

**MEETING MINUTES  
GREENSBORO BOARD OF ADJUSTMENT  
JUNE 24, 2024**

The meeting of the Greensboro Board of Adjustment was held on Monday, June 24, 2024, at 5:32 p.m. in-person in the City Council Chamber. Board members present were: Chair Leah Necas, Chuck Truby, Ted Oliver, Cory Randolph, Tiffanie Rudd, Drew Wofford, and Stephen Barkdull. City staff present were Mike Kirkman, Shayna Thiel, Carla Harrison and Andrew Nelson (Planning Department), and Brent Ducharme (Assistant City Attorney) 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 case(s) before the Board and the four criteria it uses to make decisions.

**APPROVAL OF MINUTES (May 28, 2024 Meeting)**

Mr. Randolph made a motion to approve the May 28, 2024 minutes, seconded by Ms. Rudd.

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

**SWEARING IN OF STAFF**

Shayna Thiel, and Mike Kirkman 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-24-13: 3106 Madison Avenue (APPROVED)**

Ms. Thiel stated in BOA-24-13, Robert and Susan Tayloe request a variance to allow a proposed addition to encroach 7.5 feet into a required 10 foot side setback. The addition will be 2.5 feet from the side property line. Evidence provided by the applicants 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 side setback is 10 feet.

**Background and Site Information:** .The subject lot is located on the north side of Madison Avenue, east of East Avondale Drive and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 18,295 square feet, and the house was constructed in 1953. The applicants propose to add a covered carport to the existing detached garage that will connect it to the existing house, making it part of the principal structure and subject to the standard R-3 dimensional requirements. The existing detached garage meets accessory structure setback and area requirements, but when connected to the existing house, it does not meet principal structure setbacks. Because of the proposed post placement of the carport addition, the principal structure will now

encroach 7.5 feet into a required 10 foot side setback and be 2.5 feet from the side 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 there were no applicable overlays or plans.

Chair Necas asked the applicant to provide their name/address for the record and swore in Susan and Rob Tayloe for their testimony.

**Susan Tayloe, 3106 Madison Avenue**, stated that they are requesting the variance to make better use of their backyard, and to avoid needing to walk on slick surfaces given physical activity limitations imposed by repeated injuries.

Chair Necas asked if there were any other properties in the neighborhood with a similar connected covered space. Ms. Tayloe stated that approximately 40% of the properties on the block have carports.

Chair Necas asked if there was any opposition to the request and swore in David and Anna Caton for their testimony.

**Peter Isakoff, 109 Westchester, Williamsburg, VA, attorney for David and Anna Caton**, stated that the variance request is unreasonable due to a dispute of the property line associated with neighboring property.

Chair Necas asked about the information on property lines in the staff reports. Ms. Guarascio stated that the boundary information is provided by the applicant, but any private disputes are between the private individuals and do not have a bearing on the decision of the Board.

Mr. Randolph asked if the Board needs to consider the existing property line despite the dispute, and Ms. Guarascio stated that was correct, and that any modification of the property lines would change the enforcement of any granted variance. Mr. Kirkman stated that the LDO standards apply to the recorded property lines.

Chair Necas asked if the variance applies to whatever the ultimate property line is, and Mr. Kirkman stated that was correct.

Chair Necas asked if some of the information displayed in the opposition counsel's presentation would be admissible for the Board or if it is hearsay, and Ms. Guarascio stated that regardless of any question on that the property line dispute is not relevant to the Board's consideration on this variance request. But that the Catons could present a different survey if they have it. Mr. Isakoff stated that the Catons agree with the recorded plat from the 1950s.

Mr. Caton stated that the applicant has had previous identical variances denied by the Board and have made unsubstantiated claims to support this new request.

Mr. Oliver asked if there are motion-activated cameras on the Catons' property, and Mr. Caton stated that was correct, but they are not intentionally aimed at the applicant's property. Ms. Guarascio reiterated that the property boundary dispute and other unrelated factors are not relevant to the Board's consideration of the variance request.

Mr. Wofford asked how the proposed addition would be a hardship on the Catons. Ms. Guarascio stated that the action of other neighbors is not relevant to the consideration of the Board. Mr. Isakoff stated that the proposed addition would potentially create stormwater runoff issues for his clients' property.

Chair Necas stated that the applicants are covering a currently paved impervious surface, and asked how the stormwater concerns were relevant. Mr. Isakoff stated that the applicants have not satisfied the burden of proof that the requested variance is in harmony with the intent of the LDO.

Mr. Wofford stated that the applicants were not creating a new impervious surface. Mr. Caton stated that water could be moved onto his property by the additional construction proposed.

Mr. Randolph stated that was speculation and there had not been expert evidence presented and stated that City and State building codes impose requirements on stormwater runoff.

Mr. Oliver asked if the Board could require runoff control devices as a condition of its approval. Mr. Kirkman stated that the Board could not impose a restriction enforced by Building Inspections.

Ms. Guarascio again reiterated that the Board cannot consider generalized speculation.

Mr. Isakoff stated that the burden is on the applicant to prove the variance is reasonable, and they have not presented any evidence supporting their request.

Mr. Barkdull asked if there had been any previous side setbacks granted for the subject property, as the existing structures were close. Mr. Kirkman stated that a detached accessory structure has a different setback requirement than an addition attached to the principal structure, thus necessitating this request.

Mr. Isakoff stated that many of the issues had been considered in a previous variance request. Ms. Guarascio stated that this is a new request and the Board is not bound by any previous decisions.

