

**GUILFORD COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES**

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

May 5, 2026

Call to Order**6:00 p.m.**

Chair Miller called the meeting to order at 6:05 p.m. and welcomed everyone to the meeting. She asked staff to call the roll for those members present at the meeting.

I. Roll Call

Mr. Moss called the roll for attendance at this meeting:

Present: Ditra Miller, Chair; Willie Johnson, Vice Chair; Joshua Scott; Dr. LaToya Gathers, Alternate

Absent: Franklin Havens; Carey Campbell

The following Guilford County staff members were also present: Jason Hardin, Planning and Development Deputy Director; Avery Tew, Senior Planner; Troy Moss, Planner I; and Matthew Mason, Attorney.

II. Agenda Amendments

Chair Miller moved to amend the agenda to hold the election of officers before the scheduled hearings. The motion was seconded by Vice Chair Johnson. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

III. Approval of Minutes: March 3, 2026

Vice Chair Johnson moved to approve the minutes of the Board's March 3, 2026, regular meeting, as submitted. The motion was seconded by Mr. Scott. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott and Gathers. Nays: None.)

IV. Election of Officers

Chair Miller nominated Franklin Havens for the position of Chair. She explained that she had spoken with Mr. Havens and he had agreed to accept that position, if nominated. The nomination was seconded by Vice Chair Johnson. The Board voted unanimously, 4-0, to elect Mr. Havens to the position of Chair. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

Vice Chair Johnson nominated himself for the position of Vice Chair. The nomination was seconded by Chair Miller. The Board voted unanimously, 4-0, to elect Mr. Johnson to the position of Vice Chair. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

Chair Miller moved that Mr. Havens' term as Chair will begin at the next regular meeting as he was not present. The motion was seconded by Vice Chair Johnson. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

V. Rules and Procedures

Chair Miller explained the rules and procedures followed by the Board of Adjustment. Chair Miller also noted that there were only four Board members present out of five total seats. She presented the applicants for both variance cases on the agenda with the option of requesting a continuance to the next regular meeting, when a full complement of Board members could be present. Both applicants gave verbal confirmation that they wished to move forward with having their cases heard at the present meeting.

VI. Old Business:**A. APPROVAL OF ORDERS FOR VARIANCE CASE #26-01-BOA-00001: 5305 MOCKINGBIRD RD, GREENSBORO, NC 27406**

Mr. Tew stated that the Board heard and decided this case at the March 3 meeting. Staff has prepared draft Orders for the two variances granted at that meeting, for consideration by the Board. If approved, the Orders will be distributed for signatures.

Attorney Mason stated that the materials for the March 3 meeting, at which these variances were decided, have been shared with the Board members. To be able to vote and approve the Orders; it should be shown on the record that each Board member has reviewed the minutes and case materials. Each Board member gave verbal confirmation that they had reviewed the minutes and case materials and felt comfortable voting on the Orders.

Mr. Scott moved to approve the first Order Granting a Variance for Case #26-01-BOA-00001, as heard and decided at the March 3, 2026, Board of Adjustment regular meeting. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

Chair Miller moved to amend the previous motion to include both Orders Granting a Variance for Case #26-01-BOA-00001. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

At this point, the Orders were distributed to the Board members for signatures.

VII. New Business

At this time, Chair Miller swore in or affirmed all individuals who intended to speak or provide testimony in relation to the evidentiary hearings on the agenda.

A. VARIANCE CASE #26-02-BOA-00003: 6522 HAYWORTH SPRINGS RD JAMESTOWN, NC 27282 (TWO VARIANCES – GRANTED)

Mr. Tew stated that the property owner, Oscar Moreno Bahena, is requesting two variances from Unified Development Ordinance (UDO) Subsection 4.2.2.B, which requires a 40 ft. minimum setback from front property lines abutting local or collector streets and a 30 ft. minimum rear setback for properties zoned RS-40, as shown in the slides presented. Located at 6522 Hayworth Springs Rd, Jamestown, NC 27282 (Guilford County Tax Parcel #161302 in Jamestown Township), the subject property comprises 0.26 acres and is zoned RS-40-MH, Residential – Manufactured Housing Overlay.

