



**NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING**

MONDAY, MARCH 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
February 23, 2026 Regular Meeting Minutes
- 5. Quasi-Judicial Public Hearing on Variance Request V-260203.**
Made by Paula Fox at 3829 Red Rd, Nashville to reduce the front property line minimum building setback requirement to permit the demolition and replacement of the existing dwelling with a new double-wide manufactured home.
 - 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-260301.**
Made by Dennis E. Mills, Sr. at 1480 Womble Rd, Nashville to reduce the rear property line minimum building setback requirement to permit a recently constructed detached residential accessory building to remain in its current location.
 - 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.**

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-260203: Variance Request
Property Owner / Applicant: Paula Fox
Location: 3829 Red Rd, Nashville, NC 27856
Tax ID #: PIN 380200587810 / Parcel ID # 005735
Zoning District: A1: Agricultural
Variance Description: Reduction of Front 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: Mar. 11, 2026
Posted at the Subject Property: Mar. 12, 2026

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

- (1) The subject property is an approximately 0.49-acre lot located at 3829 Red Rd, Nashville, NC 27856 as depicted on the survey map prepared by McDavid Associates, Inc., dated November 13, 2025, and submitted for this request. The property is further identified as Nash County Tax Map PIN 380200587810 and Parcel ID # 005735.
- (2) The subject property was acquired by Sadie A. Sessoms in April of 1996 per the general warranty deed recorded in Deed Book 1523 Pages 568-569 of the Nash County Registry and, upon Ms. Sessoms' passing, it was inherited by her daughter, Paula Fox, the current property owner.
- (3) The subject property is located within the A1: Agricultural 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 21,344 square feet – does not conform to the current 40,000-square foot minimum lot area requirement of this A1 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 – 39.04 feet from the front property line – does not conform to the current 50-foot front property line minimum building setback requirement of this A1 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 new 26-foot by 58-foot double-wide manufactured home.
- (8) The proposed double-wide manufactured home cannot be located on the lot in compliance with the standard 50-foot front property line minimum building setback requirement without compromising the existing gravel driveway and parking area as well as the onsite septic system located on the subject property behind the existing dwelling.
- (9) Therefore, the property owner has submitted Variance Request V-260203 to reduce the standard 50-foot front property line minimum building setback requirement to approximately 38 feet in order to permit the replacement of the existing dwelling with the proposed new manufactured home.
- (10) On March 23, 2026, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-260203.
- (11) Notice of the public hearing was sent by first class mail on March 11, 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 600 feet of the subject property. Notice was also posted prominently in front of the subject property on March 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 50-foot front property line minimum building setback requirement because the replacement of the existing dwelling in compliance with that requirement would compromise the existing gravel driveway and parking area as well as the onsite septic system located on the subject property behind the existing dwelling.
- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the existing dwelling's status as a "nonconforming structure" due to its location on the lot only 39.04 feet from the front property line as well as the locations of the existing gravel driveway, parking area, and onsite septic system.
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because the owner inherited the subject property with the existing dwelling, gravel driveway, parking area, and onsite septic system already established in their current locations.
- (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 dwelling with a new home of comparable size in the same general location with

only a small reduction – approximately 0.14 feet – in the distance between the home and the front property line.

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-260203 to reduce the standard front property line minimum building setback requirement from 50 feet to approximately 38 feet in order to permit the replacement of the existing dwelling located at 3829 Red Rd, Nashville with a new manufactured home and with the noted exception of the proposed 5-foot by 8-foot front porch with steps, which may encroach within the adjusted front minimum building setback area.