Mr. Randolph asked if there was any evidence that Ms. Tayloe did not have medical needs requiring the considerations in the request. Ms. Guarascio stated that the specific personal circumstances of the current property owners are not elements of the Board's consideration, but generalized concerns applicable to any property owner would be. Mr. Randolph stated that the opposition has not presented evidence disputing the general safety improvements suggested by the applicants, and asked how the applicants could satisfy the building requirements without the variance.

Mr. Caton stated that there were design alternatives available to the applicants that would allow them to meet their needs without the variance.

Mr. Isakoff stated that the applicant as not submitted sufficient evidence to support the variance request.

Mr. Wofford asked what other concerns the opposition had to the request. Mr. Randolph stated that much of the evidence presented by the opposition is not within the purview of the Board's consideration of a variance.

Ms. Guarascio stated that the Board could consider stormwater if the Board determined there to be relevant and material evidence submitted pursuant to it.

Chair Necas advised that the applicant had five minutes to speak in rebuttal.

Ms. Tayloe stated that the building code will impose safety requirements such that the proposed addition will obviate any safety concerns. She stated that the attachment to their residence creates the enhanced setback requirement, but it would otherwise meet LDO requirements, and the location of the garage and proposed covered area are logical based on the layout of the property.

Mr. Randolph asked about the attachment of the proposed structure and why it necessitates a variance request. Mr. Kirkman stated that however the accessory garage is attached to the house, the setback requirement would create a need for a variance in this instance due to the configuration of the property. Mr. Randolph asked if the applicant would need to move the entire garage to meet the requirements, and Mr. Kirkman stated that was correct.

Mr. Oliver asked if the applicants disagree with the survey presented with the application, and Ms. Tayloe stated they do not.

Chair Necas closed the public hearing.

### **BOARD DISCUSSION**

Mr. Randolph stated that it would be unreasonable to ask the applicant to demolish the existing garage and reconstruct it a sufficient distance away from the property line to prevent the need for the variance, and that the generalized safety concerns expressed are reasonable.

Chair Necas concurred, and stated that most houses built in the 1950s did not have attached garages, which are now a common housing feature. She stated that commercial buildings would be expected to account for disability needs. Ms. Guarascio stated that arguments applicable to the general population could be considered.

Mr. Wofford stated that he can support the variance request based on the testimony offered.

### **MOTION**

Chair Necas moved that in BOA-24-13, 3106 Madison 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 applicant complies with the provisions of the ordinance, unnecessary hardship will result to the property by applying strict application of the ordinance because the property owners would have no protection from the elements when traveling from their car to their 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 the house was built in 1953 and did not include a garage connected to the house; (3) The hardship is not the result of the applicant's own actions because the health and weather conditions are not due to the homeowners' actions; (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 the extension of the garage roof to the house will allow for protected travel into and out of the garage. Mr. Randolph seconded the motion.

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

### **NEW BUSINESS**

#### **a. BOA-24-22: 3519 South Elm-Eugene Street (DENIED)**

Ms. Thiel stated in BOA-24-22, Gerardo Plata Patricio requests a special use permit to operate an urban farm on the subject property in addition to all uses permitted in the R-3 District. Evidence provided by the applicant included Exhibit A. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance references were (1) Section 30-8-1 – Table 8-1: An urban farm is a permitted use in the R-3 District with a special use permit and subject to use standards; and (2) Section 30-8-10.6(D): Additional use standards apply to urban farms in the R-3 District.

**Background and Site Information:** The subject lot is located on the east side of South Elm-Eugene Street, south of East Vandalia Road, and the portion within city limits is zoned R-3 (Residential Single-Family). The back portion of the property is located in Guilford County and is zoned RS-30 (Residential Single-Family). Tax records indicate the lot contains approximately 5.32 acres. The applicant indicates that he keeps two donkeys, which are considered livestock by the Land Development Ordinance, as pets on the subject property. On July 27, 2022, a zoning enforcement officer issued a Notice of Violation related to animals and livestock on the property. Without a single-family dwelling on the property, the keeping of livestock is considered a principal use and is not permitted in the R-3 District without a special use permit to operate an urban farm. The applicant submitted a special permit to operate an urban farm, so he can continue keeping his donkeys on the property. If the special use permit is approved, the applicant will have to comply with additional use standards, including a requirement that fencing and shelters be set back at least 50 feet from all property lines.

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 their name/address for the record and swore in Gerardo Plata Patricio for his testimony.

**Gerardo Plata Patricio, 3519 South Elm-Eugene Street**, stated that he was unaware that he would need a special use permit for the animals when he purchased the subject property.

Mr. Wofford asked where the animals were located on the property. Mr. Patricio indicated on the zoning map that the area was within City limits.

Ms. Rudd asked if the applicant had the animals fenced in, and Mr. Patricio stated he did.

Mr. Oliver asked if the applicant would need the special use permit if the area was outside City limits, and Mr. Kirkman stated it would not. Mr. Oliver asked if the special use permit was a one-time fee, and Mr. Kirkman stated it was, and it was the standard fee for special use permits.

Mr. Patricio stated that his donkeys are his pets.

Mr. Wofford asked if the animals can be seen from any adjoining properties. Mr. Patricio stated that they were at least 150 feet from structures on adjacent properties.

Mr. Randolph asked if the applicant planned to expand the farming operations, and Mr. Patricio stated he did not, he only wanted to keep his animals.