Mr. Tew explained that the applicant is seeking the following variances: (1) a 15 ft. variance to allow a 25 ft. front setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan; and (2) a 9 ft. variance to allow a 21 ft. rear setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan.

Mr. Tew noted the lot is currently vacant, surrounded by other residential developments on the east, west, and south of the property, as well as a large undeveloped tract to the north. The topography of the property ranges from nearly level to gently sloping. There are no regulated floodplains, mapped wetlands, or streams on site. The property is located within the Lower Randleman Lake WS-IV, General Watershed Area.

Mr. Tew said County staff posted a notice sign on the subject property and mailed letters to adjacent property owners to notify them of the hearing.

Chair Miller opened the evidentiary hearing and asked if there was anyone wishing to speak in favor of this request.

Mr. Oscar Moreno Bahena, owner of the subject property, 6522 Hayworth Springs Road, stated through an interpreter (Jose Mora Hernandez with LanguageLine Solutions) that he had purchased the subject property last year and had also purchased a double-wide manufactured home with the intent of placing the home on the property and living there with his family. He said he would follow all rules and requirements necessary to be able to use the property and the manufactured home.

Mr. Scott asked how an unnecessary hardship would be created in the absence of a variance? Mr. Moreno responded that if he was not able to place the manufactured home on the property, it would represent a significant economic loss for him and his family. He already owned the land, so he would look at other potential uses for it if the variances were not granted.

Mr. Scott asked whether Mr. Moreno had explored other manufactured home models that might be able to be placed on the site in compliance with the setback requirements? Mr. Moreno responded that he had not looked at other alternatives because the manufactured home he had purchased was a good value that was affordable for him and his family. He had been told by his surveyor that the manufactured home was ideal for his property.

Mr. Scott asked how the requested variance might affect the neighboring properties, and whether Mr. Moreno had considered that? Mr. Moreno responded that he had not communicated much with the neighboring property owners.

Vice Chair Johnson noted that County staff had sent out notice letters to the adjacent property owners. He asked whether staff had heard from any of the neighboring property owners? Mr. Tew responded that he had been contacted by one property owner who did not have concerns about the variance case, but the notice letter had prompted questions for him about what he could do with his property.

Vice Chair Johnson asked whether a rezoning would be required to permit a manufactured home on the property? Mr. Tew responded that the property's existing zoning would permit a manufactured home.

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

Mr. Scott stated that he believes this is a fair request. Vice Chair Johnson and Dr. Gathers agreed.

Mr. Scott moved that the Guilford County Board of Adjustment, having held an evidentiary hearing on May 5, 2026, to consider Case #26-02-BOA-00003, submitted by Oscar Moreno Bahena, a request for Variance 1: A 15 ft. variance to allow a 25 ft. front setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan, with respect to the property located at 6522 Hayworth Springs Road, Jamestown, NC 27282, being Tax Parcel #161302, in a manner not permissible under the literal terms of the Ordinance, and having heard all the evidence and arguments presented at the hearing, makes the following findings of fact and draws the following conclusions:

1. It is the Board's CONCLUSION that unnecessary hardship **will** result from the strict application of the Ordinance. This conclusion is based on the following FINDINGS OF FACT: The property owner has already purchased the manufactured home and is not able to place the manufactured home on the lot in compliance with the setback requirements for the property's RS-40 zoning district. Strict application of the Ordinance would require the property owner to purchase a new home or be unable to place a home on the residentially-zoned property.
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. This conclusion is based on the following FINDINGS OF FACT: The house that existed previously on the lot also could not meet the setback requirements. Additionally, applying the setbacks of the RS-40 zoning district would make it impossible to place the property owner's manufactured home on the property due to the lot's small size and triangular shape.
3. It is the Board's CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. This conclusion is based on the following FINDINGS OF FACT: The lot was created prior to the property's RS-40 zoning. When the area was zoned RS-40, it made several lots nonconforming in terms of their size. Additionally, the current property owner purchased the property in its current configuration. The lot's dimensions and size did not result from any action taken by the current property owner.
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 variances that are being requested would allow the property owner's manufactured home to be placed on the property in such a way that it would be consistent with the pattern of development in the neighborhood.

