December 1, 2025

The Washington County Board of Commissioners met in a regular meeting on Monday, December 1, 2025, at 6:00 PM in the Commissioners' Room, 116 Adams Street, Plymouth, NC. Commissioners Tracey A. Johnson, Ann C. Keyes, Carol V. Phelps, John C. Spruill and Julius Walker, Jr. Also in attendance were County Manager/County Attorney Curtis S. Potter, Assistant County Manager Jason Squires, Clerk to the Board Julie J. Bennett and County Finance Officer Missy Dixon.

Current Board Chair, Commissioner Phelps called the December 1, 2025 meeting to order. Chair Phelps spoke to the citizens who attended the meeting and said he appreciated them attending the meetings. He thanked the Commissioners and County staff for taking care of him and gave a few more comments.

ELECTION OF CHAIR: Current Chair Phelps called for nominations for a new Chair of the Washington County Board of Commissioners for 2025-2026.

Commissioner Walker made a motion to nominate Commissioner Spruill as Chair. Commissioner Keyes seconded. There were no other nominations. Current Chair Phelps called for the vote on the motion for Commissioner Spruill to be the Chair for 2025-2026; motion carried unanimously.

Current Chair Phelps handed over the gavel and congratulated Commissioner Spruill as the Chair for 2025-2026. Chair Spruill presided over the remainder of the meeting.
He thanked the Commissioners for their vote of confidence.

ELECTION OF VICE-CHAIR: Chair Spruill called for nominations for Vice-Chair of the Washington County Board of Commissioners for 2025-2026.

Commissioner Keyes made a motion to nominate Commissioner Johnson as Vice-Chair. Commissioner Phelps seconded. There were no other nominations. Chair Spruill called for the vote on the motion for Commissioner Johnson to be the Vice-Chair for 2025-2026; motion carried unanimously.

Commissioner Walker gave the invocation. Commissioner Keyes led the pledge of allegiance.

ADDITIONS/DELETIONS: None.

Commissioner Phelps made a motion to approve tonight's agenda. Commissioner Keyes seconded; motion carried unanimously.

CONSENT AGENDA:
Items listed under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

a) Approval of Meeting Minutes for November 3, 2025

b) Tax Refunds, Releases & Insolvents
c) 2026 County Commissioners' Regular Meeting Schedule
d) 2026 County Holiday Schedule
e) RESO 2025-030 Interlocal Agreement & Contract with Mid-East Commission for Planning/Zoning Services
f) FY2026-27 Budget Calendar
g) DSS Annual Report for the Community Child Protection Team
h) MTW Annual Report for the Child Fatality Protection Team
i) RESO 2025-029 Awarding Sheriff Johnny Barnes his Service Pistol
j) RESO 2025-031 Annual Review, Renewal, and Updating of Bonds for Various WC Officials
k) Revised Planning Department Position
l) 2nd Judicial District – Drug Recovery Court Coordinator Position for FY26 (**2nd Half**)

Commissioner Keyes made a motion to approve the Consent Agenda. Commissioner Phelps seconded; motion carried unanimously.

PUBLIC FORUM: Ms. Sandra Floyd, Roper spoke about the Animal Shelter. She stated that the Shelter received 11 violations in August of this year. She said this is not the first time the Shelter has been given violations. She has volunteered at the Shelter for years. She questioned if an independent service be contacted to help. She feels the Shelter has been mismanaged. The animals are suffering. She said she feels it's the least concern of the Sheriff's Dept. and it is a very sad state of things. She would like something good to be done there. Maybe see a written list of where the money is going? Chair Spruill thanked her for bringing her concerns to the Board.

EMPLOYEE OF THE QUARTER: Chair Spruill read the nominations that were sent in.

"Well, something has happened for the first time with our Employee of the Quarter Program—we have a tie!! We will honor two employees this month.

The first Employee of the Quarter for December started with the County part-time in 2016 and full-time on December 16, 2023. This employee received TWO nominations. Her first nomination stated she is a good team player and will go above and beyond for her coworkers and taxpayers. She has also completed the Property Tax Listing and Assessing/Fundamentals of Property Tax Collection.

Her second nomination also stated that this employee has been a team player from day one and is always willing to step up and take on any extra work thrown her way. She is very knowledgeable and helpful to not only the taxpayers but the office staff as well. She is a hard worker and a joy to work with.