Ms. Rudd asked if the animals created an odor that impacts adjacent properties. Mr. Patricio stated that they do not.

Mr. Oliver asked to confirm that this permit would run with the land, and Mr. Kirkman stated that was correct, and that the LDO's use standards would apply to the subject property.

Chair Necas asked for any opposition speakers and swore in Michael and Arvella Thompson for their testimony

**Michael Thompson, 3525 South Elm-Eugene Street**, stated that there are three donkeys on the property, and there is an odor. He stated that the animals have gotten loose before and created issues in the neighborhood. He stated that the donkeys have been left tied to trees for weeks at a time, and that the applicant has obstructed access to their property, and they have needed to report multiple issues to the City.

Ms. Thompson submitted information displaying how close the donkeys were to her property.

Chair Necas asked if the nuisance considerations would be zoning enforcement issues even with the special use permit. Mr. Kirkman stated that was correct, and that there would still be City standards even with the permit allowing the use. Ms. Guarascio stated that the necessary findings of fact for a special use permit required it not to be detrimental to the persons or property adjacent to it; other property disputes would not be germane to the consideration of the special use permit. Chair Necas asked if previous lack of maintenance of the use would be relevant to the Board's consideration. Ms. Guarascio stated that the Board can consider relevant evidence to the special use permit findings.

Mr. Randolph asked about ways a special use permit could be terminated. Mr. Kirkman stated that if the use was suspended or there were violations, it could be suspended.

Mr. Wofford asked if the applicant could have applied for a permit before the use began, and Mr. Kirkman stated that was correct. Mr. Wofford asked if the Board could take into account the lack of consideration before the use, and Mr. Kirkman stated the Board could consider if it is in harmony with the area.

Ms. Rudd asked how often the neighbors' property has been damaged. Ms. Thompson stated that it has happened on multiple occasions, and the applicant has damaged structures and trees on their property.

Mr. Thompson stated that the donkeys are very close to their property.

Ms. Guarascio stated that the LDO provides for the Board to consider factors in the operation of an urban farm relevant to the issuance of a special use permit.

Mr. Randolph asked if there were any other agricultural uses in vicinity. Ms. Thompson stated that they are not aware of any.

Mr. Thompson reiterated that there are three donkeys on the property.

**Cheryl Mclvor, 404 West Montcastle Drive**, stated that the owner of 3521 South Elm-Eugene Street is different from 3519 South Elm-Eugene Street, and stated that the Board of Adjustment sign was posted at 3523 South Elm-Eugene Street. She stated that the subject property is landlocked, and has no entrance from the street. She stated that the property crosses the City drainageway, and that any waste from the agricultural activities would run off into the City wastewater system.

Mr. Kirkman stated that the addresses are displayed differently in the Guilford County tax system. Stormwater runoff would be addressed as part of the permitting process. Mr. Kirkman stated that the parcel has frontage and direct access, making it a legal parcel.

Ms. Mclvor stated that approval of the special use permit would negatively impact directly adjacent neighbors as well as the neighborhood given that it runs with the land and is not being limited by conditions, and she asked how access to the property was made.

Mr. Kirkman stated that the zoning enforcement officer did enter the property to confirm presence of the animals.

Ms. Mclvor stated that the Board does not have sufficient evidence that the request will be reasonable.

Mr. Barkdull asked if Ms. Mclvor's property is directly adjacent, and Ms. Mclvor stated it was not.

Chair Necas advised the applicant had an opportunity for rebuttal, and asked how many donkeys were on the property.

Mr. Patricio stated that he had originally purchased three, but now has only two on the property. He stated that he needed to separate them at different times, and had some restrained for their safety. He stated that he had not planned things out when he initially moved to the property. He donated one of the donkeys to someone else.

Mr. Truby asked about the tree removal. Mr. Patricio stated that when he bought the property, it needed clearance for him to use it, and he made mistakes when clearing some of the property. He stated that it was close to the property line and it could have been on either property. Mr. Truby stated that there are many code violations on the property, and asked how the farm would be operated. Mr. Patricio stated that he would follow City regulations.

Mr. Wofford asked why the applicant could not move the donkeys to the County side of the property. Mr. Patricio stated that that part of the property is more difficult to develop for the farm use. Mr. Patricio stated that his donkeys are not damaging the area, and he feels he is being unfairly singled out by his neighbors. He stated that he wants to use his property.

Ms. Rudd asked why the applicant didn't build an area for the donkeys away from the property line. Mr. Patricio stated that he does not see the issue with the donkeys. Ms. Rudd asked if the applicant had accounted for the damage to the trees. Mr. Patricio stated that he did not complete the process once he began to receive civil penalties due to the Notice of Violation.

Ms. Guarascio stated that private disputes between property owners are not relevant to the Board's consideration, but impact on adjacent properties such as screening and landscape buffering would be.

Mr. Randolph asked if the applicant were to move the animals to the County side, could he transport them over the City portion without requiring a permit. Mr. Kirkman stated that the structures needed for the keeping of the animals would also need to be moved to the County portion of the lot.

Mr. Wofford asked if the donkeys could ever be on the City property. Mr. Kirkman stated any operation of the farm use on the City property would require the additional special use permit. Mr. Patricio stated it would take multiple years to clear the County side of the property, and it is not setup to house the animals.

Mr. Oliver asked if the special use permit would apply to subdivided property. Mr. Kirkman stated that the property would need to meet development standards, such as street frontage, and residential development could be permitted.

