiel stated that it is not.

Ms. Rudd stated that the subject property is dimensionally challenged and that she can support the variance.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

MOTION

Ms. Rudd moved that in BOA-25-13, 224 South Tremont Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the way that the pre-existing home was structured will ensure that rear and side setbacks will not be impacted with the construction work needed to be done; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the separation requirement would prevent connection of the addition; (3) The hardship is not the result of the applicants' own actions because the home was constructed prior to contemporary needs; (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 impact on the subject property would be in line with other homes in the area. Mr. Oliver seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Barkdull, Vice Chair Randolph; Nays: None) Vice Chair Randolph advised the motion passed unanimously.

b. BOA-25-14: 1105 Buckingham Road (APPROVED)

Ms. Thiel stated in BOA-25-14, Fred Millard and Michelle Deegan requests a variance to allow an existing house and proposed addition to encroach 2.2 feet into a required 10 foot side setback. The house and addition will be 7.8 feet from the side property line. Evidence provided by the applicant included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 0-7-3.2 – Table 7-2: In the R-3 District, the minimum side setback is 10 feet.

Background and Site Information: The subject lot is located on the south side of Buckingham Road, west of Cleburne Street, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot

contains approximately 15,230 square feet, and the house was constructed in 1958. As shown on the submitted site plan, the existing house is considered a nonconforming structure since it encroaches into the side setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to construct a 325 square foot rear addition that will align with the side of the house, encroach 2.2feet into a required 10 foot side setback and be 7.8 feet from the side property line. If the variance is granted, the existing house, along with the proposed addition, will become conforming, and the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Vice Chair Randolph asked the applicant to provide her name and address for the record and swore in Fred Millard and Michelle Deegan for their testimony.

Fred Millard, 1105 Buckingham Road, stated that following the line of the existing house for their proposed extension requires the variance request. He stated that neighboring properties have different setbacks which would not require a variance for the same improvement.

Mr. Oliver asked to confirm that the applicants sought to remove an existing accessory structure to clear space for the proposed addition, and **Michelle Deegan, 1105 Buckingham Road**, stated that was correct.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

MOTION

Mr. Oliver moved that in BOA-25-14, 1105 Buckingham Road, based on the stated Findings of Fact, 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 if the variance is not granted, the applicants will still have a structure on the location of the requested addition but not the one they want; (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 the applicants are asking to construct an addition that will have the same setback as the existing structure; (3) The hardship is not the result of the applicants' own actions because the home is 67 years old and the conditions existed when the current owners purchased the property; (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 many properties nearby have similar setbacks, no harm will come to any persons or properties because of the variance being granted. Mr. Barkdull seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Barkdull, Vice Chair Randolph; Nays: None) Vice Chair Randolph advised the motion passed unanimously.

c. BOA-25-15: 98 Duffy Avenue (APPROVED)

Ms. Thiel stated in BOA-25-15, Jose Cervantes request a variance to allow a proposed house to encroach 17.9 feet into a required 50.1 foot front setback. The house will be 32.2 feet from the front property line. Evidence provided by the applicant included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references was Section 3 0-7-1.4(1)(b): When 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average (mean) setback that exists on the two lots on either side of the subject lot.

Background and Site Information: The subject lot is located on the south side of Duffy Avenue, east of North Church Street, and is zoned R-5 (Residential Single-Family). Survey records indicate the vacant lot contains approximately 9,744 square feet. In April 2022, the subject lot and adjacent lot at 100 Duffy Avenue were created by reconfiguring previously recorded lot lines through the exempt recombination

plat process. At its meeting on April 24, 2023, the Board of Adjustment granted a similar variance for the adjacent property (100 Duffy Avenue) to allow a house to be constructed with a 32.2 foot front setback. Based on the average front setback calculations using 100 Duffy Avenue and 102 Duffy Avenue, the applicable front setback for the subject property is 50.1 feet. The applicant proposes to construct a new house on the property that will encroach 17.9 feet into a required front setback and be 32.2 feet from the front property line. If the variance is granted, the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Vice Chair Randolph asked the applicant to provide his name and address for the record and swore in Jose Cervantes and Chris Rohrer for their testimony.

Jose Cervantes, 116 Duffy Avenue, introduced his contractor to discuss the project and answer questions.

Chris Rohrer, 8091 Meadow Springs Place, Stokesdale, stated that this request was like a request granted in 2022 which mirror the base R-5 (Residential Single-Family) zoning district standards. He stated that strict interpretation of the Ordinance would leave a very narrow building window.

Mr. Jones asked if this was a separate development to the neighboring property and if the lot was vacant when purchased, and Mr. Rohrer stated that both were correct.

Mr. Ducharme stated that any specific questions pertaining to information only available to the applicant should be directed accordingly.

Mr. Yearns asked if the applicant subdivided the property, and Mr. Cervantes stated that was correct.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Mr. Yearns stated that the applicant subdivided the property which created the issues with the setbacks.

Mr. Jones asked if splitting the lots fronting on Duffy Avenue would have created the front setback issue.

Mr. Yearns stated that he did not believe the prior structure fronted off Church Street and not Duffy Avenue, and the prior lot would've been buildable without a variance if not subdivided.

Vice Chair Randolph asked if an applicant could pick which street a lot fronts off if it is at a corner, and Mr. Kirkman stated that was correct.

Mr. Oliver asked if the average front setback calculation was influenced by the prior dwellings, and Mr. Kirkman stated that was correct and the average front setback along this block face will change as development occurs, and the proposed development will have the same setback as the neighboring residence.

Mr. Jones stated that the applicant does not have many options to develop the property without the variance.

Mr. Yearns stated that he can support the request, but thinks more consideration should be given in developing areas which may require multiple variances.

Vice Chair Randolph stated that the Board was, as a quasi-judicial body, not subject to precedent and must consider each request on its own. He stated that he believes the request benefits the subject property and the adjacent lots and can support the request.

MOTION

Mr. Jones moved that in BOA-25-15, 98 Duffy Avenue, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying

strict application of the ordinance because the applicant would not be able to move forward with the development of a home of reasonable size given the dimensions of the subject parcel; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the adjacent properties which this requirement is based on are significantly deeper than the subject property; (3) The hardship is not the result of the applicants' own actions because the lot was vacant at the time he purchased it; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it is a reasonable request to improve a currently vacant lot, and is in-line with other properties along this street, some of which have lesser setbacks than the applicant's. Mr. Oliver seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Barkdull, Vice Chair Randolph; Nays: None) Vice Chair Randolph advised the motion passed unanimously.

d. BOA-25-16: 3308 Cascade Drive (APPROVED)

Ms. Thiel stated in BOA-25-16, Timothy and Kira Hooks request a variance to allow a proposed addition to encroach 15 feet into a required 30 foot rear setback. The addition will be 15 feet from the rear property line. Evidence provided by the applicant included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum rear setback is 30 feet.

Background and Site Information: The subject lot is located on the east side of Cascade Drive, south of Cascade Court, and is zoned R-3 (Residential Single-Family). Tax records indicate the corner lot contains approximately 13,504 square feet, and the house was constructed in 1983. The applicants propose to construct a 1,020 square foot addition, including a screened porch, mudroom and garage, at the back of their existing house. The proposed addition will encroach 15 feet into a required 30 foot rear setback and be 15 feet from the rear property line. If the variance is granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Vice Chair Randolph asked the applicants to provide their name and address for the record and swore in Timothy and Kira Hooks for her testimony.

Kira Hooks, 3308 Cascade Drive, stated that this request is to add a two-car garage with screened-in porch. As a corner lot with multiple easements on the property, it prevents the selection of any other location. If not connected to the residence, it would not require the variance, but they want the ability to better utilize the property with the proposed improvement as an addition.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Mr. Yearns stated that the sanitary sewer easement pushes the applicants' house back further and hinders the use of the backyard.

Vice Chair Randolph stated that it supported the applicants' claim that it limits reasonable locations for the proposed addition.

MOTION

Mr. Yearns moved that in BOA-25-16, 3308 Cascade Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the presence of a sewer line easement in the front yad required the house to be set further back from the road than typical, significantly limiting the usable backyard space and preventing reasonable use of the property in a manner consistent with the

community; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the sewer line easement is a specific encumbrance not present on other community lots, forcing an atypical placement of the house and uniquely restricting the available backyard space; (3) The hardship is not the result of the applicants' own actions because the sewer line was an existing condition installed prior to the applicants' ownership, which limited the backyard space; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it allows for reasonable use of the property consistent with surrounding properties, maintains the integrity of the existing sewer easement and public infrastructure. Ms. Rudd seconded the motion.

The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Barkdull, Vice Chair Randolph; Nays: None) Vice Chair Randolph advised the motion passed unanimously.

a. BOA-25-17: 5704 Woodrose Lane (CONTINUED)

Ms. Thiel stated in BOA-25-17, Kemi and Jeffrey Douglas request a variance to allow an existing house and proposed addition to encroach 2.7 feet into a required 20 foot rear setback. The house and addition will be 17.3 feet from the rear property line. Evidence provided by the applicant included Exhibits A through E. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were Section 0-7-3.2(A)(2): Single-family detached dwellings constructed within cluster subdivisions with a preliminary plat approved prior to June 30, 2011, shall comply with the dimensional standards of the R-5 zoning district; and Section 0-7-3.2 – Table 7-2: In the R-5 District, the minimum rear setback is 20 feet.

Background and Site Information: The subject lot is located on the east side of Woodrose Lane, south of Owls Roost Road, and is zoned R-3 Cluster (Residential Single-Family). Tax records indicate the lot contains approximately 9,148 square feet, and the house was constructed in 2022. Because Woodrose Lane is identified as a cluster subdivision on the recorded plat, R-5 dimensional requirements apply to the subject lot instead of R-3 requirements. As shown on the submitted site plan, the existing house is considered a nonconforming structure since it currently encroaches into the rear setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to construct a 223 square foot covered patio addition that will be in-line with the back of the house and encroach 2.7 feet into a required 20 foot rear setback. Additional patio space is also proposed at the back of the house, but it will be uncovered and at-grade, so it can encroach into the rear setback. If the variance is granted, the existing house and proposed addition will become conforming, and the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Vice Chair Randolph asked the applicants to provide their name and address for the record and swore in Kemi and Jeffrey Douglas for their testimony.

Kemi Douglas, 5704 Woodrose Lane, stated that they are requesting the variance to improve the pre-existing sunroom. They wish for the patio to align with that room, but would not be able to construct it without the variance, as it is a covered porch. Ms. Douglas asked if the variance could be modified to allow a hard roof extension to encroach into the required setback.

Mr. Kirkman provided the LDO standards associated with the construction in question.

Ms. Douglas stated that she would be requesting an additional 4 foot projection into the setback.

Mr. Oliver asked to confirm it would not be in the ground, and Ms. Douglas stated that was correct.

Ms. Thiel asked the applicants to confirm that the structure would still conform to the design indicated on their submitted exhibits, and Ms. Douglas stated that it would be a permanent roofline addition instead of a removeable awning, but the post would stay in the same location.

Mr. Wofford asked the applicants to confirm that the maximum encroachment required would be 4 feet, whereas the current variance request is for 2.7 feet. Ms. Douglas stated that they had originally requested a variance that would allow removable awnings, but they instead wish to request a variance with a permanent roofline encroachment.

Mr. Wofford asked if the revised request would require a 6.7 foot encroachment.

Jeffrey Douglas, 5704 Woodrose Lane, stated that was correct.

Vice Chair Randolph stated that the Board needed staff to determine how to modify the variance request to move forward. He then asked if Exhibit E reflects we applicants are indicating.

Ms. Douglas stated that was correct.

Mr. Kirkman stated that the Land Development Ordinance has a provision for overhanging eaves and similar features to encroach up to 2.5 feet into a required setback, but not any closer than 3 feet from the property line, and the covered porch is already encroaching 2.7 feet into the required setback. If applicants seek to make a permanent roofline modification, they will need a new variance request.

Ms. Douglas asked staff to confirm that a removeable awning would not require a new variance request.

Mr. Kirkman confirmed and stated that any proposed permanent addition, not a removable awning that is temporary in nature, would require this request to be continued. A new variance request for the increased encroachment would need to be prepared and re-advertised.

Mr. Oliver asked staff to confirm that the applicant would not be required to pay an additional fee, and Ms. Thiel stated that was correct, but a new variance request would be necessary.

Mr. Yearns asked staff about retractable awnings.

Mr. Kirkman stated that those are considered temporary, but permanent fixtures create additional encroachment in the setbacks according to the Land Development Ordinance.

Vice Chair Randolph asked staff to confirm that the differentiation is about whether the fixture can be removed or modified.

Mr. Kirkman stated that was correct.

Mr. Wofford asked if the applicants would need to pay a second fee if the Board approved this request and they then submitted an additional request, and Mr. Kirkman stated that was correct.

Ms. Rudd asked about decreasing the size of the awning.

Mr. Kirkman stated that the applicant would need to stay within the 2.7 foot encroachment to proceed with this request, which would likely require a full and significant redesign.

Mr. Oliver summarized the options presented to the applicant and asked for their preference moving forward.

Ms. Douglas asked about the existing conditions of the property.

Mr. Kirkman advised that the pre-existing encroachment creates the need for the variance.

Ms. Douglas stated she wishes to continue the request.

Mr. Wofford stated that the applicant should ensure the request provides sufficient space to complete the improvement.

Vice Chair Randolph stated that the property already encroaches 2.7 feet where only 2.5 feet is allowed, and asked for clarification on how the variance would be issued.

Mr. Kirkman stated that staff would discuss, provide additional information to the applicants for the Board's consideration.

Vice Chair Randolph asked the applicants to confirm that they wished to continue this variance request.

Mr. and Ms. Douglas stated they wished to continue the request.

Vice Chair Randolph moved to continue item BOA-25-17 to the next regular meeting of the Board of Adjustment on Tuesday, May 27 2025, and Mr. Oliver seconded the motion. The Board voted 7-0 in favor of the motion (Ayes: Oliver, Rudd, Wofford, Jones, Yearns, Barkdull, Vice Chair Randolph; Nays: None) Vice Chair Randolph advised the motion passed unanimously.

OTHER BUSINESS

Vice Chair Randolph acknowledged Chair Necas' absence.

ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,

Cory Randolph, Vice Chair

Greensboro Board of Adjustment

CR/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
MAY 27, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, May 27, 2025, at 5:37 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Cory Randolph, Tifanie Rudd, Will Yearns, Allen Jones, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Associate City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Necas further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas then explained how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (April 28, 2025 Meeting)

Mr. Barkdull made a motion to approve the April 28, 2025 minutes, seconded by Ms. Rudd.

The Board voted 5-0-1 in favor of the motion, (Ayes: Rudd, Yearns, Jones, Barkdull, Vice Chair Randolph; Nays: None; Abstention: Chair Necas). Chair Necas advised the minutes were approved.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

OLD BUSINESS

a. BOA-25-17: 5704 Woodrose Lane (APPROVED)

Ms. Thiel stated in BOA-25-17, Kemi and Jeffrey Douglas request a variance to allow an existing house and proposed addition to encroach 7 feet into a required 20 foot rear setback. The house and addition will be 13 feet from the rear property line. Evidence provided by the applicants included Exhibits A through E. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were Section 30-7-3.2(A)(2): Single-family detached dwellings constructed within cluster subdivisions with a preliminary plat approved prior to June 30, 2011, shall comply with the dimensional standards of the R-5 zoning district; and Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum rear setback is 20 feet.

Background and Site Information: The subject lot is located on the east side of Woodrose Lane, south of Owls Roost Road, and is zoned R-3 Cluster (Residential Single-Family). Tax records indicate the lot contains approximately 9,148 square feet, and the house was constructed in 2022. Because Woodrose Lane is identified as a cluster subdivision on the recorded plat, R-5 dimensional requirements apply to the subject lot instead of R-3 requirements. As shown on the submitted site plan, the existing house is

considered a nonconforming structure since it currently encroaches into the rear setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to construct a 285 square foot covered patio addition at the back of the house that will encroach 7 feet into a required 20 foot rear setback. Additional patio space is also proposed at the back of the house, but it will be uncovered and at-grade, so it can encroach into the rear setback. If the variance is granted, the existing house and proposed addition will become conforming, and the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicants to provide their name and address for the record and swore in Kemi and Jeffrey Douglas for their testimony.

Kemi Douglas, 5704 Woodrose Lane, stated that the current back patio does not meet their needs. She stated the request expands their continued request from last month to improve the usability of their home.

Mr. Jones asked the applicants to confirm that the previous 2.7 foot setback was a result of the support beams required to cover the patio, and Ms. Douglas stated that was partially correct, that the residence originally had an attached sunroom which was already encroaching into the setback, and that the overhang from covering the patio is expanding the setback.

Mr. Yearns asked about the overhang encroachment. Mr. Kirkman stated that the Land Development Ordinance requires measurement from the rear property line to the foundation. Because of the pre-existing encroachment of the house, the variance is required for the proposed addition.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph asked staff to confirm that the variance would cure both the pre-existing encroachment and the expansion, and Mr. Kirkman stated that was correct. Vice Chair Randolph stated that the request was reasonable given the existing encroachment and the expanded use available to the property via the variance.

MOTION

Mr. Jones moved that in BOA-25-17, 5704 Woodrose Lane, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the existing structure is currently nonconforming and a portion of the structure would need to be removed in order to comply; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because of the existing layout of the patio in question which is in line with the nonconforming sunroom portion of the house; (3) The hardship is not the result of the applicants' own actions because the structure was already constructed prior to the applicants' ownership; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it does not interfere or pose to be a nuisance to adjacent properties. Ms. Rudd seconded the motion.

The Board voted 6-0 in favor of the motion (Ayes: Rudd, Yearns, Jones, Barkdull, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

NEW BUSINESS

a. BOA-25-18: 207 Pineburr Road (CONTINUED)

Mr. Kirkman stated that the applicants for this item have not fully closed on the sale of the property and the current/previous owner cannot be present for the hearing. Accordingly, the Board cannot hear the request.

Vice Chair Randolph moved the Board continue item BOA-25-18, 207 Pineburr Road, to the June regular meeting of the Board of Adjustment. Mr. Jones seconded the motion. The Board voted 6-0 in favor of the motion (Ayes: Rudd, Yearns, Jones, Barkdull, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

OTHER BUSINESS

Chair Necas acknowledged the absences of Mr. Oliver and Mr. Wofford.

ADJOURNMENT

The meeting was adjourned at 5:53 p.m.

Respectfully submitted,

Leach Necas, Chair

Greensboro Board of Adjustment

LN/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
JUNE 23, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, June 23, 2025, at 5:36 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Vice Chair Cory Randolph, Ted M. Oliver, Allen Jones, and Deborah Bowers. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Brent Ducharme (Assistant City Attorney).

Chair Necas welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Necas further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Necas advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Necas then explained how the Board would make its decision and votes, based on findings of fact and other factors, and she explained how to appeal decisions.

Chair Necas advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (May 27, 2025 Meeting)

Vice Chair Randolph made a motion to approve the May 27, 2025 minutes, seconded by Ms. Bowers.

The Board voted 5-0 in favor of the motion, (Ayes: Oliver, Jones, Bowers, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the minutes were approved unanimously.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

OLD BUSINESS

a. BOA-25-18: 207 Pineburr Road (APPROVED)

Ms. Thiel stated in BOA-25-18, James Lee Barrett and Henrietta Barrett, Trustees of Barrett Family Revocable Trust request a variance to allow the total building coverage of all accessory structures on the lot to be 1,200 square feet when no more than 1,033 square feet is allowed. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-8-11.1(A)(3): In R- districts, the maximum building coverage of all accessory structures may not exceed 50% of the building coverage of the principal structure on the lot or 600 square feet, whichever is greater.

Background and Site Information: The subject lot is located on the north side of Pineburr Road, east of Lake Jeanette Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 30,492 square feet, and the house was constructed in 1974. The applicants propose to construct a 1,200 square foot accessory structure in the back yard and remove a smaller, existing accessory structure. As proposed, the total accessory structure building coverage will exceed 50% of the principal structure building coverage, so a variance is necessary. Based on the submitted site plan, the total accessory structure building coverage will be 1,200 square feet, when no more than 1,033 square

feet is allowed. If a variance is granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicants to provide their name and address for the record and swore in James Lee and Jack Barrett for their testimony.

James Lee Barrett, 4916 Ayrshire Place, Colfax, stated that his son, Jack Barrett would address the variance request.

Jack Barrett, 207 Pineburr Road, stated that they sought to build an accessory structure to safely store vehicles and other personal property. At a later date, they will be covering the rear patio, increasing the square footage of the house that would effectively make the request for 17 square feet over the maximum accessory structure coverage.

Vice Chair Randolph asked to confirm that the permit has not been issued for that work, and Mr. Jack Barrett stated that was correct.

Mr. Kirkman stated that the Board was considering the property as it exists now and not with any potential future changes.

Vice Chair Randolph asked if any proposed work would obviate the need for a variance, and Mr. Jack Barrett stated they had not yet finalized plans to be able confirm if that would be the case. He stated that he is looking to proceed with construction on the subject property so he can sell his previous home.

Ms. Bowers asked about the size requested in the variance, and Mr. Jack Barrett stated that the 167 square foot size difference is significant for his needs, and he wants to ensure no future work would be necessary. Ms. Bowers asked about how this request related to the condition of the property, and Mr. Jack Barrett stated that the principal residence on the property is smaller, which limits options for accessory structures on an otherwise large parcel.

Chair Necas asked about the accessory structures shown in Exhibit 3, Picture 4, and Mr. Jack Barrett stated that one of the structures was on his neighbor's property and he intends to remove the one on his property.

Mr. Oliver asked about the fence shown in Exhibit 3, Picture 3, and Mr. Jack Barrett stated that the fence was in construction when the site photographs were taken for the staff report.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph stated that the subject property contains one of the smaller houses in the neighborhood, but he is unsure if there are peculiar circumstances on the property justifying the request.

Chair Necas stated she is also unsure if the variance thresholds have been met.

Ms. Bowers stated that she believes the relationship between the small size of the residence and the large size of the lot supports the variance request.

Mr. Oliver stated that he may have been uncomfortable with the request had neighbors expressed objection.

Mr. Jones stated that the size of the lot supports the request.

MOTION

Ms. Bowers moved that in BOA-25-18, 207 Pineburr Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because if the applicant complies with the Ordinance he

will be unable to build an accessory structure that will accommodate the vehicles and tools that he wants; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the house is small compared to the size of the lot, so the relationship between the size of the house and the allowed accessory structure is too limiting; (3) The hardship is not the result of the applicants' own actions because the house was built in 1972, long before the applicant acquired the property; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because if the variance is granted there will be no harm to the public and it will add to the property value, the proposed structure is behind the residence and will be used exclusively by the owner for personal property and will not be seen very much from the road. Mr. Jones seconded the motion.

The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones, Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

NEW BUSINESS

a. BOA-25-19: 2401 Randleman Road (APPROVED)

Ms. Thiel stated in BOA-25-19, Destiny Christian Center International Inc. requests two variances: (1) To allow the area of a proposed replacement freestanding sign to be 178 square feet when no more than 50 square feet is allowed; and (2) To allow the height of a proposed replacement freestanding sign to be 30 feet when no more than 6 feet is allowed. Evidence provided by the applicants included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance reference was Section 30-14-7.3 – Table 14-2: In the C-H District, freestanding signs for sites with 3 or less businesses are limited to a maximum area of 50 square feet and a maximum height of 6 feet.

Background and Site Information: The subject lot is located on the east side of Randleman Road, south of West Meadowview Road, and is zoned C-H (Commercial-High). Tax records indicate the lot contains approximately 8 acres, and the building was constructed in 1967. The applicant proposes to install a 178 square foot, 30 foot tall freestanding sign on the subject property along Randleman Road to replace an existing nonconforming one in the same location. Since the maximum area for freestanding signs in the C-H District with 3 or less businesses is 50 square feet and the maximum height is 6 feet, two variances are necessary to allow the proposed sign to exceed the area by 128 square feet and the height by 24 feet. If the variances are granted, the applicant will proceed with the sign permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicants to provide their name and address for the record. Chair Necas then asked about the variance application's calculations of permissible sign square footage if the property had multiple tenants, and **Nick Blackwood, 804 Green Valley Road, Suite 100,** stated that the property would have a permissible sign height of 30 feet and 200 square feet in size with four or more tenants on the site.

Vice Chair Randolph asked if approving a variance meant the Board would approve the current nonconforming sign or granting the rights to the new sign. Mr. Kirkman stated that the current sign could remain with its nonconforming status.

Mr. Blackwood stated that the sign could be maintained until damaged beyond repair, but they are seeking the variance proactively to replace an insufficient and dilapidated sign. He stated that this portion of Randleman Road is intensely commercial, and the applicant does not believe this request will cause any undue impact on the neighborhood. Because the structure on the subject property is so far from the street, the wall signage on the structure does not serve its purpose well compared to other properties in the area which are closer to Randleman Road.

Vice Chair Randolph asked about the approximate sizes of some of the signs in the area indicated in the applicant's presentation, and Mr. Blackwood stated that he does not have a sign face amount but estimates that the signs in question are approximately 30 feet in height. Mr. Kirkman stated that some other properties in adjacency are zoned C-M (Commercial-Medium) and thus could have 30 feet high signs.

Mr. Oliver asked if the subject property was originally a commercial structure, and Mr. Blackwood stated that was correct. The applicant has operated at the subject property since 2006. Mr. Oliver asked if a retail sales use would have the same sign size restrictions, and Mr. Kirkman stated that the C-H (Commercial-High) zoning district allows four or more tenants in a shopping center use to have a larger development identification sign allowance.

Mr. Blackwood stated that an adjacent use, Spring Valley Retail Center, has a significantly larger sign as it has multiple tenants even though that structure is smaller than that on the subject property. He then displayed an illustrative rendering of the proposed sign and stated it was more aesthetically pleasing but functionally identical to the existing sign.

Chair Necas asked if a large sign with prominent lettering is necessary to identify the church. Mr. Blackwood stated that the Ordinance is written to have reasonably scaled signs in conformity with the gross leasable floor area of a commercial development. The signs permitted in the C-H district would not properly identify the use.

Vice Chair Randolph asked if there are multiple access points to the subject property and if they have additional signs. Mr. Blackwood stated that there were two access points off West Meadowview Road, but primary access is off Randleman Road. Vice Chair Randolph asked about the size of the sign attached to the structure, and Mr. Blackwood stated that it was difficult to see from the road.

Vice Chair Randolph asked about the relative age of the congregation.

Pastor Enda Chavis, 6458 Raines-Davis Drive, Kernersville, stated that the age range of the congregation was anywhere from teenage into the 80s, with some programming specifically aimed to seniors.

Mr. Jones asked when the sign was established, and Mr. Blackwood stated it predated the Church's use of the property.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Ms. Bowers stated that the nonconforming sign provision discourages property owners from improving signage, and she disagrees with it.

Chair Necas stated that the sign was not made nonconforming by the applicant's actions, as the LDO was adopted after the sign was constructed.

Mr. Jones stated that the structure is set back far from Randleman Road, and it makes identifying the use difficult.

Vice Chair Randolph asked if the applicant sought to rezone the property to C-M (Commercial-Medium) to address the nonconformity. Mr. Kirkman stated that staff advised the applicant of both options to cure the nonconformity.

Vice Chair Randolph moved to re-open the public hearing. Mr. Jones seconded.

The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones, Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

Chair Necas asked about the potential for rezoning to C-M.

Mr. Blackwood stated that the applicant would have a hardship even with a rezoning request, and rezoning to C-M may create other additional nonconformities.

Vice Chair Randolph stated that the applicant does have other avenues if the variance request is unsuccessful. Mr. Blackwood stated that rezoning is generally sought to modify uses, whereas the applicant's religious assembly use is permitted by right in the current zoning district. Mr. Kirkman stated that change of principal use often triggers a rezoning request but that there can be other reasons to modify a property's zoning district, and that religious assembly uses are permitted in all zoning districts in City. Mr. Blackwood stated that rezoning requests can be controversial, and the applicant seeks a simpler technical discussion regarding the sign height.

