

**MEETING MINUTES
GREENSBORO BOARD OF ADJUSTMENT
NOVEMBER 24, 2025**

The meeting of the Greensboro Board of Adjustment was held on Monday, November 24, 2025, at approximately 5:30 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, and Carla Harrison (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 (October 27, 2025 Meeting)

Ms. Spaulding made a motion to approve the October 27, 2025 minutes, seconded by Mr. Wharton.

The Board voted 7-0 in favor of the motion, (Ayes: Wharton, Jones, Galyon, Spaulding, Quick-Miller, Vice Chair Yeans, Chair Randolph). Chair Randolph advised the minutes were passed 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-25-33: 402 Rockford Road (APPROVED)

Ms. Thiel stated in BOA-25-33, Lauren McNeil requests a variance to allow the total building coverage of all accessory structures on the lot to be 1,792 square feet when no more than 1,684 square feet is allowed. 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 total building coverage of all accessory structures on the lot to be 1,792 square feet when no more than 1,684 square feet is allowed.

Background and Site Information: The subject lot is located on the north side of Rockford Road, east of Marston Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the through lot contains approximately 23,958 square feet, and the house was constructed in 1958. The applicant proposes to construct a 1,792 square foot accessory structure behind the existing house that will contain a garage, storage and covered patio. Because 50% of the house building coverage is 1,684 square feet, the applicant is seeking a variance to allow the total accessory structure building coverage to exceed the maximum allowed by 108 square feet. If the variance is granted, the applicant 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 the applicable overlays.

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

Lauren McNeil, 402 Rockford Road, stated that they sought to build a detached garage with storage and office space for their growing family. The project would be questionably practical if kept to the maximum permissible structure size. She stated that they have spoken with neighbors and heard no opposition.

Seeing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Chair Randolph stated that he believes the applicant has sufficiently supported the need for a variance due to the standards of single-family development in the 1950s not meeting the needs of contemporary households.

Mr. Wharton stated that there was insufficient demonstration of a hardship.

Ms. Quick-Miller stated that she thought the applicant provided information to demonstrate a hardship and that the variance is required for the sustained economic viability of properties such as the subject property.

Mr. Galyon stated that the use of the structure as an office also supported the need for the variance.

Ms. Spaulding stated that she can support the variance, as the requested overage is not significant and it encourages maintaining residence in the neighborhood, thus supporting its character.

Mr. Jones stated that the proposed location of the accessory structure was unlikely to pose any negative impact on adjacent properties.

MOTION

Mr. Galyon moved that in BOA-25-33, 402 Rockford 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 homeowner will be able to fully utilize their fourth bedroom, as well as adequately store all of their goods, as well as protect their vehicles from the elements; 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 home was built prior to their ownership and there was no covered parking or garage with additional storage in homes built in the 1950s; (3) The hardship is not the result of the applicant's own actions because the house predates their ownership and 1950s homes did not have the storage adequate to support what people have today; (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 would have minimal visibility from the road and would not interfere with the neighbors. Ms. Quick-Miller seconded the motion.

The Board voted 6-1 in favor of the motion, (Ayes: Jones, Galyon, Spaulding, Quick-Miller, Vice Chair Years, Chair Randolph; Nays: Wharton). Chair Randolph advised the motion passed.

b. BOA-25-34: 1609 Saint Andrews Road (DENIED-Variance 1 and APPROVED-Variance 2)

Ms. Thiel stated in BOA-25-34, Robert and Anne Carter and Scott and Kimberly Wilson request two variances: (1) To allow the total building coverage of all accessory structures on the lot to be 1,239 square feet when no more than 1,128 square feet is allowed; and (2) To allow an existing accessory structure to encroach 1.2 feet into a required 3 foot side setback. The accessory structure is 1.8 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 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 30-8-11.1(C)(2): In residential districts, accessory structures 15 feet tall or less must be set back at least 3 feet from side and rear property lines.

