



# GUILFORD COUNTY PLANNING AND DEVELOPMENT

## BOARD OF ADJUSTMENT AGENDA

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

**February 7, 2023**

**Regular Meeting**

**6:00 PM**

- A. Roll Call**
- B. Agenda Amendments**
- C. Approval of Minutes: November 1, 2022**
- D. Rules and Procedures**
- E. Old Business**
- F. New Business**

### **Evidentiary Hearing Items**

### **Swearing in of staff and those speaking on the case**

**Case #23-01-BOA-00001**                      **5691 Apple Meadow Drive, Gibsonville, NC 27249**  
Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy is requesting a variance from Section 4.2.3 – Table B, which requires a minimum front yard setback of 40 feet in an RS-30 district. Located in Madison Township at 5691 Apple Meadow Drive, Guilford County Tax Parcel 114554, comprising 0.7 acres and is zoned RS-30, Single-family Residential. The applicant is requesting an 18-foot variance to allow a minimum front yard setback for an attached garage of 22 feet and a 4-foot variance to allow a 36-foot minimum front yard setback for a porch.

- G. Other Business**

### **Election of Chair and Vice-Chair**

- H. Adjournment**

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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Board of Adjustment Meeting Minutes**

**TRUIST Bldg., John McAdoo Conference Room  
201 W. Market St.  
Greensboro, NC 27401**

**November 1, 2022**

**Regular Meeting**

**6:15 PM**

The Guilford County Board of Adjustment met in regular session on November 1, 2022 in the TRUIST Building, John McAdoo Conference Room, 201 W. Market St, Greensboro, NC 27401, commencing at 6:15 p.m.

**Roll Call**

**MEMBERS PRESENT:** Chair, Ditra Miller; Franklin Havens; and Cory Randolph

**STAFF PRESENT:** Aaron Calloway, Planner I, Planning Department; Deborah Sandlin, Admin. Asst., Planning Department

**Agenda Amendments**

Chair Miller asked if there were any changes or additions to the agenda. Mr. Calloway stated that there is an amendment to the agenda for the [June 7, 2022] meeting minutes.

**Approval of Minutes:**

Mr. Havens moved to approve the minutes from the [June 7, 2022] meeting as submitted, seconded by Mr. Randolph. The Board voted 3-0 in favor of the motion. (Ayes: Miller, Havens, and Randolph. Nays: None.)

**Approval of 2023 Proposed Meeting Calendar**

Mr. Randolph moved to approve the proposed 2023 Board of Adjustment meeting calendar as submitted, seconded by Mr. Havens. The Board voted 3-0 in favor of the motion. (Ayes: Miller, Havens, and Randolph. Nays: None.)

**Adjournment**

Mr. Randolph moved to adjourn the meeting, seconded by Mr. Havens.

**There being no further business before the Board, the meeting adjourned at 6:23 p.m.**

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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

Board of Adjustment  
Variance Application

Date Submitted: 1/3/2023 Fee \$226.00 Receipt # 3348-2023 Case Number 23-01-BOA-00001  
(includes \$26 recording fee)

**PROPERTY INFORMATION**

Address 5691 Apple Meadow Dr. City Gibsonville State NC Zip Code 27249  
Tax Parcel # 114554 Zoning: RS-30  
Plat Book & Page B171, P33 Deed Book & Page B R8512, P310-311 Township Madison

**OWNER INFORMATION**

Name Eric Richard Shaughnessy/Tamara Gabard Shaughnessy Phone Number (336) 823-5672  
Address 4213 Sunburst Dr. City High Point State NC Zip Code 27265  
Email eric.27265@gmail.com

Owner Signature Eric R. Shaughnessy Tamara G. Shaughnessy  
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 Donald Vaughan Phone Number \_\_\_\_\_  
Address 612 W Friendly Ave City Greensboro State NC Zip Code: 27401  
Email Don.Vaughan@Vaughanlaw.com

Applicant Signature Don Vaughan  
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:

Donald Vaughan, 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):

Sec 15, Subsec 4.2.3, Table B: Lot Standards

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

To allow a garage to encroach ~18' into the 40' minimum street setback, and to allow a porch to encroach ~4' into the 40' minimum street setback.



