



**NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING**

MONDAY, FEBRUARY 23, 2026 AT 6:00 P.M.

**COMMISSIONERS ROOM – THIRD FLOOR
NASH COUNTY ADMINISTRATION BUILDING
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

MEETING AGENDA

- 1. Call to Order.**
- 2. Determination of a Quorum.**
- 3. Recognition of the Voting Board Members for the Meeting.**
- 4. Approval of Meeting Minutes.**
September 23, 2024 & May 27, 2025 Regular Meeting Minutes - Delayed
November 24, 2025 Regular Meeting Minutes
- 5. Quasi-Judicial Public Hearing on Variance Request V-260201.**
Made by Daniel C. Boykin at 5900 Southern Nash High Rd, Spring Hope to reduce the rear property line minimum building setback requirement for a proposed detached accessory structure.
 - a. Motion to Open the Public Hearing on Both Cases.**
 - b. Staff Report.**
 - c. Acceptance of Staff Report & Case File into the Record.**
 - d. Testimony of the Applicant.**
 - e. Testimony of Other Parties and/or Witnesses.**
 - f. Board Discussion.**
 - g. Motion to Adopt Findings of Fact.**
 - h. Motion to Adopt Supporting Conclusions.**
 - i. Motion to Approve or Deny the Variance Request.**
- 6. Quasi-Judicial Public Hearing on Variance Request V-260202.**
Made by Phyllis Jones at 9958 N US Highway 301, Whitakers to reduce the side property line minimum building setback requirement for the demolition and replacement of the existing dwelling with a new modular home.
 - a. Staff Report.**
 - b. Acceptance of Staff Report & Case File into the Record.**

- c. Testimony of the Applicant.**
 - d. Testimony of Other Parties and/or Witnesses.**
 - e. Board Discussion.**
 - f. Motion to Adopt Findings of Fact.**
 - g. Motion to Adopt Supporting Conclusions.**
 - h. Motion to Approve or Deny the Variance Request.**
 - i. Motion to Close the Public Hearing on Both Cases.**
- 7. Other Business.**
 - 8. Adjournment.**

**MINUTES OF THE
NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING
HELD MONDAY, NOVEMBER 24, 2025 AT 6:00 P.M.
COMMISSIONERS ROOM – THIRD FLOOR
NASH COUNTY ADMINISTRATION BUILDING
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Rodney Hough, Regular Member, Vice-Chairman
Benton Moss, Regular Member
Charles Rose, Jr., Regular Member
Shawn Lucas, Alternate Member #1
David Ashman, Alternate Member #2

BOARD MEMBERS ABSENT

Emanuel Shell, Regular Member, Chairman
Oscar Bruce, Regular Member
Alton Richardson, Alternate Member #3

ATTORNEY TO THE BOARD

Dylan Castellino

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Aaron Chalker, Senior Planner
Logan Hanchett, Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Melissa Brown
Joye Ellington
Joseph Stuart Ellington
Erik Hanson
Dennis Whitley

1. Call to Order.

Vice-Chairman Hough called the meeting to order at 6:00 p.m.

2. Determination of a Quorum.

Vice-Chairman Hough recognized the presence of a quorum.

3. Recognition of the Voting Board Members for the Meeting.

The voting Board members for the meeting were recognized to be Vice-Chairman Hough, Mr. Moss, Mr. Rose, Mr. Lucas, and Mr. Ashman.

4. Approval of Meeting Minutes.

Vice-Chairman Hough asked for any revisions or corrections to the draft minutes of the October 27, 2025 regular meeting. None were offered.

BOARD ACTION: Vice-Chairman Hough offered a motion, which was duly seconded by Mr. Ashman, to adopt the minutes of the October 27, 2025 regular meeting as submitted.

The motion was unanimously carried.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Rose, to open the public hearing on both Variance Request V-251101 and Variance Request V-251102.

The motion was unanimously carried.

5. Quasi-Judicial Public Hearing on Variance Request V-251101 made by J. Stuart Ellington to reduce the front property line minimum building setback requirement in order to permit a proposed addition to the existing double-wide manufactured home located at 10896 Burgess Rd, Middlesex.

Mr. Tyson was sworn in by Vice-Chairman Hough to provide testimony under oath during the public hearing.

Mr. Tyson presented the staff report and supplemental materials related to Variance Request V-251101 as submitted to the Board in the November 24, 2025 Nash County Board of Adjustment agenda packet including a review of the standard for the issuance of a variance, the proposed findings of fact, and the proposed supporting conclusions.

Mr. Rose asked about whether the proposed addition to the home would include a front porch.

Mr. Tyson responded that the “porch” depicted on the submitted building plans indicated the minimal steps and landings as necessary to satisfy the access requirements of the North Carolina Residential Building Code.

At the request of Mr. Tyson, Vice-Chairman Hough acknowledged the acceptance by the Board of the staff report with the related supplemental materials along with the case file as evidence into the record for Variance Request V-251101.

Mr. Joseph Stuart Ellington, the applicant, was sworn in by Vice-Chairman Hough to provide testimony under oath during the public hearing.

Mr. Tyson asked Mr. Ellington to confirm for the record that the staff report previously presented was accurate and correct.

Mr. Ellington confirmed that it was.

Mr. Tyson asked Mr. Ellington to address the front “porch” depicted on the submitted building plans.

