



**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  
**August 6, 2024**

**Regular Meeting**

**6:00 PM**

**A. Roll Call**

**B. Agenda Amendments**

**C. Approval of Minutes: March 5, 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 #24-06-BOA-00010**

**5309 Wayne Road, Greensboro, NC 27407**

Christopher and Jennifer Costas are requesting a variance from Section 4.2.2 – Table B, which requires a minimum side yard setback of 15 feet for property zoned RS-40. The property is located in Jamestown Township at 5309 Wayne Road, Guilford County Tax Parcel #155734, comprising 1.08 acres and is zoned RS-40, Residential. The applicant is requesting a 6.5-foot variance to allow a minimum side yard setback of 8.5 feet to build an attached 26.67-foot by 31-foot carport.

**G. Other Business**

**H. Adjournment**

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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**BOARD OF ADJUSTMENT MEETING MINUTES**

Truist Building - McAdoo Room  
201 W. Market Street, Third Floor  
Greensboro, NC 27401

**March 5, 2024**

**Regular Meeting**

**6:00 PM**

**A. Roll Call**

Aaron Calloway called the roll.

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

Ditra Miller, Chair; Corey Randolph; Larry Standley; and Willie Johnson.

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

Cary Campbell and Franklin Havens

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

Aaron Calloway, Planner I; Elaine Nolan. Also present was Matthew Mason, Guilford County Attorney.

**B. Agenda Amendments**

None

**C. Approval of Minutes: February 6, 2024**

Mr. Randolph moved to approve the minutes of the February 6, 2024 regular meeting, as submitted, seconded by Mr. Johnson. The Board voted unanimously in favor of the motion. (Ayes: Miller, Johnson, Randolph and Standley. Nays: None.)

**D. Rules and Procedures**

Chair Miller did not explain the Rules and Procedures because there was no one present at the meeting to speak on the case(s).

**E. Old Business**

Pursuant to N.C.G.S. 160D-406(j), approve Order Granting A Variance sought by National Services NC, LLC, with respect to property at 7692 National Service Road (Tax Parcel

169803), Case #24-01-BOA-00006, as heard and decided by the Board of Adjustment on February 6, 2024. **(GRANTED)**

Chair Miller pointed out that Larry Standley had a chance to review the minutes and decision of the February 6, 2024 meeting and information relating to this case.

Mr. Johnson moved to approve the Order Granting a Variance for National Services, NC., LLC for property located at 7692 National Service Road, as submitted by staff, seconded by Mr. Randolph. The Board voted unanimously in favor of the motion. (Ayes: Miller, Johnson, Randolph and Standley. Nays: None.)

#### **F. New Business**

Evidentiary Hearing Item(s)

None

#### **G. Other Business**

None

#### **H. Adjournment**

There being no further business before the Board, the meeting adjourned at 6:09 p.m.

***The next meeting is scheduled for April 2, 2024, at 6:00 p.m.***



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Board of Adjustment  
Variance Application**

Date Submitted: 06/25/2024 Fee \$226.00 Receipt # REC-017932-2024 Case Number 24-06-BOA-00010  
(includes \$26 recording fee)

**PROPERTY INFORMATION**

Address 5309 Wayne Road City Greensboro State NC Zip Code 27407  
Tax Parcel # 155734 Zoning: Residential RS-40  
Plat Book & Page 27-39 Deed Book & Page 008537 / 00504 Township 15-Jamestown

**OWNER INFORMATION**

Name Christopher & Jennifer Costas Phone Number 336.707.9997  
Address 5309 Wayne Road City Greensboro State NC Zip Code 27407  
Email c.costas@gmail.com

Owner Signature Chris Costas Digitally signed by Chris Costas  
Date: 2024.06.24 17:10:17 -04'00'  
*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 Christopher Costas Phone Number 336.707.9997  
Address 5309 Wayne Road City Greensboro State NC Zip Code 27407  
Email c.costas@gmail.com

Applicant Signature Chris Costas Digitally signed by Chris Costas  
Date: 2024.06.24 17:10:24 -04'00'  
*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, Christopher Costas, 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):

Section 4.2.2 Table B

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

**Requesting a 6.5-foot variance to allow a minimum sideyard setback of 8.5 feet.**





## GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Board of Adjustment Variance Application

### **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.

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

Strict application of the ordinance would result in unnecessary hardship for my family due to the significant distance between the existing parking area and the entry door of our home. Without the Variance, we would be forced to park more than 50 feet away from the entrance, leaving us exposed to the elements as we walk to and from our vehicles. This is especially concerning during adverse weather conditions, posing safety risks such as slips and falls on icy or wet surfaces. Our family has young children who would be unnecessarily exposed to these elements if the Variance is not granted. The construction of a carport directly adjacent to our entry door would provide essential sheltered access, significantly improving our safety and convenience. Therefore, the Variance is necessary to mitigate this hardship and ensure safe access to our home.