Background and Site Information: The subject lot is located on the west side of Saint Andrews Road, south of Wentworth Drive, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 14,810 square feet, and the house was constructed in 1929. The applicants propose to make additions totaling 471 square feet to an existing accessory structure that will increase its building coverage to 1,239 square feet. This exceeds the maximum allowed accessory structure building coverage by 111 square feet. The applicants also became aware that the existing accessory structure is considered a nonconforming structure as it encroaches 1.2 feet into a required 3 foot side setback. The proposed additions do not increase the degree of nonconformity of the existing structure since they will not be closer to the property line, but the applicants wish to address both issues at this time. If the variances are granted, the applicants will proceed with residential building permit review for the proposed addition to the accessory structure.

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

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

Nick Blackwood, 804 Green Valley Road, stated that the applicants intend the variances to cure existing nonconformities and permit adding needed living space to an existing accessory structure. The applicants who are potential purchasers of the property propose a design that limits potential negative impact on adjacent properties and is broadly compatible with the neighborhood. The configuration of the property is such that there are no other practical locations available, and the encroachments do not significantly detract from the intention of the Ordinance.

Chair Randolph asked if the applicants were proposing moving an existing wall or constructing a new wall, and Mr. Blackwood stated that previous designs would have demolished an existing retaining wall and installing a new one but that is no longer part of the architectural plan.

Ms. Quick-Miller asked when the detached garage was built, and Mr. Blackwood stated it was 2020 with proper permitting, but the contractor appears to have made a surveying error during construction.

Mr. Galyon asked about the applicants' hardship, and Mr. Blackwood stated that the variance is necessary to allow construction to permit their practical use of the property because there are no alternative locations suitable to build on the subject property.

Chair Randolph asked about the configuration of the proposed living space, and Mr. Blackwood stated that it did not have the elements necessary for it to be a dwelling unit and thus was not an accessory dwelling unit, but more general-purpose recreation and gathering space.

Ms. Quick-Miller asked what the applicants would do but for the granting of the variance, and Mr. Blackwood stated that they would likely either terminate the sale or drastically reduce their proposed work, and the property would still be at risk of losing use rights should it be damaged.

Mr. Wharton asked if the applicants could add a third garage bay without adding living area, and Mr. Blackwood stated that either would mitigate the need for the building coverage variance but they would instead have to plan additions to the principal dwelling.

Mr. Jones asked if the configuration of the home complicates adding more living space, and Mr. Blackwood confirmed that it did.

Hearing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Ms. Quick-Miller stated she was not convinced the applicants had demonstrated a hardship sufficient to support the granting of the building coverage variance, and that it appeared any potential hardship would be on potential future owners of the property, not the current owners.

Mr. Wharton stated that while the request was reasonable, the request did not meet the standards of hardship necessary to grant a variance.

Ms. Spaulding stated that the size requested in the variance is potentially reasonable based on the sizes of homes in the neighborhood.

Chair Randolph asked about the standards for determining hardship. Ms. Guarascio stated that all parties currently applying for the variance have standing as they either own the property or are under contract for its purchase. A finding of unnecessary hardship comes from determining that strict application of the Ordinance would create such, not that it has definitively already occurred.

Mr. Galyon stated that the applicants have a property interest and have invested time by pursuing the improvements which would require the variance, and that the request is consistent with other homes in the neighborhood and would have minimal if any impact on neighbors.

Mr. Jones stated that there is a reasonable need for additional parking in this area as on-street parking is difficult if not impossible, but that he was not sure the designated additional living space could be classified as a need such to warrant granting the variance.

Ms. Quick-Miller reiterated that she did not believe the applicants had demonstrated a hardship, and that potential property owners must know what is and is not permitted on a property.

Ms. Guarascio stated that per case law, it is not a self-imposed hardship to purchase property knowing it would require a variance.

Mr. Kirkman advised that as there are two variance requests before the Board, it has the option to split up voting on each.

Mr. Wharton asked if the Board can consider whether the potential loss of the sale contract is relevant in determining a hardship. Ms. Guarascio stated that the Board has discretion in determining if excess financial burden creates a hardship.

Ms. Spaulding stated that home buying has become difficult and expensive, and it would not be unreasonable for someone to still be conducting due diligence at this stage of the sale process.

Mr. Wharton stated that while he is sympathetic to the property owners and the request is itself reasonable but that there is not material evidence on the record establishing a hardship if the variance is denied.