Mr. Ellington confirmed that the front “porches” depicted on the submitted building plans would consist of only a step or two to provide access into the home.

No members of the public addressed the Board with regard to the request.

BOARD ACTION: Mr. Moss offered a motion, which was duly seconded by Mr. Rose, to adopt the following findings of fact as proposed by the Zoning Administrator in the staff report:

Findings of Fact:

- (1) The subject property is a 0.909-acre lot located at 10896 Burgess Road, Middlesex, NC 27557 as depicted on the survey map recorded in Plat Book 23 Page 198 of the Nash County Registry and which is further identified as Nash County Tax Map PIN 274700062094 and Parcel ID # 047359.
- (2) The subject property was acquired by J. Stuart Ellington and Joye W. Ellington in August of 1995 per the general warranty deed recorded in Deed Book 1496 Pages 184-185 of the Nash County Registry.
- (3) The property owner had a double-wide manufactured home set-up in its current location on the subject property in 1995 per the Nash County Tax Records.
- (4) The property owner now wishes to construct a proposed addition to expand the existing home.
- (5) Expansion of the existing home is obstructed on the southern side by the location of the septic tank, on the western (rear) side by the location of the septic drain lines, and on the northern side by the location of the driveway per the diagram provided on Nash County Wastewater Improvement Permit No. 131571.
- (6) The property owner has proposed a fourteen-foot (14') wide addition to the front side of the home to include a new covered and screened porch and an additional enclosed room per the submitted construction plans.
- (7) The subject property is located within the A1: Agricultural Zoning District per the Official Zoning Map of Nash County.
- (8) The minimum building setback distance required in this zoning district between a front property line and a residential dwelling is fifty feet (50') per the Nash County Unified Development Ordinance Art. IX, Sec. 9-4.1 (A), Table 9-4-1.
- (9) The proposed home addition would encroach approximately seven feet (7') into the required fifty-foot (50') front property line minimum building setback distance per the survey map of the subject property prepared by Herring-Sutton & Associates and dated June 11, 2025.
- (10) Therefore, the property owner has submitted Variance Request V-251101 to reduce the front property line minimum building setback requirement of the A1: Agricultural Zoning District from fifty feet (50') to approximately forty-three feet (43') in order to permit the proposed addition to the front side of the existing home with minimal steps and landings as necessary to satisfy the access requirements of the North Carolina Residential Building Code.
- (11) On November 24, 2025, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-251101.

- (12) Notice of the public hearing was sent by first class mail on November 13, 2025 to the variance applicant and owner of the subject property and to the owners of record for tax purposes of all properties located within 600 feet of the subject property. Notice was also posted prominently in front of the subject property on November 13, 2025.
- (13) All persons who provided testimony during the public hearing were sworn in by the Board Chairman.

The motion was unanimously carried.

BOARD ACTION: Mr. Rose offered a motion, which was duly seconded by Mr. Lucas, to adopt the following conclusions as proposed by the applicant to support approval of the variance request:

Supporting Conclusions:

- (1) The applicant has demonstrated that an unnecessary hardship would result from the strict application of the standard fifty-foot (50') front property line minimum building setback requirement because it would prevent the construction of the home addition as proposed.
- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the particular locations of the existing septic tank, septic drain lines, and driveway, which obstruct the expansion of the home on both sides and to the rear.
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because in 1995, the applicant had the existing home set up as far back on the property from the front property line as allowed by the soil conditions of the lot and the related septic system layout.
- (4) The applicant has demonstrated that 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 because the reduced forty-three foot (43') front property line minimum building setback distance would still exceed those required in other residential zoning districts along public roads by the Nash County Unified Development Ordinance, such as the smaller forty-foot (40') front property line minimum building setback requirement of the R-30 and RA-30 Residential Zoning Districts. Additionally, per the latest available NCDOT traffic data, this segment of Burgess Road has only approximately 250 estimated vehicle trips per day, which is considered a relatively low traffic volume.

The motion was unanimously carried.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Moss, to approve Variance Request V-251101 to reduce the front property line minimum building setback requirement of the A1: Agricultural Zoning District from fifty feet (50') to approximately forty-three feet (43') in order to permit the proposed addition to the front side of the existing home with minimal steps and landings as necessary to satisfy the access requirements of the North Carolina Residential Building Code.

The motion was unanimously carried.

6. **Quasi-Judicial Public Hearing on Variance Request V-251102 made by Melissa Brown to reduce the side property line minimum building setback requirement in order to permit an existing farm building located at 8079-A Stone Heritage Rd, Middlesex to be used as a detached residential accessory building.**

Mr. Tyson presented the staff report and supplemental materials related to Variance Request V-251102 as submitted to the Board in the November 24, 2025 Nash County Board of Adjustment agenda packet including the proposed findings of fact and the proposed supporting conclusions.

The Board had no questions on the staff report.

Ms. Melissa Brown, the applicant, was sworn in by Vice-Chairman Hough to provide testimony under oath during the public hearing.

Mr. Tyson asked Ms. Brown to confirm for the record that the staff report previously presented was accurate and correct.

Ms. Brown confirmed that it was.

The Board had no questions for the applicant.

No members of the public addressed the Board with regard to the request.