**2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**

The hardship is peculiar to our property due to the specific topography and layout of the land. The unique presence of a dry creek bed at the front of our home significantly limits the viable options for placing a carport. This natural feature not only enhances the aesthetic appeal and character of our property but also poses a significant obstacle to constructing a carport in any other location. Building the carport elsewhere would necessitate filling in the creek bed, thereby altering the natural landscape and detracting from the property's character. The specific location of the creek bed, coupled with the existing layout of the property, creates a unique situation where the only practical and effective solution is to grant the Variance for constructing the carport adjacent to the entry door.

**3) The hardship did not result from actions taken by the applicant or the property owner.**

The hardship in question did not result from any actions taken by me, the applicant, or any previous property owner. The dry creek bed and the existing layout of the property were present at the time of purchase and were not modified or influenced by our actions. The need for a sheltered carport is a direct result of the property's inherent characteristics, not from any alterations or decisions made post-purchase. Therefore, the circumstances necessitating this Variance are naturally occurring and were not self-created, underscoring the legitimacy of the request.

**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.**

Granting this Variance aligns with the spirit, purpose, and intent of the ordinance, as it prioritizes public safety and ensures substantial justice. The primary purpose of the ordinance is to regulate construction in a manner that promotes safety, welfare, and orderly development. By allowing the construction of a carport, we enhance the safety of our family's access to the home, reducing the risk of accidents and injuries caused by exposure to adverse weather conditions. Additionally, the Variance will not adversely impact the surrounding neighborhood or the general public, as the carport will be aesthetically consistent with the property's design and the



character of the area. This request seeks to achieve a balance between adhering to regulatory guidelines and addressing practical safety needs, thereby fulfilling the ordinance's overarching goals.

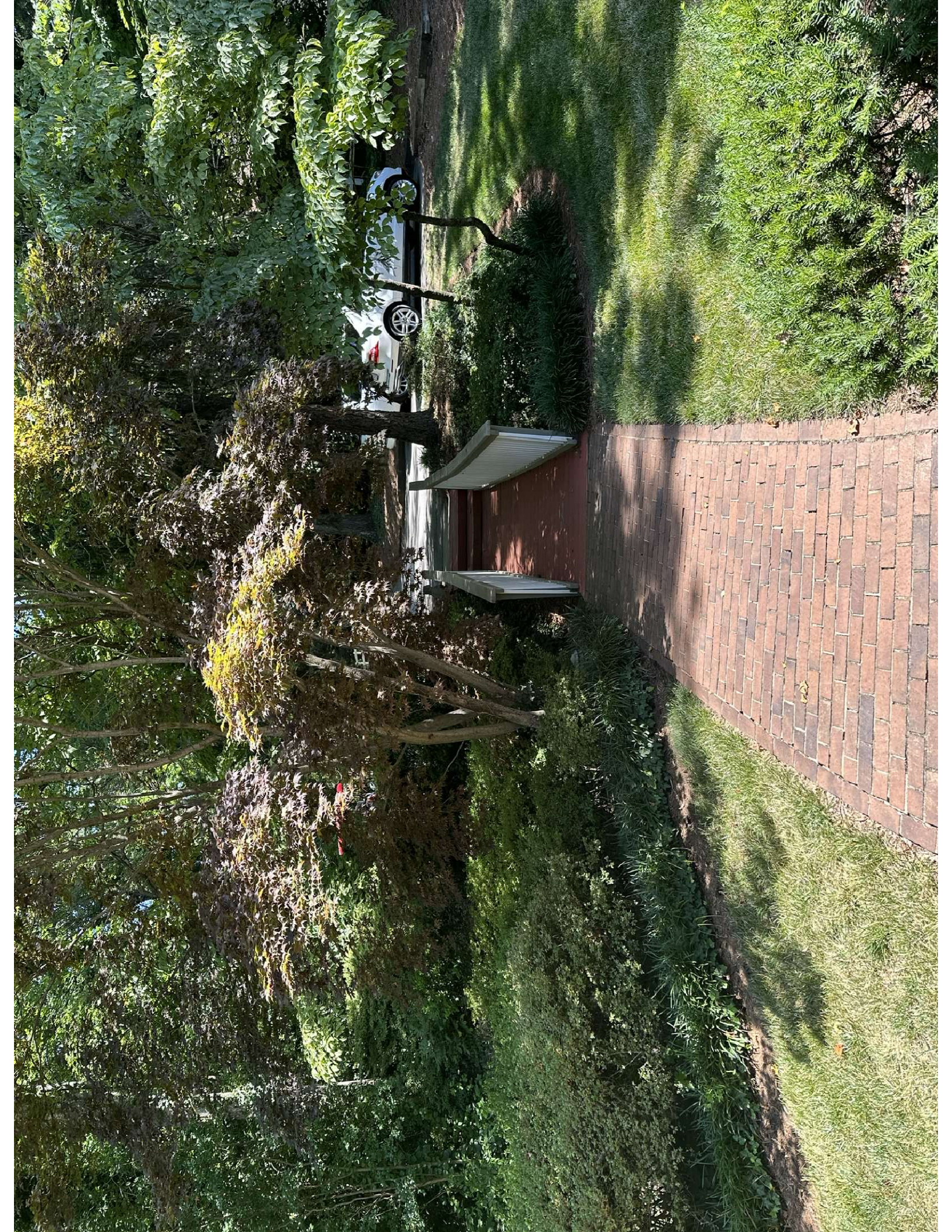
In conclusion, we respectfully request that the Board of Adjustment grant this Variance to allow for the construction of a carport at our residence. The Variance is essential for promoting our family's safety, addresses hardships peculiar to our property, is not self-created, and aligns with the spirit and purpose of the ordinance.