Therefore, on the basis of all the foregoing, it is ordered that the applicant's request for Variance 1: A 15 ft. variance to allow a 25 ft. front setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan, be granted subject to the following: Compliance with all local, state, and federal laws.

The motion also directed staff to draft a proposed order reflecting these findings and conclusions and such other findings and conclusions as may be consistent with the Board's decision and supported by the evidence and the law, for the Board's consideration at its next meeting. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

Mr. Scott then moved that the Guilford County Board of Adjustment, having held an evidentiary hearing on May 5, 2026, to consider Case #26-02-BOA-00003, submitted by Oscar Moreno Bahena, a request for Variance 2: A 9 ft. variance to allow a 21 ft. rear setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan, with respect to the property located at 6522 Hayworth Springs Road, Jamestown, NC 27282, being Tax Parcel #161302, in a manner not permissible under the literal terms of the Ordinance, and having heard all the evidence and arguments presented at the hearing, makes the following findings of fact and draws the following conclusions:

1. It is the Board's CONCLUSION that unnecessary hardship **will** result from the strict application of the Ordinance. This conclusion is based on the following FINDINGS OF FACT: The property owner has already purchased the manufactured home and is not able to place the manufactured home on the lot in compliance with the setback requirements for the property's RS-40 zoning district. Strict application of the Ordinance would require the property owner to purchase a new home or be unable to place a home on the residentially-zoned property.
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. This conclusion is based on the following FINDINGS OF FACT: The house that existed previously on the lot also could not meet the setback requirements. Additionally, applying the setbacks of the RS-40 zoning district would make it impossible to place the property owner's manufactured home on the property due to the lot's small size and triangular shape.
3. It is the Board's CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. This conclusion is based on the following FINDINGS OF FACT: The lot was created prior to the property's RS-40 zoning. When the area was zoned RS-40, it made several lots nonconforming in terms of their size. Additionally, the current property owner purchased the property in its current configuration. The lot's dimensions and size did not result from any action taken by the current property owner.
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 variances that are being requested would allow the property owner's manufactured home to be placed on the property in such a way that it would be consistent with the pattern of development in the neighborhood.

Therefore, on the basis of all the foregoing, it is ordered that the applicant's request for Variance 2: A 9 ft. variance to allow a 21 ft. rear setback in order to permit placement of a manufactured home on the property, in accordance with the submitted site plan, be granted subject to the following: Compliance with all local, state, and federal laws.

The motion also directed staff to draft a proposed order reflecting these findings and conclusions and such other findings and conclusions as may be consistent with the Board's decision and supported by the evidence and the law, for the Board's consideration at its next meeting. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

B. VARIANCE CASE #26-04-BOA-00004: 4200 OAKCLIFFE RD, GREENSBORO, NC 27406. (GRANTED)

Mr. Tew stated that the property is located at 4200 Oakcliffe Road, Greensboro, NC 27406. The property owners, Christopher and Wendy Harr, are requesting a variance from Unified Development Ordinance (UDO) Subsection 4.2.2.B, which requires a 15 ft. minimum side setback for properties zoned RS-40. Located at 4200 Oakcliffe Road, Greensboro, NC 27406 (Guilford County Tax Parcel #124886 in Clay Township), the subject property comprises 0.57 acres and is zoned RS-40, Residential.

Mr. Tew said the applicants are seeking a 9 ft. variance to allow a 6 ft. side setback in order to permit construction of a detached garage on the property, in accordance with the submitted sketch plan.

Mr. Tew explained that accessory structures, like the detached garage proposed by the applicants, are required to comply with the 15 ft. side setback requirement for the RS-40 zoning district. However, accessory structures that are 600 sq. ft. or less are subject to a reduced side and rear setback requirement of 5 ft. The property owners are proposing a 24 ft. x 30 ft. detached garage, which is over the 600 sq. ft. limit, so it would be subject to the regular 15 ft. side setback. The applicants provided a drawing showing that a 24 ft. x 25 ft. detached garage could be 5 ft. from the side property line, whereas a 24 ft. x 30 ft. detached garage would need to be 15 ft. from the side property line.

Mr. Tew noted there is an existing accessory structure in the proposed location of the garage, which would be replaced if the variance is granted. The property is being used for residential purposes and is within the Forest Oaks Country Club neighborhood.