Please join me in congratulating our Employee of the Quarter for December, Ms. Jerrian Arnold, Tax Department Property Tax Clerk!

Now, onto our second Employee of the Quarter for December. She started with the County through a temp agency. After several months in this role, it became clear that she brought extensive knowledge and valuable experience to our team. She arrived during a challenging period, when the department had been operating with only one clerk for four months, and immediately demonstrated her readiness to contribute. While quickly learning the complexities

of the position, she helped eliminate a backlog of filing and brought much-needed organization to the office.

Recognizing her contributions, Washington County hired her as a full-time employee on July 16, 2025. Since then, she has worked diligently to learn every aspect of her position. She consistently coordinates with eh Utility Field office to ensure work orders progress smoothly and that customers receive timely feedback. Her background in Customer Service Management has proven invaluable enabling her to handle customer concerns constructively to deescalate challenging situations with professionalism.

Through her dedication, she has not only restored efficiency but has also strengthened the overall operations of the department.

Please congratulate our December Employee of the Quarter, Ms. Darlene Keech, Finance/Water Dept. Utility Billing/AR Clerk!"

TAX/REVAL UPDATE/KEYSTONE UPDATE: Ms. Sherri Wilkins, Tax Administrator was under the weather, so Mr. Potter spoke to the Board on these topics. He said there was a Project Update meeting scheduled with Keystone tomorrow. The last meeting still had us scheduled to go live in February. He will share any updates with the Board after the meeting tomorrow On the reval, the County is working with Mr. Gary Piner. We are not under contract yet, but we will be soon. He is looking at quotes for those services to use as a comparison to what Mr. Piner is requesting.

QUASI-JUDICIAL PUBLIC HEARING ON VARIANCE APPLICATION OF MS. MARSHA GRIFFIN: Ms. Julie J. Bennett, Clerk the Board swore in the Commissioners as the Board of Adjustment.

Commissioner Keyes made a motion to convene as the Board of Adjustment. Commissioner Phelps seconded; motion carried unanimously.

Commissioner Walker made a motion to open the quasi-judicial hearing. Commissioner Keyes seconded; motion carried unanimously.

Mr. Potter went over the procedures for this quasi-judicial hearing below.

Procedures for Quasi-Judicial Hearing for

Variance:

I. **MOTION** to go into a quasi-judicial public hearing on the following case:

VARIANCE APPLICATION **filed by Marsha Griffin (Applicant) on behalf of Charles & Janie Griffin (Owners) on *10/12/2025* seeking a Variance pursuant to Article 3A, R-A, Rural Area Single Family Detached Residential District, Section F, Yard and Height Standards for Rural Area Development, Subsection b.ii. of the Washington County Zoning Ordinance (WCZO) to: placing a garage on their property with a setback of 5 feet that does not meet the side yard setback of 15 feet.**

II. **INSTRUCTION RE QUASI-JUDICIAL PROCEDURE** (Attorney/Planning Director)

A. Quasi-judicial proceedings are different from other public hearings in that not everyone has the general right to present evidence before this Board and to become a party to this proceeding.
   1. A Quasi-judicial proceeding is much like a court proceeding where an individual's rights and interests are being decided under specific procedural rules.
   2. Parties to this case have the right to present evidence and may be permitted to cross-examine witnesses. Only those who can demonstrate that they will be affected by the outcome of the hearing may become parties. After a description of the person's interest in this case, the Board will determine whether they will be allowed to present evidence as a party. Please note, you do not have to be a party to testify if someone who is a party calls you as a subject matter expert or witness. All parties and witnesses who intend to present evidence or testify before this Board must be sworn in.
   3. The burden of proof lies with the Applicant to prove that the circumstances and evidence of the case meet the legal standards to provide a variance.
   4. Except where otherwise stated, the extent to which the official NC Rules of Evidence used in court are applied in such hearings is up to the board's discretion.