Chair Necas closed the public hearing.

### **BOARD DISCUSSION**

Chair Necas stated that the history of activity on the property is concerning.

Mr. Wofford stated that the evidence presented makes him uncomfortable with granting the permit.

Mr. Truby concurred with Mr. Wofford.

### **MOTION**

Mr. Wofford moved that in BOA-24-22, 3519 South Elm-Eugene Street, based on the stated Findings of Fact, the special use permit be denied based on the following: (1) The proposed use at the particular location does not provide a service or facility that will contribute to the greater wellbeing of the neighborhood or the community because the donkeys are causing an odor and damage to the neighbors' property and the general upkeep of the property is not in harmony of the neighborhood. Mr. Truby seconded the motion.

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

Chair Necas advised the Board would take a short break at 7:08 p.m., and the Board resumed at 7:19 p.m.

#### **b. BOA-24-23: 1508 Lafayette Court (APPROVED)**

Ms. Thiel stated in BOA-24-23, Robby and Kelli Robinson request a variance to allow an existing fence to exceed the maximum 7-foot height allowed by up to 1 foot. 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 30-9-4.6(A): No fence or wall may exceed 7 feet in height for residential uses.

**Background and Site Information:** The subject lot is located on the north side of Lafayette Court, east of Lafayette Avenue and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 12,197 square feet, and the house was constructed in 1960. The applicants erected an 8 foot tall fence on their property along the side and rear property lines to provide a sound barrier from traffic noise on West Cone Boulevard. The Land Development Ordinance states that the maximum height for fences/walls is 7 feet for residential uses. On April 9, 2024, a zoning enforcement officer issued a Notice of Violation related to fence height on the property. The applicants timely submitted a variance application to ask the Board of Adjustment to allow the existing fence to be up to 1 foot taller than the maximum allowed. If the variance is granted, the existing fence will remain on the property as currently constructed.

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 their name/address for the record and swore in Robby Robinson for his testimony.

**Robby Robinson, 1508 Lafayette Court**, stated that the noise from Cone Boulevard became apparent after they purchased the property, and there is a lot of street racing and ambulance noise from Cone Boulevard. The pre-existing derelict shorter fence that needed to be replaced did not sufficiently block the noise. He stated that he has disability from his military service that is negatively impacted by the noise. He stated that he misread the LDO requirements on fence height and was unaware his fence did not meet standards until he was made aware of the complaint. He stated that the clearance behind his property between Cone Boulevard and his property exacerbated the issue, and the pre-existing fence became insufficient.

Seeing no opposition, Chair Necas closed the public hearing.

**BOARD DISCUSSION**

Chair Necas stated that all the adjacent properties have trees to reduce sound impact and this property does not.

**MOTION**

Chair Necas moved that in BOA-24-23, 1508 Lafayette 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 noise from the rear of the property which faces Cone Boulevard is over 100 decibels and injurious to the health of the owner and to their enjoyment of their 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 vacant lot behind the subject property has minimal vegetation to absorb sound from Cone Boulevard and allows for the sound to freely travel to the subject property; (3) The hardship is not the result of the applicant's own actions because the owner did not remove the vegetation on the lot behind their property; (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 the fence allows the property owner to enjoy reduced noise levels and does not block adjoining property sight lines. Second by Ms. Rudd

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

**c. BOA-24-24: 306 Holt Avenue (APPROVED)**

Ms. Thiel stated in BOA-24-24, JCMNC LLC requests two variances: (1) To allow a proposed house to encroach 5 feet into a required 31 foot front setback. The house will be 26 feet from the front property line; (2) To allow a proposed house to encroach 4 feet into a required 15 foot rear setback. The house will be 11 feet from the rear property line. 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 (1) 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 two lots on either side of the subject lot; and (2) Section 30-7-3.2 – Table 7-7: In the RM-18 District, the minimum rear setback is 15 feet.

**Background and Site Information:** The subject lot is located on the east side of Holt Avenue, north of Delancy Street, and is zoned RM-18 (Residential Multifamily). Tax records indicate the vacant triangle-shaped lot contains approximately 5,227 square feet. Based on the average front setback calculations using 302, 304, 310 and 400 Holt Avenue, the applicable front setback for the subject property is 31 feet. The applicant proposes to construct a 738 square foot house on the subject property that will encroach 5 feet into a required 31 foot front setback and will be 26 feet from the front property line. The proposed house will also encroach 4 feet into a required 15-foot rear setback and be 11 feet from the rear 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 Necas asked the applicant to provide their name/address for the record and swore in Jacob Mullins for his testimony.

**Nick Blackwood, 804 Green Valley Suite 200, attorney for JCMNC LLC**, stated that the applicant seeks to build a single-family home and the variance is required due to the peculiar shape of the subject property. He stated that the property was established in 1916, and the previous single-family



home on the property was destroyed by a fire. The current LDO standards would make meeting current setback standards impossible.

Mr. Oliver asked about the proposed dwelling.

**Jacob Mullins, 1905 Rock Glen Lane**, stated that the new dwelling would be approximately 1,400 square feet in total with two stories.

Seeing no opposition, Chair Necas closed the public hearing.