Chair Randolph stated that the applicant has submitted evidence to the record indicating that the home, built in the 1920s, cannot be expanded sufficiently to meet current needs, and the layout of the property does not permit a more viable placement for accessory structures. He stated he feels both variance requests are reasonable.

MOTION

Mr. Jones moved that in BOA-25-34, 1609 Saint Andrews Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the first 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 they will not be able to proceed with their plans to add to the functionality of their property for additional parking, storage and living area; (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 layout of the existing improvements limit the applicant from locating the proposed addition elsewhere; (3) The hardship is not the result of the applicant's own actions because the home and existing improvements were constructed prior to the applicant's planned purchase; (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 does not negatively impact the surrounding properties or neighborhood. Mr. Galyon seconded the motion.

The Board voted 5-2 in favor of the motion, (Ayes: Jones, Galyon, Spaulding, Vice Chair Yearns, Chair Randolph; Nays: Wharton, Quick-Miller). Chair Randolph advised the motion failed.

Ms. Quick-Miller moved to deny the first variance because the hardship is the result of the applicant's own actions. Mr. Wharton seconded the motion.

The Board voted 2-5 in opposition of the motion, (Ayes: Wharton, Quick-Miller; Nays: Jones, Galyon, Spaulding, Vice Chair Yearns, Chair Randolph). Chair Randolph advised the motion failed.

Mr. Jones moved that in BOA-25-34, 1609 Saint Andrews Road, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the second 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 non-conforming structure will remain unaddressed and remain a potential liability; (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 it is assumed that there was a misunderstanding regarding property lines at the time of construction; (3) The hardship is not the result of the applicant's own actions because the mistake in understanding the property lines was assumed to be made by the general contractor at the time of construction; (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 has not posed an issue in the years that it has existed thus far. Mr. Galyon seconded the motion.

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

c. BOA-25-35: 4150 Pleasant Garden Road, 4160 Pleasant Garden Road, and 129 East Elmsley Drive (APPROVED)

Ms. Thiel stated in BOA-25-35, Brittway I Investments LLC requests two variances: (1) To allow buildings on the property to be up to 125 feet in height when the maximum allowed is 50 feet adjacent to residential districts; and (2) To allow buildings on the property to be up to 125 feet in height when the maximum allowed is 80 feet within 500 feet of the highway right-of-way. Evidence provided by the applicants included Exhibits A through E. Supporting documentation from staff included Exhibits 1 through 9. The Land Development Ordinance references were Section 30-7-6.1 – Table 7-15: In the LI District, the maximum building height is 50 feet adjacent to residential districts; Section 30-7-8.10(B): Development and construction activity within a Scenic Corridor Overlay District must conform to the adopted design guidelines for the subject district; and Scenic Corridor Overlay Districts Design Manual (SCOD - 1 Use and Design Standards): Structures shall not exceed 80 feet in height within 500 feet of the highway right-of-way, as measured from the base of the building at the finished grade or from the adjacent highway grade, whichever is higher, to the top of the highest component of the building.

Background and Site Information: The subject lots are located between Pleasant Garden Road and East Elmsley Drive, north of I-85, and are zoned CD-LI (Conditional District-Light Industrial). Tax records indicate the undeveloped lots, when combined, contain approximately 114.21 acres. The subject properties are partially located within Scenic Corridor Overlay District-1 and partially adjacent to R-3 zoned property along the I-85 right-of-way. To attract and support advanced manufacturing/logistics users, the applicant is seeking a variance to allow buildings on the property to be up to 125 feet in height adjacent to residential districts when only 50 feet in height is allowed. The applicant is also seeking a variance to allow buildings on the portion of the property within the SCOD-1 Overlay to be up to 125 feet in height when located within 500 feet of the highway right-ofway when only 80 feet is allowed. If the variances are granted, the applicant will proceed with the Technical Review Committee and building permit processes.

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

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

Mike Fox, 400 Bellemeade Street Suite 800, attorney for the applicant, stated that the subject properties assembled are a very large and prime site for industrial development, but the most practical use of the property is limited due to peculiarities with its topography in relation to Ordinance standards. The residentially zoned property adjacent to the subject properties is the Greensboro Urban Loop and is not residentially occupied. Additionally, there are many very intense commercial and industrial uses in this area, and the proposed development will be compatible with its character and available infrastructure. Mr. Fox stated that the topography of the subject properties is such that it sits lower than most of the Interstate highway right-of-way adjacent to it, so there will not be a significant height delta imposed by the request. He stated that this request will facilitate high-quality development.