**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 availability of land suitable for a septic field, combined with the topography of the land, will cause the disabled landowner hardship by preventing him from fully utilizing the property for its intended residential 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 property's size prevents building on the sides of the home. The soil of the property requires the septic field to be located directly behind the home, preventing any building in that area. The topography of the land will cause the landowner to be unable to fully use his land without the porch and garage being present.*

- 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 hardship is due to the natural conditions specific to the property. Neither the applicant nor the landowner have caused these natural conditions to occur.*

- 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.

*The variance is consistent with the spirit, purpose, and intent of the ordinance, as it will allow normal residential construction projects. Public safety will be secured by the garage keeping the owner's vehicles off the street and in better maintenance. Substantial Justice will be achieved by allowing the landowner to make full use of his property.*



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Board of Adjustment  
Variance Application**

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**BOARD OF ADJUSTMENT CHECKLIST**

The following is a list of materials and information which you must submit in order to have your case presented at the Board of Adjustment meeting. Failure to comply with all of the following may result in the case being delayed. Refer to the Meeting Schedule below for submittal deadlines and meeting dates.

1. Completed application.
2. Required fee paid.
3. Site/Plot Plan drawn to scale showing the property as it exists and with any proposed additions, structures, buildings, driveways, well, septic system, and abutting streets.
4. Written statement outlining the request and any information you wish to present to the Board for their consideration, optional.
5. Provide a minimum of 4, maximum of 6 photographs showing the area affected by your appeal. Graphics or architectural sketches may be used to fill this requirement. Additional information may be provided at the hearing.
6. If applicable, approval from the Guilford County Environmental Health Division, contact them at 336-641-7613.

Refer to the Guilford County Meeting Schedule for BOA meeting dates.

We, Eric and Tamara Shaughnessy, the owners of the real property located at 5691 Apple Meadow Dr, Gibsonville, North Carolina 27249, hereby give Attorney Donald R. Vaughan, of Donald R. Vaughan and Associates, permission to request a variance on our property from the Guilford County Board of Planning.

Tamara Shaughnessy (Sign)      Tamara Shaughnessy (Print)      1/11/2023 (Date)  
Eric R. Shaughnessy (Sign)      Eric R. Shaughnessy (Print)      1-11-23 (Date)

State of North Carolina  
County of GUILFORD

I, TRACI SHELTON COSSMAN a Notary for GUILFORD County, North Carolina, certify that Eric and Tamara Shaughnessy personally appeared before me this, the 11 day of JANUARY, 2023, and acknowledged the due execution of the above document.

[Seal]

TRACI SHELTON COSSMAN  
Notary Public, North Carolina  
Guilford County  
My Commission Expires  
November 17, 2027

Traci Shelton Cossman  
Notary Public

My Commission Expires: NOV. 17, 2027







2500 Fairfax Road  
Greensboro, NC 27407

October 13, 2022

Andy McKeown Of Carolina Custom Homes  
has requested Duke Energy Company to release/reduce the 20-foot utility  
easement along the front of the property located at 5691 Apple Meadow Rd,  
Gibsonville, NC.

In regard to the request to release the above referenced easement, this utility  
finds:

- The easement CAN be released, it is not needed for services.
- The easement CANNOT be released, it is needed for services.
- The following portion(s) of the easement CAN be released.

Ten (10) foot of the existing utility easement which runs ten (10) foot behind the  
existing front property line, running the entire length of the front property.

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SIGNED: Denise Garland  
Lead Engineering Tech.

UTILITY: Duke Energy Carolinas LLC



Environmental Health Division  
Water Quality Section  
400 W. Market St.  
Greensboro, NC 27401  
(336) 641-7613

**REVISED  
MAPS  
12/14/22**

**Permit to Construct a Well**

Address: 5691 Apple Meadows DR, Gibsonville, NC 27249

Permit Number: 21-11-WNHR-09670

Comments/Specifications:

Well shall be located and constructed according to North Carolina and to Guilford County rules.  
Well site must meet minimum separation distances.

Above Information Certified By: [Signature]  
Owner or Authorized Agent

Date: 12/21/21

Permit Issued: [Signature]  
Environmental Health Specialist

Date Issued: 12-02-21

I certify that a grout inspection was completed and is in compliance with Guilford County Well Rules.