B. Quasi-judicial hearings by law must adhere to certain procedures/legal standards. To that end, please consider the following:
   1. The Board should base its decisions only on the evidence actually presented, including any testimony given under oath or affirmation by any parties or witnesses called by a party.
   2. Testimony should be limited to facts relevant to the application and applicable legal standards and should be based on what the testifying party personally witnessed or knows and not on hearsay or speculation.
   3. If permitted by the board, parties may cross-examine each testifying party or witness after their testimony if there are any questions. Cross-examination should be limited to the matters testified about during the original testimony.
   4. If you want the Board to see and consider written evidence such as reports,

maps, photos, or other exhibits, the witness most familiar with that evidence should be asked to explain it and the party seeking to have it included as evidence should specifically request that the board do so at the end of relevant testimony about it, or otherwise before resting their case.

5. In order for any testimony to be considered as evidence used in making a final decision, it should only be given by persons actually in attendance at the meeting and otherwise should be considered and treated as hearsay.

III. **INSTRUCTION RE SPECIFIC WCZO REVIEW STANDARDS**: (Attorney/Planning director)

A. NCGS 160D-705 (d) governs Variances and reads in relevant part as follows: ***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 uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

B. WCZO Article 10(G) Powers of Board of Adjustment: Variances... provides as follows:

1. **Variances: The Board may consider and grant a variance to the application of this Ordinance which cannot be otherwise granted by the Planning Board or Board of Commissioners in situations where due to the characteristics of the property under consideration an unnecessary hardship on the applicant will be created, and where the spirit of the Ordinance can be otherwise maintained. The Board**

may authorize upon appeal or original application in specific cases a variance from the application of the strict terms of this Ordinance, provided that such variance will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and that substantial justice done as hereinafter specified. No variance may be granted except after a public hearing in accordance with this Ordinance.

C. WCZO Article 10(H) Variances: provides in relevant part:

1. The Board shall have the power in specific cases to grant a variance from the application of the strict application of the terms of this Ordinance under the following provisions:
   a. When a property owner can show that his property was acquired in good faith.
   b. Where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
   c. The variance will not be contrary to the public interest.
   d. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or building in the same district.
   e. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
   f. That the special conditions and circumstances do not result from the actions of the applicant.
   g. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordnance to other land, structures or buildings in the same district.

2. No such variance shall be authorized by the Board unless it finds:

a. That the strict application of the Ordinance would produce undue hardship.
b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance.
d. That the condition or situation of the subject property is not of so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

3. Unauthorized variances:
   a. No variance shall be authorized that would result in an increase in the density or dwelling unit count not otherwise permitted in by the applicable zoning district regulations.
   b. No variance shall be authorized that would permit the establishment of any new use not otherwise permitted in the zoning district under the provisions of this Ordinance.
   c. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in a floodplain.
   d. No such variance shall be authorized except after a public hearing in accordance with this article.

4. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or performance bond to ensure that the conditions imposed are being and will continue to be complied with.

5. After the Board has approved a variance, the variance so approved or granted shall lapse after one year period or such longer period of time as may be approved for "good cause": by the Board, provided that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

IV. **SPECIFIC WCZO PROVISIONS RELEVANT TO VARIANCE APPLICATION:** (Attorney/Planning director)

A. **WCZO 3A, Rural Areas Single Family Residential District** is attached for your reference, with certain excerpts of relevant portions **Section F, Subsection b.ii** pasted below for convenience:

1. Article 3A (F).(b).(ii), ***Yard and Height Standards for Rural Area Development:***

b. Minimum yard requirements
a. Front yard setback 35 feet
b. Side yard setback 15 feet
c. Rear yard setback 10 feet

I. **BOARD CONFLICTS OF INTEREST:** (Attorney or designated Speaker)

It is also important that the members of the Board of Adjustment consider and make sure that they do not have any conflicts of interest with serving as a member of the decision-making body for purposes of hearing and ruling on this particular case. Therefore, the following questions should be considered by each member and any potential conflicts should be voiced, discussed, and resolved if possible or otherwise result in recusal of any member with such a conflict by the other members of the Board.

A. ***does any member of this body have any interest in the property or the application, or do they own property in close proximity to the subject property;***
B. ***does any member of this body stand to gain or lose any financial benefit as a result of the outcome of this hearing;***
C. ***does any member of this body feel they cannot hear and consider the application in a fair and objective manner;***
D. ***has any member of this body engaged in any ex parte communications with either proponents or opponents of the application, and, if so, I ask you to place on the record the substance of any such communications so that interested parties have the opportunity at this hearing to rebut the communications.***
E. ***Are there any members of the audience who wish to challenge on appearance of fairness grounds participation in the matter by any member of Council, including the reasons for the request?***

II. **PARTY IDENTIFICATION/WITNESSES/OATH:** (Board Clerk)

At this time, we will identify and swear in or affirm all of the parties and witnesses.

