



GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Carolyn Q. Coleman Conference Room
First Floor, Old Guilford County Courthouse
301 W. Market Street, Greensboro, N.C. 27401

March 4, 2025

Regular Meeting

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: November 12, 2024

D. Rules and Procedures

E. Old Business

F. New Business

Evidentiary Hearing Item(s)

Swearing in of staff and those speaking on the case

Case #25-01-BOA-00013

2010 Trosper Road, Greensboro, NC 27455

James and Jean Elms are requesting variances from the Unified Development Ordinance (UDO) to:

- (1) Section 4.2.2.B, which requires a minimum street setback of 40 feet for properties zoned RS-40 that front a local or collector street, in order to reduce the required setback by 16 feet to allow a minimum required setback of 24 feet; and
- (2) Section 4.2.2.B.3, which requires accessory structures to be located behind the principal structure for properties zoned RS-40 that are less than 2 acres in size, in order to allow an existing 16-foot by 22-foot carport to remain in its current location in front of the existing home on the property.

Located at 2010 Trosper Road (Guilford County Tax Parcel #137485 in Center Grove Township), the subject property comprises approximately 0.93 acres and is zoned RS-40, Residential.

Case #25-01-BOA-00014

4809 Edinborough Road, Greensboro, NC 27406

Selden P. Morris is requesting a variance from UDO Section 4.2.2.B, which requires a minimum side setback of 15 feet for properties zoned RS-40. Located at 4809 Edinborough Road (Guilford County Tax Parcel #133984 in Fentress Township), the subject property

400 W. Market St., Greensboro, N.C. 27401
P.O. Box 3427, Greensboro, N.C. 27402
Telephone: 336-641-3334 | Fax: 336-641-6988

comprises approximately 0.60 acres and is zoned RS-40, Residential. The applicant is seeking a 10-foot variance to allow a minimum side setback of 5 feet in order to permit an existing 29.53-foot by 26.25-foot deck to remain in its current location.

G. Other Business

Election of Officers

H. Adjournment

(Insert Color Paper)

**GUILFORD COUNTY PLANNING AND DEVELOPMENT
BOARD OF ADJUSTMENT
SPECIAL MEETING AGENDA MINUTES**

John H. McAdoo Conference Room, Truist Bldg., 3rd Floor
201 W. Market St., Greensboro, NC

November 12, 2024**Special Meeting****6:00 PM****Call to Order**

Chair Miller called the meeting to order at 6:01 PM.

A. Roll Call

The following members were in attendance in person for this meeting:

Ditra Miller, Chair; Willie Johnson, Vice Chair; Franklin Havens; and Corey Randolph

The following Board members were not in attendance at this meeting:

Cary Campbell

The following staff members were in attendance in-person for this meeting:

Leslie Bell, Planning & Development Director; Avery Tew, Planner I; and Troy Moss, Planning Technician

B. Agenda Amendments

There were no amendments to the agenda.

C. Approval of Minutes: September 3, 2024

Mr. Randolph moved approval of the September 3, 2024, meeting minutes, as submitted, seconded by Mr. Johnson. The Board voted unanimously in favor of the motion. (Ayes: Miller, Johnson, Havens, Randolph. Nays: None.)

D. Rules and Procedures

There being no members of the public present, the Chair did not read the Rules and Procedures.

E. Old Business

None

F. New Business

2025 Board of Adjustment Meeting Schedule

Mr. Randolph moved approval of the 2025 Meeting Schedule for the Guilford County Board of Adjustment, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Miller, Johnson, Havens, Randolph. Nays: None.)

G. Other Business

None

H. Adjournment

There being no further business before the Board, the meeting adjourned at 6:08 PM.

DRAFT

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Board of Adjustment
Variance Application

Date Submitted: 1/30/2025 Fee \$426.00 Receipt # REC-023113-2025 Case Number 25-01-BOA-00013
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 2010 Trospen Rd City Greensboro State NC Zip Code 27455
Tax Parcel # 137485 Zoning: _____
Plat Book & Page 46-75 Deed Book & Page 008798-00240 Township CENTER GROVE
EAST

OWNER INFORMATION

Name James and Jean Elms Phone Number 336-558-7343
Address 2010 Trospen Rd City Greensboro State NC Zip Code 27455
Email jandjelms@gmail.com

Owner Signature [Signature]
I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

APPLICANT INFORMATION – *If not property owner, a notarized statement of permission is required from the property owner.*

Name _____ Phone Number _____
Address _____ City _____ State _____ Zip Code _____
Email _____

Applicant Signature _____
I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, James Elms, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

UDO 4.2.2.B/4.4.4.B.3

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:

Due to the topography of the property, existing septic system, existing gas line, and existing well/water pump, a variance is requested to allow the structure to remain over pre-existing parking pad to side and front of house. Requesting a variance (1) allow construction of an accessory structure (carport) to left and in front of the principal structure over pre-existing parking pad.



FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

- 1) Unnecessary hardship would result from the strict application of the ordinance.

Without a cover, cars are being damaged by falling limbs. already costing over \$1000 damage. If too many claims are made on insurance because of major damage, cancellation is a possibility. Carport could not be built in rear of house due to inaccessibility.

- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)

Carport cannot be behind home because of the topography of the property. There is a 30 foot drop from the front of the property to the back, 820 ft to 790 ft (photo attached). Septic tank is also located in backyard. Carport cannot be attached to the house due to placement of well and water lines into home. Gas line is also run into house from the side (photos attached for both).

- 3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

The conditions causing these difficulties were already in place when the house was purchased. Mature trees were already in place. Gas/water lines and pump/well were also already in place.

- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Structure is built to align with style of home, does not harm the character of the neighborhood and is build over pre-existing parking pad (photos attached). All neighbors seem to be pleased with appearance.

