



GUILFORD COUNTY PLANNING AND DEVELOPMENT

BOARD OF ADJUSTMENT AGENDA

Carolyn Q. Coleman Conference Room
First Floor, Old Guilford County Courthouse
301 W Market St, Greensboro, NC 27401

October 7, 2025

Regular Meeting

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: September 2, 2025

D. Rules and Procedures

E. Old Business

Case #25-08-BOA-00016 (3 Chowan Rd, Greensboro, NC 27407)

Pursuant to N.C.G.S. 160D-406(j), approve Order Granting a Variance with respect to the application submitted by Robert and Catherine McGee for the property at 3 Chowan Road (Guilford County Tax Parcel #155460 in Jamestown Township), as heard and decided by the Board of Adjustment on September 2, 2025.

F. New Business

Evidentiary Hearing Item(s)

None

G. Other Business

H. Adjournment

This page intentionally left blank

(Insert Color Paper)

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

Carolyn Q. Coleman Conference Room
First Floor, Old Guilford County Courthouse
301 W. Market Street, Greensboro, NC 27401
September 2, 2025

Regular Meeting**6:00 p.m.**

Chair Miller called the meeting to order at 6:00 p.m. and asked staff to call the roll.

A. Roll Call

The following members were in attendance at this meeting:

Ditra Miller, Chair; Willie Johnson, Vice Chair; Carey Campbell; Franklin Havens;
Joshua Scott

The following alternate members were not in attendance:

Larry Standley; Ronasia Dougherty

The following staff members were in attendance:

Leslie Bell, Planning and Development Director; Jason Hardin, Planning and
Development Deputy Director; Avery Tew, Senior Planner; Samantha Lockwood,
Senior Planner; Darby Terrell, Senior Planner; Sneha Bora, Planner; Troy Moss,
Planning Technician; Andrea Leslie-Fite, County Attorney

B. Agenda Amendments

Mr. Bell stated that pursuant to N.C.G.S. Chapter 160D-406(j), he would like the Board to consider approving the Order Granting a Variance sought by the JH Stewart Family LLC and West River Solar, LLC, with respect to the property located at 1413 Stewart Mill Road and 1890, 1942 and 1984 Mount Hope Church Road, being tax parcels #120662, #116799, #116805, #116807, otherwise known as Case #23-06-BOA-00005, as heard and decided by the Board of Adjustment on July 11, 2023.

Mr. Bell also requested an agenda amendment to clarify that, in accordance with Guilford County Unified Development Ordinance Section 1.7.C, which requires that fractions be rounded up to the next highest whole number, Case #25-05-BOA-00016 was a request for a 7' variance rather than a 6'-10" variance as indicated in the application and case materials. If approved, the variance would result in a minimum required rear setback of 23' rather than 23'-2".

The Board voted unanimously in favor of the requested amendments (Ayes: Miller, Havens, Johnson, Campbell, Scott. Nays: None.).

C. Approval of Minutes: May 6, 2025

Mr. Johnson moved to approve the minutes from the May 6, 2025 meeting, as submitted, seconded by Mr. Havens. The Board voted unanimously in favor of the motion. (Ayes: Miller, Havens, Johnson, Campbell, Scott. Nays: None.)

D. Rules and Procedures

Chair Miller stated the Rules and Procedures to be followed by the Board of Adjustment.

E. Old Business**Case #23-06-BOA-00005 (1413 Stewart Mill Road and 1890, 1942 and 1984 Mt. Hope Church Road, McLeansville, NC 27301)**

Pursuant to N.C.G.S. 160D-406(j), approve **Order Granting a Variance** with respect to the subject property located at 1413 Stewart Mill Rd. and 1890, 1942 and 1984 Mt. Hope Church Road (Guilford County Tax Parcel(s) **#120662, #116799, #116805 and #116807**), owned by JH Stewart Family LLC and West River Solar, LLC, as heard and decided by the Board of Adjustment on July 11, 2023.

Mr. Bell stated that some of the Board members were not present at the meeting when this variance case was considered, so he asked Mr. Scott and Mr. Campbell if they had reviewed all of the case materials, including the recording. Mr. Scott and Mr. Campbell confirmed that they had reviewed those materials.

Mr. Havens moved to affirm the Order. The motion was seconded by Johnson. The Board voted unanimously in favor of the motion (Ayes: Miller, Havens, Johnson, Campbell, Scott. Nays: None.).

F. New Business**Evidentiary Hearing Item(s)**

All staff and speakers intending to participate in the hearing were sworn in or affirmed.