At the request of Mr. Tyson, Vice-Chairman Hough acknowledged the acceptance by the Board of the staff report with the related supplemental materials along with the case file as evidence into the record for Variance Request V-251102.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Ashman, to adopt the following findings of fact as proposed by the Zoning Administrator in the staff report:

Findings of Fact:

- (1) The subject property is a 1.63-acre lot located at 8079 Stone Heritage Rd, Middlesex, NC 27557 as depicted on the survey map dated July of 2018 and recorded in Plat Book 41 Page 234 of the Nash County Registry and further identified as Nash County Tax Map PIN 275400283030 and Parcel ID # 325781.
- (2) The survey map depicts an existing building labeled as a “farm tractor shed,” located 11.65 feet from the southern side property line, and designated as being “for bona fide agriculture use only.”
- (3) The 960-square foot (24' x 40') building was constructed by the previous owner of the property, William Bryan Horton, in July of 2017, prior to the subdivision of the subject lot from the surrounding tract of land per Nash County Farm Building Permit P17-001687.
- (4) The building was constructed without the issuance of a building permit under the exclusion for “farm buildings” from the North Carolina State Building Code as provided by N.C.G.S. 143-138(b4) and also without having to satisfy any minimum building setback requirements under the exemption for “bona fide farm purposes” from county zoning regulations as provided by N.C.G.S. 160D-903(a).
- (5) The subject property was acquired by Melissa Brown in June of 2025 per the general warranty deed recorded in Deed Book 3422 Pages 861-863 of the Nash County Registry along with the modular home previously placed on the property by the previous owner in 2018 at 8079 Stone Heritage Rd per Nash County Manufactured Home Permit P18-002749 as well as the existing farm building in its current location at 8079-A Stone Heritage Rd.
- (6) Since this building is no longer used for “bona fide farm purposes,” the current property owner desires to use it as a detached residential accessory building, meaning that it must be permitted and inspected by Nash County as such.

- (7) The subject property is located within the R-40: Single-Family Residential Zoning District per the Official Zoning Map of Nash County.
- (8) The minimum building setback distance required in this zoning district between a side lot line and a detached residential accessory building with a gross floor area of six hundred (600) square feet or greater is fifteen feet (15') per the Nash County Unified Development Ordinance Art. IX, Sec. 9-5.1 (B) and Sec. 9-4.1 (A), Table 9-4-1.
- (9) The existing building currently encroaches 3.35 feet into the required 15-foot side property line minimum building setback distance at its closest point per the previously referenced survey map.
- (10) Therefore, the property owner has submitted Variance Request V-251102 to reduce the side property line minimum building setback requirement of the R-40: Single-Family Residential Zoning District from fifteen feet (15') to approximately eleven feet (11') in order to permit the issuance of a Zoning Permit to authorize the use of the existing building as a detached residential accessory building.
- (11) On November 24, 2025, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-251102.
- (12) Notice of the public hearing was sent by first class mail on November 13, 2025 to the variance applicant and owner of the subject property and to the owners of record for tax purposes of all properties located within 600 feet of the subject property. Notice was also posted prominently in front of the subject property on November 13, 2025.
- (13) All persons who provided testimony during the public hearing were sworn in by the Board Chairman.

The motion was unanimously carried.

BOARD ACTION: Mr. Rose offered a motion, which was duly seconded by Vice-Chairman Hough, to adopt the following conclusions as proposed by the applicant to support approval of the variance request:

Supporting Conclusions:

- (1) The applicant has demonstrated that an unnecessary hardship would result from the strict application of the standard fifteen-foot (15') side property line minimum building setback requirement because it would prevent the re-use of the existing farm building for anything other than "bona fide farm purposes" unless the gross floor area of the building was reduced to less than six hundred (600) square feet.
- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the initial construction of the subject building as a "farm building," the subsequent subdivision of a residential lot including the subject building, and the subject building's distance from the lot's side property line.
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because the subject building was constructed in its current location by the previous owner of the property and the current owner purchased the property without knowledge of the structure's status as a "farm building."
- (4) The applicant has demonstrated that 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 because approval of the request will only allow the rear corner of the subject building to encroach a total of 3.35 feet into the standard side property line minimum building setback distance. Additionally, since the building already exists in its current location and is proposed for use as a detached residential accessory building, no substantial impact to the immediately adjacent property to the south is anticipated.

The motion was unanimously carried.

BOARD ACTION: Mr. Moss offered a motion, which was duly seconded by Mr. Ashman, to approve Variance Request V-251102 to reduce the side property line minimum building setback requirement of the R-40: Single-Family Residential Zoning District from fifteen feet (15') to approximately eleven feet (11') in order to permit the issuance of a Zoning Permit to authorize the use of the subject building as a detached residential accessory building.

The motion was unanimously carried.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Ashman, to close the public hearing on both Variance Request V-251101 and Variance Request V-251102.

The motion was unanimously carried.

7. Adjournment.

There being no further business, Vice-Chairman Hough adjourned the meeting at 6:38 p.m.

NASH COUNTY BOARD OF ADJUSTMENT STANDARD FOR THE ISSUANCE OF A VARIANCE

The Nash County Unified Development Ordinance (UDO) establishes the land development regulations that apply within the County's planning and zoning jurisdiction.

A "variance" is defined as "'official permission to depart from the requirements of this Ordinance" (UDO Art. II, Sec. 2-4.198.) All general variance requests are to be heard and decided by the Board of Adjustment.