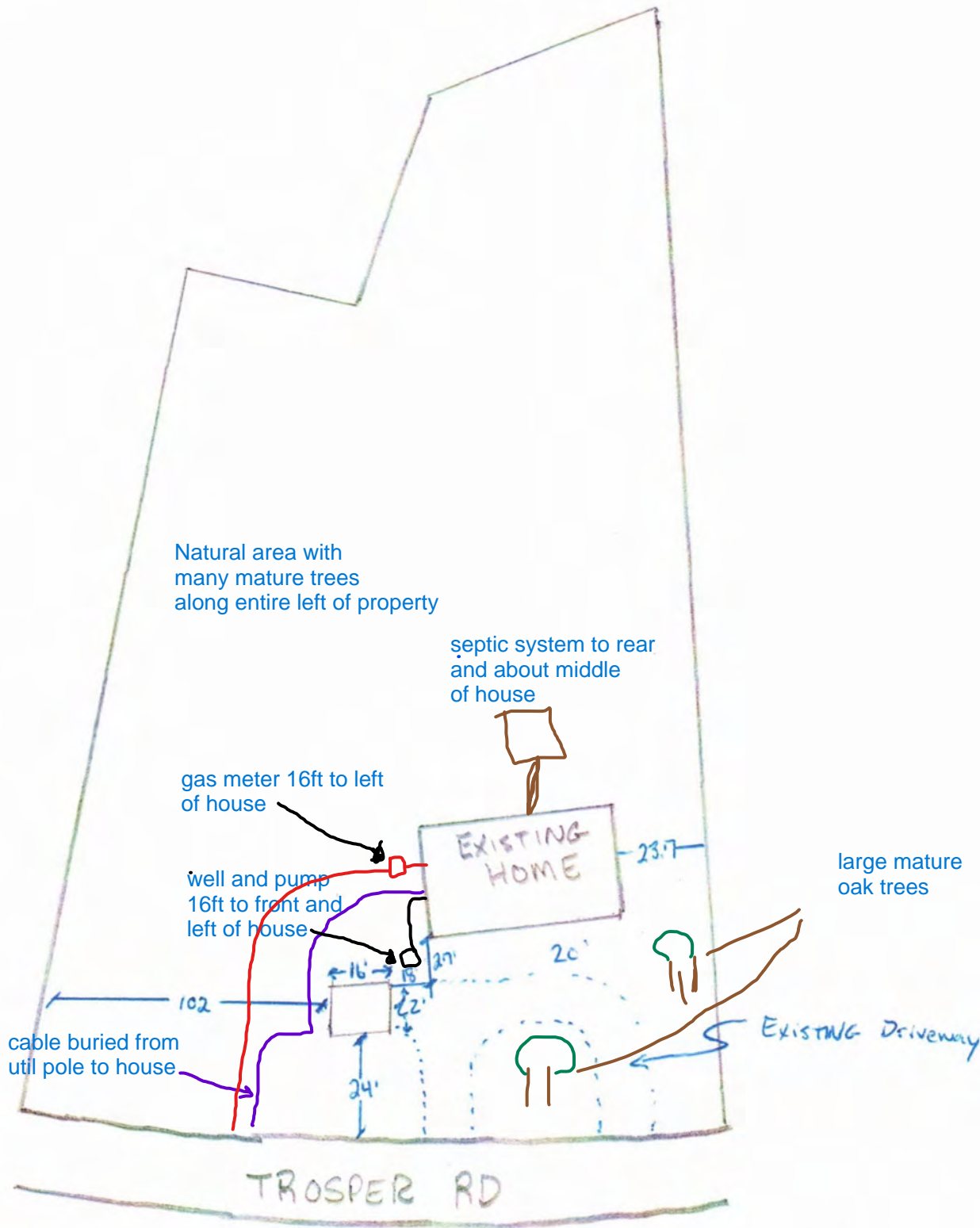






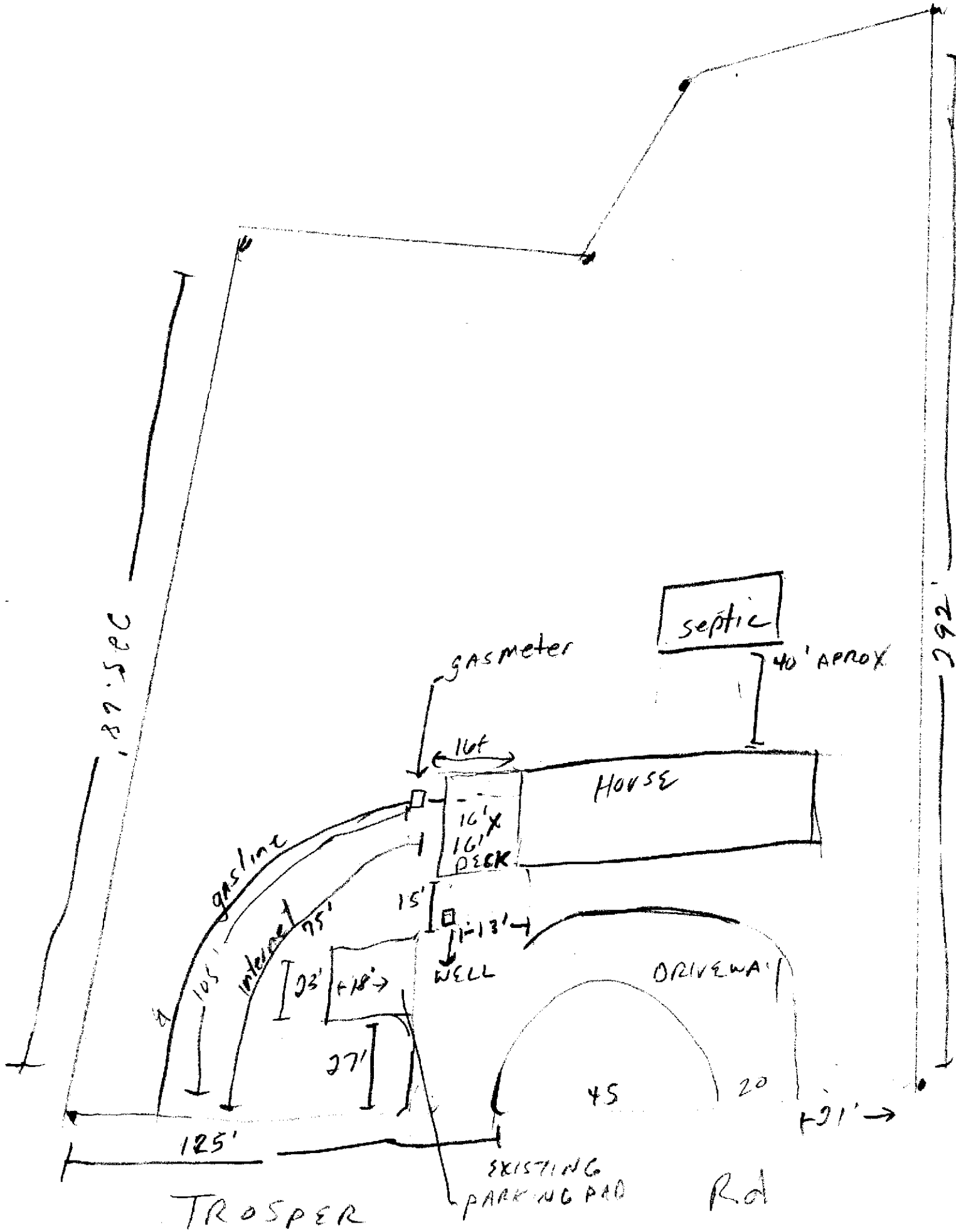


Plot Plan



CARPORT - OPEN 4 SIDES
Built over existing parking pad

1" = 40'

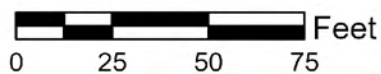




Diagram



Address: 2010 Trospers Rd
Permit #: 24-01-SCHR-00419
Issuer's Initials: EGD
Date: 1/22/2024



1 inch = 50 feet

DISCLAIMER:
The data shown in this map is for public use. Guilford County makes no warranty to its accuracy; all data sets and maps are for geographical representation only.



SECTION - THIS PLAT
GREAT OAKS
OWNER R. G. TROSPER & WIFE
CENTER GROVE TOWNSHIP
GUILFORD COUNTY, NORTH CAROLINA
SCALE: 1" = 100' MARCH 3, 1971

SOUTHERN MAPPING & ENGINEERING CO., GREENSBORO, NORTH CAROLINA
DRAWN BY T.E.F. DATE 3-3-1971 CHECKED BY R.P.G. DATE 3-3-1971

THE UNDERSIGNED HEREBY ACKNOWLEDGE AS THIS PLAT IS
SUBMITTED TO BE FILED FOR RECORD AND TO BE
RECORDED IN THE PUBLIC RECORDS OF THE
COUNTY OF GUILFORD, NORTH CAROLINA,
THE INFORMATION CONTAINED HEREIN IS TRUE AND
CORRECT AND THAT THE SAME COMPLY WITH THE
REQUIREMENTS OF THE PLAT ACT AND THE
RECORDS ACT.

APPROVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C. ON THIS DAY OF OCTOBER 1971.
CITY CLERK: [Signature]
CITY OF GREENSBORO, N. C.

LICENCED ENGINEER NO. 15420
DATE: OCTOBER 1971
NOTARY PUBLIC
BY COMMISSION EXPIRES 7/31/75

GUILFORD COUNTY, NORTH CAROLINA
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE
LAND SHOWN ON THIS PLAT IS WITHIN THE BOUNDARIES
OF GUILFORD COUNTY AND THIS PLAT AND ALLOT-
MENT TO BE TO PUBLIC USE AND BEING HEREBY
CERTIFIED TO BE ALL AREAS SHOWN OR INDICATED
ON THIS PLAT.

NOTARY PUBLIC FOR GUILFORD COUNTY
DATE: OCTOBER 1971
NOTARY PUBLIC FOR GUILFORD COUNTY
DATE: OCTOBER 1971

NOTE: IRON PIPE AT EACH CORNER
UNLESS OTHERWISE NOTED
TOTAL AREA = 18.5 AC. ±

Staff Report

25-01-BOA-00013

I. Summary

James and Jean Elms are requesting variances from the Unified Development Ordinance (UDO) to:

- (1) Section 4.2.2.B, which requires a minimum street setback of 40 feet for properties zoned RS-40 that front a local or collector street, in order to reduce the required setback by 16 feet to allow a minimum required setback of 24 feet; and
- (2) Section 4.2.2.B.3, which requires accessory structures to be located behind the principal structure for properties zoned RS-40 that are less than 2 acres in size, in order to allow an existing 16-foot by 22-foot carport to remain in its current location in front of the existing home on the property.

Located at 2010 Trosper Road (Guilford County Tax Parcel #137485 in Center Grove Township), the subject property comprises approximately 0.93 acres and is zoned RS-40, Residential.

District Description: RS-40, Residential

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

II. Property Specifics

- A. Applicants/Property Owners:** James and Jean Elms
- B. Property Location:** 2010 Trosper Road, Greensboro, NC 27455
- C. Legal Description:** Lot 4, Block C on Plat Book 46, Page 75
- D. Zoning:** RS-40, Residential
 - Street setback: 40 feet
 - Side setback: 15 feet
 - Rear setback: 30 feet

III. Character of the Area

- A. Existing Land Use(s) on the Property:** Single-Family Residential
- B. Surrounding Uses:**
 - North: Undeveloped
 - South: Residential
 - East: Residential
 - West: Residential

C. Topographic & Stormwater Features:

There are no mapped/buffered streams on site per US Geological Survey and Soil Conservation Service Maps. There is no regulated floodplain on site per Flood Insurance Rate Map 3710785700J, effective 6/18/2007. There are no surface waters or wetlands on site per the National Wetlands Inventory. Slopes on site are gentle to moderate.