Mr. Oliver asked if the proposed sign was lower than the current sign, and Mr. Blackwood stated that was correct, with the proposed sign being slightly larger.

Vice Chair Randolph asked if the applicant heard any objections from neighbors, and Mr. Blackwood stated they did not.

Chair Necas closed the public hearing.

Ms. Bowers stated property owners should not be discouraged from improving nonconformities.

Vice Chair Randolph stated that the proposed sign improves visibility and wayfinding with the use.

Mr. Jones asked if both variances can be addressed in a single decision, and Mr. Kirkman stated that was correct.

MOTION

Mr. Jones moved that in BOA-25-19, 2401 Randleman Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances 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 applicant would not be able to proceed with their plans for updated signage which is in need of replacement with a new sign of similar scale and visibility; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because although the building has substantial capacity for multiple tenants, it's being used by a single tenant which is not in line with the Ordinance in question, additionally the property is situated roughly 450 feet off of Randleman Road, increasing the need for visible signage; (3) The hardship is not the result of the applicants' own actions because the building and signage were in place at the time of acquisition; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it is in line with signage requirements of similar properties of this size and is comparable to many of the other pylon signs along Randleman Road. Vice Chair Randolph seconded the motion.

The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones, Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

b. BOA-25-20: 808 Nottingham Road (APPROVED)

Ms. Thiel stated in BOA-25-20, Ralph and Patricia Allen request two variances: (1) To allow an expanded accessory structure to encroach 4.8 feet into a required 10 foot side setback. The accessory structure will be 5.2 feet from the side property line; and (2) To allow an expanded accessory structure to encroach 5 feet into a required 10 foot rear setback. The accessory structure will be 5 feet from the rear property line. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-8-11.1(C)(2): In R- districts, the setback from side and rear lot lines for accessory structures over 15 feet tall is 10 feet.

Background and Site Information: The subject lot is located on the north side of Nottingham Road, east of Dover Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 13,939 square feet, and the house was constructed in 1947. As shown on the submitted application materials, the existing 18 foot tall detached garage is considered a nonconforming structure since it encroaches into the minimum 10 foot side and rear setbacks. The Land Development Ordinance

states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to increase the height of the garage to 23 feet to allow for additional home office and/or bedroom space, so variances are necessary to address the nonconformities. The accessory structure will remain in its current location and still encroaches 4.8 feet into the side setback and 5 feet into the rear setback. If the variances are granted, the applicants will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Necas asked the applicants to provide their name and address for the record.

Nick Blackwood, 804 Green Valley Road, Suite 100, stated that the applicants wish to install additional living space above an existing garage to better serve the needs of aging in place. The request will not change the footprint of the accessory structure, but will only slightly increase height. There was a similar variance request for a neighboring property in 2023, which is part of accommodating the limitations of historic neighborhoods with patterns of development and improvements established before the adoption of the current Ordinance. He displayed an illustrative floor plan of the proposed improvements, and stated that all windows would be faced toward the principal dwelling, not neighboring property owners. Mr. Blackwood displayed a topographic chart of the subject property and stated that the western side of the property had approximately five feet of grade change, which would complicate the proposed improvement such that the applicants could not complete the proposal. He stated that the applicants mailed a letter to neighbors and spoke to neighbors, and their concerns were addressed.

Chair Necas asked if the neighbor to the east, most likely to be impacted by the request, had been contacted, and Mr. Blackwood stated that was correct and there was no opposition expressed.

Vice Chair Randolph asked if the neighbor to the north was contacted, and Mr. Blackwood stated they were, and they had made a similar variance request in 2023.

Seeing no opposition, Chair Necas closed the public hearing.

MOTION

Mr. Oliver moved that in BOA-25-20, 808 Nottingham Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicants will not be able to add living space to their current home; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the footprint of the existing building will not change, the building would only get slightly taller; (3) The hardship is not the result of the applicants' own actions because the existing detached garage was already in place when the applicants purchased the property, they are proposing to add to the existing structure; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the footprint will not be altered, the building will be about five feet taller, these changes will not have any impact on safety, or welfare, or justice. Vice Chair Randolph seconded the motion.

The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones, Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

c. BOA-25-21: 810 Courtland Street (APPROVED)

Ms. Thiel stated in BOA-25-21, Evan and Priscilla Morrison request two variances: (1) To allow a proposed addition to encroach 9 feet into a required 24.7 foot front setback, as measured from Crestland Avenue. The addition will be 15.7 feet from the front property line; and (2) To allow an existing house and proposed addition to encroach 2 feet into a required 5 foot side setback. The house and addition will be 3 feet from the side property line. Evidence provided by the applicants included Exhibits A through E.

Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were (1) Section 30-7-1.4(1)(b): When 50% or more of the lots on the same block face as the subject lot are occupied by single family detached dwellings, buildings on the subject lot must comply with the minimum street setback determined by calculating the average (mean) setback that exists on the two lots on either side of the subject lot; and Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum side setback is 5 feet.

Background and Site Information: The subject lot is located on the north side of Courtland Street, east of Crestland Avenue, and is zoned R-5 (Residential Single-Family). Survey records indicate the corner lot contains approximately 7,492 square feet, and the house was constructed in 1926. Despite the house address and orientation on the subject property, Crestland Avenue is considered the front and Courtland Street is considered the side for setback purposes. As shown on the submitted site plan, the existing house is considered a nonconforming structure since it encroaches into a 24.7 foot front setback and 5 foot side setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. The applicants propose to demolish the existing sunroom at the front of the house and construct a new, larger one in its place, so variances are necessary to address the nonconformities. The proposed 315 square foot addition will encroach 9 feet into the front setback and 0.6 feet into the side setback. However, since the existing house encroaches another 1.4 feet into the side setback, the total 2 foot variance request reflects the closest point from the house to the side property line. If the variances are granted, the app.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Chair Necas asked the applicants to provide their name and address for the record and swore in Evan Morrison for his testimony.

Evan Morrison, 810 Courtland Street, stated that they intend to replace the sun porch which is currently uninsulated and in need of significant repair such that it cannot be safely open for use with their small children in the home. Expanding the footprint of the structure would not create a hardship for pedestrians, as the house is on a berm. He stated that he spoke with their neighbors and heard no opposition.

Chair Necas stated that the house fronts off Courtland Street but it uses Crestland Avenue for setback considerations, and Mr. Morrison stated that the subject property had a Crestland Avenue address until the 1980s even though the front door has always been on Courtland Street. Chair Necas asked if the applicant was aware of the peculiar street frontage before purchase, and Mr. Morrison stated he was not. Mr. Morrison stated the existing dwelling is nonconforming due to its proximity to the property line. The existing sun porch is offset, but that corner is the nexus of the nonconformity and the plans for the addition account for curing the nonconformity. Chair Necas referenced Exhibit E and asked about the existing foundation and whether the side setback was or was not changing. Mr. Morrison stated that Exhibit C demonstrates that the existing footprint and the proposed footprint share two sides. Chair Necas stated asked about the front setback that appears to function more as a side setback, and Mr. Morrison stated that the front setback is imposed by the average front setback calculation of neighboring properties that were originally built to front Crestland Avenue more deliberately. Chair Necas stated that the subject property certainly appeared to have peculiar circumstances.

Mr. Oliver asked to confirm that the addition would increase encroachment toward Crestland Avenue, and Mr. Morrison stated that was correct and that it would increase the encroachment an additional seven feet beyond the current encroachment. Mr. Oliver asked about a fence that appeared to be indicated on an exhibit, and Mr. Morrison stated that fence had been removed.

Chair Necas asked about the smaller rectangle in the shaded area indicated on the plan, and Mr. Morrison confirmed that represented the current concrete footing of the sun porch and the dashed outline is the proposed addition.

Seeing no opposition, Chair Necas closed the public hearing.

BOARD DISCUSSION

Chair Necas stated that the property has a confusing layout. The variance request does not modify the logical arrangement of the property, as one would assume it is fronting off Courtland Street. She stated that the applicant is making use of existing conditions to improve the property.

Vice Chair Randolph stated that the house was built extremely close to the northern property line, which necessitates the need for the variance. Given the small lot size relative to the positioning and size of the residence, it is a unique circumstance that supports the variance request.

MOTION

Chair Necas moved that in BOA-25-21, 810 Courtland Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the existing lot was platted before 1926, before the current LDO, and would otherwise not allow for improvements to the property to be made; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the property is a corner lot where the front of the property for setback purpose appears to be the side, the address of the property matches what is considered the side of the property; (3) The hardship is not the result of the applicants' own actions because the house was built in 1926 and is currently a nonconforming structure; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the addition will use similar exterior materials as the rest of the property, will have a similar footprint—slightly larger to the existing sunroom—and add value to the property. Vice Chair Randolph seconded the motion.

The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones, Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

d. BOA-25-22: 220-203 West Market Street (DENIED)

Ms. Thiel stated in BOA-25-22, Naas Deur GSO LLC requests a variance to allow a new short term rental in a multifamily building when no more than 25% of the dwelling units may be used as short term rentals. This additional short term rental would result in 33% of the dwelling units in the multifamily building being short term rentals. Evidence provided by the applicants was Exhibits A. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance reference was Section 30-8-10.4(U)(8): For multifamily buildings, no more than one dwelling unit per building, or 25% of the total units per building, whichever is greater, may be used for a Short Term Rental.

Background and Site Information: The subject lot is located on the north side of West Market Street, west of North Greene Street, and is zoned CB (Central Business). Tax records indicate the condominium lot contains approximately 436 square feet, and the building was constructed in 1926. The applicant has been operating an unpermitted short term rental in one of the dwelling units of the 33-unit multifamily building located 220 West Market Street, where 10 units are already permitted as short term rentals. The Land Development Ordinance states that no more than one dwelling unit per multifamily building, or 25% of the total units per building, whichever is greater, may be used for a Short Term Rental. On February 14, 2025, a zoning officer issued a Notice of Violation for operating a short term rental without securing a zoning permit. The property owner then submitted a zoning permit application, but City staff advised that it could not issue a permit without a variance. The applicant is seeking a variance to allow a short term rental to be located in a multifamily building where more than 25% of the dwelling units are already permitted to operate short term rentals. If the variance is granted, the applicant will proceed with the short term rental zoning permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlays.

Vice Chair Randolph asked to confirm that 10 of the 33 units are already permitted for Short Term Rentals, and Mr. Kirkman stated that was correct, and that there had been a nonconforming use established prior to 2024 that received a zoning permit.

Chair Necas asked the applicants to provide their name and address for the record and swore in Jodee Ruppel and Andrea Pruseau for their testimony.

Jodee Ruppel, 232-A West Market Street, stated that her Limited Liability Corporation owns the subject property, and she lives directly adjacent to the subject property. She purchased and renovated the subject property for the purposes of operating a Short Term Rental. She stated that she could not be aware of how many Short Term Rentals were operating in the building before she purchased the property and applied for a zoning permit, and many of the units in the building were not owner-occupied. Ms. Ruppel stated that she has been a successful Short Term Rental operator and that she could not utilize the property as a Short Term Rental without the variance, even though market conditions support the Short Term Rental use. The existing nonconforming uses create an unbalanced income potential of equality quality and access. She stated that the subject property is uniquely situated inside a multifamily building directly within the Downtown Central Business District, supporting tourism and business travel. She could not have begun operation in 2023 to establish nonconforming status and the 25% cap was already met before she could apply. Ms. Ruppel stated that the Ordinance's regulations are intended to limit intensity of STRs to prevent undue impact and the move from around 25% to 33% is not significant for the building in question, and the variance does not impact public safety or welfare in a negative way.

Vice Chair Randolph asked if the subject property was currently listed for Short Term Rental use, and Ms. Ruppel stated that it was, pending the action of the Board. Vice Chair Randolph asked how property owners in the City can assess if a property can receive a permit. Mr. Kirkman stated that publicly available GIS mapping tools exist now to determine this, but it was not readily available at the time the applicant purchased the subject property. Staff processes permit applications as they arrive.

Vice Chair Randolph asked if the applicant inquired to the City about permits for this property, and Ms. Ruppel stated that she did not, as she purchased it in 2023. Mr. Kirkman stated the Short Term Rental regulations were adopted, but not yet in effect.

David Pokela, 800 Green Valley Road, Suite 500, stated that the applicant purchased the property before the Short Term Rental regulations came into effect, and there are many nonconforming Short Term Rentals in this building that were granted such status.

Chair Necas asked to confirm that the property was not operating as a Short Term Rental in 2023, and Ms. Ruppel stated that was correct. Mr. Pokela stated that nonconforming Short Term Rentals used most of the available slots for Short Term Rentals in the building.

Chair Necas asked about the timing of the Short Term Rentals regulations. Mr. Kirkman stated that the Short Term Rental ordinance was adopted by City Council in May 2023, with an original effective date of January 1, 2024. This was amended by City Council to April 1, 2024 with nonconforming status granted to Short Term Rentals that were in operation at any point in 2023. Chair Necas asked if there was a period of time in December 2023 for the applicant to have been in operation and establish nonconforming status. Mr. Kirkman stated if there was evidence presented of active rentals or advertisement at any point in 2023, it could be granted nonconforming status.

Mr. Oliver stated that there was public knowledge that the ordinance was adopted and of the multiple changes made to the regulation.

Ms. Ruppel stated that there was no way to officially check if Short Term Rentals were in operation in a multifamily residential building when she purchased the property in 2023.

Mr. Oliver asked about the alternative to operating a Short Term Rentals, and Ms. Ruppel stated that it is difficult to rent the property long-term and it is not economically viable.

Andrea Pruseau, 220-108 West Market Street, stated that she supported the request. She owns a unit and has not had issues with Short Term Rental uses in the building.

Vice Chair Randolph asked if Ms. Pruseau lived in her unit in the building, and Ms. Pruseau stated that was correct.

Mr. Jones asked if the other association owners were informed of the variance request, and Ms. Ruppel stated they were.

Ms. Bowers asked if the ordinance was passed before the owner purchased the property. Mr. Kirkman stated that Council adopted the ordinance in May 2023. Ms. Ruppel stated that she purchased the property on December 15, 2023.

