

**MINUTES OF THE
NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING
HELD MONDAY, FEBRUARY 23, 2026 AT 6:00 P.M.
COMMISSIONERS ROOM – THIRD FLOOR
NASH COUNTY ADMINISTRATION BUILDING
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Emanuel Shell, Regular Member, Chairman
Charles Rose, Jr., Regular Member
Shawn Lucas, Regular Member
Alton Richardson, Alternate Member #2

BOARD MEMBERS ABSENT

Rodney Hough, Regular Member, Vice-Chairman
Benton Moss, Regular Member
David Ashman, Alternate Member #1

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

Daniel Boykin
Keith Dickinson
Jordan Kearney
Milton Pittman
Debra Taylor

1. Call to Order.

Chairman Shell called the meeting to order at 6:03 p.m.

2. Determination of a Quorum.

Chairman Shell 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 Chairman Shell, Mr. Rose, Mr. Lucas, and Mr. Richardson.

4. Approval of Meeting Minutes.

Chairman Shell asked for any revisions or corrections to the draft minutes of the November 24, 2025 regular meeting. None were offered.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Richardson, to adopt the minutes of the November 24, 2025 regular meeting as submitted.

The motion was unanimously carried.

BOARD ACTION: Mr. Rose offered a motion, which was duly seconded by Mr. Lucas, to open the public hearing on both Variance Request V-260201 and Variance Request V-260202.

The motion was unanimously carried.

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.

Mr. Tyson presented the staff report and supplemental materials related to Variance Request V-260201 as submitted to the Board in the February 23, 2026 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.

At the request of Mr. Tyson, Chairman Shell 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-260201.

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

Mr. Daniel Boykin, the applicant, was sworn in by Chairman Shell to provide testimony under oath during the public hearing.

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

Mr. Boykin confirmed that it was.

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

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Richardson, to adopt the following findings of fact:

Findings of Fact:

- (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.

The motion was unanimously carried.

BOARD ACTION: Mr. Richardson offered a motion, which was duly seconded by Mr. Rose, to adopt the following conclusions 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 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).

The motion was unanimously carried.

BOARD ACTION: Mr. Rose offered a motion, which was duly seconded by Chairman Shell, to approve 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.

The motion was unanimously carried.

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.

Mr. Tyson presented the staff report and supplemental materials related to Variance Request V-260202 as submitted to the Board in the February 23, 2026 Nash County Board of Adjustment agenda packet including the proposed findings of fact and the proposed supporting conclusions.

At the request of Mr. Tyson, Chairman Shell 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-260202.

Mr. Jordan Kearney, representing the applicant, was sworn in by Chairman Shell to provide testimony under oath during the public hearing.

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

Mr. Kearney confirmed that it was.

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

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Chairman Shell, to adopt the following findings of fact:

Findings of Fact:

- (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.

The motion was unanimously carried.

BOARD ACTION: Mr. Richardson offered a motion, which was duly seconded by Chairman Shell, to adopt the following conclusions 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 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.

The motion was unanimously carried.

BOARD ACTION: Mr. Lucas offered a motion, which was duly seconded by Mr. Richardson, to approve 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.

The motion was unanimously carried.

BOARD ACTION: Mr. Rose offered a motion, which was duly seconded by Mr. Lucas, to close the public hearing on both Variance Request V-260201 and Variance Request V-260202.

The motion was unanimously carried.

7. Adjournment.

There being no further business, Chairman Shell adjourned the meeting at 6:40 p.m.