Date of building permit application:
November 4, 2024

Date of variance application:
January 30, 2025

Date adjacent property owner(s) notified:
February 21, 2025

Date sign posted on the subject property:
February 17, 2025

Date posted on County website:
February 21, 2025

Date of hearing:
March 4, 2025

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
 - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Subject Property



Across from Subject



Facing East

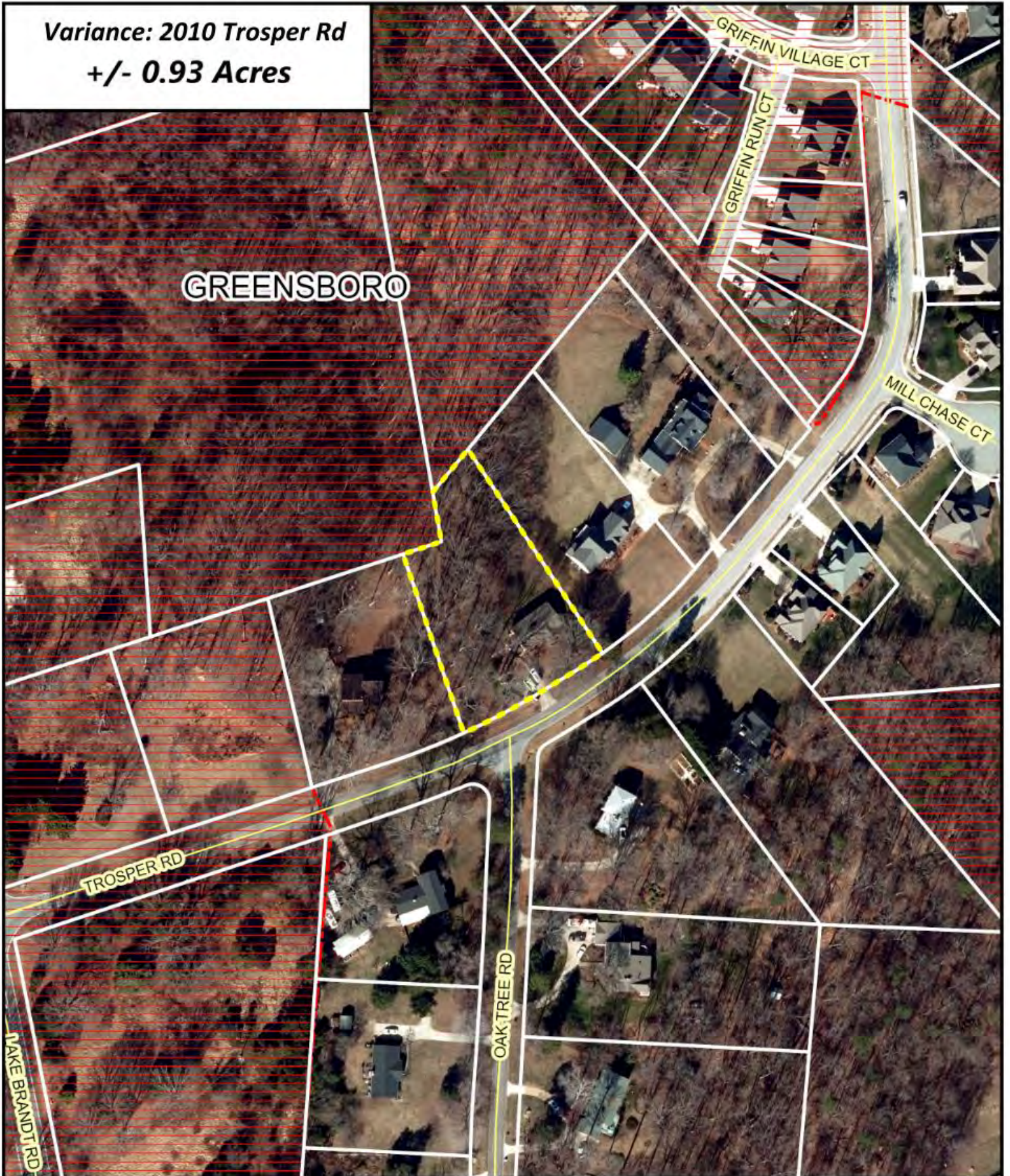


Facing West



**Variance: 2010 Trospers Rd
+/- 0.93 Acres**

GREENSBORO



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

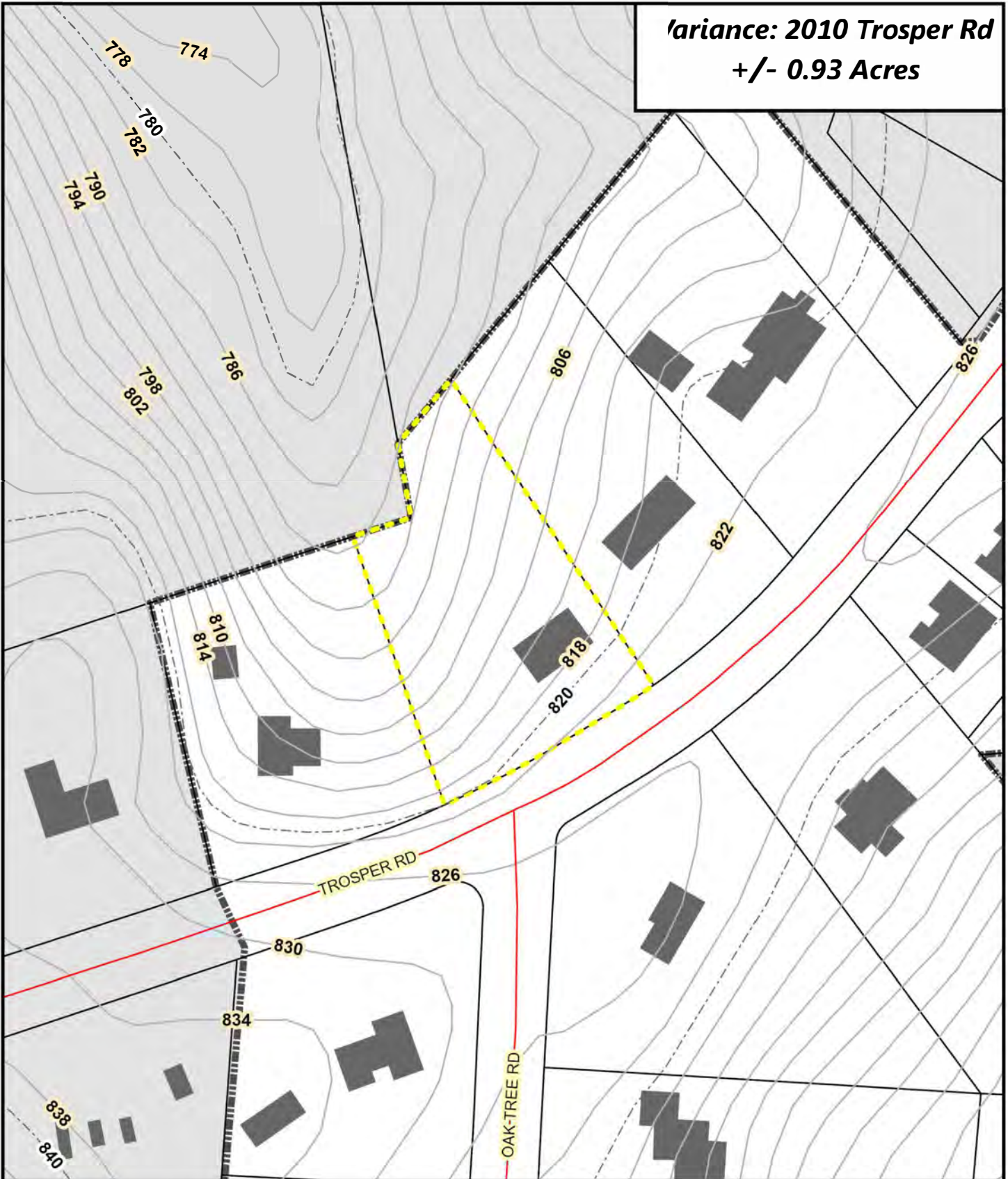
Case Number:
25-01-BOA-00013

Case Area:
Parcel - 137485
2010 Trospers Rd



Scale: 1" = 150'