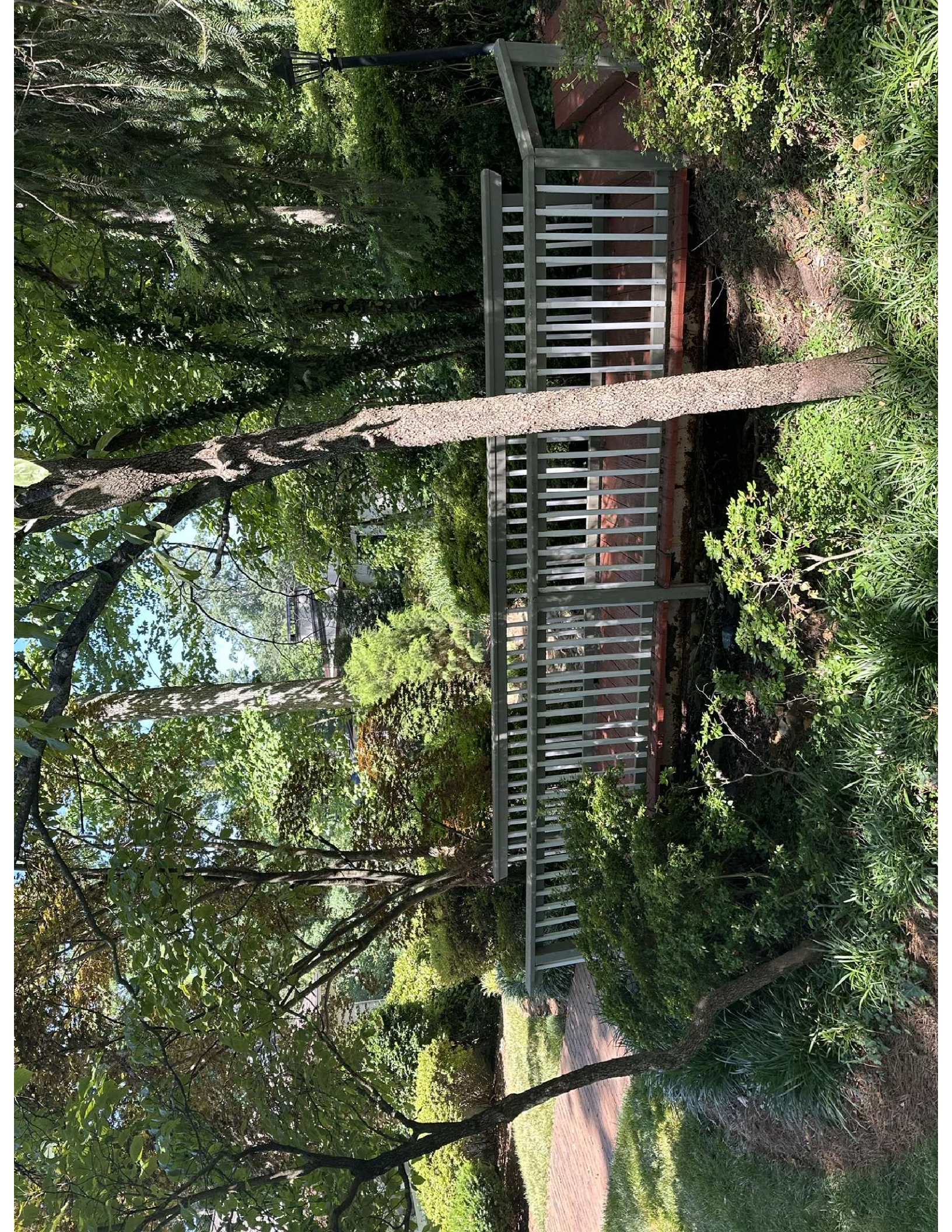
Thank you for your consideration.