The North Carolina General Statutes (N.C.G.S.), Chapter 160D, Article 7, Part 5 establishes the standard and criteria for the issuance of a variance.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**
- (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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**
- (3) 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 is not a self-created hardship.**
- (4) 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.**

No change in permitted land uses may be authorized by a variance.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

A **four-fifths (4/5) majority vote** of the Board of Adjustment is necessary to grant a variance per N.C.G.S. § 160D-406(i).

**NASH COUNTY BOARD OF ADJUSTMENT
VARIANCE REQUEST – STAFF REPORT**

File Number: V-260201: Variance Request
Property Owner / Applicant: Daniel C. Boykin
Location: 5900 Southern Nash High Rd, Spring Hope, NC 27882
Tax ID #: PIN 276600987822 / Parcel ID # 345575
Zoning District: R-40: Single-Family Residential
Variance Description: Reduction of Rear Minimum Building Setback Requirement
UDO Reference: Art. IX, Sec. 9-4.1 (A), Table 9-4-1 & Sec. 9-5.1 (B)
Notice of Public Hearing: Mailed to Property Owners within 600 Feet: Feb. 12, 2026
Posted at the Subject Property: Feb. 12, 2026

Findings of Fact (as Proposed by the Zoning Administrator):

- (1) The subject property is a 1.3-acre lot located at 5900 Southern Nash High Road, Spring Hope, NC 27882 as depicted on the survey map recorded in Plat Book 44 Page 2 of the Nash County Registry and which is further identified as Nash County Tax Map PIN 276600987822 and Parcel ID # 345575.
- (2) The subject property was acquired by Daniel C. Boykin in July of 2022 per the deed of gift recorded in Deed Book 3234 Pages 295-296 of the Nash County Registry.
- (3) A single-family dwelling was then constructed and completed on the subject property in March of 2023 per Nash County Residential Building Permit # P22-003486.
- (4) The drain lines of the onsite septic system serving that dwelling as well as the designated septic repair area are located on the eastern / front side of the subject property per Nash County Wastewater Permit # E22-000840.
- (5) The property owner now wishes to construct a proposed thirty-foot (30') by thirty-foot (30') – 900 square foot – detached residential accessory building in the southwestern / rear corner of the subject property in alignment with the existing driveway.
- (6) The subject property is located within the R-40: Single-Family Residential Zoning District per the Official Zoning Map of Nash County.
- (7) The minimum building setback distance required in this zoning district between a rear property line and a detached residential accessory building with a gross floor area of six

hundred (600) square feet or more is thirty feet (30') per the Nash County Unified Development Ordinance Art. IX, Sec. 9-4.1 (A), Table 9-4-1 and Sec. 9-5.1 (B).

- (8) If constructed in compliance with the applicable thirty-foot (30') rear minimum building setback, the proposed detached residential accessory building would be located approximately twenty-seven feet (27') away from the existing dwelling.
- (9) The property owner has submitted Variance Request V-260201 to reduce this standard rear property line minimum building setback requirement from thirty feet (30') to approximately ten feet (10') for the construction of the proposed detached residential accessory building on the subject property.
- (10) On February 23, 2026, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-260201.
- (11) Notice of the public hearing was sent by first class mail on February 12, 2026 to the variance applicant and owner of the subject property and to the owners of record for tax purposes of all properties located within six hundred feet (600') of the subject property. Notice was also posted prominently in front of the subject property on February 12, 2026.
- (12) All persons who provided testimony during the public hearing were sworn in by the Board Chairman.

Supporting Conclusions (as Proposed by the Applicant):

- (1) The applicant has demonstrated that an unnecessary hardship would result from the strict application of the standard thirty-foot (30') rear property line minimum building setback requirement because the presence of a drainage swale on the subject property behind the existing dwelling would complicate the construction of the proposed detached residential accessory building if it were to be located thirty feet (30') from the rear property line.
- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the topography of the lot, which includes the drainage swale located behind the existing dwelling.
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because, again, the hardship results from the topography of the subject property.
- (4) The applicant has demonstrated that 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 because the standard thirty-foot (30') rear property line minimum building setback requirement is often applied within more suburban-type subdivision

developments along the property line dividing two immediately adjacent residential back yards, but this particular subject property is located immediately adjacent to an approximately 15.4-acre undeveloped tract of land owned by a relative of the applicant. Furthermore, the adjusted ten-foot (10') rear property line minimum building setback distance is still double the five-foot (5') rear property line minimum building setback distance required for smaller detached residential accessory buildings with a gross floor area of less than six hundred (600) square feet per UDO Art. IX, Sec. 9-5.1 (B).

Procedural Notes:

All proposed findings of fact and supporting conclusions above may be revised prior to adoption as necessary to reflect the arguments, evidence, and/or testimony presented during the public hearing held on this request.

Appropriate conditions may be imposed on the variance, provided that they are reasonably related to the variance.

A four-fifths (4/5) majority vote of the Board of Adjustment is necessary to grant a variance.

Suggested Motions:

MOTION #1 – ADOPT FINDINGS OF FACT:

I move that the Nash County Board of Adjustment adopts the Findings of Fact as proposed by the Zoning Administrator in the staff report. (Note any necessary revisions or additions.)