Vice Chair Randolph asked the applicant what made the subject property unit unique. Mr. Pokela that this property is uniquely situated as there were already 9 units with available nonconforming use status that the applicant could not know about, and that the large number of Short Term Rentals s in this property makes it unique among large multifamily residential buildings in this area.

Mr. Oliver asked how an additional Short Term Rental was approved given the number already exceeded the 25% cap. Mr. Kirkman stated that the tenth unit was granted nonconforming use status. Mr. Kirkman stated that no new unit could be approved as a Short Term Rental.

Chair Necas asked how the City advertised the ordinance going into effect and if a real estate agent would inform a client out of due diligence. Ms. Ruppel stated that she was not aware of the regulations coming into effect.

Vice Chair Randolph asked for more information about the property's uniqueness. Mr. Pokela stated that the Ordinance speaks to limitations on multifamily residential buildings, and that the uniqueness is its position inside this multifamily development. As there were so many nonconforming Short Term Rentals already, the applicant could not know she would not be able to receive a permit. Vice Chair Randolph asked if there was any evidence this multifamily building was unique among multifamily buildings, and Ms. Ruppel stated her unit is one of very few with street-level windows, no stairs, and Americans with Disabilities Act accessibility.

Mr. Pokela asked Mr. Kirkman to speak to the unique characteristics of the subject property's multifamily building. Mr. Kirkman stated that the City has permitted Short Term Rentals in a variety of residential dwellings.

Vice Chair Randolph stated that he is unsure how the subject property is uniquely situated such to indicate a hardship.

Mr. Pokela stated that there would be potentially hundreds of multifamily residential buildings in the City subject to the Ordinance and asked how many have had so many nonconforming Short Term Rental uses that the 25% limit imposed by the Ordinance was already exhausted for any potential newly established Short Term Rentals. Mr. Kirkman stated there had been only one other property where a unit count limit prevented issuance of a zoning permit.

Mr. Oliver asked what limits could be reasonably imposed on any other property owner wishing to utilize their property as an STR in a multifamily residential building. Mr. Pokela stated that the applicant has a unique set of facts that justify the variance request, and not all properties would have unique circumstances that support a variance.

Mr. Ducharme stated that the Board rules by the facts entered into the record individually as cases are presented.

Seeing no opposition, Chair Necas asked to close the public hearing. Mr. Jones moved to close the public hearing. Mr. Oliver seconded the motion. The Board voted 5-0 in favor of the motion (Ayes Bowers, Jones,

Oliver, Vice Chair Randolph, Chair Necas; Nays: None). Chair Necas advised the motion passed unanimously.

BOARD DISCUSSION

Ms. Bowers stated that the timeline was important, as the applicant may have been deprived of enjoyment of the property due to the imposition of the Ordinance.

Vice Chair Randolph stated that the Short Term Rentals ordinance was adopted in May 2023.

Mr. Jones stated that applicants could not check the status of potentially permittable Short Term Rentals at that time.

Ms. Bowers stated that the subject property has a hardship owing to peculiar conditions imposed on the property due to the number of pre-existing nonconforming Short Term Rental uses present in the multifamily building.

Vice Chair Randolph asked about Ms. Bowers' view regarding hardship. Ms. Bowers stated that the second component in determining a hardship regards conditions peculiar to a property, and the subject property in this request includes the conditions of the multifamily building containing the subject property and the existing uses granted nonconforming status. Vice Chair Randolph stated that he is not sure that nonconforming uses are a unique circumstance.

Mr. Oliver stated that the applicant could have been aware of the ordinance changes, but she could not have known how many units would receive nonconforming use status.

Mr. Jones stated that the unique circumstance relating to the subject property is the timeline of the regulation and how it's related to the limited information available to the applicant with the intent to eventually operate a Short Term Rental.

Chair Necas stated that she was not convinced that an unnecessary hardship was imposed on the property by prohibiting Short Term Rental uses as other uses were available, nor was she sure there was a peculiar circumstance imposed on the property.

Vice Chair Randolph asked if the applicant could have asserted nonconforming use status if the property had been rented or advertised for rent at any point after its purchase in 2023. Mr. Kirkman stated that there would have needed to be record of operation before December 31, 2023. Vice Chair Randolph asked if the nonconforming use language had been promulgated in the ordinance during its original debate and adoption, and Mr. Kirkman stated it was not; Council added the language later.

MOTION

Vice Chair Randolph moved that in BOA-25-22, 220-203 West Market Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicant comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicant will not be able to utilize the property as a short term rental; (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 the applicant purchased the property in December 2023, the LDO Section was adopted in May 2023 and went into effect on January 1, 2024, that was extended until April 2024; (3) The hardship is not the result of the applicant's own actions because the property was purchased prior to the LDO Section going into effect and thus restricting the number of short term rentals in the multifamily building; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the property currently has ten short term rentals, the additional short term rental will be within the confines of both the short term rental use and the long term rental use of the multifamily property. Ms. Bowers seconded the motion.

The Board voted 3-2 in favor of the motion (Ayes: Bowers, Jones, Oliver; Nays: Vice Chair Randolph, Chair Necas). Chair Necas advised the motion failed.

Chair Necas asked to confirm that the motion as presented and voted upon conformed to procedural standards. Mr. Ducharme stated that the Board could conduct another vote at its discretion.

Mr. Kirkman stated that it was the Board's prerogative to put reasons for denial as opposed to approval on the record if it so wished.

Chair Necas stated that the motion to deny would also fail, and Mr. Ducharme stated that the action of the Board is so established.

OTHER BUSINESS

Mr. Kirkman stated that the Board needs a Temporary Chair for the July regular meeting. Mr. Oliver volunteered. Mr. Kirkman thanked Chair Necas for her service to the Board of Adjustment.

Chair Necas expressed the sadness the Board has at the passing of Ms. Rudd and extended their sincerest condolences to her family.

Chair Necas also thanked Mr. Wofford for his service on the Board.

ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Leach Necas, Chair

Greensboro Board of Adjustment

LN/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
JULY 28, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, July 28, 2025, at 5:30 p.m. in-person in the City Council Chamber. Board members present were: Ted Oliver, Will Yearns, Allen Jones, David Wharton, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Assistant City Attorney).

Mr. Oliver welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Mr. Oliver further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Mr. Oliver advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Mr. Oliver then explained how the Board would make its decision and votes, based on findings of fact and other factors, and he explained how to appeal decisions.

Mr. Oliver advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (June 23, 2025 Meeting)

Mr. Jones made a motion to approve the June 23, 2025 minutes, seconded by Mr. Yearns.

The Board voted 5-0 in favor of the motion, (Ayes: Yearns, Oliver, Wharton, Barkdull, Oliver; Nays: None). Mr. Oliver advised the minutes were approved unanimously.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

NEW BUSINESS

a. BOA-25-23: 2808 Bardwell Road (APPROVED)

Ms. Thiel stated in BOA-25-23, Family Home Providers Inc. requests a Special Exception to allow a proposed family care home to be 1,499 feet from a family care home at 3013 Ardoch Drive, 2,184 feet from a family care home at 1800 Strathmore Drive, and 2,328 feet from a family care home at 1921-K107 New Garden Road when at least 2,640 feet is required. Evidence provided by the applicants was Exhibit A. Supporting documentation from staff included Exhibits 1 through 9. The Land Development Ordinance references were Section 30-8-10.1(B)(1): To increase housing alternatives available to resident persons and fully integrate them into the community mainstream by allowing them to live in typical homes in typical neighborhoods, no new family care home may be located within one-half mile of an existing family care home (property separation as defined in 30-7-1.2), unless a Special Exception is granted by the Board of Adjustment for reduced separation.

Background and Site Information: The subject lot is located on the east side of Bardwell Road, south of Waynoka Drive, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 37,897 square feet and the house was constructed in 1986. The applicant wishes to establish a family care home at the subject property, which is located within ½-mile of three other existing

family care homes. A family care home, Carr's Place, operates at 3013 Ardoch Drive, which is 1,499 feet away. A second family care home, Guilford #2, operates at 1800 Strathmore Drive, which is 2,184 feet away. And a third family care home, Servant's Heart, operates at 1921-K107 New Garden Road, which is 2,328 feet away. The required separation between family care homes is measured from property line to property line, so the ½-mile buffers associated with the other existing facilities encompass the subject property. To approve a special exception, the Board of Adjustment must find that a reduced separation will not promote the clustering of homes which could lead the resident persons to cloister themselves and not interact with other members of the community. If the special exception is granted, the applicant will proceed with applicable State and City requirements.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Mr. Oliver asked the applicants to provide their name and address for the record and swore in Nosaba Naveed and Cynthia DiMattia for their testimony.

Nosaba Naveed, 1620 Cedar Hill Way, Colfax, stated that she seeks to operate a 3-resident senior living facility at the subject property, and that the prospective clients would not have particularly special needs.

Mr. Oliver asked if the applicant would be residing at the property, and Ms. Naveed stated she would not, but Family Care Home operation requires 24-hour supervision on site.

Mr. Barkdull asked how the residents would be placed in the facility, and Ms. Naveed stated that marketing agencies provide referrals based on NCDHHS registration.

Mr. Oliver asked for clarification about the listing process, and Ms. Naveed stated that they are posted with commercial listing agencies and service providers.

Jeff Caison, 4800 Six Forks Road Suite 120, Raleigh, displayed aerial photography of the area in proximity, and Ms. Naveed stated it displayed the walking distance between the subject property and another of the facilities in the area, which indicated a 9-minute pedestrian walking distance to the closest other property.

Ms. Naveed stated there is a significant senior population in the area which would aid in integrating the prospective residents and prevent clustering.

Mr. Oliver asked what kind of services the other facility provides, and Mr. Caison stated that they are unaware of the use at the Ardoch Drive address, but the configuration of the neighborhood makes clustering very unlikely. The Strathmore Drive address would require more than half an hour walking distance, crossing thoroughfares like New Garden Road. The New Garden Road address is a unit in a large multi-building multi-family development.

Cynthia DiMiattia, 2805 Bardwell Road, stated that the applicant visited her to discuss the request, and she stated that the proposed request would not have a negative impact on her neighborhood. The subject property is currently operated as a Short Term Rental, and a Family Care Home would be preferable for stability and maintaining the character of the property and the neighborhood.

Mr. Oliver asked about the ownership of the subject property, and Mr. Caison stated that Family Home Providers, Inc. owns the property. Ms. Naveed stated that she will need to form a separate corporate entity to receive licensure from the State, and she may transfer ownership to the new entity.

Seeing no opposition, Mr. Oliver closed the public hearing.

BOARD DISCUSSION

Mr. Jones stated that two of the three other facilities in proximity are not significantly impactful on the proposed operation at the subject property, that he is less worried about clustering concerns in a neighborhood with other senior citizens, and there are no features of the area that would tend to promote clustering or hinder integration.

Mr. Yearns stated that he would support a condition limiting the number of residents to a maximum of 4 as offered by the applicant.

MOTION

Mr. Oliver moved BOA-25-23, 2808 Bardwell Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the special exception granted with the condition of a limit of 4 residents based on the following: (1) The special exception is in harmony with the general purpose and intent of this ordinance and preserves its spirit because the location is far away from two of the existing locations and is not easily accessible, the one location that is close is still a 9-minute walk away does not pose a clustering risk; and (2) The granting of the special exception assures the public safety and welfare and does substantial justice because this is a much needed service in our community and it does not jeopardize public safety or welfare. Mr. Yearns seconded the motion.

The Board voted 5-0 in favor of the motion, (Ayes: Yearns, Oliver, Wharton, Barkdull, Oliver; Nays: None). Mr. Oliver advised the motion passed unanimously.

OTHER BUSINESS

Mr. Oliver acknowledged the excused absence of Vice Chair Randolph and welcomed Mr. Wharton to the Board of Adjustment.

ADJOURNMENT

The meeting was adjourned at 6:02 p.m.

Respectfully submitted,

Ted Oliver, Temporary Chair

Greensboro Board of Adjustment

TMO/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
AUGUST 25, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, August 25, 2025, at 5:32 p.m. in-person in the City Council Chamber. Board members present were: Vice Chair Cory Randolph, Ted Oliver, Will Yearns, Allen Jones, David Wharton, and Jasmine Quick-Miller. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Brent Ducharme (Assistant City Attorney).

Vice Chair Randolph welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Vice Chair Randolph further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Vice Chair Randolph advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Vice Chair Randolph then explained how the Board would make its decision and votes, based on findings of fact and other factors, and he explained how to appeal decisions.

Vice Chair Randolph advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (July 28, 2025 Meeting)

Mr. Wharton made a motion to approve the July 28, 2025 minutes, seconded by Mr. Yearns.

The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None). Vice Chair Randolph advised the minutes were approved unanimously.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

NEW BUSINESS

a. BOA-25-24: A portion of 4613-YY Abshire Lane (to be addressed as 1916 Brightwood School Road upon final subdivision approval) (APPROVED)

Ms. Thiel stated in BOA-25-24, 1920 Brightwood Partners LLC (formerly known as Brightwood Partners LLC) requests a variance to allow the lot width of a proposed lot to be 46 feet when at least 50 feet is required. Evidence provided by the applicant included Exhibits A through D. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum lot width for an interior lot is 50 feet.

Background and Site Information: The subject lot is located on the south side of Brightwood School Road, east of Holders Road, and is zoned R-5 (Residential Single-Family). Documents submitted by the applicant indicate the proposed lot will contain approximately 7,722 square feet. The Glens at Brightwood Landing preliminary subdivision plan was approved by the City's Technical Review Committee on October 17, 2024. Per the submitted variance application, the location of an existing sewer line was incorrectly depicted on the approved plan that required lots to be shifted and resulted in one lot (Lot #12) being only 46 feet wide, as measured from the minimum R-5 setback line. The applicant has since submitted a revised preliminary subdivision plan for review and seeks a variance to allow the proposed lot to be 46

feet wide when at least 50 feet is required, and create the same number of lots in the approved subdivision. If the variance is granted, the applicant will proceed with Technical Review Committee review and final plat review.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Vice Chair Randolph asked the applicants to provide their name and address for the record.

Nick Blackwood, 804 Green Valley Road, applicant's attorney, stated that the survey of the subject property originally submitted by the applicant incorrectly located a sewer easement, which made the original subdivision layout impossible. The variance request is as minor of a modification as possible to maintain continuity of development without unduly impacting adjacent properties.