### **MOTION**

Mr. Oliver moved that in BOA-24-24, 306 Holt Avenue, 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 lot is small and irregularly shaped, this is about the only home that can be built here; (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 lot is tiny, the footprint of the home is very small as well, at 738 square feet, also the lot was established in 1916 before the current rules were written; (3) The hardship is not the result of the applicant's own actions because this issue is caused by averaging the setback lines, the shape of the lot makes it a challenge to put a home on the lot; (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 a home was on this property before, no hardship will result and public safety will not be harmed, building this home helps to meet the City's goals for infill building. Seconded Ms. Rudd

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

#### **d. BOA-24-25: 4810 Fox Chase Road (APPROVED)**

Ms. Thiel stated in BOA-24-25, Britney Mercer requests a variance to allow a proposed house to encroach 85 feet into a required 125-foot front setback. The house will be 40 feet from the front 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 30-7-1.4(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 two lots on either side of the subject lot.

**Background and Site Information:** The subject lot is located on the north side of Fox Chase Road, west of Fleming Road and is zoned R-3 (Residential Single-Family). Tax records indicate the vacant lot contains approximately 32,234 square feet. Based on the average front setback calculations using 4812 and 4814 Fox Chase Road, the applicable front setback for the subject property is 125 feet. The applicant proposes to construct a 2,377 square foot house on the subject property that will encroach 85 feet into this required 125 foot front setback and will be 40 feet from the front property line. The depth of the subject lot is significantly shorter than the depth of the two adjacent lots due to the development of Bryan Boulevard, which bounds the lot along the north and east. 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 their name/address for the record and swore in Britney Mercer and Amber Johnson for their testimony.

**Brittney Mercer, 1401 Mariners Rest Drive, North Myrtle Beach, South Carolina**, stated that she purchased the property from NCDOT last year.

Chair Necas asked about the buildable area, and Ms. Mercer indicated on the site plan (Exhibit B).

Ms. Mercer stated that the requested front setback is consistent with the LDO standards for the R-3 (Residential Single-Family) zoning district.

Chair Necas asked for any opposition speakers and swore in Mark Messick, David Novak, Robert Harville, and Joel Bowden for their testimony.

Ms. Guarascio reiterated that hearsay statements cannot be considered by the Board.

**Mark Messick, 3103 Cardinal Ridge Drive**, stated that his parents would be directly impacted by this variance request. The property should have remained a buffer by the State Department of Transportation (NCDOT) and is not suitable for a residential dwelling. He stated that development of the subject property would negatively impact adjacent properties.

Chair Necas stated that the applicant could build a residential dwelling by right. Ms. Guarascio stated that private agreements and Covenants, Conditions & Restrictions (CC&Rs) are not governed by the Board.

Mr. Messick stated that the requested variance is out of character with the neighborhood.

**David Novak, 4820 Fox Chase Road**, stated that the lot was originally 4.5 acres before parts being taken by the State. He stated that properties of this type and size are usually dedicated for neighborhood use, and that the applicant should have known it was unfit for residential development. He stated that this neighborhood has unique characteristics.

Ms. Guarascio stated that NCDOT officials are not present to testify on the matter.

Mr. Wofford stated that the Board is solely considering the setback. Mr. Novak stated that the neighboring properties have had to follow the setbacks in the area, and the proposed development does not fit the area.

Chair Necas stated that there would need to be expert testimony about property values.

Mr. Randolph asked about the CC&Rs on the neighborhood and property. Mr. Novak stated that CC&Rs are still in effect in the neighborhood, and the neighborhood's developer would need to approve a building plan.

Mr. Oliver asked about the Board's consideration of CC&Rs. Mr. Kirkman stated that the Board is considering a City process, and any private agreements would be enforced at that level. The existence of CC&Rs are not a part of the Board's consideration.

**Robert Harville, 4818 Fox Chase Road**, stated that his family moved to the neighborhood for its character, including the large setbacks. He stated that they oppose the residential development proposed.

Mr. Oliver asked if the applicant could build two houses. Mr. Kirkman stated that minimum lot sizes and dimensional requirements would make subdivision of the subject property difficult.

Mr. Randolph asked about how the average front setback is calculated, and if they can account for the unique circumstances of properties. Mr. Kirkman stated that the Board can consider unique circumstances.

**Joel Bowden, 4816 Fox Chase Road**, stated that he has lived in the neighborhood for more than 30 years, and he sought to live there due to its unique characteristics, and this variance would erode that character. The subject property is the only parcel in the neighborhood with these characteristics, due to it being a remnant lot from NCDOT. The property has not been used for many years because it is obviously unsuitable for development.

Chair Necas advised that the applicant had five minutes to speak in rebuttal.

Ms. Mercer stated that the subject property is buildable and has sewer access and will soon have City water. She stated that there are no deed restrictions filed with the County Register of Deeds, and that

she could build an unsuitable residence today but she seeks the variance to more properly utilize the property.

Mr. Truby stated that the applicant could move the dwelling, and asked why it is located where it is. Ms. Mercer stated the 35 foot setback imposed on the rear of the property due to the NCDOT access fence. Mr. Truby stated that the building could be moved and asked about this location. Ms. Mercer indicated on the plot plan the buildable area. Mr. Truby stated that the variance request could have been minimized. Ms. Mercer stated that placing the residence that far back would limit future additions, and she chose to use a closer location at the advice of her contractor, as well as seeking screening from the highway.

**Amber Johnson, 907 Shelby Drive**, stated that they wish to keep vegetative buffering at the rear of the property.

Ms. Mercer stated that they did not hear opposition previously.

Ms. Guarascio reiterated that hearsay evidence cannot be considered by the Board.