MOTION #2 – ADOPT SUPPORTING CONCLUSIONS:

I move that the Nash County Board of Adjustment adopts:

(A) ALL FOUR CONCLUSIONS AS PROPOSED BY THE APPLICANT TO SUPPORT APPROVAL OF THE VARIANCE REQUEST. (Note any necessary revisions or additions.)

OR

(B) AT LEAST ONE OF THE FOLLOWING CONCLUSIONS TO SUPPORT DENIAL OF THE VARIANCE REQUEST.

- (1) The applicant has **NOT** demonstrated that an unnecessary hardship would result from the strict application of the regulation.

- (2) The applicant has **NOT** demonstrated that the hardship results from conditions that are peculiar to the property.
 - (3) The applicant has **NOT** demonstrated that the hardship did not result from actions taken by the applicant or the property owner.
 - (4) The applicant has **NOT** demonstrated that 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.
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MOTION #3 – APPROVE OR DENY THE VARIANCE REQUEST:

I move that the Nash County Board of Adjustment **APPROVES** or **DENIES** (choose one) Variance Request V-260201 to reduce the standard rear property line minimum building setback requirement from thirty feet (30') to approximately ten feet (10') for the construction of the proposed detached residential accessory building on the subject property.

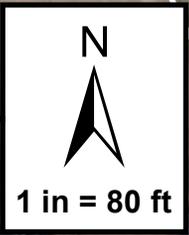
Variance Request V-260201: Site Plan
Property of Daniel Clay Boykin
5900 Southern Nash High Rd, Spring Hope, NC 27882



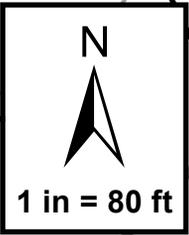
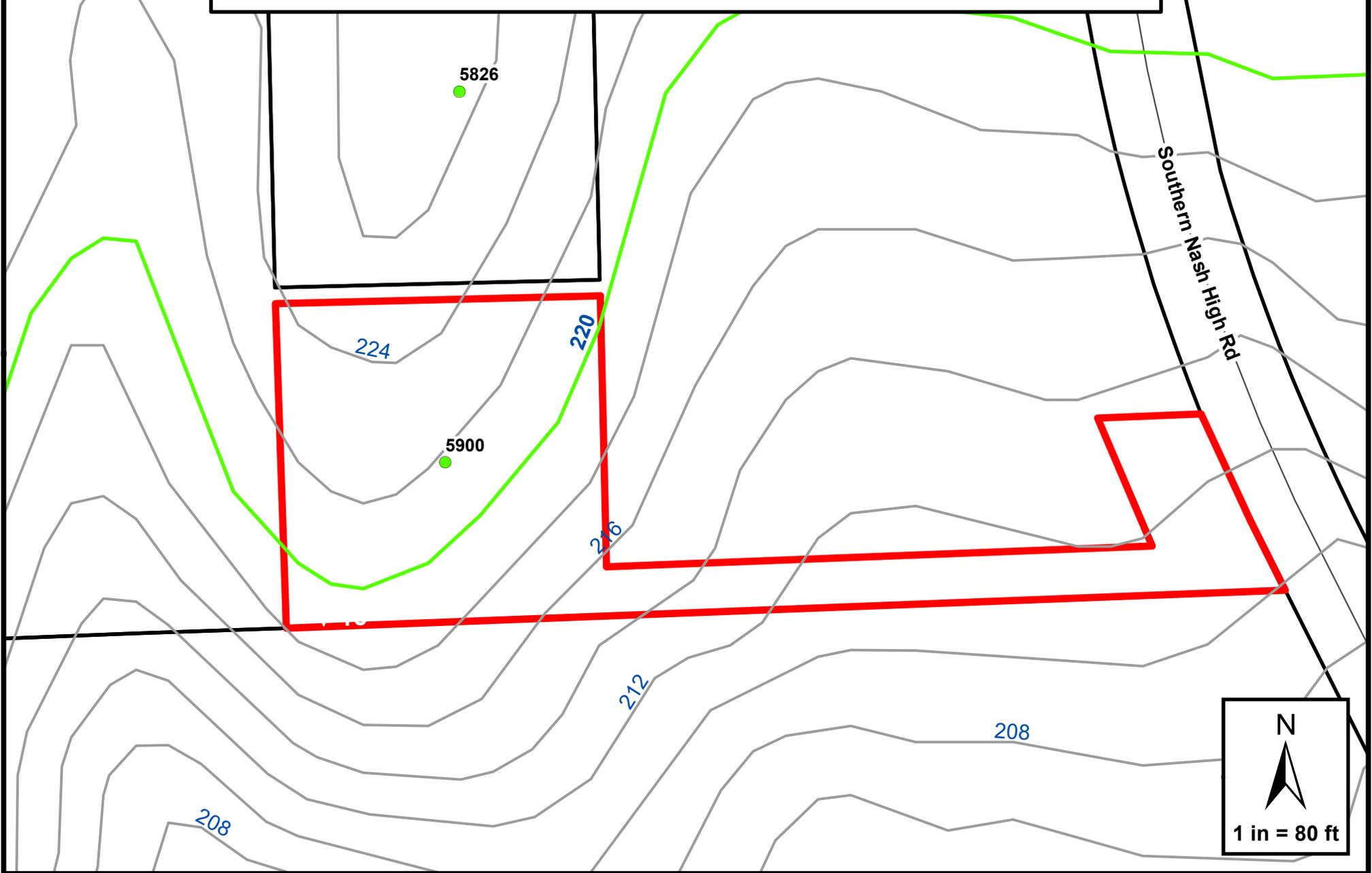
**Proposed
30' x 30'
Detached
Building**