**Variance: 2010 Trospers Rd
+/- 0.93 Acres**



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

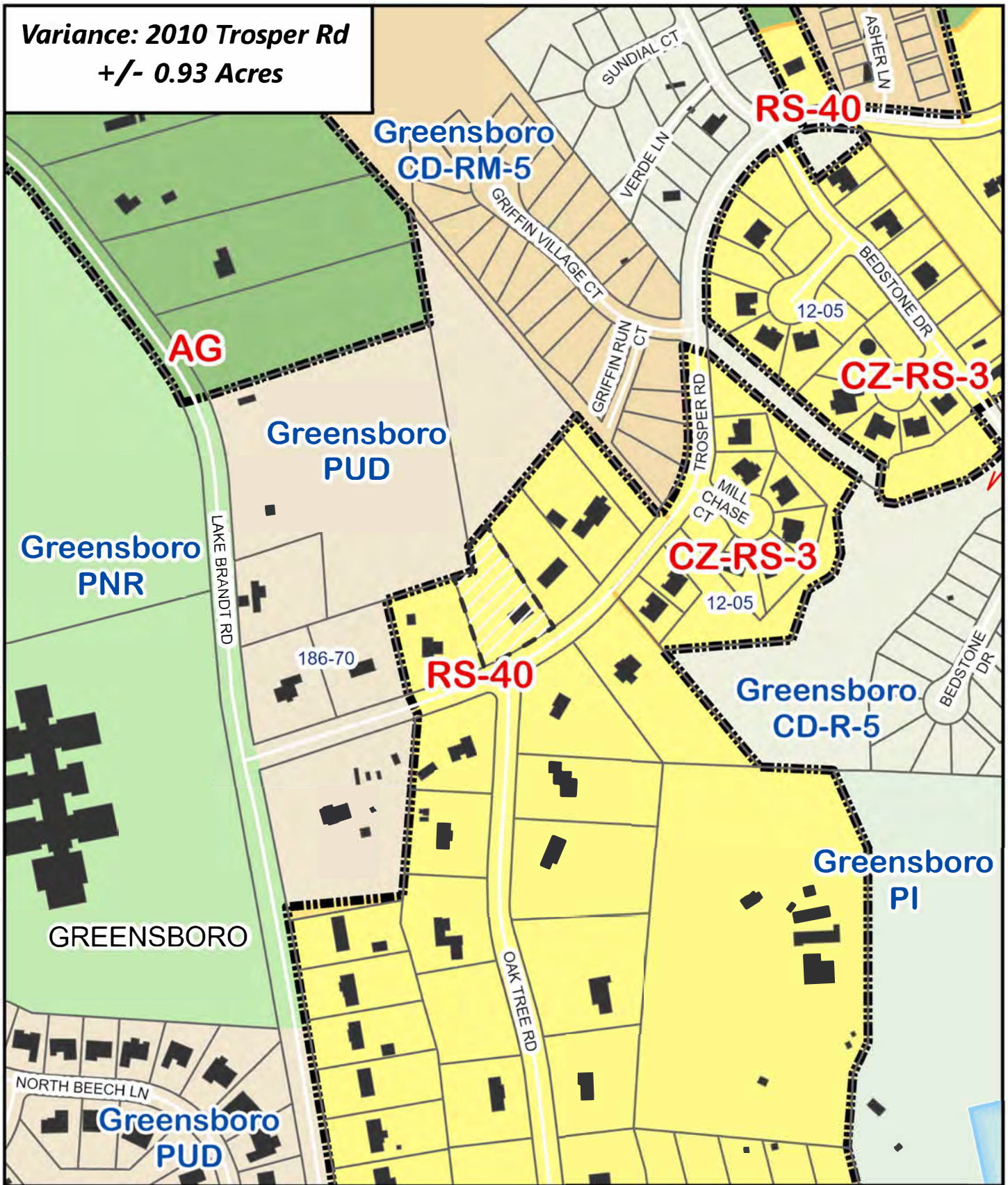
Case Number:
25-01-BOA-00013

Case Area:
Parcel - 137485
2010 Trospers Rd



Scale: 1" = 100'

Variance: 2010 Troser Rd
+/- 0.93 Acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

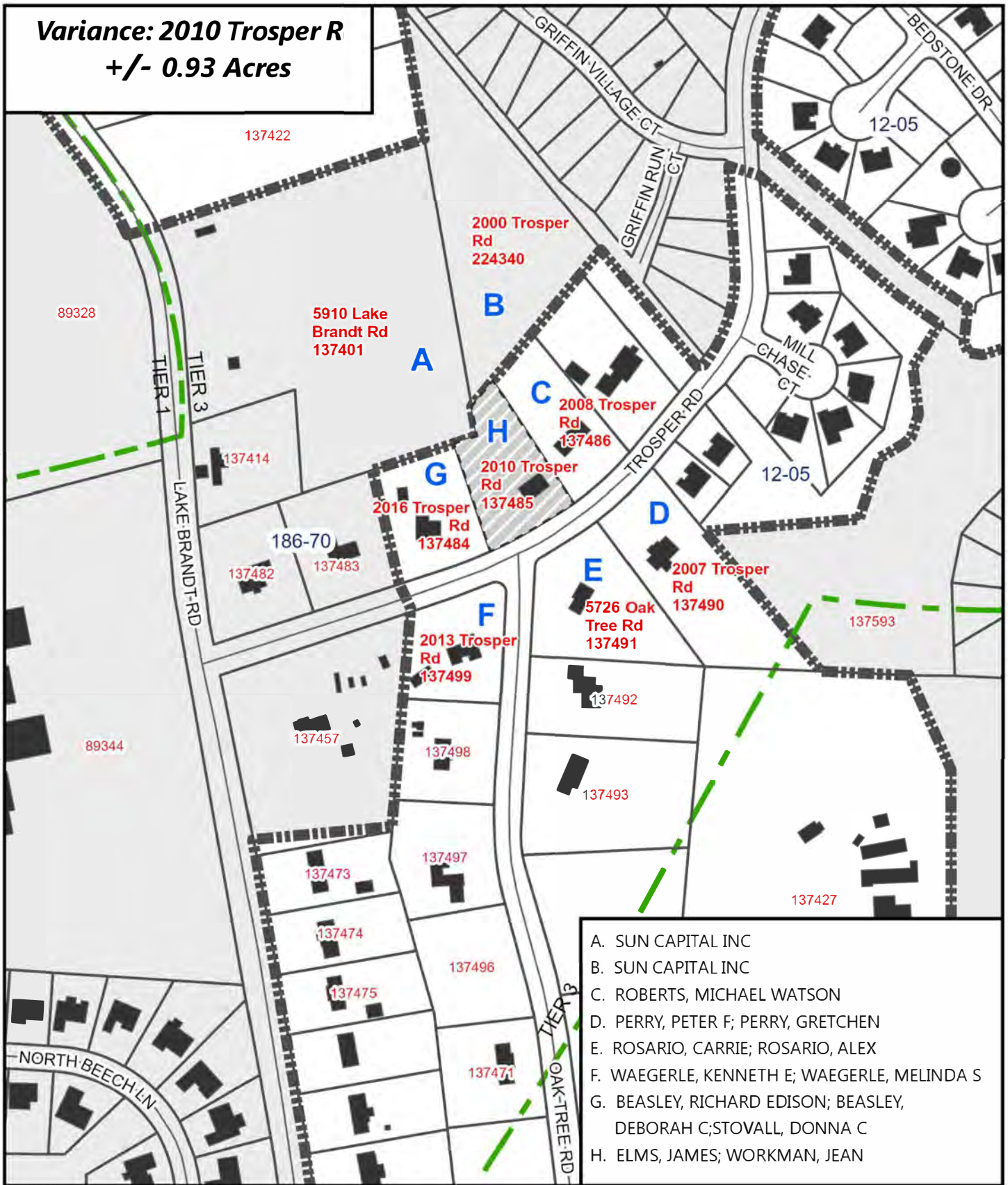
Case Number:
25-01-BOA-00013

Case Area:
Parcel - 137485
2010 Troser Rd



Scale: 1" = 300'

**Variance: 2010 Troser R
+/- 0.93 Acres**



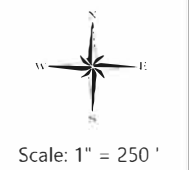
- A. SUN CAPITAL INC
- B. SUN CAPITAL INC
- C. ROBERTS, MICHAEL WATSON
- D. PERRY, PETER F; PERRY, GRETCHEN
- E. ROSARIO, CARRIE; ROSARIO, ALEX
- F. WAEGERLE, KENNETH E; WAEGERLE, MELINDA S
- G. BEASLEY, RICHARD EDISON; BEASLEY, DEBORAH C;STOVALL, DONNA C
- H. ELMS, JAMES; WORKMAN, JEAN



Jurisdiction:
GUILFORD COUNTY

Case Number:
25-01-BOA-00013

Case Area:
Parcel - 137485
2010 Troser Rd



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**GUILFORD COUNTY BOARD OF ADJUSTMENT
ORDER GRANTING A VARIANCE**

The Guilford County Board of Adjustment, having held a hearing on **March 4, 2025**, to consider Case #**25-01-BOA-00013**, submitted by **James and Jean Elms**, a request for a variance to use the property located at **2010 Trosper Road**, being Tax Parcel #**137485**, in a manner not permissible under the literal terms of the Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

- 1. It is the Board’s CONCLUSION that unnecessary hardship **will** result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:

- 2. It is the Board’s CONCLUSION that the hardship **does** result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

- 3. It is the Board’s CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

- 4. It is the Board’s CONCLUSION that the requested variance **is** consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following:

- 1. Compliance with all local, state and federal laws.