A. **Call for and ID Parties- name, address, for/against applicant**
B. **Call for and ID Witnesses- name, address, for/against applicant**
C. All parties and witnesses should now stand and/or come forward to be sworn in or to affirm the truth of their testimony *[Administer the oath to all those who may testify, as a group] If anyone refuses to be sworn (or affirm), then inform them their statements must not be treated as evidence on which to base a decision, but merely as arguments]*

III. **PRESENTATION OF CASE/EVIDENCE:**

A. County Staff Presentation of Case: ***County Planning Department staff please come forward and describe the application being considered; and share the facts gathered and recommendation provided by staff and/or the Planning Board re the application.***

--Letter from Planning Director noting non-compliance of setback according to the Zoning Ordinance (attached)
--Application for Variance dated 10/12/2025 (attached)
--3 photos of property and garage by the Applicant along with 3 letters from neighbors citing no issues granting the requested variance (attached)

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

B. Applicant: ***The applicant may come forward at this time and present their testimony and evidence to support the application if so desired. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***
   - ***[Commissioners should ask questions at this time]***
   - [Cross Examination if applicable]

C. Other Legitimate Parties with Material Interest in the Case: (if applicable) ***may come forward at this time and present their testimony and evidence to support or oppose the application if so desired at this time. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***
   - ***[Commissioners should ask questions at this time]***
   - [Cross Examination if applicable]

D. Closing Statements and/or Rebuttals: Are there any closing statements or any last rebuttal comments from:
   1. Staff
   2. Applicant
   3. Other Legitimate Parties

E. Final Board Q&A: Are there any final questions from the Board for any of the parties before beginning deliberations on a decision?

IV. **DELIBERATION & DECISION**: The Board of Adjustment shall approve the variance application, with a ***four-fifths 4/5 majority*** vote.

FIRST – Review	**Review the applicable specific legal standard(s) again particularly those in 160D**
SECOND – Identify Most Relevant Facts to Decision	Collectively identify which facts or specific items of evidence (including testimony or documents) were most important to determining whether the proposed special use of property meets the applicable legal standard(s). [Specific facts/evidence which impacted your decision should be itemized and described briefly below] - - - - -
THIRD – Identify and carefully describe any conditions to be applied	Collectively discuss whether any special conditions upon the proposed use of the property should be required to meet or better satisfy the applicable legal standard(s). [Specific conditions, if any, should be itemized and described briefly below] - -
FOURTH - VOTE	Only after careful and deliberate consideration of all the relevant facts and evidence presented in this matter, and only if you believe that the Applicant meets ALL OF THE APPLICABLE LEGAL STANDARDS (including without limitation those under 160D-705(d) (or would do so under any specific conditions to be imposed: MOVE TO APPROVE THE VARIANCE (and include in your motion any specific conditions to be imposed)

ORDER - Unless otherwise directed by the Board: Upon an affirmative vote of a four-fifths 4/5 majority of the Board of Adjustment, the Clerk to the Board of Commissioners (sitting as the Board of Adjustment) shall prepare a draft Order within two (2) business days reflecting the relevant findings of fact, conclusions of law, and final decision of the Board in this matter which shall be circulated to the Board via email.
- Unless a majority of the Board of Adjustment notifies the Board Chair within two (2) business days after the draft Order is circulated by email by the Clerk that a special meeting is requested to discuss the contents of the Order, the Clerk to the Board shall certify the draft Order as the Final Order of the Board of Adjustment and enter it in the Board's records as such, and shall provide notice thereof to all parties as required by applicable law.
- If any vote fails or is not otherwise made, the Clerk shall provide all parties with notice thereof within two (2) business days.

V. **MOTION TO ADJOURN THE QUASI-JUDICIAL PUBLIC HEARING**

Mr. Potter asked were there any conflicts of interest. There were none from the Board and none from the audience.

Ms. Bennett, Clerk to the Board asked if anyone was here to speak on behalf of the Variance Application. Ms. Marsha Griffin & Mr. Charles Griffin stated they were. There was no one present in opposition.