**Request to
Reduce Rear
Building Setback
From 30'
to Approx. 10'**

Southern Nash High Rd



Variance Request V-260201: Contour Map
Property of Daniel Clay Boykin
5900 Southern Nash High Rd, Spring Hope, NC 27882



NASH COUNTY BOARD OF ADJUSTMENT
VARIANCE REQUEST – STAFF REPORT

File Number: V-260202: Variance Request
Property Owner / Applicant: Phyllis Jones
Location: 9958 N US Highway 301, Whitakers, NC 27891
Tax ID #: PIN 387511667487 / Parcel ID # 021076
Zoning District: R-10: High Density Residential
Variance Description: Reduction of Side Minimum Building Setback Requirement
UDO Reference: Art. IX, Sec. 9-4.1 (A), Table 9-4-1
Notice of Public Hearing: Mailed to Property Owners within 600 Feet: Feb. 12, 2026
Posted at the Subject Property: Feb. 12, 2026

Findings of Fact (as Proposed by the Zoning Administrator):

- (1) The subject property is a 0.17-acre lot located at 9958 N US Highway 301, Whitakers, NC 27891 as depicted on the survey map prepared by McDavid Associates, Inc., dated October 12, 2025, and submitted for this request. The property is further identified as Nash County Tax Map PIN 387511667487 and Parcel ID # 021076.
- (2) The subject property was acquired by Phyllis Jones in May of 1990 per the general warranty deed recorded in Deed Book 1307 Pages 405-406 of the Nash County Registry.
- (3) The subject property is located within the R-10: High Density Residential Zoning District per the Official Zoning Map of Nash County.
- (4) The subject property is classified as a “nonconforming lot” per UDO Art. VI, Sec. 6-2 because the total area – approximately 7,405 square feet – does not conform to the current 10,000-square foot minimum lot area requirement of this R-10 Zoning District and the total width – approximately fifty feet (50’) – does not conform to the current seventy-five foot (75’) minimum lot width requirement of this R-10 Zoning District.
- (5) The existing single-family dwelling located on the subject property is classified as a “nonconforming structure” per UDO Art. VI, Sec. 6-4 because its location on the lot – 1.60 feet from the west side property line and 1.59 feet from the east side property line – does not conform to the current 10-foot side property line minimum building setback requirement of the R-10 Zoning District.
- (6) Due to the dilapidated condition of the existing single-family dwelling located on the subject property, it has been selected by Nash County for replacement through the Community Development Block Grant – Neighborhood Revitalization (CDBG-NR)

Program, which is administered by the North Carolina Department of Commerce's Rural Economic Development Division.

- (7) The program intends to demolish the existing stick-built dwelling and to replace it with a modular home of comparable size. The approximate dimensions of the selected model of modular home are forty-eight feet (48') by twenty-eight feet (28').
- (8) Due to the total width of the subject property, which is approximately fifty feet (50'), the forty-eight foot (48') wide proposed modular home cannot be located on the lot in compliance with the standard ten-foot (10') side property line minimum building setback requirement.
- (9) Therefore, the property owner has submitted Variance Request V-260202 to reduce the standard ten-foot (10') side property line minimum building setback requirement on the west side of the lot to approximately one foot (1.0') and on the east side of the lot to approximately 0.95 foot (0.95') in order to permit the replacement of the existing home with the proposed new modular home.
- (10) On February 23, 2026, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-260202.
- (11) Notice of the public hearing was sent by first class mail on February 12, 2026 to the variance applicant and owner of the subject property and to the owners of record for tax purposes of all properties located within six hundred feet (600') of the subject property. Notice was also posted prominently in front of the subject property on February 12, 2026.
- (12) All persons who provided testimony during the public hearing were sworn in by the Board Chairman.

Supporting Conclusions (as Proposed by the Applicant):

- (1) The applicant has demonstrated that an unnecessary hardship would result from the strict application of the standard ten-foot (10') side property line minimum building setback requirement because it would prevent the proposed replacement of the existing home with the new modular home.
- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the lot's smaller "nonconforming" total area and width as well as the existing dwelling's smaller "nonconforming" setback distances from the lot's side property lines.
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because the existing lot and dwelling were already established in the current configuration and location at the time that the applicant acquired the subject property.

- (4) The applicant has demonstrated that 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 because approval of the variance will permit the replacement of the existing home with a new home of comparable size in the same general location with only a small reduction in the current distances to the side property lines – approximately 0.60 feet on the west side of the lot and approximately 0.64 feet on the east side of the lot.

Procedural Notes:

All proposed findings of fact and supporting conclusions above may be revised prior to adoption as necessary to reflect the arguments, evidence, and/or testimony presented during the public hearing held on this request.

Appropriate conditions may be imposed on the variance, provided that they are reasonably related to the variance.

A four-fifths (4/5) majority vote of the Board of Adjustment is necessary to grant a variance.

Suggested Motions:

MOTION #1 – ADOPT FINDINGS OF FACT:

I move that the Nash County Board of Adjustment adopts the Findings of Fact as proposed by the Zoning Administrator in the staff report. (Note any necessary revisions or additions.)