Partial Grout Inspection: \_\_\_\_\_  
Environmental Health Specialist

Date: \_\_\_\_\_

Final Grout Inspection: \_\_\_\_\_  
Environmental Health Specialist

Date: \_\_\_\_\_

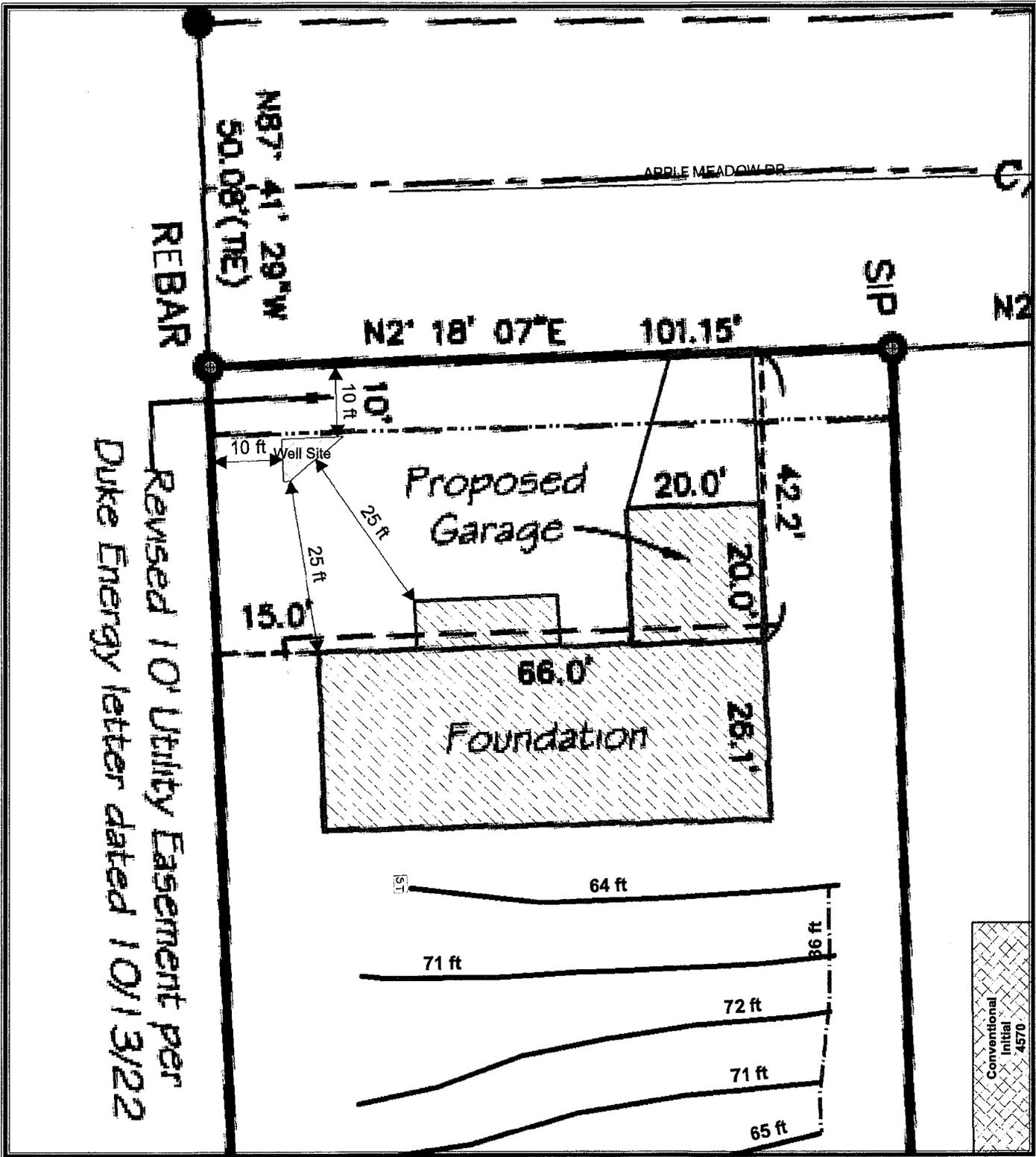
**Permits for the Construction of New Wells shall expire one year from date of issuance.**