Christopher & Jennifer Costas

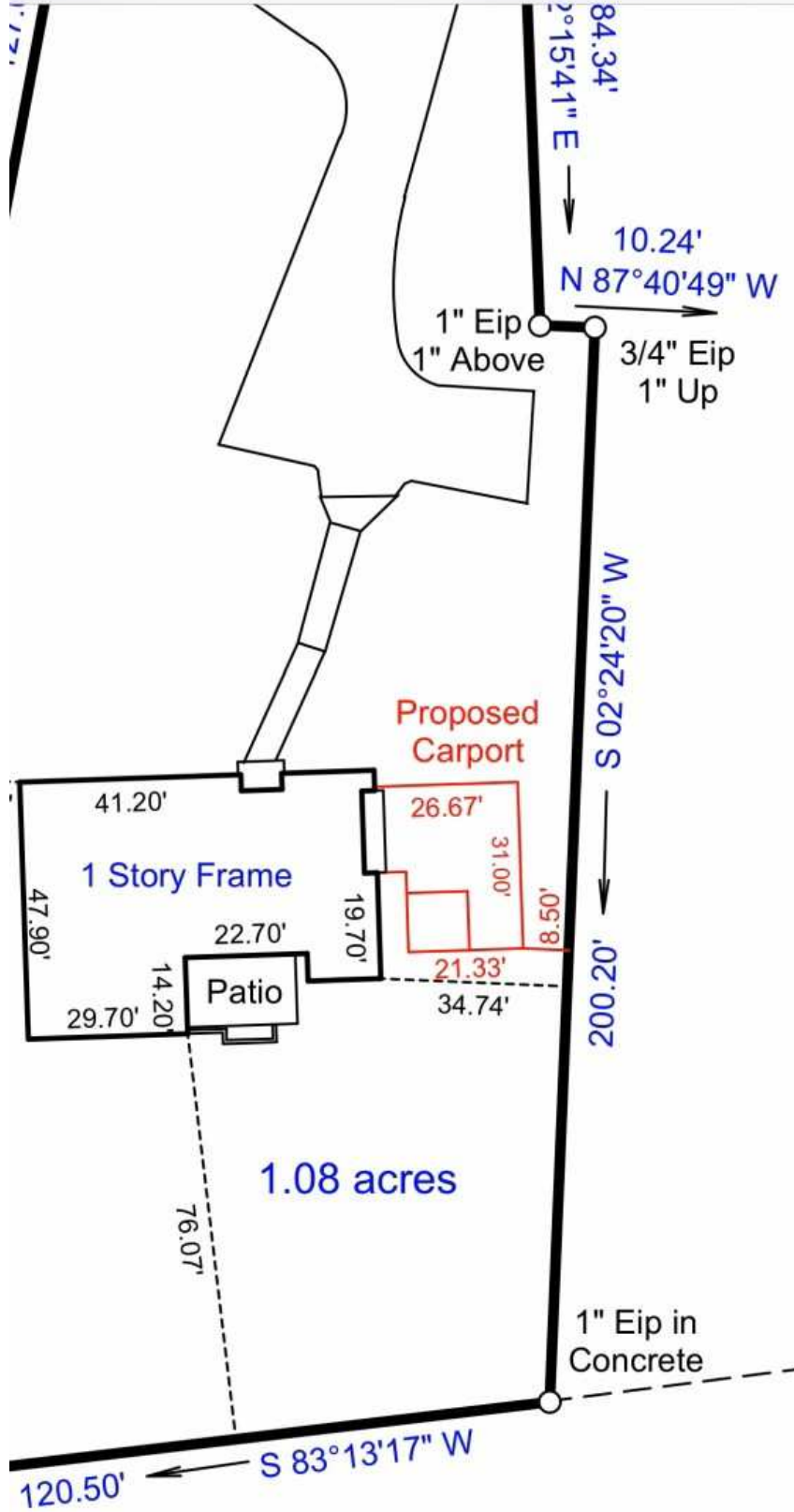






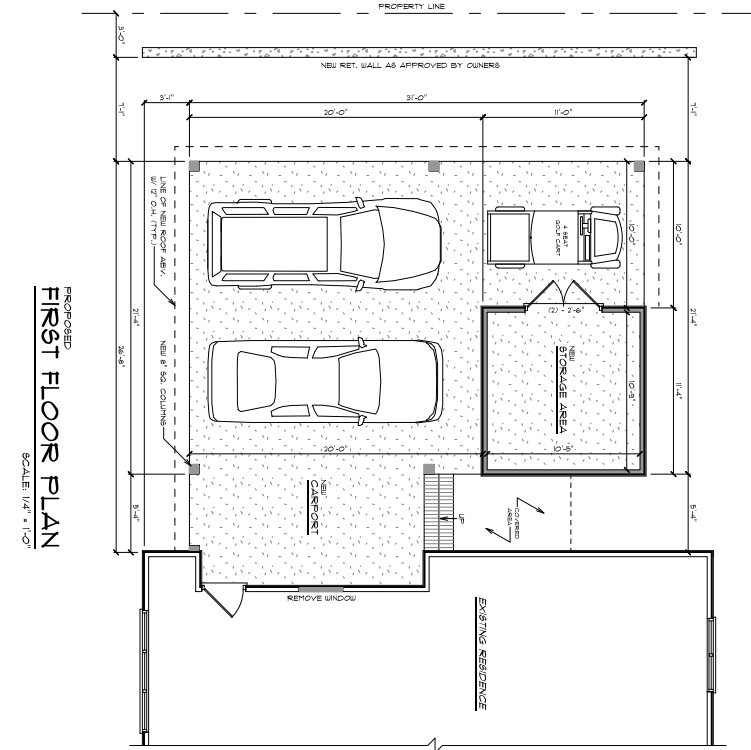






edgefield Country Club Acquisition, LLC





**PROPOSED  
FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"



NO.	REVISIONS	BY

**HUCKABEE  
AND ASSOCIATES**  
 Custom Homes ■ Additions ■ Vacation Homes  
 2411-F Walters Street ■ Greensboro, NC 27409 ■ 336-282-5111

ADDITION PLANS FOR:  
**CHRIS & JENNIFER COSTAS**  
 5309 WAYNE RD.  
 GREENSBORO, N.C.

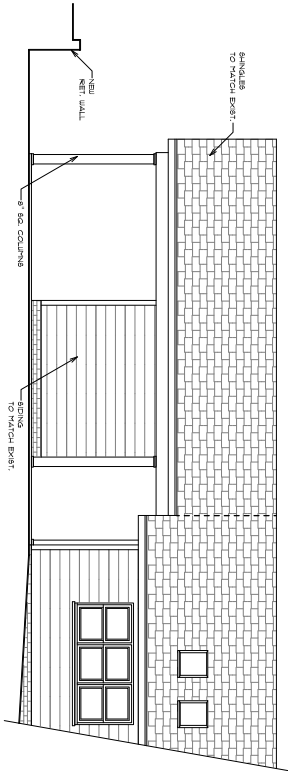
**A/B/D**  
 The American Institute  
 of Building Design

DESIGNER	DATE
PROJECT	SCALE
CLIENT	COPY NO.
OWNER	DATE

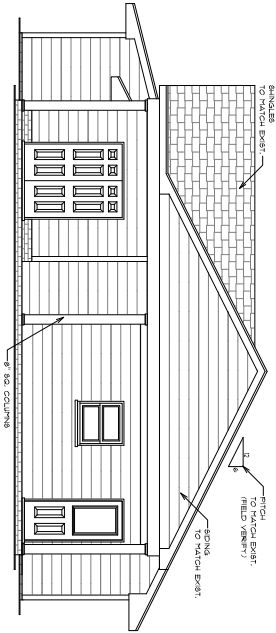
05 SHEETS



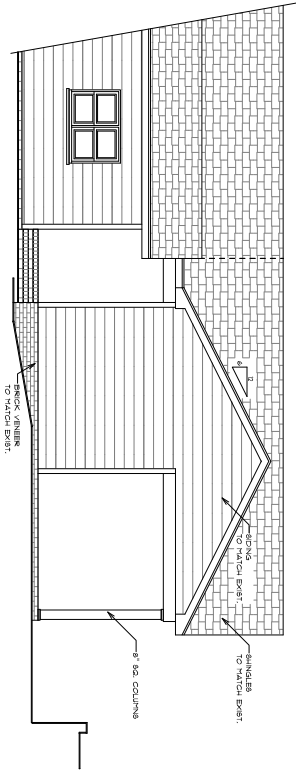




PROPOSED  
**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



PROPOSED  
**LEFT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



PROPOSED  
**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

REVISIONS	BY

**HUCKABEE  
AND ASSOCIATES**  
 Custom Homes ■ Additions ■ Vacation Homes  
 2411-F Walters Street ■ Greensboro, NC 27408 ■ 336-282-3171

ADDITION PLANS FOR:  
**CHRIS & JENNIFER COSTAS**  
 5309 WAYNE RD.  
 GREENSBORO, N.C.

**A B D**  
 The American Institute  
 of Building Design

DESIGNER	SCALE
DATE	DATE
PROJECT	JOB NO.
SHEET	SHEETS

# Staff Report

24-06-BOA-00010

## A. Summary

Christopher and Jennifer Costas are requesting a variance from Section 4.2.2 – Table B, which requires a minimum side yard setback of 15 feet for property zoned RS-40. The property is located in Jamestown Township at 5309 Wayne Road, Guilford County Tax Parcel #155734, comprising 1.08 acres and is zoned RS-40, Residential. The applicant is requesting a 6.5-foot variance to allow a minimum side yard setback of 8.5 feet to build an attached 26.67-foot by 31-foot carport.