MOTION #2 – ADOPT SUPPORTING CONCLUSIONS:

I move that the Nash County Board of Adjustment adopts:

(A) ALL FOUR CONCLUSIONS AS PROPOSED BY THE APPLICANT TO SUPPORT APPROVAL OF THE VARIANCE REQUEST. (Note any necessary revisions or additions.)

OR

(B) AT LEAST ONE OF THE FOLLOWING CONCLUSIONS TO SUPPORT DENIAL OF THE VARIANCE REQUEST.

- (1) The applicant has **NOT** demonstrated that an unnecessary hardship would result from the strict application of the regulation.

- (2) The applicant has **NOT** demonstrated that the hardship results from conditions that are peculiar to the property.
 - (3) The applicant has **NOT** demonstrated that the hardship did not result from actions taken by the applicant or the property owner.
 - (4) The applicant has **NOT** demonstrated that 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.
-

MOTION #3 – APPROVE OR DENY THE VARIANCE REQUEST:

I move that the Nash County Board of Adjustment **APPROVES** or **DENIES** (choose one) Variance Request V-260202 to reduce the standard side property line minimum building setback requirements as specified in order to permit the replacement of the existing dwelling located at 9958 N US Highway 301, Whitakers with a new modular home.

**Variance Request V-260202
Property of Phyllis Jones
Aerial Map**



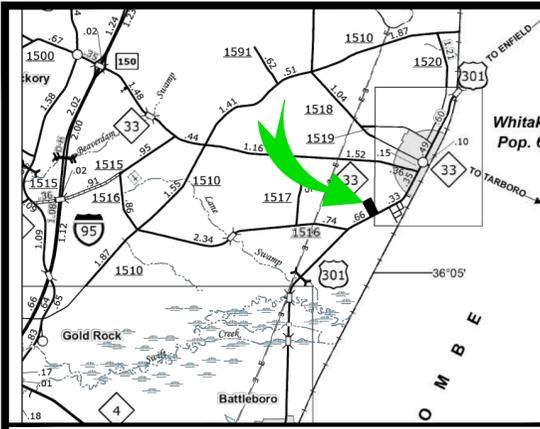
Perry Ln

9964

9958

N US 301

N
1 in = 30 ft



VICINITY MAP

LEGEND

- AG = ABOVE GROUND
- BG = BELOW GROUND
- CC = CONTROL CORNER
- ECM = EXISTING CONCRETE MONUMENT
- ECS = EXISTING COTTON SPINDLE
- EIA = EXISTING IRON AXLE
- EIP = EXISTING IRON PIPE
- EIR = EXISTING IRON ROD
- EPK = EXISTING PARKER KALON NAIL
- FWG = FLUSH WITH GROUND
- MBL = MINIMUM BUILDING LINE
- N&C = NAIL AND CAP
- NCM = NEW CONCRETE MONUMENT
- NCS = NEW COTTON SPINDLE
- NIP = NEW IRON PIPE SET
- NPK = NEW PARKER KALON NAIL
- NPS = NO POINT SET OR FOUND
- OE = OVERHEAD ELECTRIC LINE
- RRS = RAILROAD SPIKE
- R/W = RIGHT-OF-WAY
- ℄ = CENTERLINE
- C/O = CLEAN OUT

LINE	BEARING	LENGTH
L1	N62° 06' 54"E	49.97'
L2	S62° 08' 49"W	25.05'

CENTROID: N= 856600
E=2376900

NOTE: DISTANCES SHOWN ARE HORIZONTAL GROUND MEASUREMENTS UNLESS NOTED OTHERWISE.

NOTE: THIS SURVEY PERFORMED WITHOUT BENEFIT OF A TITLE EXAMINATION AND IS MADE SUBJECT TO ANY DOCUMENT OF RECORD WHICH MAY AFFECT SUBJECT PROPERTY.

NOTE: PROPERTY IS LOCATED IN ZONE X AS PER FEMA FIRM MAP 3720387500K DATED 6-18-2013

NOTE: PROPERTY IS ZONED: R-10
SETBACKS:
FRONT=30'
REAR=20'
SIDE= 10'