**Variance Request V-260203
Property of Paula Fox
Aerial Map**

**Request to Reduce
Front Building
Setback Distance
From 50' to Approx. 38'**

Red Rd

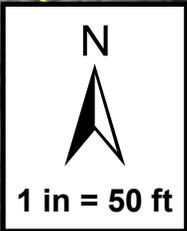
3867

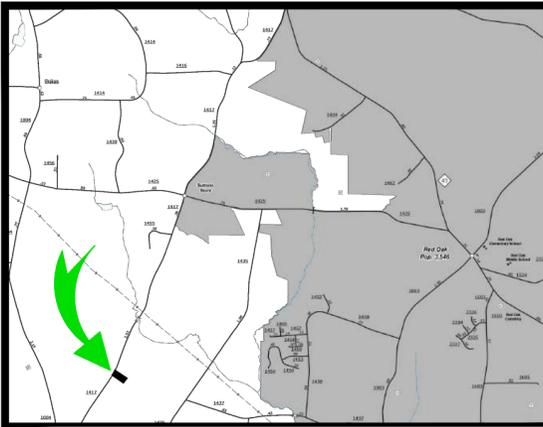
3849

3829

3809

3797





CENTROID: N= 828900
E=2305800

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 3720380200K DATED 6-18-2013.

NOTE: PROPERTY IS ZONED A-1 SETBACKS:

FRONT=50'
REAR=30'
SIDE =15'

CONTROL IRON
NC RTK VRS GPS
N= 830959.21 sFT
E=2306505.59 sFT
NAD 83(2011)

CONTROL IRON
NC RTK VRS GPS
N= 828963.78 sFT
E=2305706.93 sFT
NAD 83(2011)
CF: 0.99997209



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: NOVEMBER 13, 2025
 (5) Datum/Epoch: NAD83(2011)
 (6) Published/Fixed-Control Use: NC VRS NETWORK
 (7) Geoid Model: 18
 (8) Combined Grid Factor(s): 0.99997209
 (9) Units: US SURVEY FEET

SIMON R. COX
L-4215

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
- EMN = EXISTING MAGNETIC MASONRY 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

NCSR 1410 - RED ROAD
(60' R/W - 21' ASPHALT)

SAMUEL RAY RICHARDSON
DB 1057 PG 401

COLUMBUS LEON BATTLE
DB 1903 PG 768
MB 16 PG 502

COLUMBUS LEON BATTLE
DB 1903 PG 768
MB 16 PG 502

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 1523, Page 568, 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 13TH day of NOVEMBER, A.D., 2025.

SIMON R. COX
L-4215

Surveyed by : TDS
Drawn by : SRC



SURVEY FOR
NASH COUNTY
2023 CDBG-NR PROJECT
3829 RED ROAD
BEING ALL OF THE SADIE A. SESSOMS TRACT
DEED BOOK 1523 PAGE 568
NASHVILLE TOWNSHIP, NASH COUNTY
NORTH CAROLINA
NOVEMBER 13, 2025



McDAVID ASSOCIATES, INC.

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

NASH COUNTY BOARD OF ADJUSTMENT
VARIANCE REQUEST – STAFF REPORT

File Number: V-260301: Variance Request
Property Owner / Applicant: Dennis E. Mills, Sr. & Cynthia N. Mills
Location: 1480 Womble Rd, Nashville, NC 27856
Tax ID #: PIN 380100781424 / Parcel ID # 037235
Zoning District: A1: Agricultural
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: Mar. 11, 2026
Posted at the Subject Property: Mar. 12, 2026