Mr. Oliver asked if the proposed lot was at an angle, and Mr. Blackwood stated that was correct, and that the variance would allow for an improved aesthetic look of the development.

Mr. Jones asked about the survey in error and if a reason was given by the surveyor for the error, and Mr. Blackwood stated that it was not noticed until site engineering began.

Vice Chair Randolph asked about the revised plat submitted as an Exhibit, and Mr. Blackwood stated that elements were shifted east to account for the actual location of the sewer easement. Vice Chair Randolph asked to confirm there had not been construction yet, and Mr. Blackwood stated that was correct. Vice Chair Randolph asked if the applicant had considered any other dimensional changes to cure the issue, and Mr. Blackwood stated that wetlands protection and stormwater control measures make any other changes that maintain the aesthetic character of the development impractical, and he stated that granting this variance would not create any bonus lots the applicant would otherwise not have. Vice Chair Randolph asked if the applicant could have modified any other proposed lots to account for the survey error, and Mr. Blackwood stated that the developer could not have met setback requirements on the eastern property line and build a home of comparable size on a resultant lot.

Mr. Oliver stated that the proposed lot in question would be approximately 10% larger but have similar buildable envelope than the other proposed lots in the subdivision due to its non-square shape to account for the easement.

Mr. Jones asked about the relationship of dimensional standards for the proposed development to existing homes in the neighborhood, and Mr. Blackwood stated it was similar R-5 (Residential Single-Family) zoning.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Mr. Yearns stated that the proposed lot would be unbuildable without the variance.

MOTION

Mr. Jones moved that in BOA-25-24, a portion of 4613-YY Abshire Lane (to be addressed as 1916 Brightwood School Road upon final subdivision approval), based on the stated Findings of Fact, 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 applicant would not be able to proceed with their revised plans for the development as intended in order to reasonably maximize the property's density; (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 the position of the existing sewer and the unforeseen error in the survey along with the shape of the property which narrows towards the front; (3) The hardship is not the result of the applicant's own actions because the applicant was not aware of the error in the survey which the plans were based on and did not have reason to doubt the existing survey; (4) The variance is in harmony with the general purpose and intent of this Ordinance

and preserve its spirit and assures public safety, welfare and substantial justice because the plans in question do not change the setbacks or size of the home, which will still be consistent with the adjacent properties surrounding it. Mr. Oliver seconded the motion.

The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None).

b. BOA-25-25: 1809 White Street (APPROVED)

Ms. Thiel stated in BOA-25-25, Jeffrey Jones, Trustee of the Makeba L. Casey Trust requests a variance to allow an existing house and unpermitted addition to encroach 6.8 feet into a required 15 foot side street setback. The house and addition are 8.2 feet from the side property line along Water Street. Evidence provided by the applicant included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum side street setback is 15 feet.

Background and Site Information: The subject lot is located on the north side of White Street, west of Water Street, and is zoned R-5 (Residential Single-Family). Tax records indicate the corner lot contains approximately 7,841square feet and the house was constructed in 1950. As shown on the submitted site plan, the existing house is considered a nonconforming structure since it encroaches into a side street setback. The Land Development Ordinance states that any enlargement of a nonconforming structure must conform to the applicable dimensional requirements, unless the Board of Adjustment grants a variance. Without obtaining a permit, the applicant constructed a 555 square foot addition at the back of the house that aligns with the existing building lines. At its closest point, the addition encroaches 6.8 feet into the required 15 foot side street setback and is 8.2 feet from the side property line along Water Street. To address the setback encroachment issue, the applicant has applied for a building permit, and review is on hold awaiting variance approval. If the variance is granted, the existing house and addition will become conforming, and the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Vice Chair Randolph asked the applicants to provide their name and address for the record and swore in Jeffrey Jones for his testimony.

Jeffrey Jones, 301 South Elm Street, Suite 1001, stated that the residence was built in 1950, before the adoption of the current Land Development Ordinance, and the degree of encroachment is not significant. Strict application of the Ordinance would preclude the full enjoyment of the property, the use at which had been lawfully established and existed for over 70 years. The subject property is peculiar as there are no other corner lots in this area with similar placement of the home, and the current owner purchased the property with the intent of improving it. Mr. Jones stated that even with the variance, the home will be sufficiently setback from White Street and does not pose a safety concern.

Mr. Oliver asked if the addition also encroached into the setback, and Mr. Jones stated that was correct.

Vice Chair Randolph asked when the addition was built, and Mr. Jones stated the work began in March or April 2025. Vice Chair Randolph asked to confirm if a building permit was required prior to the addition, and Mr. Kirkman stated that was correct, and the addition was started without permits. Vice Chair Randolph asked why the applicant did not seek a permit before starting work, and Mr. Jones stated that he employed a contractor and was unaware of any permitting issues until the beneficiary of the trust was preparing to move into the property. When they became aware it had not been properly permitted, they sought appropriate permits.

Mr. Wharton asked about the history of street setback regulations in the City, and Mr. Kirkman stated that subdivision ordinance dimensional standards were not generally imposed until the 1960s.

Mr. Yearns asked if this property would have required two variances if staff noticed the nonconformity prior to building the addition, and Mr. Kirkman stated that was correct.

Ms. Quick-Miller asked when the applicant became aware of the lack of permits, and Mr. Jones stated it was during their attempt to activate electric service. Ms. Quick-Miller asked what degree of flexibility in review the City had under State law to address situations like this. Mr. Kirkman stated that the Board can consider whether a property has a hardship imposed on it by applicants relying incorrectly but in good faith on professional service providers, but there is no flexibility available for a staff- or administrative-level remedy.

Mr. Ducharme stated that the Board must make a factual determination about the presence of a hardship that would justify granting a variance.

Mr. Wharton asked about the hardship imposed by homes built prior to establishment of contemporary setback regulations, and Mr. Kirkman stated that the Board can consider that element in their deliberations as questions arise on a case-by-case basis.

Ms. Quick-Miller asked if electric service was active at the subject property, and Mr. Jones stated it was not.

Mr. Oliver asked if the electric service could be activated with the granting of the variance, and Mr. Kirkman stated that it could proceed following issuance of a building permit and completion of full safety inspections to verify compliance.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph stated that he saw a hardship imposed on the subject property by its historic character, and the owner would have difficulty enjoying the subject property but for granting of the variance.

MOTION

Mr. Yearns moved that in BOA-25-25, 1809 White Street, based on the stated Findings of Fact, 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 complying would require relocating or demolition of the structure; (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 the dwelling was built prior to the setbacks being established by the Ordinance; (3) The hardship is not the result of the applicant's own actions because the property was acquired after the applicant after the dwelling was constructed, that predates the Ordinance; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it maintains the single-family character of the community without threat to public safety or welfare, and is in a just manner. Jones seconded the motion.

The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None).

c. BOA-25-26: 201 East Hendrix Street (APPROVED)

Ms. Thiel stated in BOA-25-26, Eric Leininger and Lora Turpin request a variance to allow activities associated with a home occupation to be conducted outside the residence. Evidence provided by the applicants was Exhibit A. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-8-11.5(C)(2): Unless located in the TN District, a home occupation must be conducted entirely within the residence.

Background and Site Information: The subject lot is located on the north side of East Hendrix Street, east of Magnolia Street, and is zoned R-5 (Residential Single-Family). Tax records indicate the corner lot contains approximately 7,405 square feet and the house was constructed in 1921. The applicants have been operating photography studio in an accessory structure on the subject property. The Land

Development Ordinance states that a home occupation must be conducted entirely within the residence, unless the property is zoned TN (Traditional Neighborhood). After receiving a complaint, a zoning officer issued a Notice of Violation for operating a home occupation outside the residence on July 1, 2025. The property owners did not appeal the Notice of Violation, but did submit an application seeking a variance to allow the business to be conducted in an accessory structure. If the variance is granted, the applicants will continue to conduct activities associated with a home occupation outside their residence, in an accessory structure.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay and local and national register historic districts.

Vice Chair Randolph asked the applicants to provide their name and address for the record and swore in Eric Leininger and Lora Turpin for their testimony.

Lora Turpin, 201 East Hendrix Street, stated that they are requesting the variance to operate a small photography business. She stated that they thought they were following the home occupation requirements properly, and the use is very low impact in nature.

Eric Leininger, 201 East Hendrix Street, stated that they believed the accessory structure was a part of their home, as the bedroom and bathroom in the accessory structure are included in Guilford County tax records as being part of the principal dwelling. He stated that the accessory structure is less than 15% of the size of the home, has electrical and plumbing taken off of the home, and has a fence around it that screens it visually from the street and neighboring properties. Mr. Leininger stated that the accessory structure is not used as a shed or other traditional accessory building, but acts more as a part of the home. He displayed Exhibit 3-4 and noted that the accessory structure was approximately ten feet from the home, and serves a function apart from most accessory structures. While the subject property is not in an area zoned TN (Traditional Neighborhood), the historic character and density of this part of Fisher Park create peculiar circumstances that support the variance request. Mr. Leininger stated that the variance would only cover their intended limited operation of the photography studio, which has no signage nor commercial vehicles. He stated that the home occupation would fully comply with the Ordinance if conducted within the principal dwelling, and that this part of Fisher Park has other significant home occupation uses that have been compatible with its unique character. The proposed use would be unlikely to have an undue impact. Mr. Leininger stated that their property has a shared driveway with a recorded easement, and they have worked with their neighboring property owners to amend that easement preventing commercial use to ensure the neighboring property owners would not be negatively impacted by the home occupation.

Mr. Ducharme stated that the Board should use caution if it reviews unrecorded agreements.

Mr. Kirkman stated that the Ordinance's regulation of home occupations is not based on how frequently a use happens.

Ms. Quick-Miller asked how long the property owners have resided in subject the property and when they began the home occupation. Mr. Leininger stated they moved in in 2018, and began the use in May 2025, around the time of the Zoning Enforcement complaint.

Vice Chair Randolph asked about the Zoning Enforcement investigation process, and Mr. Kirkman stated that the assigned Zoning Enforcement Officer issued a Notice of Violation after establishing that the impermissible use was present at the property. He stated that the applicants are not appealing the Notice of Violation or disputing the interpretation that there was an impermissible home occupation at the subject property.

Ms. Quick-Miller then asked about Exhibit 6 and the indicated main body and living area square footage and if those figures included the space in the accessory structure. Mr. Kirkman stated that the 2,367 square foot living area was the floor area of the principal dwelling, and the main square footage was the

main floor of the home. Mr. Leininger stated that the County property summary indicates the accessory structure's square footage as a miscellaneous improvement.

Mr. Wharton asked if the applicant could conduct the home occupation out of the principal structure. Ms. Turpin stated that the accessory structure had excellent natural light that was particularly suitable for portrait photography. The home was built in the 1920s, lacks overhead lights and thus can be dim and is generally not suitable for studio photography, and their family's use of the space precludes most of the area from use with clients.

Mr. Oliver asked about the distinction between hobbies and home occupations as regulated by the Ordinance. Mr. Ducharme stated that the Board must make its determination of when an activity is a home occupation based on the property owner receiving payment for goods or services, apart from the activity's frequency or ultimate economic viability. Mr. Oliver then asked about the Traditional Neighborhood (TN) zoning district and how it applies to this variance request. Mr. Kirkman stated that this area is not zoned TN, and those references in the LDO are not applicable. Mr. Oliver asked the applicants if the accessory structure had a bedroom, and Mr. Leininger stated it did.

Mr. Jones asked if the applicants saw potential for issues with clients parking on the street, and Ms. Turpin stated that street parking is customary in this part of Fisher Park and clients have parked without problems so far.

Mr. Wharton said that many streets in Fisher Park have heavy use of on-street parking.

Mr. Oliver stated that some homes in the area do not have driveways for parking.

Mr. Leininger stated that the Ordinance limits the number of vehicles that can be present at a residence for a home occupation which would limit the potential impact.

Vice Chair Randolph asked if all the photography activity would be contained in the accessory structure or would the applicants operate in the yard of the property. Ms. Turpin stated that she intended to use off-site locations for most of her work, and that the accessory structure would most often serve as an office. She edits the photographs inside the home.

Vice Chair Randolph stated that a variance would run with the property and asked if the Board could limit the variance subject to the present home occupation use, and Ms. Quick-Miller asked if the Board could impose a time limit on a variance.

Mr. Kirkman stated that a variance would need to be enforceable by City staff, and it cannot be tied to the owner of a property, a specific use, or a certain amount of time. He stated that the Board should consider if there are sufficient peculiar conditions of the subject property and the property's relationship to the surrounding neighborhood to determine if a hardship is present.

Mr. Oliver asked if the home occupation would be permissible if accessory structure was attached to the principal structure, and Mr. Kirkman stated that pending review of setbacks and other standards, that would potentially be correct.

Mr. Wharton asked about the relationship between short term rentals and home occupations in general and how the Board has reviewed variance requests regarding short term rentals. Mr. Kirkman stated that the Ordinance classifies short term rentals separate from other home occupations.

Vice Chair Randolph stated that the Board considers each case individually on their merits to determine if the property suffered a hardship to justify a variance.

Mr. Wharton asked if tenants of an accessory dwelling unit would be permitted to have a home occupation. Mr. Kirkman stated that the Ordinance does not define an accessory dwelling as the principal dwelling on a single-family residential property, and there may be a determination that such a use is impermissible.

Mr. Oliver asked if the applicant had a separate Taxpayer Identification Number for the photography activity. Mr. Leininger stated that the State has a threshold for what delineates a hobby versus a business,

and they do not file a separate tax return. Mr. Kirkman stated that the home occupation section of the Ordinance's determination of when an activity is a home occupation is separate from those State standards.

Ms. Turpin stated that they have not moved forward with further planning for the small business as they are waiting for the result of this request.

Vice Chair Randolph asked if storage of equipment in the accessory structure would still constitute a violation, and Mr. Kirkman stated that the Ordinance requires home occupation activity to be contained within the principal structure, and that outdoor storage associated with a home occupation is not permissible.

Mr. Leininger stated that they could pursue a short term rental Zoning Permit for the accessory structure, but they believe the proposed home occupation use would have less potential for negative impact on the neighborhood.