- **All property lines and corners shall be clearly flagged prior to construction of the well.**
- **All proposed structures shall be clearly flagged prior to construction of the well.**



# Diagram

REVISED  
COPY

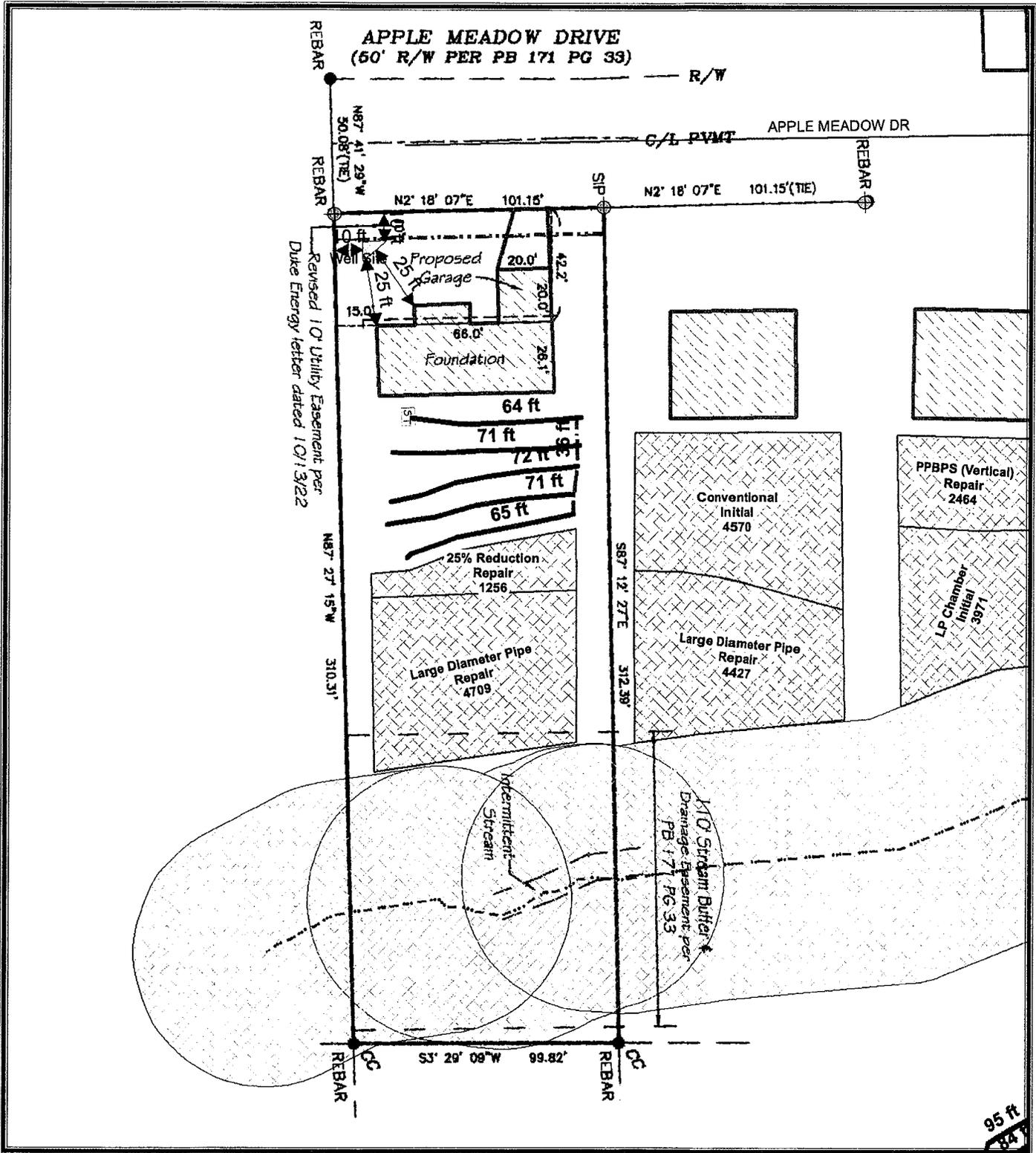


Address: 5691 Apple Meadow Dr  
 Permit #: 21-11-WNHR-09670  
 Issuer's Initials: NWS  
 Date: 12/14/2022

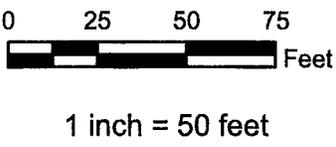
**DISCLAIMER:**  
 The data shown in this map is for public use. Guilford County makes no warranty to its accuracy; all data sets and maps are for geographical representation only.