Chair Randolph asked if the applicants considered rezoning to remove the overlay district. Mr. Kirkman stated that it would likely have to be the State requesting such a change, and Mr. Fox stated it was not a strategy they considered due to the potential for a prolonged process.

Ms. Spaulding asked if there were any potential safety issues imposed by the request, and Mr. Fox stated that due to the curve of the right-of-way in this area, it does not have any interface with on-/off-ramps.

Ms. Quick-Miller asked about the intent behind the Ordinance standards that the applicant is requesting to vary. Mr. Kirkman stated that the Ordinance limits building height in Industrial districts adjacent to Residential to avoid very tall buildings towering over less intense uses, and this has been the case for the City's zoning codes for many decades. The SCOD standards were established in the 1990s with the intent of maintaining the scenic quality of high-traffic travel corridors. Mr. Fox stated that the applicant proposes to follow all other standards of the SCOD.

Ms. Quick-Miller asked about the applicant's request for an extended timeframe for the variances. Mr. Kirkman stated that unless the Board approves a longer timeframe in the motion language, it will default to the 12-month period indicated in the Ordinance.

Ms. Spaulding asked if there were any residential uses adjacent to the subject properties, and Mr. Kirkman confirmed there were not.

Mr. Wharton asked about the different SCOD districts, and Mr. Fox stated that the intent at the time was to protect neighborhoods as well, of which there are none in proximity to the subject properties. Mr. Kirkman stated that the Interstate right-of-way is zoned Residential Single-Family due to the prevailing County zoning in the area being residential at the time of annexation.

Mr. Wharton asked if the height restriction limits the potential tenants for the property, and Mr. Fox stated it would.

Ms. Spaulding asked about neighborhood outreach, and Mr. Fox stated that they have not had specific communication regarding this variance request. He stated they last communicated with neighboring property owners when the site had recently been rezoned in 2021, and they did not have opposition at that time.

Ms. Quick-Miller asked about how use rights granted via variance are conveyed, and Mr. Kirkman stated that the rights go with the ownership of the property, and any subsequent residential development in proximity would have the subject property pre-existing.

Mr. Wharton asked about the elevation difference between the Interstate and the grade of the subject property. Mr. Fox stated it ranged from 20 to 35 feet below the Interstate.

Seeing no opposition, Chair Randolph closed the public hearing.

BOARD DISCUSSION

Vice Chair Yearns stated the requests are reasonable and serve mainly to clean up issues created incidentally during annexation.

Mr. Jones stated that he can also support the request.

Ms. Spaulding stated that the request is not as significant as it might initially seem.

Mr. Wharton concurred.

Mr. Galyon stated that the requests would permit good use of property that will benefit the City.

MOTION

Chain Randolph moved that in BOA-25-35, 4150 Pleasant Garden Road, 4160 Pleasant Garden Road, and 129 East Elmsley Drive, based on the stated Findings of Fact, the Zoning Enforcement Officer be overruled and the variances granted with an extended term of 24 months 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 unable to build a modern facility with the requisite vertical accommodations for storage automation and other mechanical systems that are necessary for the operation of a industrial facility on the site; (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 property sits along I-85, it is also adjacent to a right-of-way that is residentially zoned on I-85; (3) The hardship is not the result of the applicants' own actions because the Land Development Ordinance requires that the applicant comply with the additional height requirements and those requirements were not the result of the applicant's own doing; (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 is zone light industrial, this location is in a very appealing multimodal location with rail, Interstate highway, and also surrounded by other industrial uses, and thus it's not in an area where it will present an issue for residential properties. Ms. Quick-Miller 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

Ms. Thiel advised that there would not be a December meeting and wished happy holidays to the Board.

ADJOURNMENT

The meeting was adjourned at approximately 6:50 p.m.

Respectfully submitted,

Cory Randolph, Chair

Greensboro Board of Adjustment

CLR/arn