**GUILFORD COUNTY BOARD OF ADJUSTMENT
ORDER DENYING A VARIANCE**

The Guilford County Board of Adjustment, having held a hearing on **March 4, 2025**, to consider Case #**25-01-BOA-00013**, submitted by **James and Jean Elms**, a request for a variance to use the property located at **2010 Trosper Road**, being Tax Parcel #**137485**, in a manner not permissible under the literal terms of the Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

- 1. It is the Board’s CONCLUSION that unnecessary hardship **will not** result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:

- 2. It is the Board’s CONCLUSION that the hardship **does not** result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

- 3. It is the Board’s CONCLUSION that the hardship **does** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

- 4. It is the Board’s CONCLUSION that the requested variance **is not** consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **DENIED** subject to the following:

- 1. Compliance with all local, state, and federal laws.

(Insert Color Paper)



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Board of Adjustment
Variance Application

Date Submitted: 1/30/2025 Fee \$426.00 Receipt # REC-023137-2025 Case Number 25-01-BOA-00014
(includes \$26 recording fee)

PROPERTY INFORMATION

Address 4809 EDINBOROUGH RD City GREENSBORO State NC Zip Code 27406
Tax Parcel # 133984 Zoning: RS-40
Plat Book & Page 43 Deed Book & Page 47 Township FENTRESS
CAT

OWNER INFORMATION

Name The Selden P Morris Living Trust (Selden Morris) Phone Number 336.269.5019
Address 4809 Edinborough Rd City Greensboro State NC Zip Code 27406
Email dawsgroup@outlook.com or dawsgllc@gmail.com
Owner Signature [Signature]

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

APPLICANT INFORMATION - If not property owner, a notarized statement of permission is required from the property owner.

Name Selden^{sr} Phone Number _____
Address _____ City _____ State _____ Zip Code _____
Email _____
Applicant Signature _____
I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and belief.

TO THE GUILFORD COUNTY BOARD OF ADJUSTMENT:

I, Selden P. Morris, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Development Ordinance because, under the interpretation given to me by the Enforcement Officer, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached. I request a variance from the following provisions of the ordinance (cite section numbers):

4.2.2.B - Set backs

If the plot plan does not adequately reveal the nature of the variance, the request is more fully described below:



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Board of Adjustment
Variance Application

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach four conclusions before it may issue a variance: (1) that unnecessary hardship would result from the strict application of the ordinance; (2) that the hardship results from conditions that are peculiar to the property; (3) that the hardship did not result from actions taken by the applicant or the property owner; and (4) that the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In the spaces provided with the conclusions below, indicate competent, material and substantial evidence that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four conclusions.

1) Unnecessary hardship would result from the strict application of the ordinance.

The existing deck was built based on information provided by Code Enforcement (Ms Hayes) who visited the dome and inspected it and stated that it did not require a permit. So I continued with the project; given this misunderstanding, requiring full removal or relocation of the deck would create an undue hardship. The deck was designed to provide safe and stable access to the dome which serves as an accessory to health wellness and relaxation space. Strict enforcement could render the space unusable for its intended purpose.

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.)

The irregular shape and slope of the lot limit viable placement options for the deck and dome. The topography presents challenges that make alternative locations impractical without significant regrading or structural modifications. The dome is a non permanent structure and the deck is the only stable and level area on my property where it can be safely placed.

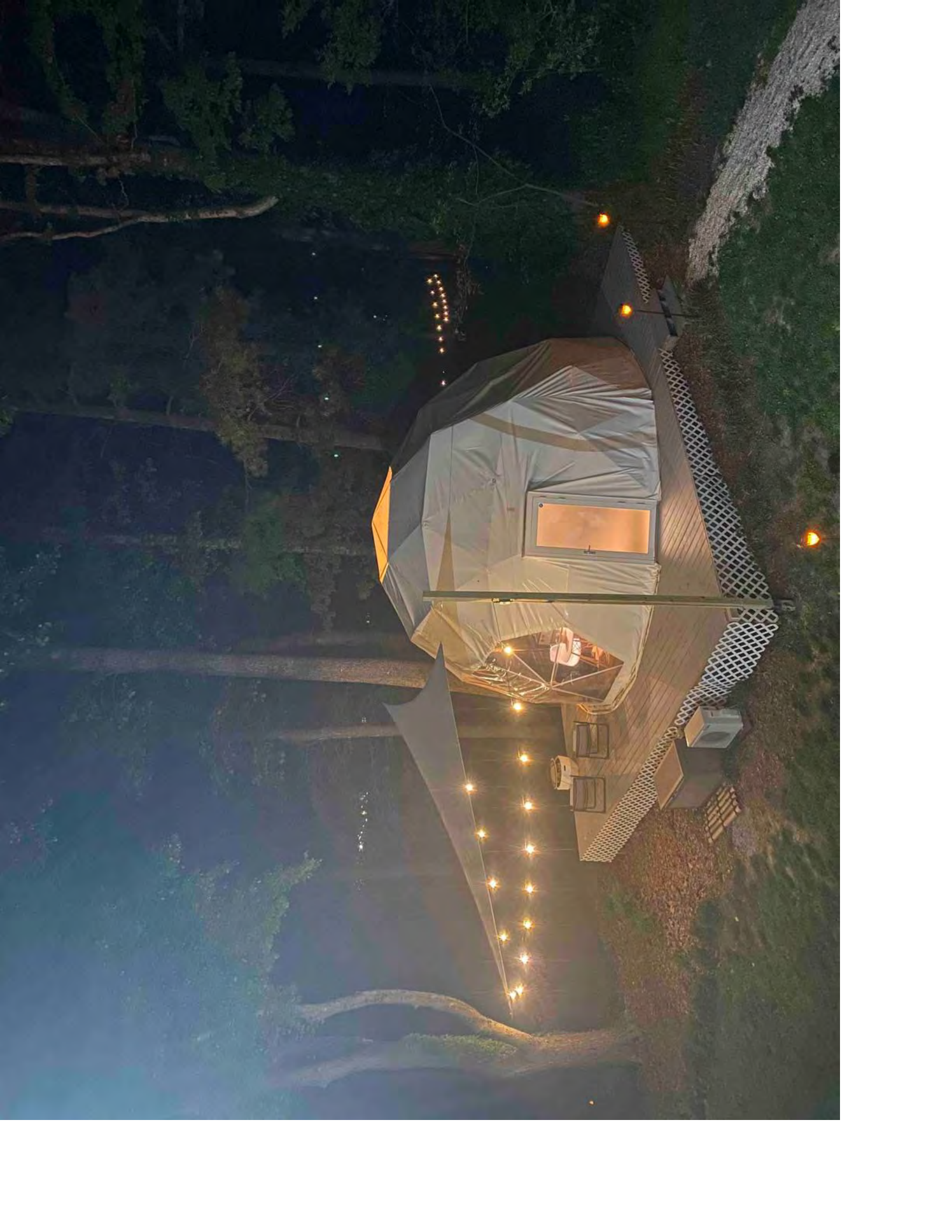
3) The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property knowing that circumstances exist that may justify the granting of a variance is not regarded as a self-created hardship.)

As mentioned, I relied on incorrect guidance from Code Enforcement when I built the deck and dome, believing a permit was not required. There after receiving additional recent requirements within a few days ago from my initial inspection. This was not a deliberate violation but rather a misunderstanding based on the information provided to me causing me to believe I had the permission to proceed with my project. At no point was I informed that setbacks applied to my 364 sq ft structure.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The structure is designed to harmonize with the surrounding environment and does not obstruct neighboring properties or public safety. It has existed on my property since Ms. Rhonitta Hayes, (ZO visited my site on December 2012) So it has been there for over 3 years without any safety issue to my community. Granting the variance allows for reasonable use of the property while ensuring compliance with the intent of zoning regulations. My case was close out as in compliance.









133984

Lot 16

SELDEN MORRIS
LIVING TRUST

4809 EDINBOROUGH RD

GREENSBORO

NC

27406

Vanity
Faucet

All in one
Vini faucet
& mini refrigerator

Deck

Shower
Stall

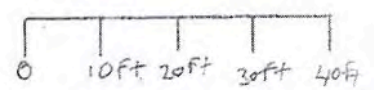
92.65'

27.00'

240.80'

199.89'

117.66'



29.53'

26.25'

63'

12'

5'

26'

30 ft

23 ft

Property line

Deck
29 ft x 25 ft

Dome
Specs: 22.97 feet
Diameter
Floor Area \approx 426 ft²
Height \approx 14.25 ft

DECK

4809 EDINBOROUGH
HOME

GARAGE

HOME
DECK

DOME - TENT

Dry
Sauna

Plan 1-13

REGISTERED
AND RECORDED
JUL 24 10 15 AM '69
MARK STEWART
REGISTER OF DEEDS
OUTLORD COUNTY, N.C.