Vice Chair Randolph asked if there was any opposition to the request and swore in Amanda Boling for her testimony.

Amanda Boling, 1002 Magnolia Street, stated that the Notice of Violation was correctly issued as the home occupation is in violation, and the shared driveway means that home occupation activity in the accessory structure poses risks to neighboring property owners. She stated that she has witnessed multiple vehicles associated with the home occupation use using the shared driveway. Her property is one of the three properties using the shared driveway, and the accessory structure in question is very close to her property line. Ms. Boling stated that she is concerned that the regular operation of the home occupation in the accessory structure would negatively impact their property.

Mr. Oliver asked if Ms. Boling was concerned about legal liability for accidents or damage, and Ms. Boling stated that was correct.

Ms. Quick-Miller asked if there was any difference in liability potential if clients of a home occupation were visiting the principal dwelling. Ms. Boling stated that the accessory structure being closer to her property creates a greater potential for negative impact. Ms. Quick-Miller asked if Ms. Boling had witnessed clients of the home occupation parking in the shared driveway, and Ms. Boling stated that was correct.

Mr. Oliver stated that the home occupation would be permissible by right without a variance if the accessory structure was an attached addition. Ms. Boling stated that multiple properties in this area have accessory structures close to their principal dwellings.

Mr. Wharton asked about access control from the subject property onto the shared driveway, and Ms. Boling stated that there was not a gate or fence.

Vice Chair Randolph asked to display Exhibit 3-3 and asked about the location of the accessory structure. Ms. Boling indicated the area of the accessory structure across from her property. Vice Chair Randolph asked Ms. Boling about the other commercial uses nearby, and Ms. Boling stated there were uses of similar intensity.

Ms. Boling stated that granting the variance on the property would permit any future home occupation.

Vice Chair Randolph advised that the applicants have five minutes to speak in rebuttal.

Ms. Turpin stated that they were testing the viability of the business, and they have not advertised any operations since the issuance of the Notice of Violation. She stated that they intend to only use the entrance from East Hendrix Street, unless there are accessibility issues for clients.

Mr. Leininger stated that the accessory structure is in fact behind a fence along the driveway, and the parking space for the subject property is fenced, as well. With landscaping and fencing, the accessory structure is not visible from adjacent properties. He stated that the 1951 recorded agreement is ambiguous about how the shared parking area is associated with which properties and what use or exclusionary rights any of the property owners have.

Hearing no further speakers, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Mr. Jones stated that he can support the request. The potential for change in home occupations presenting a nuisance is outweighed by the Ordinance's reasonable regulations of such uses, and Zoning Enforcement activity would ensure compatibility.

Mr. Oliver stated that the variance request is reasonable given that the home occupation activity would be permissible if the accessory structure was a connected addition.

Mr. Wharton stated that remote work and home occupations are much more common in the contemporary economic environment, and it is not reasonable to restrict home occupations from accessory dwelling units.

Mr. Yearns stated that he was not convinced the applicant had demonstrated a hardship on the subject property. There is potential for more intense operation of a home occupation in an accessory structure versus the home of the operator, thus the Ordinance's restriction.

Vice Chair Randolph stated that the Ordinance imposes controls on home occupations even with the variance. Mr. Yearns stated that operating a home occupation outside of the principal dwelling gives it a substantially more commercial character and creates a greater potential for negative impact on adjacent properties.

Mr. Oliver stated that online merchandise sales from the accessory structure could be considered an impermissible home occupation.

Vice Chair Randolph asked if the property owner could operate a home occupation from solely the accessory structure if the variance were approved, and Mr. Kirkman stated it would be permissible in both the accessory structure and the principal dwelling.

Mr. Wharton stated that other home occupations could be permissible in small spaces such as the accessory structure in question, and that it is not reasonable to regulate it differently than the principal dwelling.

Mr. Jones stated that the Ordinance regulations of home occupations provide protections from potential negative impacts.

Vice Chair Randolph asked if the property owner could have two home occupations, one in the principal dwelling and one in the accessory structure. Mr. Kirkman stated that the Ordinance limits the square footage for all home occupations combined to 30% of the living space of the property, not 30% each of the accessory structure and the principal dwelling.

Mr. Oliver asked how the Ordinance regulates the maximum home occupation utilization of living area, and Mr. Kirkman stated that he would make an interpretation regarding gross floor area; the Ordinance does not specifically address this scenario.

Vice Chair Randolph asked if the Board could condition the variance by the measurement technique used. Mr. Kirkman stated that the Board needs to be cautious to depend on the guidelines of the Ordinance versus engaging in rulemaking.

MOTION

Mr. Oliver moved that in BOA-25-26, 201 East Hendrix Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the outbuilding is primarily used in connection with the residence as a guest bedroom, et cetera, the photography use is a random and non-often use and it's used almost as a hobby; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because

the building is very close to the main house, about ten feet; by connecting the building the issue would not exist; (3) The hardship is not the result of the applicants' own actions because the property was like this when it was purchased; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the use for photography is very limited, there are no signs and when customers do come it is usually one car and one to two people, the neighborhood already has businesses operating that draw many more people and cars. Mr. Jones seconded the motion.

The Board voted 5-1 in favor of the motion (Ayes: Jones, Oliver, Quick-Miller, Wharton, Vice Chair Randolph; Nays: Yearns). Vice Chair Randolph advised the motion passed.

d. BOA-25-27: 3526 Charing Cross Road (APPROVED)

Ms. Thiel stated in BOA-25-27, Jacqueline McClain requests three variances: (1) To allow a proposed house to encroach 13 feet into a required 25 foot front setback. The house will be 12 feet from the front property line; (2) To allow a proposed house to encroach 32 feet into a required 35 foot thoroughfare setback. The house will be 3 feet from the property line along the I-840 right-of-way; and (3) To allow the building coverage of a proposed house to be 1,276 square feet when no more than 1,104 square feet is allowed. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum front setback is 25 feet, the minimum thoroughfare setback is 35 feet, and the maximum building coverage is 30% of the lot area.

Background and Site Information: The subject lot is located on the north side of Charing Cross Road, east of Cotswold Terrace, and is zoned R-3 (Residential Single-Family). Survey records indicate the vacant lot contains approximately 3,681 square feet. The applicant purchased the subject property last year, along with two adjacent lots, from the North Carolina Department of Transportation and proposes to construct a single-family house with a footprint of approximately 1,276 square feet on it. Because the two lots on either side of the subject property are not occupied by single-family dwellings, the standard 25 foot front setback in the R-3 District applies instead of an average front setback calculation. The proposed house will encroach 13 feet into a required 25 foot front setback and will be 12 feet from the front property line. The proposed house will also encroach 32 feet into a required 35 foot thoroughfare setback and will be 3 feet from the property line along the I-840 right-of-way. Additionally, the applicant is seeking a variance to allow the building coverage of the proposed house to be 1,276 when no more than 1,104 square feet is allowed. At its meeting on November 25, 2024, the Board of Adjustment granted variances to allow for the construction of houses on the adjacent two lots to the east that are also owned by the applicant. The Board of Adjustment also granted variances to allow for the construction of a house on an adjacent lot to the west under different ownership at its meeting on March 24, 2025. If the variances are granted, the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted the applicable overlay.

Vice Chair Randolph asked the applicant to provide her name and address for the record and swore in Jacqueline McClain for her testimony.

Jacqueline McClain, 6920 Wooden Rail Lane, Summerfield, stated that she bought the subject property from the North Carolina State Department of Transportation for the purposes of building affordable housing. She stated that the State demolished the previous homes on these properties as part of the construction of the Interstate 840 Urban Loop to the north of the subject property. Ms. McClain stated that she has heard support from neighbors, and that the proposed novel use of the subject property is preferable to it remaining vacant.

Mr. Wharton asked if NCDOT had any requirements to preclude access to the right-of-way from the subject property, and Ms. McClain stated the State maintains a chain-link fence along the property line. She stated that while the subject property would necessarily have a very small back yard due to the

thoroughfare setback, the proposed building envelope would allow development with sufficient recreational space.

Mr. Jones asked about the applicant's experience with NCDOT properties, and Ms. McClain stated that she has purchased multiple properties, but these properties are the first she has sought building permits for.

Vice Chair Randolph asked about the potential development of the subject property should the variances be granted, and Ms. McClain stated that they intended for the properties to fit the existing character of the surrounding neighborhood.

Mr. Oliver asked about the lot's depth at the narrowest point and if the standard setbacks for the zoning district would allow construction of a home. Ms. McClain stated that the subject property would not be buildable without the requested variances. Mr. Kirkman confirmed that this was correct.

Ms. Quick-Miller asked about the economic potential for development on smaller, peculiar lots such as the subject property and how it would influence housing production. Ms. McClain stated that unconventional projects such as this can be a part of adding housing options across the City.

Mr. Wharton asked if the allowable square footage of a dwelling on the subject property, and Mr. Kirkman stated that it is a percentage of the lot size.

Mr. Yearns asked if the proposed envelope indicated in Exhibit B was the proposed foundation, and Ms. McClain stated that was correct.

Mr. Oliver asked about the customary setbacks in the R-5 (Residential Single-Family) zoning district, and Ms. Thiel provided the Ordinance dimensional standards.

Seeing no opposition, Vice Chair Randolph closed the public hearing.

BOARD DISCUSSION

Vice Chair Randolph stated that he supports the request as no other reasonable use of the property could be made but for the variances.

Mr. Oliver stated that the property would require a variance to build a home, and he can support it.

Mr. Wharton concurred and supports the request.

MOTION

Mr. Wharton moved that in BOA-25-27, 3526 Charing Cross Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances 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 strict application would prevent the building of any house at all on the lot; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the size of the lot is constrained by the I-840 right-of-way; (3) The hardship is not the result of the applicants' own actions because the smallness of the lot was created by the construction of the Interstate highway; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it permits the construction of needed housing during a time when the City is suffering a severe affordable housing shortage. Vice Chair Randolph seconded the motion.

The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None).

OTHER BUSINESS

Mr. Yearns asked about the status of vacancies on the Board. Mr. Kirkman stated that City Council has appointed a candidate for the vacant full-time seat, but she has not been sworn in yet. And Mr. Oliver's

term ends soon as he moves to the Planning and Zoning Commission. Mr. Kirkman stated that the process of filling the alternate seats is incomplete.

Mr. Oliver moved to elect Vice Chair Randolph as Chair of the Board of Adjustment. Mr. Yearns seconded the motion. The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None). Chair Randolph was elected unanimously.

Chair Randolph moved to elect Mr. Yearns as Vice Chair of the Board of Adjustment. Mr. Jones seconded the motion. The Board voted 6-0 in favor of the motion, (Ayes: Oliver, Yearns, Jones, Wharton, Quick-Miller; Vice Chair Randolph; Nays: None). Vice Chair Yearns was elected unanimously.

ADJOURNMENT

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Cory Randolph, Chair

Greensboro Board of Adjustment

CLR/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
SEPTEMBER 22, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, September 22, 2025, at 5:31 p.m. in-person in the City Council Chamber. Board members present were: Chair Cory Randolph, Vice Chair Will Yeans, Ted Oliver, David Wharton, Allen Jones, Jasmine Quick-Miller, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Senior Assistant City Attorney).

Chair Randolph welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Randolph further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Randolph advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Randolph then explained how the Board would make its decision and votes, based on findings of fact and other factors, and he explained how to appeal decisions.

Chair Randolph advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (August 25, 2025 Meeting)

Vice Chair Yearns made a motion to approve the August 25, 2025 minutes, seconded by Ms. Quick-Miller.

The Board voted 6-0-1 in favor of the motion, (Ayes: Oliver, Wharton, Jones, Quick-Miller, Vice Chair Yearns, Chair Randolph; Nays: None; Abstention: Barkdull). Chair Randolph advised the minutes were approved.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

NEW BUSINESS

a. BOA-25-28: 5407 Clustermill Drive (APPROVED)

Ms. Thiel stated in BOA-25-28, Cheryl Eaddy requests two variances: (1) To allow a proposed addition to encroach 6 feet into a required 15 foot side street setback. The addition will be 9 feet from the property line along Adams Farm Parkway; and (2) To allow an existing fence located within 15 feet of a street right-of-way along Adams Farm Parkway to exceed the maximum 4 foot height allowed by 2 feet. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance references were Section 30-7-7.2(E)(5): Provisions governing minimum street setbacks are established by the Unified Development Plan; Section 30-4-6.6(A)(3): The Unified Development Plan must contain documents which specify proposed setbacks or other regulations governing building placement; and Section 30-9-4.6(A): For residential uses, no fence or wall may exceed 4 feet in height within 15 feet of any public or private street right-of-way.

Background and Site Information: The subject lot is located on the west side of Clustermill Drive, south of Adams Farm Parkway, and is zoned PUD (Planned Unit Development). Tax records indicate the corner

lot contains approximately 10,019 square feet and the house was constructed in 1988. The Adams Farm Unified Development Plan, as recorded in Plat Book 107, Page 140, established a minimum 15 foot side street setback for single-family dwellings. The applicant proposes to construct a 120 square foot sunroom addition at the side of the house and over a portion of an existing patio that will encroach 6 feet into the required 15 foot side street setback. The addition will be 9 feet from the property line along Adams Farm Parkway. During review, staff advised that an existing 6 foot tall fence surrounding the patio area, where the sunroom addition is proposed, exceeds the maximum 4 foot height requirement for a fence within 15 feet of a street right-of-way by 2 feet. At this time, the applicant seeks variances to address both issues. If the variances are granted, the existing fence will become conforming, and the applicant will proceed with the residential building permit process for the proposed sunroom addition.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Randolph asked the applicant to provide her name and address for the record and swore in Cheryl Eaddy and Moshe Levi for their testimony.

Cheryl Eaddy, 5407 Clustermill Drive, stated that she wishes to convert her patio into a sunroom usable year-round, and there is no other practical location for this addition. She stated that the fence in question was constructed before she purchased the property.

Mr. Oliver asked if the applicant was aware the pre-existing fence was nonconforming, and Ms. Eaddy stated she was not. Mr. Oliver asked if the applicant intended to extend the existing concrete slab, and Ms. Eaddy stated she was not, and that the addition would not cover the entire paved area.