Mr. Randolph asked if the applicant would be willing to modify the request based on the concerns expressed. Ms. Mercer stated that she did not believe the concerns expressed could be alleviated, and that any changes could present other development concerns. Mr. Kirkman stated that the Board is considering the minimum building setback, and future building could be further back. Mr. Randolph stated that it looked like there may be room to make it more fitting with the variance.

Ms. Rudd made a motion to close the public hearing, seconded by Mr. Wofford. The Board voted 4-3 in opposition to the motion (Ayes: Oliver, Rudd, Wofford; Nays: Barkdull, Randolph, Truby, Chair Necas). Chair Necas advised the motion failed and advised that opposition had five minutes for rebuttal. Chair Necas swore in Jill Ash for her testimony.

**Jill Ash, 4807 Fox Chase Road**, stated she lives across the street from the subject property, which has increased noise from Bryan Boulevard. She stated that the requested setback is completely incongruent with the neighborhood.

Mr. Oliver asked if she opposed any residence on the property, and Ms. Ashe stated that the neighborhood has CC&Rs which should prevent this development.

Mr. Randolph stated that private agreements are separate from the variance request before the Board. Ms. Ashe stated she would not build on the subject property.

Mr. Wofford asked if there is any LDO requirement that prevents it from being used for residential uses, and Mr. Kirkman stated that the R-3 zoning district of the property permits building a single-family detached dwelling by right following development standards. That the configuration of such a structure might be unusual is not relevant to the variance request.

Ms. Ash asked if the subject property had access to City services, and Mr. Kirkman stated it would be required to connect to City services.

Chair Necas stated that the applicant could speak in rebuttal to the opposition.

Ms. Mercer stated that they could build an unsuitable residence, but they are seeking the variance to build something more suitable.

Mr. Randolph asked if the applicant had any renderings of potential residences. Ms. Mercer stated she did not. She stated that building a residence comparable to those in the neighborhood requires the variance.

Mr. Oliver moved to close the public hearing, seconded by Ms. Rudd. The Board voted 7-0 in favor of the motion (Ayes: Barkdull, Oliver, Randolph, Rudd, Truby, Wofford, Chair Necas; Nays: None). Chair Necas advised the public hearing was closed.

**BOARD DISCUSSION**

Chair Necas stated that if there were deep-seated concerns about the property, the neighborhood should have used zoning remedies prior to it being purchased for development.

Mr. Randolph stated that the property could've been purchased to preclude development.

Mr. Oliver stated that the growth of the city will require building on smaller lots to avoid sprawl, and this request is consistent with the GSO2040 Comprehensive Plan.

Mr. Wofford stated that younger residents of Greensboro lack opportunities to purchase homes, and there needs to be an increase in housing production in the City.

Mr. Truby stated that deed restrictions can be argued in court.

**MOTION**

Mr. Truby moved that in BOA-24-25, 4810 Fox Chase 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 owner would not be able to reasonably construct a new 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 the triangular shape of the lot makes it difficult to build a house with a 125-foot front setback; (3) The hardship is not the result of the applicant's own actions because the odd shape of the lot was created by the construction of Bryan Boulevard; (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 the buildable area of the lot is too small therefore applicant would be unable to build on the lot, this would unfairly and significantly reduce the lot value. Ms. Rudd seconded the motion.

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

Chair Necas advised the Board would take a short break at 8:28 p.m., and the Board resumed at 8:32 p.m.

**e. BOA-24-26: 3603 Mossborough Drive (APPROVED)**

Ms. Thiel stated in BOA-24-26, Daniel and Caitlin York request a variance to allow a proposed accessory dwelling to encroach 5 feet into a required 10 foot side setback. The accessory dwelling will be 5 feet from the side property line. Evidence provided by the applicants included Exhibits A through C. Supporting documentation from staff included Exhibits 1 through 7. The Land Development Ordinance references were: (1) Section 30-8-11.2(A): All accessory dwelling units must meet the requirements that apply to accessory uses and structures in the subject zoning district; and (2) Section 30-8-11.1(C)(2): In R- Districts, accessory structures over 15 feet tall must be setback at least 10 feet from side and rear lot lines.

**Background and Site Information:** The subject lot is located on the south side of Mossborough Drive, west of Forest Hill Drive, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 32,234 square feet, and the house was constructed in 1972. The applicants propose to construct a 26 foot tall detached accessory dwelling, with garage below, in their back yard that will encroach 5 feet into a required 10 foot side setback and be 5 feet from the side 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 there were no applicable overlays or plans.

Chair Necas asked the applicant to provide their name/address for the record and swore in Daniel York for his testimony.

**Daniel York, 3603 Mossborough Drive**, stated that they moved into the house before the birth of their children. Their need for storage has increased beyond the capacity of the existing shed, and it makes sense for them to build a larger storage structure with an accessory dwelling now to save money.

Chair Necas asked if the applicant sought to extend their driveway straight back, and Mr. York stated that was correct.

Mr. Randolph asked if the applicant could move the garage to the west. Mr. York stated that in order to safely access the garage with cars would require the setback variance.

Seeing no opposition, Chair Necas closed the public hearing.

### **MOTION**

Mr. Barkdull moved that in BOA-24-26, 3603 Mossborough 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 compliance with the ordinance will hinder development due to placement of pre-existing driveway and house on 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 variance request is to alleviate hardship caused by placement of driveway and house on the lot and space needed for entry into the proposed garage; (3) The hardship is not the result of the applicant's own actions because the hardship is caused by the pre-existing placement of driveway of house and drive and original construction, before the purchase of the property by the applicants; (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 come to the public by development of a detached garage and landscaping will preserve the character of the neighborhood. Second by Mr. Truby.