SECTION - 14
FOREST OAKS COUNTRY CLUB
FENTRESS TWRP-GUILFORD CO., NORTH CAROLINA
OWNER: ALLEGHENY PROPERTIES, INC.

SCALE: 1" = 100'
AUGUST, 1968

TRULOVE ENGINEERS, INC.
114-A NORTH GREENE STREET
GREENSBORO, NORTH CAROLINA

CURVE	Δ	T	R	L	B	C	A
C-8	7°08'20"	14.30'	20.00'	24.83'	103°56'40"E	23.27'	24.83'
C-9	79°17'40"	16.36'	20.00'	27.68'	108°15'40"E	25.48'	27.68'

CURVE DATA							
CURVE	Δ	T	R	L	B	C	A
6-C-1	74°30'	214.62'	281.47'	366.72'			
6-C-2	30°50'	77.60'	255.15'	150.66'			
6-C-3	11°44'30"	115.0'	118.18'	239.19'			
6-C-4	70°08'20"	150.0'	215.67'	261.89'			
6-C-5	73°01'20"	240.0'	312.65'	406.37'			
6-C-6	73°58'30"	14.96'	20.00'	25.71'	511°16'W	23.97'	25.71'
6-C-7	60°32'10"	16.94'	20.00'	28.11'	58°22'30"W	25.85'	28.11'

NORTH CAROLINA - GUILDFORD
THE STATE ENGINEER'S OFFICE
100 S. 7th Street, Raleigh, N.C. 27601
MARK STEWART, REGISTER OF DEEDS
Deputy Register of Deeds



Approved by the Board of Commissioners of Guilford County, N.C. on this 23rd day of July 1968, provided that the plat is recorded in the office of the Register of Deeds of Guilford County, N.C. within thirty days after date of this approval.
Signed: *Robert C. Montgomery*
Chairman

Recorded in the Office of Register of Deeds, this _____ day of _____, 1968.
Register of Deeds

I, _____, certify that this map was drawn by me (drawn under my supervision) from (an actual survey made under my supervision) from (an actual survey made by me) (field description recorded in Book 2,216, Page 453, block _____, Page _____) (other); that the error of closure as calculated by latitudes and departures is: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ Page _____ that this map was prepared in accordance with G. S. 47-29 as amended; Witness my hand and seal this 23rd day of July, 1968.
I.D. 21, 21, 68

Deputy Register of Deeds

Notarized and sworn to before me, this _____ day of _____, 1968.

Notary Public

My Commission expires _____

NORTH CAROLINA
GUILDFORD COUNTY
The foregoing certificate of _____ is in the form and correct. Let the said plat and certificate be recorded.

Clerk of Superior Court

"The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of the Board of Commissioners of Guilford County and this plat and certificate to be in full force and effect, and hereby dedicates to public use as roads, streets, and highways, forever all areas so shown or indicated on said plat."
Signed: *Robert C. Montgomery*
Spread: *Robert C. Montgomery*



GUILFORD COUNTY PLANNING AND DEVELOPMENT

February 9, 2022

21-11-GVRN-00352

SELDEN MORRIS
4809 EDINBOROUGH ROAD
GREENSBORO, NC 27406

DEAR MR. SELDEN MORRIS,

This letter is being sent to you regarding my following up on the complaint that was submitted referencing your property located on 4809 **EDINBOROUGH ROAD, GREENSBORO, NC 27406, being tax parcel #133984.**

Upon my site visit on December 2, 2021 I was given access to the property where this dome-like structure was located. I was able to take photos back to the Inspections Manager who did advise me that, since this is no permanent structure, a permit would not be required.

Thank you again for working with me to gain resolution to this complaint.

I have closed your case out as IN COMPLIANCE and appreciate your time and attention.

Sincerely,

Rhonitta L. Hayes, CZO
Land Use & Zoning Compliance Officer
336-641-3154
(336)669-8135
rhayes@guilfordcountync.gov



Environment e t Division Water Quality Section

400 W Market St.
Greensboro, N 27401
(336) 641-7613

October 25, 2023

Permit #: 23-10-SAHR-00582

james bullard
909 rucker street
greensboro, NC 27407

Ref: 4809 EDINBOROUGH RD GREENSBORO, NC 27406

Deck modification approved based on home connected to city water/sewer per bill provided by homeowner

Dear james bullard,

On October 25, 2023 a representative from this office visited your property for the purpose of inspecting a proposed improvement, as referenced above. The inspection verifies that the location of the improvement meets the minimum guidelines set forth in the rules and regulations.

The information has been forwarded to the Guilford County Planning and Development Office. Please contact them to find out when you may pick up the Building Permit.

If you have any questions regarding this matter, please contact this office at 336-641-7613 between the hours of 8:00 a.m. and 9:00 a.m., Monday through Friday.

Sincerely,

Robert N. Lowe, REHS

Environmental Health Specialist

CC: Water Quality Unit Manager
Property File

Avery Tew

From: Daws Group <dawsgllc@gmail.com>
Sent: Thursday, January 30, 2025 6:14 PM
To: DAWS Group LLC; Avery Tew; syazawa@dotecengineering.com
Subject: Re: Formal Follow-Up – Variance Application for Dome Project at 4809 Edinborough Rd, Greensboro, NC
Attachments: Morris Variance Application.pdf
Categories: Board of Adjustment

***WARNING* This email originated outside Guilford County's email system.**

WARNING

Do not click unrecognized links or attachments. When in doubt, use the Phish Alert Report button.

Updated Variance Application with first page included

On Thu, Jan 30, 2025 at 6:03 PM Daws Group <dawsgllc@gmail.com> wrote:

----- Forwarded message -----

From: Daws Group <dawsgllc@gmail.com>

Date: Thu, Jan 30, 2025 at 5:49 PM

Subject: Re: Formal Follow-Up – Variance Application for Dome Project at 4809 Edinborough Rd, Greensboro, NC

To: Avery Tew <ctew@guilfordcountync.gov>

Dear Mr. Tew,

I appreciate your time and guidance in helping me navigate the variance process. I would like to move forward with the variance request and would appreciate details on how to submit the \$426 fee—is there an option to pay online? If so, please send me the link.

I want to provide further context regarding my situation and explain why the variance is critical for my family and me. As outlined in NCGS § 160D-705(d), I believe my request meets the hardship criteria for the following reasons:

1. Unnecessary Hardship Due to Strict Application of the Regulation

- When I constructed the deck and 364 square foot non- permanent structure dome, I relied on guidance from Code Enforcement Officer Ms. Rhonitta Hayes, who visited my property in December 2021 and informed me that no permit was required. Based on this information, I moved forward with the project in good faith.
- The deck provides essential stability and access to the geodesic dome, which serves as a healing and wellness space for my family, particularly for my mentally ill brother, for whom I was recently granted legal guardianship. Without the deck, the structure would be unusable for its intended

therapeutic purpose.

2. Hardship Results from Conditions Peculiar to the Property

- My property has an irregular slope and unique topography, which made it necessary to construct a level and stable deck. Due to the uneven ground, relocating the deck is not structurally feasible without extensive regrading and modifications that would impose an unreasonable burden.
- The dome is a non-permanent structure, and the current deck is the only suitable location that ensures safety and accessibility.

3. The Hardship Did Not Result from Actions Taken by the Applicant

- I acted in compliance with the information given to me at the time. I was only made aware of additional setback requirements recently, just as I was preparing to finalize my permit application.
- This was not an intentional violation—I built the deck in good faith, believing I was following the correct procedures.

4. Variance is Consistent with the Spirit, Purpose, and Intent of the Regulation

- The dome and deck blend harmoniously with the surrounding environment and have been in place for over three years without any issues.
- The structure poses no risk to public safety, nor does it negatively impact adjacent properties.

A Deeply Personal Hardship – Why This Space Matters

Beyond the legal justifications, I hope the board will also consider the human impact of this request. The dome is not just a structure—it is a sacred sanctuary for my family.

I am the sole provider for my family, caring for my elderly parents, my 14-year-old son, and my 35-year-old brother, who has severe mental health challenges and is unable to work. His condition has placed immense stress on our family, and as his legal guardian, I bear the full responsibility of his care.

The dome was created as a therapeutic retreat—a holistic healing space where my brother can find peace, balance, and relief from his daily struggles. Traditional medication alone has not been enough, and this space provides him with an alternative method of healing, one that has been instrumental in managing his condition.

This structure was built with love and a deep desire to create a safe, healing environment for my family amid the immense challenges we face. I kindly ask the board to consider this variance not just as a zoning request, but as a matter of essential well-being for a family deeply affected by mental illness.