Case #25-08-BOA-00016 (3 Chowan Road, Greensboro, NC 27407)

Robert and Catherine McGee are requesting a variance from UDO Section 4.2.4.B, which requires a minimum rear setback of 30 feet for properties zoned RS-20. Located at 3 Chowan Road (Guilford County Tax Parcel #155460 in Jamestown Township), the subject property comprises approximately 1.47 acres and is zoned RS-20, Residential. The applicant is seeking a 7-foot variance to allow a minimum rear setback of 23 feet in order to permit construction of a covered porch. **(GRANTED)**

Mr. Tew presented the staff report for this case.

Chair Miller asked that anyone wishing to speak in favor of the application come forward.

Catherine McGee stated that she was currently living in Indiana but spent most of her life in North Carolina. She said she had been in Indiana for about 10 years for a job relocation. She is an inactive member of the North Carolina State Bar and is looking forward to returning to North Carolina for retirement.

She said that she and her husband, Robert McGee, were requesting a variance in order to construct a covered porch at the rear of the house. Ms. McGee stated that there was currently a small patio in that location, but it was not very family-friendly and was not covered, so it could only be used during nice weather. They hoped to erect a covered porch so they could enjoy the space during more of the year. This would require a slightly larger space than the area currently occupied by the patio, hence the need for the variance. She said that strict application of the 30' rear setback would be an unnecessary hardship because they would not be able to build the covered porch as proposed. Their architect said the covered porch would be too small to be a livable space if they were required to abide by the 30' setback. Furthermore, the topography of the lot was the reason why the house was located so far back on the lot. There was a steep, downhill slope on the property, and the top was a little less steep than the bottom. There was also a creek located toward the front of the property, so the builder was required to site the house toward the rear of the lot. Ms. McGee said that the area where the variance would be granted was a wooded area and would not be noticeable to anyone who was going past on the golf course behind the house. Overall Ms. McGee and her husband felt that this would be an attractive addition to the existing house.

Mr. Johnson asked if anyone from the golf course had mentioned any issues related to this proposed variance. Ms. McGee stated that she had spoken to the superintendent of the golf course and no one had raised any issues.

Chair Miller asked if there was anyone wishing to speak in opposition to the request and no one came forward. There being no one to speak in opposition, Chair Miller closed the evidentiary hearing.

Mr. Johnson stated that he did not see any issues with the proposed variance.

Mr. Scott asked for clarification on whether the request was for a 7' variance or a 6'-10" variance as indicated in the application. Mr. Bell stated that the request would be for a 7' variance, resulting in a minimum required rear setback of 23' if approved, instead of the 6'-10" variance as originally requested, due to how the Unified Development Ordinance had to be interpreted. The applicants verbally consented to that amendment to the application at this time.

Mr. Campbell reiterated that the golf course was apparently not opposed to the requested variance, and said he did not see any issues with the request.

Chair Miller said she found the applicant's testimony about the peculiarity of the lot's shape and topography compelling.

Mr. Johnson asked if staff had received any inquiries or responses based on the notice letters sent to adjacent properties. Mr. Tew responded that they had not.

Mr. Scott said the requested variance would be relatively minor.

Mr. Campbell moved to grant the requested variance, stating that the Guilford County Board of Adjustment, having held a duly-noticed hearing on September 2, 2025, to consider Case #25-08-BOA-00016, submitted by Robert and Catherine McGee, a request for a variance to use the property located at 3 Chowan Road, being Tax Parcel #155460, 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: Strict application of the 30' rear setback would prevent building a porch of suitable size for its intended use. In particular, the applicant would like to include a stone fireplace. The requested variance would permit construction of a porch that would give the applicant's family a more functional and attractive space that can be used year-round.
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: The topography of the lot including a triangular shape, a steep downward slope, and a meandering creek in front made it necessary to locate the home toward the back of the lot between the creek in the front and the golf course in the back for the same reasons the only location for the new covered porch is behind the house.
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: The applicant did not consider a covered porch when they built the house 20+ years ago. The builder gave special attention to selecting the best location for the house on this complicated lot and they believe their choices were the best and the most reasonable at the time. Twenty years later, a covered porch is more suitable than the current small patio.
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: The requested variance would cover a small portion of a wooded area between the golf course and the applicant's home. The small 7-foot variance that they are requesting can be accommodated without any impact on the neighboring properties or public safety. The end result will be improved functionality for the applicant's family and an improved view for the applicant's neighbors and the club's golfing members. No adjacent property owners spoke in opposition to the variance.

Therefore, on the basis of all the foregoing, Mr. Campbell moved that the VARIANCE be GRANTED subject to compliance with all local, state and federal laws. The motion was seconded by Mr. Scott. The Board voted unanimously in favor of the motion (Ayes: Miller, Havens, Johnson, Campbell, Scott. Nays: None.).