# Diagram REVISED COPY



Address: 5691 Apple Meadow Dr  
 Permit #: 21-11-WNHR-09670  
 Issuer's Initials: NWS  
 Date: 12/14/2022

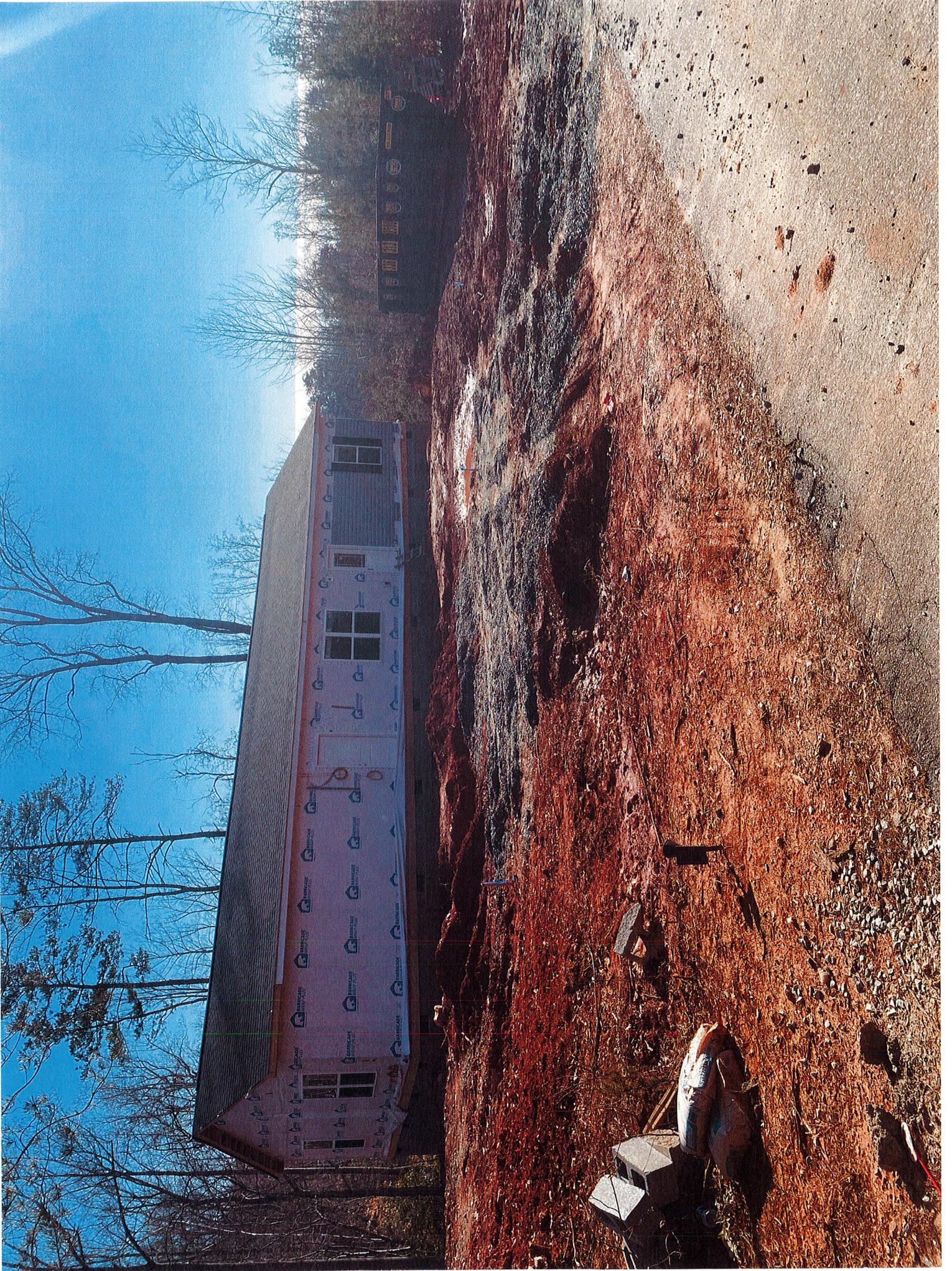


**DISCLAIMER:**  
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# Staff Report

23-01-BOA-00001

## A. Summary

Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy is requesting a variance from Section 4.2.3 – Table B, which requires a minimum front yard setback of 40 feet in an RS-30 district. Located in Madison Township at 5691 Apple Meadow Drive, Guilford County Tax Parcel 114554, comprising 0.7 acres and is zoned RS-30, Single-family Residential. The applicant is requesting an 18-foot variance to allow a minimum front yard setback for an attached garage of 22 feet and a 4-foot variance to allow a 36-foot minimum front yard setback for a porch.

### **District Description: RS-30**

This RS-30 district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivisions) are permitted.

## B. Property Specifics

- a. **Applicant/Property Owner:** Eric and Tamara Shaughnessy
- b. **Property Location:** 5691 Apple Meadow Drive, Gibsonville, NC 27249
- c. **Legal Description:** Lot 29 High Rock Meadows
- d. **Setbacks:** RS-30
  - Front street:** 40 feet
  - Side yard:** 10 feet
  - Rear yard:** 30 feet

## C. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-family home
- b. **Surrounding Uses:**
  - i. North: Undeveloped and wooded
  - ii. South: Agricultural
  - iii. East: Single-family Residential
  - iv. West: Single-family Residential
- c. **Area Visual Survey:** Single-family subdivision
- d. **Environmental Impacts:** There is a stream on the subject property.

Date of application:  
January 3, 2023

Date adjacent property owner(s) notified:  
January 23, 2023

Date sign posted on the subject property:  
January 18, 2023

Date posted on County website:  
January 24, 2023

Date of hearing:  
February 7, 2023

## 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) The applicant complies with the provisions of this Ordinance and can make no reasonable use of his property;
  - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
  - c) The hardship relates to the applicant's property, rather than personal circumstances; and
  - d) The hardship is not the result of the applicant's own actions.
- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
- 3) The granting of the variance assures the public safety and welfare and does substantial justice.