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

- (1) The subject property is a 0.69-acre lot located at 1480 Womble Road, Nashville, NC 27856 as depicted on the survey map recorded in Plat Book 30 Page 106 of the Nash County Registry and which is further identified as Lot 29 of the Cottonwood Phase 2 Section One Subdivision as well as Nash County Tax Map PIN 380100781424 and Parcel ID # 037235.
- (2) The subject property was acquired by Dennis E. Mills, Sr. and wife, Cynthia N. Mills in September of 2004 per the general warranty deed recorded in Deed Book 2082 Pages 12-13 of the Nash County Registry.
- (3) A single-family dwelling was constructed and completed on the subject property in 2004 per the Nash County Tax Record.
- (4) The drain lines of the onsite septic system serving the dwelling are located on the western / rear side of the subject property per Nash County Wastewater Permit # 25338C completed in February 2004. Nash County Wastewater Repair Permit # 28335C was completed in July 2005 to abandon the initial septic lines and add three new septic lines further into the rear of the property.
- (5) On February 27, 2026, Mr. Mills visited the Planning & Inspections office and submitted an application for an Electrical Permit # P-26-836 for a “new service for a new construction building.” Through conversation with Planning & Inspections staff, it was discovered that a thirty-foot (30’) by thirty-foot (30’) – 900 square foot – detached residential accessory building was constructed by “Precision Metals” on the subject property without the issuance of a building permit. Mr. Mills stated that he was misled by “Precision Metals” and

was told that all necessary permits had been obtained. Later that same day, Senior Planner Aaron Chalker visited the subject property and confirmed that the existing 900 square foot structure encroached the rear property line minimum building setback.

- (6) The subject property is located within the A1: Agricultural 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) The existing building currently encroaches approximately 16 feet into the required 30-foot rear property line minimum building setback distance at its closest point.
- (9) Therefore, the property owner has submitted Variance Request V-260301 to reduce this standard rear property line minimum building setback requirement from thirty feet (30') to approximately fourteen feet (14') to allow the existing nine hundred square foot (900 sq ft) detached residential accessory building to remain in its current location on the subject property.
- (10) On March 23, 2026, the Nash County Board of Adjustment held a quasi-judicial public hearing on Variance Request V-260301.
- (11) Notice of the public hearing was sent by first class mail on March 11, 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 March 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 it would require the applicant to either remove an approximately 16' x 30' section (over one-half) of the existing detached accessory structure or relocate the entire structure, which is built on a concrete slab, completely outside of the rear setback area, which could potentially impact the existing onsite septic system and its related repair area on the subject property. Note that the septic system on the subject property has already been repaired once in 2005 and allowing the structure to remain in its current location will reserve more land area for septic system repairs in the future, if necessary.

- (2) The applicant has demonstrated that the hardship results from conditions that are peculiar to the subject property, specifically the location of the repaired septic system further into the rear of the property than was originally installed, and the fact that this lot is a legal nonconformity in the A1 Zoning District with an area of 30,077 square feet versus the minimum 40,000 square feet that is required by the current Unified Development Ordinance (UDO).
- (3) The applicant has demonstrated that the hardship did not result from actions taken by the applicant or the property owner because the property owner hired "Precision Metals" who erected the building without any permits and misled the property owner to believe that all necessary permits were acquired. Additionally, the repair of the septic system, which occurred in 2005 shortly after the completion of the single-family dwelling on the property, significantly decreased the buildable area of the back yard.
- (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 most applicable when a rear property line is dividing two immediately adjacent residential back yards; however, this particular subject property is located immediately adjacent at its rear property line to an approximately 115.51-acre undeveloped tract of land that is encumbered by a large area of 100-Year Flood Hazard and the presence of Pig Basket Creek and its tributaries. The rear property line of the subject property is also adjacent to a drainage swale that is identified as a 15' Drainage & Utility Easement on Lot 26 (174 Ash Lily Ct) of the Cottonwood Phase 3 Section One Subdivision recorded in Plat Book 31 Page 188 in the Nash County Registry. Furthermore, the adjusted fourteen-foot (14') rear property line minimum building setback distance is still almost triple 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.
-

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-260301 to reduce the standard rear property line minimum building setback requirement from thirty feet (30') to approximately fourteen feet (14') to allow the existing nine hundred square foot (900 sq ft) detached residential accessory building to remain in its current location on the subject property.

Variance Request V-260301: Site Plan
Property of Dennis E. Mills, Sr. & Cynthia N. Mills
1480 Womble Rd, Nashville, NC 27856

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

**Request to
Reduce Rear
Building
Setback
From 30'
to Approx. 14'**