G. Other Business

2026 Board of Adjustment Meeting Schedule

Chair Miller asked if all of the Board members had had a chance to review the proposed schedule, and if anyone had any questions or concerns about the proposed schedule. The Board voted unanimously to approve the proposed 2026 Meeting Schedule (Ayes: Miller, Havens, Johnson, Campbell, Scott. Nays: None.).

H. Adjournment

There being no further business before the Board, the meeting was adjourned at 6:41 p.m.

This page intentionally left blank

(Insert Color Paper)



**GUILFORD COUNTY
DEPARTMENT OF PLANNING & DEVELOPMENT
400 W. Market St.
P. O. Box 3427
Greensboro, NC 27402
(336) 641-3334**

GRANTING OF A VARIANCE

The Guilford County Board of Adjustment (“the Board”), held a duly-noticed hearing on **Tuesday, September 2, 2025**, to consider **Case #25-08-BOA-00016**, a Variance Application submitted by **Robert and Catherine McGee**, seeking a variance from the provisions of Unified Development Ordinance (UDO) Section 4.2.4.B to use the property located at **3 Chowan Road** (being Tax Parcel **#155460**) in a manner not permissible under the literal terms of the ordinance.

The application sought a 7 ft. variance from the minimum required rear setback of 30 ft. in order to permit construction of a covered porch.

Having considered all of the evidence and arguments presented at the hearing, the Board, based upon competent, material, and substantial evidence, upon motion duly made and seconded, and by unanimous vote, five (5) to zero (0), makes the following FINDINGS OF FACT¹ and draws the following CONCLUSIONS:

¹ The Board has made all factual findings herein by the greater weight of the evidence, placing the burden of proof on the Applicant.

- 1) The Board concludes that unnecessary hardship **would** result from the strict application of the UDO, based on the following findings of fact:

Strict application of the 30 ft. rear setback would prevent building a porch of suitable size for its intended use. In particular, the applicant would like to include a stone fireplace. The requested variance would permit construction of a porch that would give the applicant's family a more functional and attractive space that can be used year-round.

- 2) The Board concludes that the hardship **does** result from conditions that are peculiar to the property, such as location, size, or topography, based on the following findings of fact:

The topography of the lot including a triangular shape, a steep downward slope, and a meandering creek in front made it necessary to locate the home toward the back of the lot between the creek in the front and the golf course in the back for the same reasons the only location for the new covered porch is behind the house.

- 3) The Board concludes that the hardship **does not** result from actions taken by the Applicant, the property owner, based on the following findings of fact:

The applicant did not consider a covered porch when they built the house 20+ years ago. The builder gave special attention to selecting the best location for the house on this complicated lot and they believe their choices were the best and the most reasonable at the time. Twenty years later, a covered porch is more suitable than the current small patio.

- 4) The Board concludes 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, based on the following findings of fact:

The requested variance would cover a small portion of a wooded area between the golf course and the applicant's home. The small 7 ft. variance that they are requesting can be accommodated without any impact on the neighboring properties or public safety. The end result will be improved functionality for the applicant's family and an improved view for the applicant's neighbors and the club's golfing members. No adjacent property owners spoke in opposition to the variance.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the Application for the described variance from the literal terms of UDO Section 4.2.4.B with respect to the Property is GRANTED as follows, subject to compliance with all local, state, and federal laws:

- (1) A variance to reduce the required rear setback by 7 ft. to allow a rear setback of 23 ft.

ORDER APPROVED BY THE GUILFORD COUNTY BOARD OF ADJUSTMENT ON this the ____ day of October, 2025, as follows (N.C. Gen. Stat. 160D-406(i)):

Ditra Miller, Chair ☐ Approved ☐ Not Approved _____
Signature

Willie Johnson, Vice-Chair ☐ Approved ☐ Not Approved _____
Signature

Franklin Havens, Member ☐ Approved ☐ Not Approved _____
Signature

Carey Campbell, Member ☐ Approved ☐ Not Approved _____
Signature

Joshua Scott, Member ☐ Approved ☐ Not Approved _____
Signature

SO ORDERED, this the ____ day of October, 2025.

Ditra Miller, Chair
Guilford County Board of Adjustment

Witness

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

I certify that Avery Tew personally appeared before me this day and certified to me under oath or by affirmation that he is not a grantee or beneficiary of the transaction, and that Avery Tew witnessed/recognizes the signatures of Ditra Miller, Willie Johnson, Franklin Havens, Carey Campbell, and Joshua Scott, and that the signatures are genuine.

Date: _____

Jessie H. Baptist, Notary Public
My commission expires: _____

Official Seal

This page intentionally left blank