I have attached the following supporting documents for your review:

- Completed Variance Application Form
- Letter from Planning and Development Regarding Initial Inspection
- Plot Plans
- Interim Guardianship Order for My Brother (with sensitive information redacted for privacy)

Given these circumstances, I respectfully request that my application for a variance be approved. Please let me know how to submit the fee and if any further documentation is required.

Thank you for your time, consideration, and understanding.

STATE OF NORTH CAROLINA

GUILFORD County

DATE: January 27, 2025
TIME: 11:59:14 AM
GUILFORD COUNTY
CLERK OF SUPERIOR COURT
BY: D. Daniels

File No.

24SP002831-400

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF

Name Of Respondent

MICHAEL STEPHON MORRIS

Name Of Movant (if applicable)

SELDEN MORRIS

Petitioner For Adjudication of Incompetence

Guardian Ad Litem

ORDER ON MOTION FOR
APPOINTMENT OF
INTERIM GUARDIAN

G.S. 35A-1114

FINDINGS

I. On Movant's Motion For Appointment Of An Interim Guardian

- 1. A hearing on the movant's Motion for the Appointment of an Interim Guardian was held on this day. From the evidence presented at the hearing, the Court makes the following specific findings of fact:
(Set forth facts which support conclusion that grounds for immediate intervention exist.)

- 2. Based on these specific findings of fact, the Court concludes that the respondent is incompetent, and that:
 - a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
 - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.
- 3. The Court does not find that grounds exist for the appointment of an interim guardian.

II. On Clerk's Own Motion

- 1. A hearing on a petition for adjudication of incompetence was held on this day and the Court on it's own motion considered the appointment of an interim guardian for the respondent. From the evidence presented at the hearing, the Court makes the following specific findings of fact:
(Set forth facts which support the determination that appointment of an interim guardian is in the best interests of the respondent.)

(Over)

2. Based on these specific findings of fact, the Court concludes that there is reasonable cause to believe that the respondent is incompetent, and that:
- a. the respondent is in a condition that constitutes or reasonably appears to constitute an imminent or foreseeable risk of harm to the respondent's physical well-being, and there is immediate need for a guardian to provide consent or take other steps to protect the respondent.
 - b. there is or reasonably appears to be an imminent or foreseeable risk of harm to the respondent's estate, and immediate intervention is required in order to protect the respondent's interest.

ORDER

It is ORDERED that:

1. the person named below is appointed interim guardian of the person estate for the respondent. The interim guardian shall have the powers and duties specifically set forth below. These powers and duties shall extend only so long as is necessary to meet the condition necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.
2. the motion for the appointment of an interim guardian is denied.

Name And Address Of Interim Guardian

SELDON MORRIS
4809 Edinborough Road
Greensboro, NC 27406

Relationship To Respondent

Respondent's brother

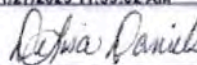
Telephone No.

336-269-5019

Powers And Duties Of Interim Guardian

Interim General Guardian ("IGG") has authority, with a copy of this Order, over the custody of the person of the Respondent, to provide for his care, comfort and maintenance; to establish his place of residence; to give consent for his medical, psychological, legal or other professional care, counsel, treatment or service, and any other consent that is in the Respondent's best interest, including power to trespass Respondent's presence or property and to change the locks on any of her vehicles or buildings. The "IGG" has authority to access Respondent's financial accounts, pay Respondent's bills and contact Respondent's service providers on his behalf. The IGOE may not alter any retirement accounts including, but not limited to, moving, using or transferring funds or changing beneficiaries. IGOE does not have authority to sell, lease, mortgage or otherwise encumber Respondent's real property.

****Bond required in the amount of \$10,000.00, but is subject to increase if additional assets are discovered****

<i>Date Of Order</i>	<i>Signature</i>
01/27/2025	1/27/2025 11:59:02 AM 
<i>Expiration Date</i>	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
03/13/2025	

NOTE TO CLERK: Do not provide a certified copy of this Order to an interim guardian of the estate or general guardian unless and until sufficient bond is posted.

ORDER EXTENDING INTERIM GUARDIANSHIP

- For good cause shown, it is further ORDERED that the period of interim guardianship set forth in the above Order is extended for as long as continues to be necessary to meet the conditions necessitating this appointment. In any event, this interim guardianship shall terminate on the earliest of the following: the expiration date specified below, if any; 45 days from the date of this Order; when any guardian is appointed following an adjudication of incompetence; or when the petition in this case is dismissed by the Court.

<i>Date Of Order</i>	<i>Signature</i>
<i>Expiration Date</i>	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

CERTIFICATION

I certify that this Order On Motion For Appointment Of Interim Guardian is a true and complete copy of the original on file in this case.

<i>Date</i>	<i>Name Of Clerk (type or print)</i>	<i>Signature</i>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

NOTE: Pursuant to G.S. 35A-1114(e), a certified copy of this Order establishes that the above-named interim guardian has authority to act with respect to the powers and duties set forth above, during the period of interim guardianship.

Staff Report

25-01-BOA-00014

I. Summary

Selden P. Morris is requesting a variance from Unified Development Ordinance (UDO) Section 4.2.2.B, which requires a minimum side setback of 15 feet for properties zoned RS-40. Located at 4809 Edinborough Road (Guilford County Tax Parcel #133984 in Fentress Township), the subject property comprises approximately 0.60 acres and is zoned RS-40, Residential. The applicant is seeking a 10-foot variance to allow a minimum side setback of 5 feet in order to permit an existing 29.53-foot by 26.25-foot deck to remain in its current location.

District Description: RS-40, Residential

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

II. Property Specifics

A. Applicant/Property Owner: Selden P. Morris

B. Property Location: 4809 Edinborough Road, Greensboro, NC 27406

C. Legal Description: Lot 7, Block PP, Section 14 on Plat Book 43, Page 47

D. Zoning: RS-40, Residential

Street setback: 40 feet

Side setback: 15 feet

Rear setback: 30 feet

III. Character of the Area

A. Existing Land Use(s) on the Property: Single-Family Residential

B. Surrounding Uses:

North: Golf course

South: Residential

East: Residential

West: Residential

C. Topographic & Stormwater Features:

There are no mapped/buffered streams on site per US Geological Survey and Soil Conservation Service Maps. There is no regulated floodplain on site per Flood Insurance Rate Map 3710788100J, effective 6/18/2007. There are no surface waters or wetlands on site per the National Wetlands Inventory. Slopes on site are moderate.

Date of application:
January 31, 2025

Date adjacent property owner(s) notified:
February 21, 2025

Date sign posted on the subject property:
February 17, 2025

Date posted on County website:
February 21, 2025

Date of hearing:
March 4, 2025

Findings of Facts

Guilford County Development Ordinance Sec. 3.5 (W)

Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

- 1) There are practical difficulties or unnecessary hardships that would result in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
 - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Subject Property



Across from Subject Property



Facing East



Facing West



**Variance: 4809 Edinborough Rd
+/- 0.60 Acres**



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
25-01-BOA-00014

Case Area:
Parcel - 133984
4809 Edinborough Rd



Scale: 1" = 100'

Variance: 4809 Edinborough I
40 +/- 0.60 Acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