Mr. Tew said the property is gently sloping and there are no regulated floodplains, mapped wetlands or streams on the property. It is located in the Lake MacIntosh (Big Alamance Creek) WS-IV, General Watershed Area.

Mr. Tew pointed out that County staff posted a notice sign on the subject property and mailed letters to adjacent property owners to notify them of the hearing.

Chair Miller opened the evidentiary hearing and asked if there was anyone wishing to speak in favor of this request.

Mr. Christopher Harr, co-owner of the subject property, 4200 Oakcliffe Road, stated that they are looking for a variance from the side setback requirement in order to build a larger garage on their property. Their lot size and other circumstances do not allow them to meet the 15 ft. setback requirement.

Chair Miller asked whether staff had been contacted by any neighboring property owners who had concerns about the case? Mr. Tew responded that staff had not received any communication from neighboring property owners regarding the case.

Mr. Scott asked whether an attached garage or a different orientation that might meet the required setbacks had been considered? Mr. Harr responded that he did not see an alternative to the orientation shown on the submitted sketch plan. There is about 37 ft. from the house to the side property line. Having the garage face the front property line is the only way it can be used. He had not considered an attached garage, but he said he did not think that was an option, based on the floor plan of the house.

Vice Chair Johnson asked whether the proposed garage would be attached or detached? Mr. Harr responded that it would be a detached garage.

Vice Chair Johnson asked how close the neighboring house would be to the proposed garage? Mr. Harr responded that he was not sure.

Vice Chair Johnson asked whether there would be enough space for emergency services to reach the rear of the neighboring property. Ms. Wendy Harr, co-owner of the subject property, 4200 Oakcliffe Road, responded that the neighboring property had its own driveway that she thought could provide access to the rear of their property. She did not think the proposed garage would block emergency access to the neighboring property.

Mr. Harr asked his contractor, Mr. Don Coble to address any technical questions the Board may have.

Mr. Coble, 465 NC Highway 62 East, stated that he thought a detached garage would allow the property owners to request a lesser variance than if it were attached. Based on an existing survey, the distance from the neighboring house to the shared property line is 16 ft. 3 inches. If the requested variance is approved, the distance between the proposed garage and the neighboring house would be about 22 ft. or 23 ft.

Chair Miller asked how tall the proposed structure would be, compared to the existing house? Mr. Coble responded that the existing house is 24 ft. tall. The proposed detached garage would be the same height or slightly less tall than the existing house.

Mr. Scott asked whether the requested variance would provide sufficient space for proper drainage and maintenance without encroaching onto the neighboring property? Mr. Coble responded that it would. The subject property had a gradual slope from front to back, so the driveway would facilitate drainage. The proposed garage would not substantially alter the topography of the property, so there would be no need for a swale or to encroach onto the neighboring property to maintain proper drainage.

Mr. David Michaels, 4102 Oakcliffe Road, stated that he lives adjacent to the subject property, but on the far side from the proposed garage. He has lived there since 1996 and has been involved in the residential development business since that time through various entities. He is familiar with the Board of Adjustment process. Originally, this neighborhood was served by private wells and septic systems, which influenced its zoning of RS-40. Since the neighborhood received access to public water and sewer utilities, a number of the lots in the neighborhood do not comply with the minimum lot size of 40,000 sq. ft.

A lot of them are a half-acre or less. There is also multi-family zoning within the neighborhood, so there is a variety of zoning classifications. He is not opposed to this request, and he thought it would be a reasonable use of the property and would not have any impact on the neighborhood as a whole. If the structure was slightly smaller, it would be in compliance. The owners just want a slightly larger garage for better functionality. There is a golf course behind the property with a large easement that cannot be encroached upon.

Vice-Chair Johnson asked whether the property would need a septic repair area? Mr. Michaels responded that he believes the property is already connected to public water and sewer utilities, which were installed a few years ago. His understanding is that the water and sewer lines are in the front of the property. To the rear of the property, there are electrical lines in a utility easement. He did not believe the requested variance would have any impact on water or sewer issues.