Ms. Bennett swore in Mr. & Mrs. Griffin & Mr. Allen Pittman (Planning/ Inspections Director).

Mr. Pittman read his statement to the Board.

Mr. Potter asked if Ms. Griffin had any comments. Ms. Griffin said Mr. Pittman covered everything well. Ms. Griffin said she has spoken with all of her neighbors and they have all signed letters that they do not oppose this. They will be consolidating buildings (& removing one) and their property will have a cleaner appearance.

Mr. Pittman stated the Planning staff's recommendations below.

Planning Staff recommends **approval with the following conditions** of the variance request for **567 Breezy Banks Road, Roper, NC** to allow a residential accessory garage to encroach into the required side setback:

1. The garage shall be used for personal residential purposes only and shall not be used for commercial business operations.
2. The structure shall be constructed in accordance with applicable North Carolina Building Code and all development permits issued by Washington County.
3. Roof runoff and drainage shall be directed to prevent discharge onto adjacent properties.
4. No portion of the structure may extend beyond the setback reduction approved by the Board of Adjustment.

With these conditions, the request remains compatible with surrounding development patterns, supports reasonable use of the property, and minimizes the potential for adverse impacts on neighboring parcels.

Commissioner Keyes said she appreciates that Ms. Griffin reached out to her neighbors and plans to relocate permanently to Washington Co.

Commissioner Keyes made a motion to approve the Variance Application for Ms. Marsha Griffin to place a garage on her property with a setback of 5 feet along with the additional conditions mentioned above. Commissioner Phelps seconded; motion carried unanimously.

Commissioner Johnson made a motion to close the Quasi-Judicial Hearing. Commissioner Phelps seconded; motion carried unanimously.

[The supporting documents will be attached hereto and incorporated herein by reference and will be made part of these minutes.]

QUASI-JUDICIAL PUBLIC HEARING ON VARIANCE APPLICATION OF MR. NOAH BONDS:

Commissioner Walker made a motion to open the quasi-judicial hearing. Commissioner Keyes seconded; motion carried unanimously.

Mr. Potter went over the Variance Application submitted by Mr. Noah Bonds. The procedures he went over earlier remain the same.

Procedures for Quasi-Judicial Hearing for

Variance:

I. **MOTION** to go into a quasi-judicial public hearing on the following case:

VARIANCE APPLICATION **filed by Noah Ray Bonds (Applicant) on behalf of Noah Ray Bonds & Mary Bonds (Owners) on *10/14/2025* seeking a Variance pursuant to Article 2, General Regulations, Section E, Conforming Use, Section F Nonconforming Use, Section G, One Principal Building and Article 6, Nonconforming Uses, Section A, Subsection 2, Section B, Subsection 2, Section C, Subsections 1, 2, & 5, Section D, Subsection 1.b.2 & 3 of the Washington County Zoning Ordinance (WCZO) to: remove an existing structure and replace it with a new structure that does not meet the nonconforming lot or the front yard setback requirement of 20 feet and side yard setback of 8 feet.**

II. **INSTRUCTION RE QUASI-JUDICIAL PROCEDURE** (Attorney/Planning Director)

A. Quasi-judicial proceedings are different from other public hearings in that not everyone has the general right to present evidence before this Board and to become a party to this proceeding.
   1. A Quasi-judicial proceeding is much like a court proceeding where an individual's rights and interests are being decided under specific procedural rules.
   2. Parties to this case have the right to present evidence and may be permitted to cross-examine witnesses. Only those who can demonstrate that they will be affected by the outcome of the hearing may become parties. After a description of the person's interest in this case, the Board will determine whether they will be allowed to present evidence as a party. Please note, you do not have to be a party to testify if someone who is a party calls you as a subject matter expert or witness. All parties and witnesses who intend to present evidence or testify before this Board must be sworn in.
   3. The burden of proof lies with the Applicant to prove that the circumstances and evidence of the case meet the legal standards to provide a variance.
   4. Except where otherwise stated, the extent to which the official NC Rules of Evidence used in court are applied in such hearings is up to the board's discretion.