Mr. Wharton asked if the Association objected to the fence, and Ms. Eaddy stated they had not, and that the Association has approved her requested addition.

Ms. Quick-Miller asked about the dimensional requirements for side setbacks in this zoning district, and Mr. Kirkman stated that the existing paved area is not covered and thus would not be subject to the side setback.

Mr. Wharton asked what other areas the applicant had considered for the proposed addition, and Ms. Eaddy stated that the back of the home was not an appropriate location due to drainage issues.

Chair Randolph asked about the cause of the drainage issues on the property, and Ms. Eaddy stated that it was due to the slope of the property, and she has had to install a French Drain in an attempt to limit standing water on the property.

Ms. Quick-Miller asked about the fence height standards in the Ordinance and how the Association could impose different requirements, and Mr. Kirkman stated that the Ordinance regulates fence height at different locations due to traffic safety concerns, and that the City does not enforce private agreements.

Ms. Thiel stated that the Greensboro Department of Transportation (GDOT) confirmed the exiting condition of the fence does not pose a traffic safety hazard.

Mr. Oliver asked to confirm that the Board can only consider the requirements of the Land Development Ordinance and not any agreements with private associations, and Mr. Kirkman stated that was correct.

Vice Chair Yearns asked if the applicant intended to expand the enclosed area of the fence, and Ms. Eaddy stated it would remain as-is.

Chair Randolph asked if the fence could have been legally conforming when the home was constructed in 1988, and Mr. Kirkman stated that previous ordinances had some height restrictions, but specific standards that would have been applicable at that time are unclear.

Ms. Quick-Miller asked about the hardship imposed by needing to remove the fence, and Ms. Eaddy stated that it provided privacy and safety, allowing her to fully enjoy the use of her property.

Chair Randolph asked if Adams Farm Parkway was a high traffic street adjacent to the applicant's property, and Ms. Eaddy stated that there is significant traffic and there are limited sidewalks.

Moshe Levi, 1408 Prospect Hill Street, Kernersville, applicant's contractor, stated that the subject property is uniquely configured and presents complications in building the desired addition. It would be difficult or impossible for an addition located elsewhere on the property to meet building code standards. He stated that the fence is a significant part of the home's character and heavily contributes to the applicant's enjoyment of the property. Mr. Levi stated that much of the addition will be beneath the height of the fence due to the natural slope on the property and will be screened from the street.

Vice Chair Yearns asked about the roof for the proposed addition, and Mr. Levi stated that it was a shed roof.

Seeing no opposition, Chair Randolph closed the public hearing.

MOTION

Mr. Oliver moved that in BOA-25-28, 5407 Clustermill Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances 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 slab already exists on the property, the applicant only wants to put a structure on something that is already there; (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 the fence was already there when the home was purchased, the patio location is the best, maybe the only location on the lot that will work; (3) The hardship is not the result of the applicant's own actions because the cement slab patio was already in place when the property was purchased, having to remove or modify the fence would cost the applicant and create a hardship for the cost of that action; (4) The variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because no harm will come to anyone and the structure will be in harmony with the area. Vice Chair Yearns seconded the motion.

The Board voted 7-0 in favor of the motion, (Ayes: Oliver, Wharton, Jones, Quick-Miller, Barkdull, Vice Chair Yearns, Chair Randolph; Nays: None). Chair Randolph advised the motion passed unanimously.

b. BOA-25-29: 1111 Sunset Drive (APPROVED)

Ms. Thiel stated in BOA-25-29, Amanda Youth requests a variance to allow a proposed addition to encroach 2.4 feet into a required 10 foot side setback. The addition will be 7.6 feet from the side property line. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-1: In the R-3 District, the minimum side setback is 10 feet.

Background and Site Information: The subject lot is located on the south side of Sunset Drive, at the intersection of Country Club Drive, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 17,860 square feet and the house was constructed in 1949. The applicant proposes to construct a 400 square foot carport addition at the side of the house that will encroach into the required side setback. The proposed addition will encroach 2.4 feet into the required 10 side setback and be 7.6 feet from the eastern side property line. If the variance is granted, the applicant will proceed with the residential building permit process.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Randolph asked the applicant to provide her name and address for the record and swore in Amanda Youth for her testimony.

Amanda Youth, 1111 Sunset Drive, stated that the remodeling process of the property made her aware of serious drainage issues on the property that she is attempting to mitigate with control measures, but

the basement is unlikely to be an appropriate option for converting into finished living space. Accordingly, she seeks to construct an addition to meet these needs and account for the existing stormwater issues. The proposed addition, being attached, will also provide a better parking configuration for the property, particularly during inclement weather. Ms. Youth stated that she communicated with her adjacent neighbor regarding the proposal and she has heard no opposition.

Mr. Wharton stated that the subject property is narrow on the left side, and asked if a narrower carport could be constructed without a variance. Ms. Youth stated that the full width of the carport could be not be used on that side due to the lip of the foundation projecting outward, reducing usable area.

Chair Randolph asked the applicant to indicate the area in question, and Ms. Youth displayed Exhibit 3-3 and stated that it would be very difficult to maneuver a vehicle into position.

Mr. Jones asked if the proposed carport would be in-line with the back porch, and Ms. Youth stated that was correct.

Vice Chair Yearns asked about the roof on the proposed addition, and Ms. Youth stated that the roof of the carport would be even with the top deck, and the top porch would be screened. The privacy screening would extend all the way. Vice Chair Yearns asked to confirm that the existing deck would be extended over the proposed carport, and Ms. Youth stated that was correct. Ms. Youth then stated that the screening would provide coverage to neighboring properties. Vice Chair Yearns asked about retaining walls on adjacent properties and if there was any structural concerns about encroachment. Ms. Youth stated that she did not know the height of the existing wall, but it was likely under 4 feet.

Mr. Kirkman stated that retaining walls do not have height restrictions in the Ordinance when solely used for that purpose.

Chair Randolph asked about the stormwater mitigation measures the applicant has taken to account for the situation on the property. Ms. Youth indicated on Exhibit 3-3 that it originates from the high side of the neighboring retaining wall and proceeds down the slope of the property to the street frontage of the subject property. She stated that she added a French Drain, and indicated on the site plan where she installed a catch basin. Chair Randolph asked if the applicant has received any complaints from neighbors regarding water flow off the subject property. Ms. Youth stated that she had not, and that she is downhill of stormwater flow. Chair Randolph requested Exhibit 3-1, indicating the location of the catch basin, and asked to confirm that the other neighbor pictured has not complained regarding water runoff, and Ms. Youth stated that was correct.

Ms. Quick-Miller asked about the proposed retention wall element of the addition, and Ms. Youth stated that it is currently planned to be brick reinforced with stone and covered with stained wooden slats, and would not contribute negatively to stormwater concerns on adjacent properties.

Mr. Wharton asked about likely runoff flow, and Ms. Youth stated that it would flow toward the existing and proposed catch basins, which she intends to keep water away from the home.

Chair Randolph asked about the hardship the applicant would endure but for the variance, and Ms. Youth stated that the addition and modifications would be extremely beneficial to runoff control on the property and would make the accessory livable area more robust.

Ms. Jones asked if the garage doors were on the right side of the home, and Ms. Youth stated that was correct, and the proposed carport would serve as a different point of ingress/egress.

Hearing no opposition, Chair Randolph closed the public hearing.

MOTION

Mr. Wharton moved that in BOA-25-29, 1111 Sunset Drive, based on the stated Findings of Fact, 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 home lots from this period were particularly narrow

and do not accommodate modern, wider cars, and the applicant needs close auto access entrance to the house for her elderly mother; (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 the narrowness of the lot and because drainage issues require directing water flow accomplished by the retaining wall from the carport away from the house, and because the house foundation itself, if the carport were narrower, would limit access into and out of the car; (3) The hardship is not the result of the applicant's own actions because the lot size and the drainage issues were in existence before the applicant purchased the property; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it allows for protection for and access to car storage without harm to others. Mr. Yearns seconded the motion.

The Board voted 7-0 in favor of the motion, (Ayes: Oliver, Wharton, Jones, Quick-Miller, Barkdull, Vice Chair Yearns, Chair Randolph; Nays: None). Chair Randolph advised the motion passed unanimously.

OTHER BUSINESS

Ms. Thiel thanked Mr. Oliver for his years of service as he moves to his new role with the Planning and Zoning Commission.

Chair Randolph wished Mr. Oliver well for his new term of service and acknowledged the absence of Ms. Spaulding.

Mr. Oliver stated he greatly appreciated his time with the Board of Adjustment.

ADJOURNMENT

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Cory Randolph, Chair

Greensboro Board of Adjustment

CLR/arn

MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
OCTOBER 27, 2025

The meeting of the Greensboro Board of Adjustment was held on Monday, October 27, 2025, at 5:39 p.m. in-person in the City Council Chamber. Board members present were: Chair Cory Randolph, Vice Chair Will Yeans, David Wharton, Allen Jones, J.D. Galyon III, Alina Spaulding, and Jasmine Quick-Miller. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison, and Andrew Nelson (Planning Department), and Emily Guarascio (Senior Assistant City Attorney).

Chair Randolph welcomed everyone to the meeting. Members of the Board of Adjustment are appointed by City Council and serve without pay. This is a quasi-judicial Board, meaning that all testimony will be under oath. Findings of fact will be made and final action of the Board is like a court decision. Anyone appearing before this Board has a right to offer evidence, cross-examine witnesses, and inspect documents. The Board will proceed according to the agenda, a copy of which was provided. Chair Randolph further explained the way the Board conducts its hearings and methods of appealing any ruling made by the Board. Chair Randolph advised that each side, regardless of the number of speakers, were allowed a total of 20 minutes to present evidence. Board members may ask questions at any time. Chair Randolph then explained how the Board would make its decision and votes, based on findings of fact and other factors, and he explained how to appeal decisions.

Chair Randolph advised that all testimony and evidence from applicants or opposition speakers must be relevant to the cases before the Board and the four criteria it uses to make decisions.

APPROVAL OF MINUTES (September 22, 2025 Meeting)

Vice Chair Yearns made a motion to approve the September 22, 2025 minutes, seconded by Mr. Wharton.

The Board voted 5-0-2 in favor of the motion, (Ayes: Wharton, Jones, Quick-Miller, Vice Chair Yearns, Chair Randolph; Nays: None; Abstention: Spaulding, Galyon). Chair Randolph advised the minutes were passed.

SWEARING IN OF STAFF

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

CONTINUANCES / WITHDRAWALS

There were no continuances or withdrawals.

Chair Randolph stated that Vice Chair Yearns has acknowledged a conflict associated with agenda item BOA-25-30 at 106 Milliken Street, as he has an associational relationship with the applicant. Vice Chair Yearns has voluntarily recused himself from participating in the matter. Mr. Wharton made a motion to accept Vice Chair Yearns' recusal, seconded by Mr. Jones.

The Board voted 6-0-1 in favor of the motion, (Ayes: Wharton, Jones, Quick-Miller, Galyon, Spaulding, Chair Randolph; Nays: None; Abstention: Yearns).

Vice Chair Yearns left the dais and suspended participation in the Board's proceedings.

NEW BUSINESS

a. BOA-25-30: 106 Millikin Street (to be addressed as 106-A Millikin Street upon final subdivision approval) (DENIED)

Ms. Thiel stated in BOA-25-30, Ramon Vasquez requests a variance to allow the lot width of a proposed lot to be 47.4 feet when at least 50 feet is required. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum lot width for an interior lot is 50 feet.

Background and Site Information: The subject lot is located on the south side of Millikin Street, east of North Church Street, and is zoned R-5 (Residential Single-Family). The house on the current lot was constructed in 1940, and a survey prepared for the applicant indicates the proposed lot contains approximately 10,057 square feet. The applicant proposes to subdivide the existing lot at 106 Millikin Street into two lots to allow for the construction of an additional single-family dwelling on the new lot. To ensure that the existing house on the current lot complies with the interior side setback requirement for the R-5 district, the proposed dividing lot line will result in the new lot being only 47.4 feet wide, as measured from the minimum front setback line. At this time, the applicant seeks a variance to allow the lot width of the proposed lot to be 2.6 feet less than the 50 foot minimum required. If the variance is granted, the applicant will proceed with final plat review (during which a new address will be assigned) and residential building permit review.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Randolph asked the applicant to provide his name and address for the record and swore in Ramon Vasquez for his testimony.

Ramon Vasquez, 2912 Nabors Road, stated that he sought to subdivide the subject property to build a new home. The existing home, constructed in 1940, is positioned in such a way as to preclude subdivision without creating a nonconformity.

Mr. Wharton asked to confirm that the applicant sought to construct a second home, and that this would require subdivision. Mr. Vasquez stated that was correct.

Chair Randolph asked to confirm that the existing home would remain, and Mr. Vasquez stated that was correct.

Ms. Quick-Miller asked if the properties would share a driveway, and Mr. Vasquez stated that each parcel would have its own driveway.

Chair Randolph asked about the hardship that applicant would have but for the variance, and Mr. Vasquez stated that they would not be able to improve the property.

Ms. Quick-Miller asked about the applicant's hardship, and Ms. Guarascio confirmed that the variance application is in the record for the Board's review.

Mr. Wharton asked to confirm that the applicant could not build another single-family home without the variance, and stated that the neighborhood was originally platted with 50 foot wide lots in the 1920s. Mr. Kirkman stated that the current Land Development Ordinance requires measurement at an angle from the front setback distance, and thus subdivision along the lines of the original plat would produce nonconforming lots. Mr. Wharton asked if a new home would require a variance to meet front setback requirements, and Mr. Kirkman stated that was possible.

Mr. Jones stated that the peculiar configuration of the property makes additional development difficult.

Mr. Wharton stated that it appeared any subdivision would require at least one variance.

Ms. Quick-Miller asked to confirm there was no other street frontage or means of ingress and egress from the subject property, and Mr. Kirkman stated that was correct, and that the City has had subdivision regulations since the 1960s. Ms. Quick-Miller asked if the applicant had purchased the property with the intent to subsequently subdivide it, and Mr. Vasquez stated he did not.

Seeing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Chair Randolph stated that there are similar lots in proximity, but that it may not be compatible with the neighborhood as it has developed over the past few decades.