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

Dr. Gathers moved that the Guilford County Board of Adjustment, having held an evidentiary hearing on May 5, 2026, to consider Case #26-04-BOA-00004, submitted by Christopher and Wendy Harr , a request for a 9 ft. variance to allow a 6 ft. side setback in order to permit construction of a detached garage on the property, in accordance with the submitted sketch plan, with respect to the property located at 4200 Oakcliffe Road, Greensboro, NC 27406, being Tax Parcel #124886, in a manner not permissible under the literal terms of the Ordinance, and having heard all the evidence and arguments presented at the hearing, makes the following findings of fact and draws the following conclusions:

1. It is the Board's CONCLUSION that unnecessary hardship **will** result from the strict application of the Ordinance. This conclusion is based on the following FINDINGS OF FACT: Strict application of the 15 ft. side setback creates an unnecessary hardship because it would require an inconvenient garage placement in order to circumvent the existing heat pump located between the existing driveway and house. The corner of the house would then partially block the garage door, making it difficult to access the garage. This would prevent practical utilization of the proposed 24 ft. x 30 ft. garage, which is a reasonable use for the subject property, based on its size and zoning. Additionally, strict application of the Ordinance may prevent siting of the proposed garage in such a way that it could maintain sufficient separation from the existing home for fire protection purposes.
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. This conclusion is based on the following FINDINGS OF FACT: The subject property has unique constraints, such as a 30 ft. utility easement in the rear of the property, as opposed to 15 ft. in much of the surrounding community. The width of the lot is reduced by 23 ft. in the rear, compared to the front, which means that most of the space where a garage could be constructed is in the back of the property where the utility easement is located. Additionally, the house is placed 65 ft. back from the front property line, which is significantly more than the 40 ft. minimum front setback requirement. This limits the buildable area behind the house to about 20 ft. deep instead of 45 ft. deep, when accounting for the 30 ft. utility easement at the rear.
3. It is the Board's CONCLUSION that the hardship **does not** result from actions taken by the applicants or the property owners. This conclusion is based on the following FINDINGS OF FACT: The hardships that have been presented did not arise from actions taken by the current property owners, but instead they arose from how the development and subdivision of the neighborhood took place, as well as the location and position of the house on the lot.
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 proposed garage for which the variance is being requested would be utilized for personal storage of vehicles. This is a reasonable use for a residential lot and it would maintain the residential character of the neighborhood. The proposed garage would be 720 sq. ft., which is only slightly above the 600 sq. ft. threshold that would allow for a 5 ft. side setback. Therefore, the requested variance is minimal.

The requested variance also takes into account public safety by taking into account the location of the existing HVAC system, as well as concerns regarding fire safety with respect to the location of the proposed garage in relation to the existing house.

The motion also directed staff to draft a proposed order reflecting these findings and conclusions and such other findings and conclusions as may be consistent with the Board's decision and supported by the evidence and the law, for the Board's consideration at its next meeting.

Therefore, on the basis of all the foregoing, it is ordered that the applicant's request for a 9 ft. variance to allow a 6 ft. side setback in order to permit construction of a detached garage on the property, in accordance with the submitted sketch plan, be granted subject to the following: Compliance with all local, state, and federal laws. The motion was seconded by Vice Chair Johnson. The Board voted unanimously, 4-0, in favor of the motion. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

VIII. Other Business

Attorney Mason suggested that the Board, at its discretion, could instruct staff to include language in the motion template directing staff to draft a proposed order reflecting the Board's findings and conclusions and such other findings and conclusions as may be consistent with the Board's decision and supported by the evidence and the law, for the Board's consideration at its next meeting.

Chair Miller made a motion to include such language in the motion template provided to the Board by staff. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of request. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

IX. Adjournment

There being no further business before the Board, Mr. Scott moved to adjourn the meeting at 7:23 p.m. The motion was seconded by Dr. Gathers. The Board voted unanimously, 4-0, in favor of request. (Ayes: Miller, Johnson, Scott, Gathers. Nays: None.)

The next regular meeting of the Guilford County Board of Adjustment is scheduled for June 2, 2026, at 6:00 p.m. in the Carolyn Q. Coleman Conference Room, located on the first floor of the Old Guilford County Courthouse, 301 W Market St, Greensboro, NC 27401.