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

#### **f. BOA-24-27: 1604 College Park Drive North (DENIED)**

Ms. Thiel stated in BOA-24-27, Erin Graham requests a variance to allow a proposed short term rental to be separated 451 feet from another short term rental at 1715 West Market Street when a minimum of 750 feet is required. Evidence provided by the applicants included Exhibit A. Supporting documentation from staff included Exhibits 1 through 8. The Land Development Ordinance reference was Section 30-8-10.4(U): A short term rental must be separated from any other short term rental by a minimum of 750 feet, as measured from property lines.

**Background and Site Information:** The subject lot is located on the north side of College Park Drive North, east of Mayflower Drive, and is zoned R-5 (Residential Single-Family). Tax records indicate the lot contains approximately 32,234 square feet, and the house was constructed in 1972. The applicant proposes to use an existing accessory dwelling in the back yard of the subject property as a short term rental. After applying for the required zoning permit, City staff advised the applicant that another short term rental was located at 1715 West Market Street, which is within 750 feet so the permit could not be issued unless a variance is approved for reduced separation. At this time, the applicant seeks a variance to allow a proposed short term rental to be separated 451 feet from the other short term rental. 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 overlay.

Chair Necas asked the applicant to provide their name/address for the record and swore in Erin and Ester Graham for their testimony.

**Erin Graham, 1604 College Park Drive North**, stated that they have operated a short term rental at the property, and are asking for the variance because of the heavy rental use of properties in the area.

Mr. Wofford asked if they live in the principal dwelling and rent the accessory dwelling, and Ms. Graham stated that was correct.

Mr. Oliver asked about the separation with the other short term rental, and asked which was in operation first. Ms. Graham stated that she was not sure.

In response to a question from the Board, Mr. Kirkman confirmed that the initial rollout of the permit application system was hindered by vendor issues so there was some delay in identifying and permitting existing short term rentals.

Ms. Rudd asked if the applicant had nonconforming status, and Mr. Kirkman stated the applicant submitted the permit as a new application and was not eligible for this classification.

Mr. Randolph asked about the 750 foot separation requirement. Mr. Kirkman stated that the intent was to separate spacing of quasi-commercial uses in residential areas.

Ms. Guarascio stated that the Board can consider the intent behind the provisions of the LDO.

Mr. Randolph asked about the applicant's hardship. Erin Graham stated that the subject property has a large front setback that makes the separation less than it would be normally. She stated that the accessory dwelling would be closer to meeting the separation requirement if it was in a separate parcel.

Mr. Kirkman stated that the occupants of a rental, short term or long term, cannot be considered by the Board, and that the LDO no longer requires short term rental operators to reside on the premises.

Mr. Oliver asked to confirm that the measurement is made lot line to lot line, and Mr. Kirkman stated that was correct.

Mr. Barkdull asked what the applicant would do if the variance request was denied. Erin Graham stated they would convert it to a long term rental.

Chair Necas asked for anyone wishing to speak in opposition to the request and swore in Stephanie Vaughn, Anne Vaughn, Kevin Brackett, and James Hall for their testimony.

**Stephanie Vaughn, 200 Mayflower Drive**, stated that the short term rental at the subject property has increased traffic and noise as access is off of Mayflower Drive. There is a deck and patio on the back of the unit, and she hears noise from her property. She stated that parking is difficult in the area due to the university. She stated that residents in the neighborhood are negatively impacted by this use.

**James Hall, 1601 College Park Drive North**, stated that he is directly next to the subject property, and the short term rental guests tend to arrive late and encroach on his driveway, which is in his back yard. He has young children, and having strangers rotating in and out of his back yard has been difficult. A longer term rental would be much easier to deal with.

**Anne Vaughn, 108 South Josephine Boyd Street**, stated that granting the variance would render the short term rental regulations meaningless. There have been issues with short term rentals in the neighborhood creating nuisances.

**Kevin Brackett, 1610 North College Park Drive**, stated that the subject property is unique and has notable architecture. He stated that the applicant has not presented evidence of a significant hardship and is not deprived of any reasonable use of the property without the variance. He stated that this neighborhood has a very complicated parking situation. He stated that the property could be converted into a rooming house with the variance.

Mr. Wofford stated that the variance is only with regard to a short term rental. Ms. Guarascio stated that the Board is only considering whether the separation element of the Ordinance should be varied.

Mr. Brackett stated that the variance as requested does not limit the intensity of the short term rental use.

Mr. Randolph asked if the applicant was only asking for the accessory dwelling unit to be rented. Mr. Kirkman stated that the variance request does not have such a limit, but the Board could limit the request with a condition.

Mr. Brackett stated that the separation requirement should be considered by the Board, and there is no hardship presented by the applicant unique to the applicant or property.

Chair Necas stated the applicant had five minutes for rebuttal.

Ms. Guarascio stated that the Board cannot consider the tenure of a property.

Mr. Wofford asked if the applicant would accept limiting the request to the accessory dwelling unit. Erin Graham stated they only wish to rent the accessory dwelling unit.

Ester Graham stated that they only permit 2 adults in the rental per the requirements of the LDO.

Mr. Wofford asked if switching to a long term rental would impact the applicant's income, and Erin Graham stated that was correct.