### **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.

## B. Property Specifics

- a. **Applicant/Property Owners:** Christopher and Jennifer Costas
- b. **Property Location:** 5309 Wayne Road, Greensboro, NC 27407
- c. **Legal Description:** Reference Deeds
- d. **Setbacks:** RS-40  
**Front street:** 40 feet  
**Side yard:** 15 feet  
**Rear yard:** 30 feet

## C. Character of the Area

- a. **Existing Land Use(s) on the Property:** Single-Family Residential
- b. **Surrounding Uses:**
  - i. North: Residential
  - ii. South: Golf Course
  - iii. East: Residential
  - iv. West: Residential
- c. **Area Visual Survey:** Single-Family Major Subdivision (Sedgefield)
- d. **Topographic & Stormwater Features:**

The subject property drains to a mapped stream approximately 600 feet to the west (approximate GIS length measurement). Slopes on site are not overly steep (about 10%). There is no mapped stream on the subject property per US Geological Survey & Soil Conservation Service maps. There is no floodplain on site.

Date of application:  
June 25, 2024

Date adjacent property owner(s) notified:  
July 22, 2024

Date sign posted on the subject property:  
July 22, 2024

Date posted on County website:  
July 24, 2024

Date of hearing:  
August 6, 2024

DRAFT

## 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 Posting**



**Across from Subject**

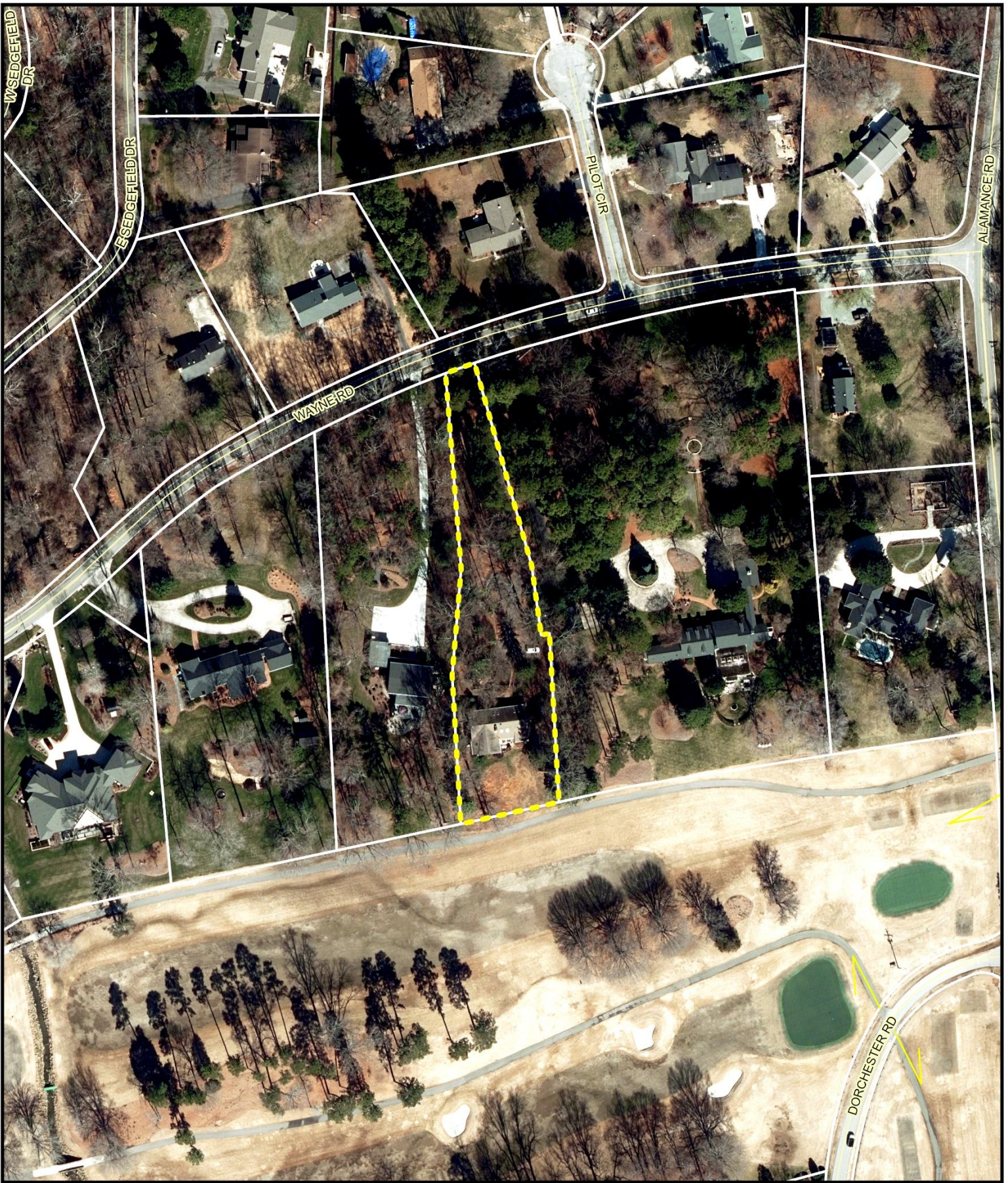


**East**



**West**





Planning & Development  
Department

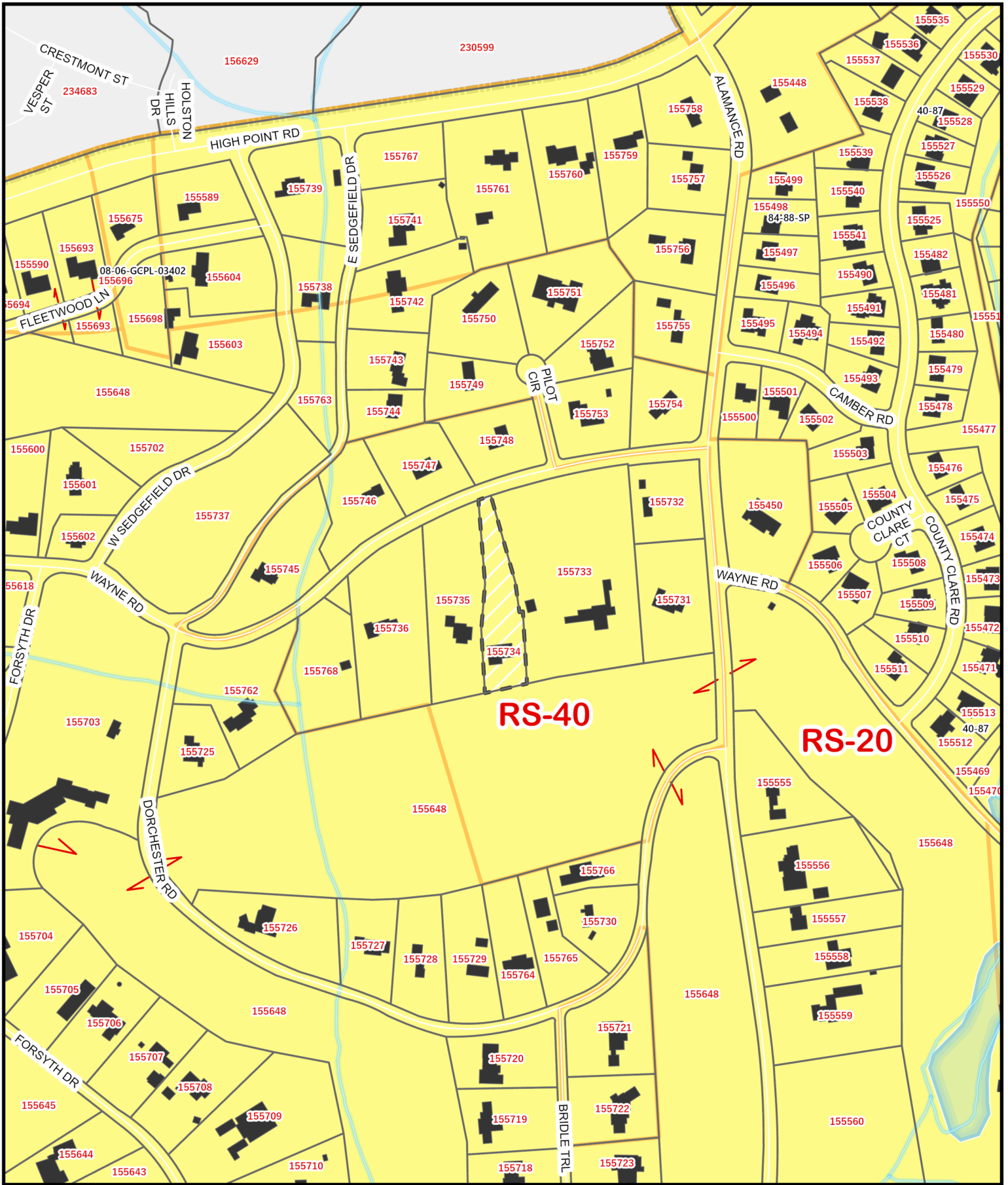
Jurisdiction:  
GUILFORD COUNTY



Case Number:  
24-06-BOA-00010

Case Area:  
Parcels - 155734  
5309 Wayne Rd

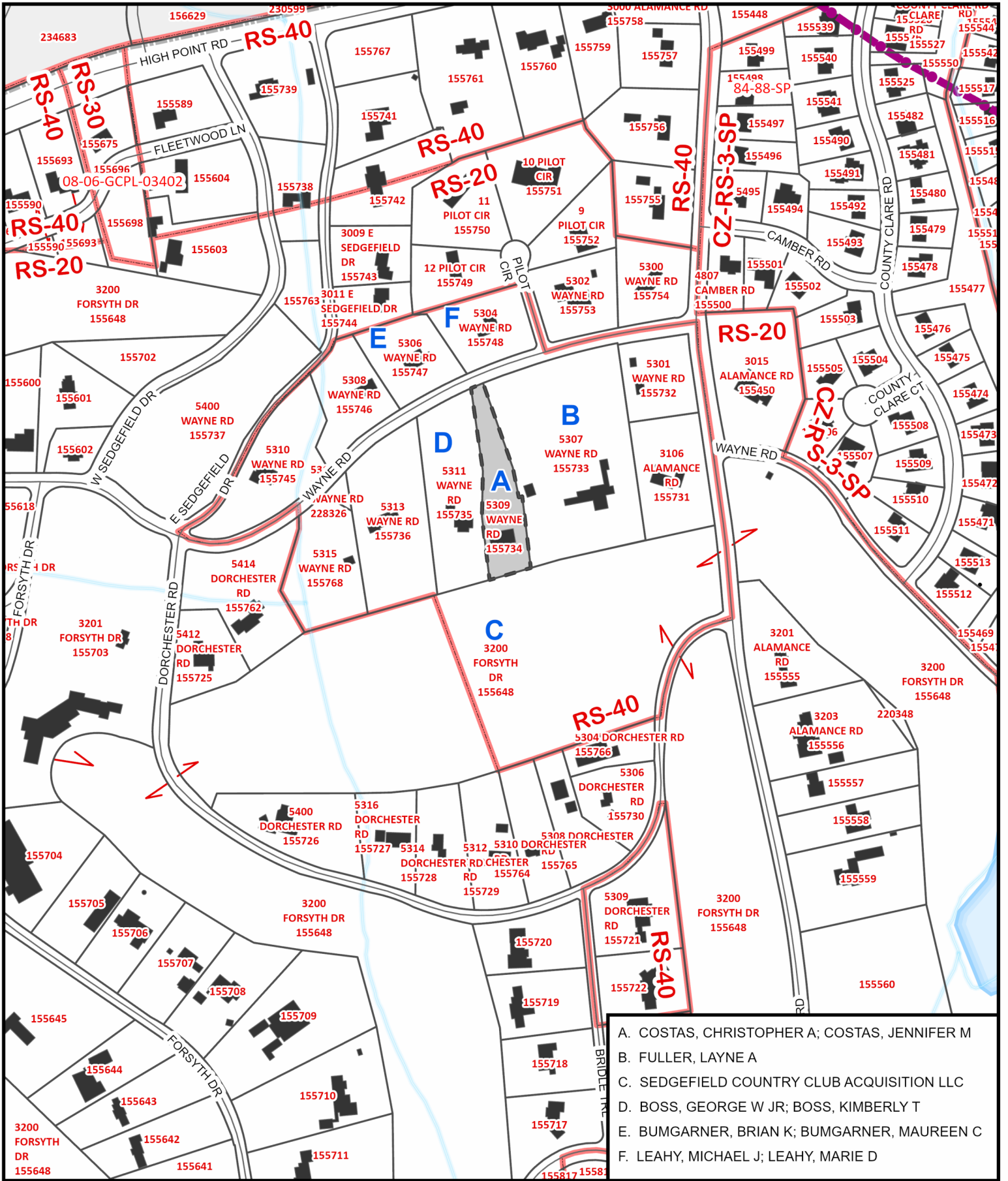


Scale: 1" = 150'



 <p>Planning &amp; Development Department</p>	<p>Jurisdiction: <b>GUILFORD COUNTY</b></p>	<p>Case Number: 24-06-BOA-00010</p>	<p>Case Area: Parcels - 155734 5309 Wayne Rd</p>	 <p>Scale: 1" = 350'</p>
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- A. COSTAS, CHRISTOPHER A; COSTAS, JENNIFER M
- B. FULLER, LAYNE A
- C. SEDGEFIELD COUNTRY CLUB ACQUISITION LLC
- D. BOSS, GEORGE W JR; BOSS, KIMBERLY T
- E. BUMGARNER, BRIAN K; BUMGARNER, MAUREN C
- F. LEAHY, MICHAEL J; LEAHY, MARIE D

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

The Guilford County Board of Adjustment, having held a hearing on August 6, 2024, to consider Case # 24-06-BOA-00010, submitted by Christopher and Jennifer Costas, a request for a variance to use the property located at 5309 Wayne Road, being Tax Parcel(s) # 155734 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 variances, 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 properties, 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 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:

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- 4. It is the Board's CONCLUSION that the requested variances **are** 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 **Augst 6, 2024**, to consider Case # **24-06-BOA-00010**, submitted by **Christopher and Jennifer Costas**, a request for a variance to use the property located at **5309 Wayne Road**, being Tax Parcel(s) # **155734** 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 variances, 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 properties, 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 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:

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- 4. It is the Board's CONCLUSION that the requested variances **are 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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