# POSTING

## Subject Posting



## Across from Subject



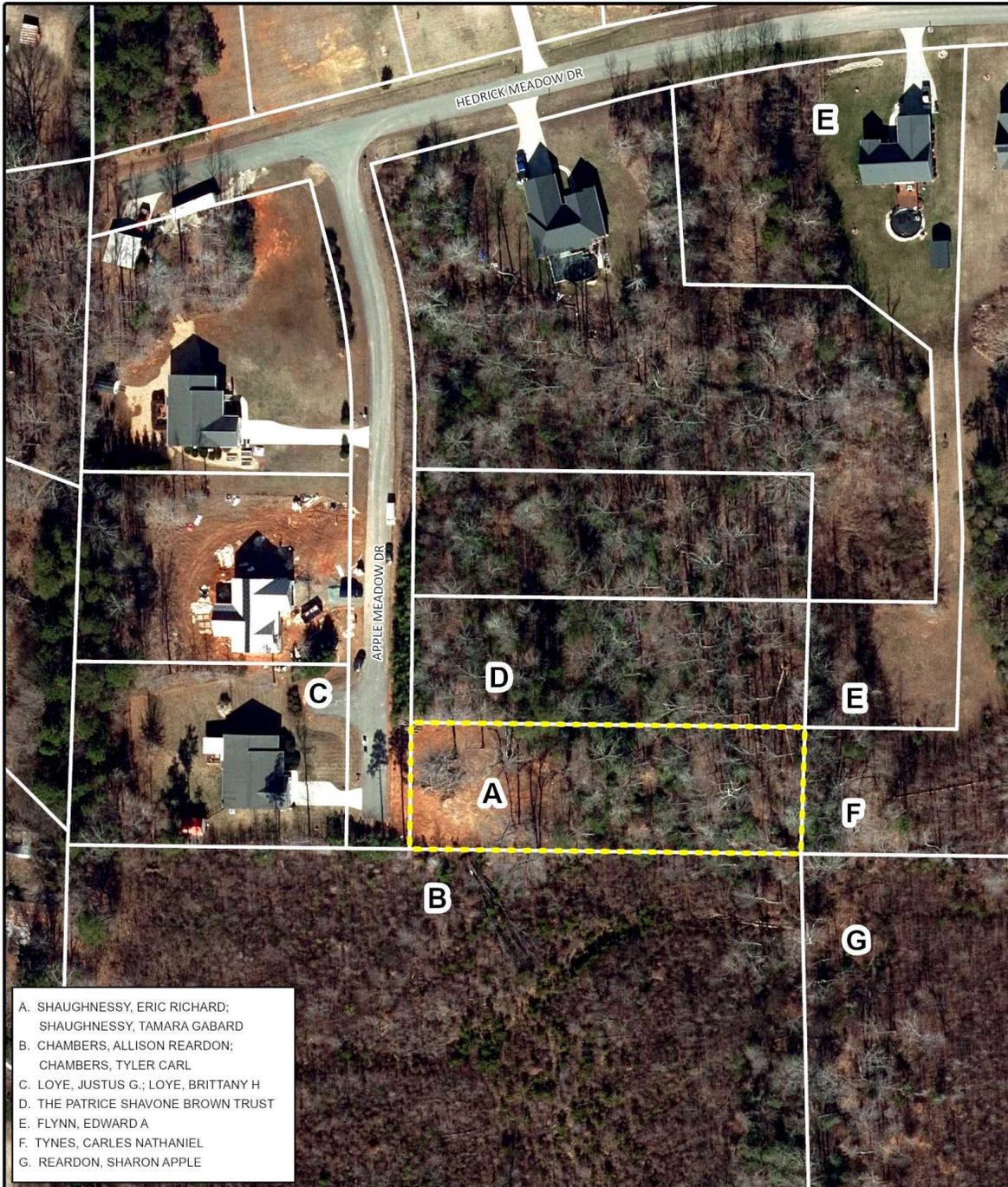
## North



## South



# Aerial Photo



- A. SHAUGHNESSY, ERIC RICHARD;  
SHAUGHNESSY, TAMARA GABARD
- B. CHAMBERS, ALLISON REARDON;  
CHAMBERS, TYLER CARL
- C. LOYE, JUSTUS G.; LOYE, BRITTANY H
- D. THE PATRICE SHAVONE BROWN TRUST
- E. FLYNN, EDWARD A
- F. TYNES, CARLES NATHANIEL
- G. REARDON, SHARON APPLE

	<b>JURISDICTION:</b> GUILFORD COUNTY Guilford County Planning & Development Department	<b>Variance Case #</b> 23-01-BOA-00001 <b>Scale:</b> 1" = 100'	<b>Map:</b> 114554	
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**GUILFORD COUNTY BOARD OF ADJUSTMENT  
ORDER GRANTING A VARIANCE**

The Guilford County Board of Adjustment, having held a hearing on **February 7, 2023**, to consider Case # **23-01-BOA-00001**, submitted by **Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy**, a request for a variance to use the property located at **5691 Apple Meadow Drive**, being Tax Parcel(s) # **114554** 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:

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- 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:

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- 3. It is the Board’s CONCLUSION that the hardship **does 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. This conclusion is based on the following FINDINGS OF FACT:

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- 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:

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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.

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

The Guilford County Board of Adjustment, having held a hearing on **February 7, 2023**, to consider Case # **23-01-BOA-00001**, submitted by **Donald Vaughan, Attorney, on behalf of Eric and Tamara Shaughnessy**, a request for a variance to use the property located at **5691 Apple Meadow Drive**, being Tax Parcel(s) # **114554** 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:

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- 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:

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- 3. It is the Board's CONCLUSION that the hardship **does** 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. This conclusion is based on the following FINDINGS OF FACT:

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- 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:

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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.

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