Mr. Wharton stated that there are a variety of property shapes and sizes in this area and that the request is generally congruent with the character of the neighborhood and the intention of the Ordinance.

Mr. Jones stated that the position of the existing home complicates the situation and creates the need for a variance, and that the original platting of the neighborhood indicates an intent to have lots configured approximately similar to that of the request.

MOTION

Mr. Wharton moved that in BOA-25-30, 106 Millikin Street, based on the stated Findings of Fact, 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 applicant would be unable to build a single-family home; (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 subdividing the lot to a 50-foot width would create a setback nonconformity on the existing house which is against state law, and subdividing to a slightly narrow new lot would avoid that problem; (3) The hardship is not the result of the applicant's own actions because the lot size and position of the existing house were determined before the applicant purchased the property; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it will allow the construction of a single-family house which is in harmony with the current zoning and the current uses in the neighborhood. Mr. Jones seconded the motion.

The Board voted 4-2 in favor of the motion, (Ayes: Wharton, Jones, Galyon, Spaulding; Nays: Quick-Miller, Chair Randolph). Chair Randolph advised the motion failed.

Ms. Guarascio advised the Board to make a motion for denial for clarity of the record. Chair Randolph asked to confirm that the Board should indicate what element was not met, and Ms. Guarascio stated that was correct.

Ms. Quick-Miller stated that she did not believe the applicant had presented testimony or evidence sufficient to establish an unnecessary hardship would result to the property but for granting of a variance.

Ms. Guarascio confirmed that all seated Board members must vote on any motion.

Ms. Quick-Miller moved that in BOA-25-30, 106 Millikin Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be upheld and the variance denied based on the following: If the applicant complies with the provisions of the Ordinance, unnecessary hardship will not result to the property by applying strict application of the Ordinance because it will not cause hardship to the applicant or the property as stated by the applicant. The motion was not seconded.

Chair Randolph moved that in BOA-25-30, 106 Millikin Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be upheld and the variance denied based on the following: If the applicant complies with the provisions of the Ordinance, unnecessary hardship will not result to the property by applying strict application of the Ordinance because the variance is not in harmony with the general purpose and intent of this Ordinance, and does not preserve its spirit and does not assure public safety because while the lot is congruent with lot sizes that are directly across the street from it, the majority of the properties have now been converted from the initial plat that was done in 1920 to a larger, almost double lot size in this area, and so the request for the variance to subdivide the lot now back to what was originally proposed in 1920 is not in harmony with the intent of the Ordinance, which was to make the lot sizes larger. Ms. Quick-Miller seconded the motion.

Mr. Wharton asked about the general zoning around the subject property, and Mr. Kirkman stated it was R-5 (Residential Single-Family). Mr. Wharton asked if the proposed subsequent lot would comply with R-5 dimensional requirements, and Mr. Kirkman stated that the proposed lot exceeds R-5 minimum lot size, but not minimum lot width. Mr. Wharton stated that the proposed parcels are broadly compatible with R-5 zoning.

Mr. Gaylon asked about where minimum lot width is calculated, and Ms. Thiel stated that lot width is measured at the front setback line.

Ms. Spaulding asked to confirm that the first motion failed, and Mr. Kirkman stated that was correct.

The Board voted 2-4 in opposition to the motion, (Ayes: Quick-Miller, Chair Randolph; Nays: Wharton, Jones, Galyon, Spaulding). Chair Randolph advised the motion failed.

Chair Randolph stated that the variance request failed.

Vice Chair Yearns returned to the dais and resumed participation in the meeting.

b. BOA-25-31: 1102 Parish Street (APPROVED)

Ms. Thiel stated in BOA-25-31, Laura J. Upstill requests two variances: (1) To allow the building coverage of all accessory structures on the lot to be 614 square feet when no more than 600 square feet is allowed; and (2) To allow an existing house to encroach 2.4 feet into a required 5 foot side setback. The house is 2.6 feet from the side property line. Evidence provided by the applicants included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 6. The Land Development Ordinance references were Section 30-8-11.1(A)(3): In R- districts, the maximum building coverage of all accessory structures may not exceed 50% of the building coverage of the principal structure on the lot or 600 square feet, whichever is greater; and Section 30-7-3.2 – Table 7-2: In the R-5 District, the minimum side setback is 5 feet.

Background and Site Information: The subject lot is located on the north side of Parish Street, west of Cleburne Street, and is zoned R-5 (Residential Single-Family). Tax records indicate the lot contains approximately 11,326 square feet, and the house was constructed in 1943. The applicant proposes to construct a 240 square foot accessory dwelling in the rear of the property that will meet all accessory dwelling requirements contained in the ordinance. However, when the building coverage of the proposed accessory dwelling is combined with that of the existing 374 square foot accessory structure, the total accessory structure building coverage exceeds the 600 square maximum allowed by 14 square feet. The applicant has indicated she will remove an approximately 130 square foot portion of the existing accessory structure prior to building the accessory dwelling, so it's building coverage was not included in the amount of variance request. Upon review of the submitted site plan, staff also advised that the existing house is considered a nonconforming structure as it encroaches 2.4 feet into a required 5 foot side setback. At this time, the applicant seeks variances to address the accessory structure building coverage and principal structure setback issues. If the variances are granted, the existing house will become conforming and the applicant will proceed with residential building permit review for the proposed accessory dwelling.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Randolph asked the applicant to provide her name and address for the record and swore in Laura Upstill for her testimony.

Laura Upstill, 702-A North Josephine Boyd Street, stated that she wishes to build an accessory dwelling unit in order to provide a home for her daughter. The proposed structure would exceed allowed accessory coverage by 14 square feet. She stated that the existing home encroaches into the side setback, which she was not aware of when she purchased the property in 2020. Unaware of any neighbor objection.

Ms. Quick-Miller asked if the applicant resides in the subject property, and Ms. Upstill stated she did not. Ms. Quick-Miller asked if the existing garage would remain, and Ms. Upstill stated it would, and she intended to place a pre-built structure on the property behind the existing detached garage. Ms. Quick-Miller asked if the driveway would be shared between occupants, and about the subsequent utility of the existing garage. Ms. Upstill stated that the garage would be used by tenants of the property for parking.

Ms. Quick-Miller asked if a variance would be needed to convert the existing garage into an accessory dwelling unit. Ms. Thiel stated that a variance would not be needed to do so. Ms. Quick-Miller asked why the applicant was seeking to construct a new building versus converting the garage, and Ms. Upstill stated that it would cost more to make the garage a residential structure than to add the new building. Ms. Quick-

Miller asked if the applicant had considered demolishing the existing garage, and Ms. Upstill stated that it would cause a significant financial hardship to remove it.

Ms. Spaulding asked if the accessory dwelling unit will have plumbing, and Ms. Upstill stated it would have plumbing and full electrical/HVAC.

Mr. Wharton asked if the applicant used the existing garage, and Ms. Upstill stated that it was used as storage at the moment but she intends for it to be parking for the future tenant of the accessory dwelling unit. Mr. Wharton asked if losing the use of the detached garage would be a hardship if she needed to demolish the structure, and Ms. Upstill stated that it would be. Mr. Wharton asked if reducing the size of the accessory dwelling unit would create a hardship, and Ms. Upstill stated that it would as she already owned the 12' x 20' structure she intends to use as the accessory dwelling unit. Mr. Wharton asked when the applicant purchased the structure, and Ms. Upstill said approximately mid-August. She stated that she thought the structure was 18' x 12' when she purchased it.

Ms. Spaulding asked if plumbing can be provided to the accessory dwelling unit, and Mr. Kirkman stated that as the principal home is served by City services, that would be addressed in the building permit process.

Ms. Quick-Miller asked about the existing home's encroachment and if the applicant was aware of it before purchasing the property, and Ms. Upstill stated that she had no idea the property was encroaching until the survey.

Ms. Spaulding asked if the applicant had the property surveyed when originally purchased, and Ms. Upstill stated she did not.

Vice Chair Yearns asked if the need for a variance was found during the building permit process, and Ms. Upstill stated that was correct.

Mr. Jones asked about pre-built structures and permitting, and Ms. Thiel stated that the applicant will need to proceed with the residential building permit process if the variance is granted.

Hearing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Ms. Quick-Miller stated that she was not convinced the applicant indicated a hardship.

Vice Chair Yearns asked if the Board could consider the applicant's purchase of the structure as an element of the hardship. Ms. Guarascio stated that the Board could determine what facts and testimony presented on the record were material and relevant to the request.

Ms. Quick-Miller stated that while the applicant may have been deceived by the delivered product, it was her responsibility to ensure applicability and seek permits appropriately.

Mr. Wharton stated that the sworn testimony of the applicant indicates her intent to purchase an appropriate structure.

MOTION

Vice Chair Yearns moved that in BOA-25-31, 1102 Parish Street, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances 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 it will prevent the applicant from pursuing the minimum viable size of the structure, complying with the Ordinance will require a demolition of existing structures to comply with the setback minimums; (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 the size of the principal structure limits the amount of accessory structures, and converting the existing structures could create unsafe housing as an accessory dwelling unit; (3) The hardship is not the result of the applicant's own actions because the applicant acquired the property with the current encroachment into the setback and the size of the structure was predetermined; (4) The

variances are in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because the proposed structure does not negatively affect the public safety, welfare justice of the surrounding community, and the setback does not either. Mr. Wharton seconded the motion.

The Board voted 6-1 in favor of the motion, (Ayes: All other; Nays: Quick-Miller). Chair Randolph advised the motion passed.

c. BOA-25-31: 4323 Four Farms Road (APPROVED)

Ms. Thiel stated in BOA-25-32, Thomas and Kimberly Berry request a variance to allow the building coverage of all accessory structures on the lot to be 3,198 square feet when no more than 2,416 square feet is allowed. Evidence provided by the applicants included Exhibits A and B. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance reference was Section 30- 8-11.1(A)(3): In R- districts, the maximum building coverage of all accessory structures may not exceed 50% of the building coverage of the principal structure on the lot or 600 square feet, whichever is greater.

Background and Site Information: The subject lot is located on the west side of Four Farms Road, south of Horse Pen Creek Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 4.23 acres, and the house was constructed in 1986. The applicants propose to construct a 2,400 square foot accessory structure in the rear of the property that will meet setback and separation requirements contained in the ordinance. However, when the building coverage of the proposed accessory structure is combined with that of the existing 798 square foot accessory structure, the total accessory structure building coverage exceeds the 2,416 square maximum allowed by 782 square feet. At this time, the applicants seek a variance to address the accessory structure building coverage issue. If the variance is granted, the applicants will proceed with residential building permit review for the proposed accessory structure.

Ms. Thiel provided the land use and zoning for this property and surrounding properties and noted there were no applicable overlays or plans.

Chair Randolph asked the applicants to provide their name and address for the record and swore in Thomas Berry for his testimony.

Thomas Berry, 4323 Four Farms Road, stated that they have run out of storage space and seek to build a new accessory building to meet their storage needs.

Mr. Jones asked about the size of the subject property and how the accessory structure would be used, and Mr. Berry confirmed it was a large property and the space could be used to help maintain the property.

Ms. Spaulding asked if the property currently has a garage, and Mr. Berry stated it had a two-car garage.

Mr. Wharton asked if an accessory structure 800 square feet smaller would be usable, and Mr. Berry stated that it would not meet their needs nor would it be economically viable.

Chair Randolph asked about the applicant's proposed use of the storage area, and Mr. Berry stated that the extra space is needed for the maintenance of vehicles and the property, particularly gardening tools.

Vice Chair Yearns asked about Exhibit 5 which appeared to indicate the subject property was split across parcels, and Mr. Kirkman stated that the property had subsequently been recombined after the plat was recorded.

Chair Randolph asked about neighborhood outreach and swore in Kimberly Berry for her testimony.

Kimberly Berry, 4323 Four Farms Road, stated that they have spoken to their five direct neighbors, and have not heard any objection.

Mr. Wharton asked about Exhibit 1 and a large structure on a neighboring property, and Ms. Berry stated it was a neighbor's pre-existing barn. Mr. Kirkman stated that this property was under Guilford County jurisdiction at that time.

Ms. Spaulding asked about the smaller lots across the street on Four Farms Road, and Ms. Berry stated that those properties are currently vacant.

Mr. Galyon asked about trees or vegetation in the area that provide screening for the proposed structure, and Mr. Berry indicated on the aerial photograph that there was a large stand of trees to their north property line.

Seeing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Mr. Jones stated that this situation is caused by the Ordinance using the size of the home in accessory coverage calculation, which does not always fit with large properties such as the subject property

Vice Chair Yearns stated that other municipalities use lot size to determine accessory structure coverage allotments, and that it can be consistent in areas with large lots.

Mr. Wharton stated that the applicant's testimony indicates the large size of the subject property creates a hardship via the need for more storage.

Chair Randolph stated that there is not a direct correlation between house size and lot size, and a large lot can have an inconsistent amount of accessory coverage available.

MOTION

Mr. Jones moved that in BOA-25-31, 4323 Four Farms Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variance granted based on the following: (1) If the applicants comply with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the applicants would not be able to add the equipment storage structure needed to adequately maintain their property; (2) The hardship of which the applicants complain results from conditions that are peculiar to the property and unique circumstances related to the applicants' property because the parcel is significantly larger than an average residential lot, which justifies a need for additional storage of maintenance equipment; (3) The hardship is not the result of the applicants' own actions because the hardship stems from the size of the lot instead of the actions of the applicants and is one that any other owner of a property of this size would likely face; (4) The variance is in harmony with the general purpose and intent of this Ordinance and preserve its spirit and assures public safety, welfare and substantial justice because it is positioned behind the principal structure, it is still subordinate to the principal structure and does not pose a nuisance to the surrounding property owners. Vice Chair Yearns seconded the motion.

The Board voted 7-0 in favor of the motion, (Ayes: Wharton, Jones, Galyon, Spaulding, Quick-Miller, Vice Chair Yearns, Chair Randolph; Nays: None). Chair Randolph advised the motion passed unanimously.

OTHER BUSINESS

Chair Randolph welcomed Mr. Galyon and Ms. Spaulding to the Board of Adjustment.

ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Cory Randolph, Chair

Greensboro Board of Adjustment

CLR/arn