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