Mr. Randolph asked if the applicant had tried to offer the accessory dwelling unit as a long term rental. Erin Graham stated they do not wish to rent it long term, as they like having it available for family and friends to stay in.

### **BOARD DISCUSSION**

Mr. Oliver stated he would be more comfortable if the separation were greater, and he is concerned about the distance.

Mr. Wofford stated that the separation requirement arose from a desire to prevent short term rentals from eroding the long term rental market, but that the disruption of the application process early on should be a reason for granting the variance.

Mr. Truby stated that he could support the variance if conditioned to only permit the accessory dwelling unit as rented.

Ms. Rudd concurred.

Ms. Guarascio stated that the Board may propose conditions if impacts are directly related to the considerations in the findings of fact.

Mr. Randolph stated that he did not see evidence presented of a hardship, and that the applicant still has rental uses available for the accessory dwelling unit without the variance, and the subject property is not unique. He stated he is also concerned about the separation.

Ms. Guarascio stated that there is a policy in place for pre-existing short term rentals to continue.

Mr. Kirkman stated that staff were aware of many pre-existing short term rentals, and the policy has been to approve nonconforming uses with evidence presented of short term rental operation in 2023. This application did not present evidence of operation in 2023.

Mr. Randolph asked if the applicant could apply again with evidence. Mr. Kirkman stated staff would need to review the application.

Erin Graham stated that the short term rental was not in operation in 2023, and Mr. Kirkman confirmed it would not qualify for nonconforming status. He stated that the ordinance was adopted in May 2023 with an original effective date of January 1, 2024 but was delayed until April 1, 2024 due to challenges implementing a more complicated ordinance, and City Council delayed the effective date. A determination was made that short term rentals with evidence of operation in 2023 presented could be granted nonconforming status. But any short term rentals that came into existence after January 1, 2024 would not be nonconforming. Erin Graham confirmed they were not a nonconforming use.

Mr. Oliver asked about the Board's ability to condition variance requests. Mr. Kirkman stated that the Board may condition the variance they feel is appropriate to meet findings of fact to grant a variance.

Mr. Wofford asked if the Board could approve the variance with the condition of limiting the use to the accessory dwelling unit.

Chair Necas stated that she is worried the impacts would not be proportional even if just limited to the accessory dwelling unit.

Mr. Oliver stated he is troubled by reducing the separation requirement.

Ms. Guarascio stated that the Board is not bound by prior decisions, as it is a quasi-judicial board.

Mr. Randolph stated that he feels there may not be facts sufficient to support the variance request.

### **MOTION**

Mr. Randolph moved that in BOA-24-27, 1604 College Park Drive North, based on the stated Findings of Fact, the Zoning Enforcement Officer be upheld and the variance denied based on the following: the hardship of which the applicant complains does not result from conditions that are peculiar to the property and unique circumstances related to the applicant's property because the justification that the property is situated close to UNCG, it's situated in a residential neighborhood with other similarly situated houses; 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 the close proximity being effectively 300 feet close to the next nearest short term rental would not alleviate concerns for increased parking, noise, and congestion in the neighborhood which would detract from the residential character of the existing neighborhood. Seconded by Ms. Rudd

The Board voted 5-2 in favor of the motion (Ayes: Barkdull, Oliver, Randolph, Rudd, Chair Necas; Nays: Truby, Wofford). Chair Necas advised the motion passed.

#### **g. BOA-24-28: 4123 Driftwood Road (APPROVED)**

Ms. Thiel stated in BOA-24-28, Richard and Courtney Whittington request a variance to allow a proposed addition to encroach 5.1 feet into a required 10 foot side setback. The addition will be 4.9 feet from the side property line. Evidence provided by the applicants included Exhibits A through D. 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 west side of Driftwood Road, south of Pineburr Road, and is zoned R-3 (Residential Single-Family). Tax records indicate the lot contains approximately 34,488 square feet, and the house was constructed in 1960. The applicants propose to construct a 304 square foot carport addition attached to the side of the house that will align with the existing driveway. The proposed carport addition will encroach 5.1 feet into a required 10 foot side setback and will be 4.9 feet from the side 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 there were no applicable overlays or plans.

Chair Necas asked the applicant to provide their name/address for the record and swore in Richard Whittington for his testimony.

**Richard Whittington, 4123 Driftwood Road**, stated that they have lived at the subject property since 2009, and they wish to add a carport in a way that makes it fit with the character of the residence. The existing driveway encroaches on the setback, thus the need for the variance. He stated that the neighboring property to the north has a significant side setback, which will make the setback impact the property less.

Mr. Oliver stated that the property is long but skinny. Mr. Whittington stated that was correct, and they just wish to utilize it in the best way for a carport.



Seeing no opposition, Chair Necas closed the public hearing.

**MOTION**

Mr. Oliver moved that in BOA-24-28, 4123 Driftwood 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 would not be able to put a carport over his driveway without this variance; (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 lot is narrow and long, it is hard to do anything on the sides of the property; (3) The hardship is not the result of the applicant's own actions because the driveway was already in place when the home was purchased; (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 there will be no harm to public safety or welfare by granting this variance. Ms. Rudd seconded the motion.

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

**OTHER BUSINESS**

There was no other business.

**ACKNOWLEDGEMENT OF ABSENCES**

Chair Necas acknowledged the absence of Vice Chair Ramsey.

**ADJOURNMENT**

The meeting was adjourned at 9:39 p.m.

Respectfully submitted,

Leah Necas, Chair  
Greensboro Board of Adjustment  
LN/arn