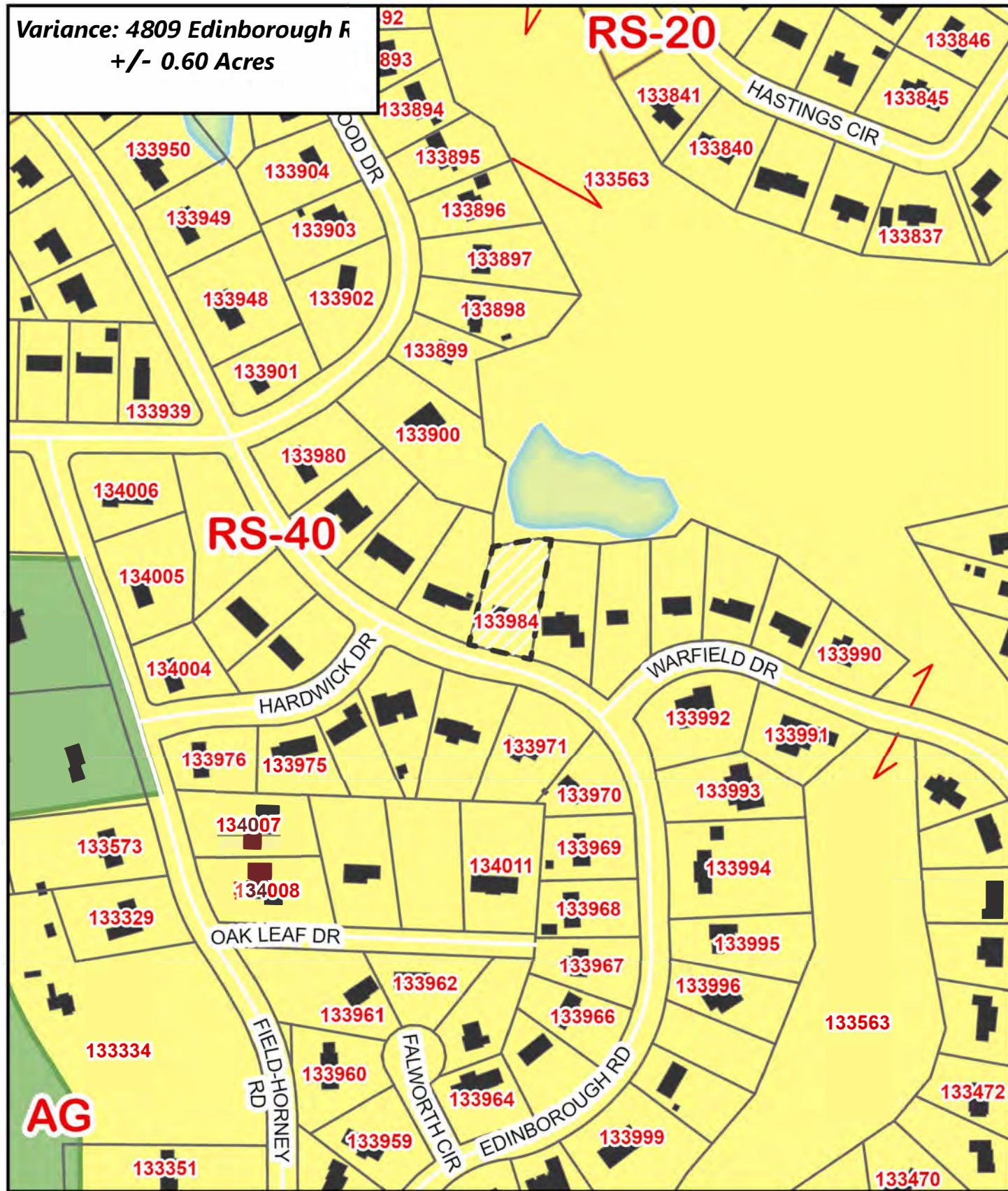
Case Number:
25-01-BOA-00014

Case Area:
Parcel - 133984
4809 Edinborough Rd



Scale: 1" = 100'

Variance: 4809 Edinborough F
+/- 0.60 Acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

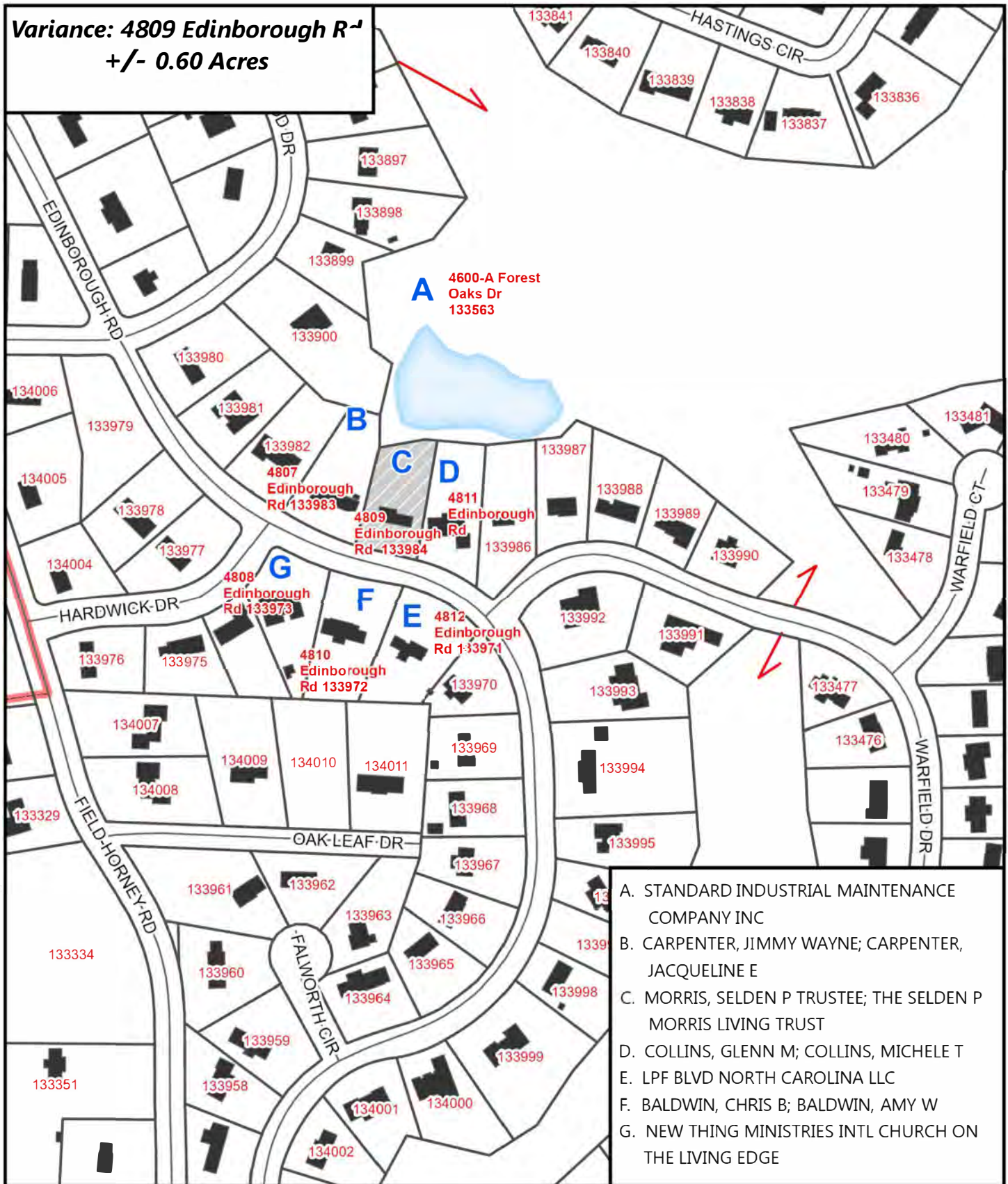
Case Number:
25-01-BOA-00014

Case Area:
Parcel - 133984
4809 Edinborough Rd



Scale: 1" = 250'

**Variance: 4809 Edinborough R^d
+/- 0.60 Acres**



- A. STANDARD INDUSTRIAL MAINTENANCE COMPANY INC
- B. CARPENTER, JIMMY WAYNE; CARPENTER, JACQUELINE E
- C. MORRIS, SELDEN P TRUSTEE; THE SELDEN P MORRIS LIVING TRUST
- D. COLLINS, GLENN M; COLLINS, MICHELE T
- E. LPF BLVD NORTH CAROLINA LLC
- F. BALDWIN, CHRIS B; BALDWIN, AMY W
- G. NEW THING MINISTRIES INTL CHURCH ON THE LIVING EDGE



Jurisdiction:
GUILFORD COUNTY

Case Number:
25-01-BOA-00014

Case Area:
Parcel - 133984
4809 Edinborough Rd





**GUILFORD COUNTY BOARD OF ADJUSTMENT
ORDER GRANTING A VARIANCE**

The Guilford County Board of Adjustment, having held a hearing on **March 4, 2025**, to consider Case #**25-01-BOA-00014**, submitted by **Selden P. Morris**, a request for a variance to use the property located at **4809 Edinborough Road**, being Tax Parcel #**133984**, in a manner not permissible under the literal terms of the Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

- 1. It is the Board’s CONCLUSION that unnecessary hardship **will** result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS of FACT:

- 2. It is the Board’s CONCLUSION that the hardship **does** result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

- 3. It is the Board’s CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

- 4. It is the Board’s CONCLUSION that the requested variance **is** consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following:

- 1. Compliance with all local, state and federal laws.



**GUILFORD COUNTY BOARD OF ADJUSTMENT
ORDER DENYING A VARIANCE**

The Guilford County Board of Adjustment, having held a hearing on **March 4, 2025**, to consider Case #**25-01-BOA-00014**, submitted by **Selden P. Morris**, a request for a variance to use the property located at **4809 Edinborough Road**, being Tax Parcel #**133984**, in a manner not permissible under the literal terms of the Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

- 1. It is the Board’s CONCLUSION that unnecessary hardship **will not** result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:

- 2. It is the Board’s CONCLUSION that the hardship **does not** result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

- 3. It is the Board’s CONCLUSION that the hardship **does** result from actions taken by the applicants or the property owners. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

- 4. It is the Board’s CONCLUSION that the requested variance **is not** consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on the following FINDINGS OF FACT:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **DENIED** subject to the following:

- 1. Compliance with all local, state, and federal laws.