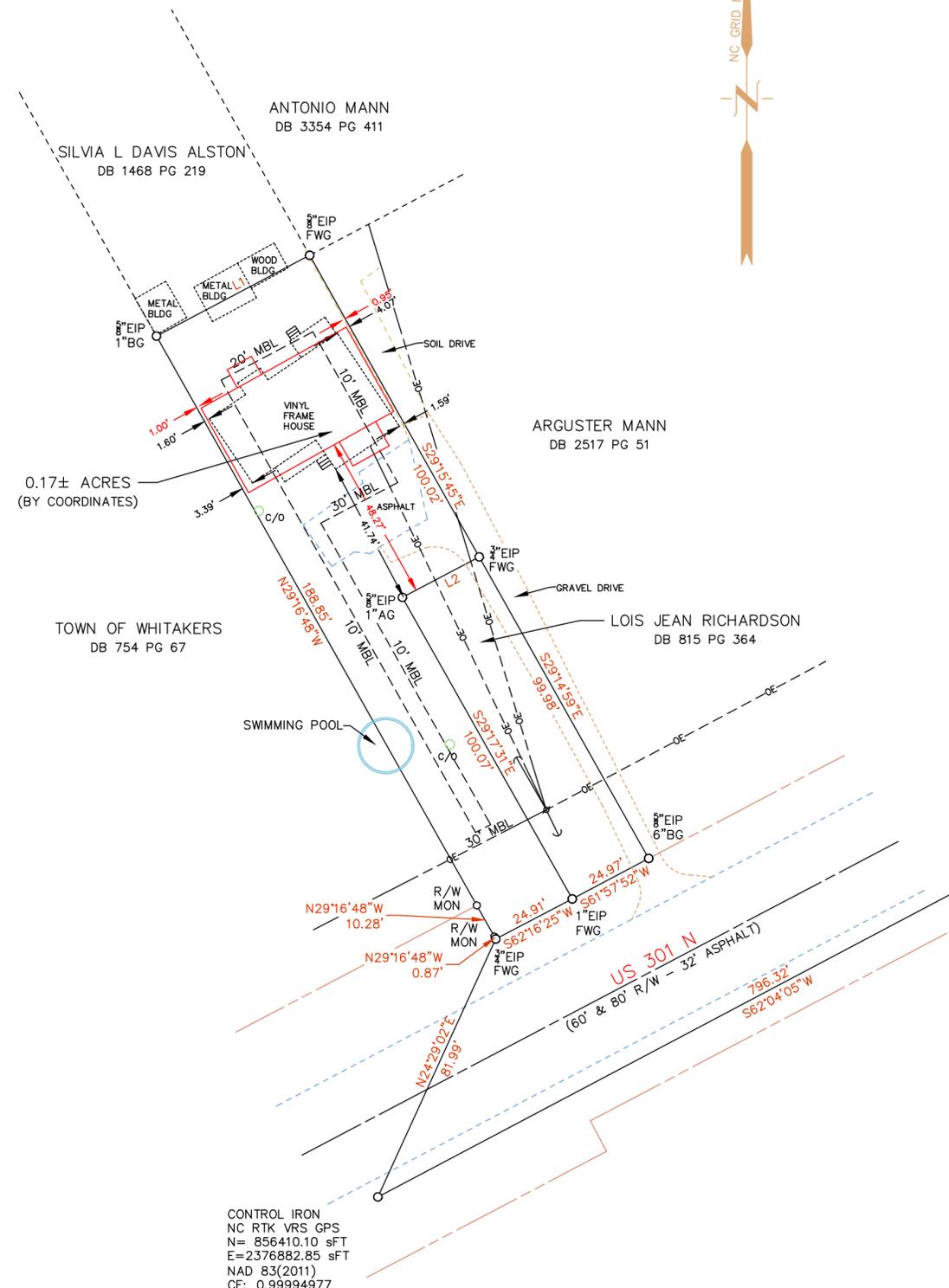
REVISIONS		
NO.	DATE	DESCRIPTION

FOR GEODETIC TIE PORTION

I, SIMON R. COX, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of Survey: A
- (2) Positional Accuracy: 0.02+- METERS
- (3) Type of GPS Field Procedure: RTK
- (4) Dates of Survey: OCTOBER 12, 2025
- (5) Datum/Epoch: NAD83(2011)
- (6) Published/Fixed-Control Use: NC VRS NETWORK
- (7) Geoid Model: 18
- (8) Combined Grid Factor(s): 0.99994977
- (9) Units: US SURVEY FEET

SIMON R. COX
L-4215



CONTROL IRON
NC RTK VRS GPS
N= 856783.09 sFT
E=2377586.37 sFT
NAD 83(2011)

CONTROL IRON
NC RTK VRS GPS
N= 856410.10 sFT
E=2376882.85 sFT
NAD 83(2011)
CF: 0.99994977

I, SIMON R. COX,
Professional Land Surveyor No. L-4215,
certify that the survey is of an existing
parcel or parcels of land or one
or more existing easements and does not
create a new street or change an
existing street.

SIMON R. COX
L-4215



I, SIMON R. COX,
certify that this plat was drawn under
my supervision from an actual survey
made under my supervision (deed
description recorded in Book 1307,
Page 405, etc.) (other); that the
boundaries not surveyed are clearly
indicated as drawn from information
found in Book N/A, Page N/A;
that the ratio of precision or positional
accuracy as calculated is 1:10000+-;
that this plat was prepared in
accordance with G.S. 47-30 as
amended. Witness my original signature,
license number and seal this 12TH day
of OCTOBER, A.D., 2025.

SIMON R. COX
L-4215



Surveyed by : TDS
Drawn by : SRC

SURVEY
FOR
NASH COUNTY
2023 CDBG-NR PROJECT
9958 US 301 NORTH
BEING ALL OF THE PHYLLIS A. WEST TRACT
DEED BOOK 1307 PAGE 405
WHITAKERS TOWNSHIP, NASH COUNTY
NORTH CAROLINA
OCTOBER 12, 2025



McDAVID ASSOCIATES, INC.
Engineers • Planners • Land Surveyors
3714 North Main Street, Farmville, NC 27828
Telephone: (252) 753-2139
Corporate License No. C-131

Drawing: W:\084x\gen\US 301\0847_L1D\2023-0322-8029 Nash Co 23 9958 US 301 N Plot Plan Red Line.dwg
 Plotted: 9:55:53 AM
 Date: Thursday, February 12, 2026, 11:12:37am