B. Quasi-judicial hearings by law must adhere to certain procedures/legal standards. To that end, please consider the following:
   1. The Board should base its decisions only on the evidence actually presented, including any testimony given under oath or affirmation by any parties or witnesses called by a party.
   2. Testimony should be limited to facts relevant to the application and applicable legal standards and should be based on what the testifying party personally witnessed or knows and not on hearsay or speculation.
   3. If permitted by the board, parties may cross-examine each testifying party or

witness after their testimony if there are any questions. Cross-examination should be limited to the matters testified about during the original testimony.

4. If you want the Board to see and consider written evidence such as reports, maps, photos, or other exhibits, the witness most familiar with that evidence should be asked to explain it and the party seeking to have it included as evidence should specifically request that the board do so at the end of relevant testimony about it, or otherwise before resting their case.
5. In order for any testimony to be considered as evidence used in making a final decision, it should only be given by persons actually in attendance at the meeting and otherwise should be considered and treated as hearsay.

III. **INSTRUCTION RE SPECIFIC WCZO REVIEW STANDARDS**: (Attorney/Planning director)

A. NCGS 160D-705 (d) governs Variances and reads in relevant part as follows: ***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 uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

B. WCZO Article 10(G) Powers of Board of Adjustment: Variances... provides as follows:

1. **Variances: The Board may consider and grant a variance to the application of this Ordinance which cannot be otherwise granted by the Planning Board or Board of Commissioners in situations where due to the characteristics of the property**

under consideration an unnecessary hardship on the applicant will be created, and where the spirit of the Ordinance can be otherwise maintained. The Board may authorize upon appeal or original application in specific cases a variance from the application of the strict terms of this Ordinance, provided that such variance will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and that substantial justice done as hereinafter specified. No variance may be granted except after a public hearing in accordance with this Ordinance.

C. WCZO Article 10(H) Variances: provides in relevant part:

1. The Board shall have the power in specific cases to grant a variance from the application of the strict application of the terms of this Ordinance under the following provisions:
   a. When a property owner can show that his property was acquired in good faith.
   b. Where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
   c. The variance will not be contrary to the public interest.
   d. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or building in the same district.
   e. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
   f. That the special conditions and circumstances do not result from the actions of the applicant.
   g. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordnance to other land, structures or buildings in the same district.

2. No such variance shall be authorized by the Board unless it finds:
   a. That the strict application of the Ordinance would produce undue hardship.
   b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
   c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variance.
   d. That the condition or situation of the subject property is not of so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

3. Unauthorized variances:
   a. No variance shall be authorized that would result in an increase in the density or dwelling unit count not otherwise permitted in by the applicable zoning district regulations.
   b. No variance shall be authorized that would permit the establishment of any new use not otherwise permitted in the zoning district under the provisions of this Ordinance.
   c. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in a floodplain.
   d. No such variance shall be authorized except after a public hearing in accordance with this article.

4. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or performance bond to ensure that the conditions imposed are being and will continue to be complied with.

5. After the Board has approved a variance, the variance so approved or granted shall lapse after one year period or such longer period of time as may be approved for "good cause": by the Board, provided that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

IV. **SPECIFIC WCZO PROVISIONS RELEVANT TO VARIANCE APPLICATION:** (Attorney/Planning director)

A. **WCZO Article 2 General Regulations & Article 6 Nonconforming Uses** is attached for your reference, with certain excerpts of relevant portions **Section E., F., & G.1** pasted below for convenience:

WCZO Article 6 Nonconforming Uses is attached for your reference, with certain excerpts of relevant portions **Section A, Subsection 2, Section B, Subsection 2, Section C, Subsections 1, 2, & 5, Section D, Subsection 1.b.2 & 3** pasted below for convenience:

1. Article 2(E): *Conforming Use: Land and structures or the uses of land and structures that conform with the regulations for the district in which it is located may be continued provided that any structural change or alteration or change in use shall conform with the provisions of this Ordinance.*

   Article 2(F): *Nonconforming Use: Land or structures or uses of land and structures that would be prohibited under the regulation for the district in which it is located shall be considered as nonconforming uses. Nonconforming uses or structures shall be allowed to continue under the appropriate provisions spelled out in this Ordinance.*

   Article 3(G): *One Principal Building: No lot shall be occupied by more than one principal building. No portion of a yard, court or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. A residence shall always be considered the principal use of a lot.*

2. Article 6(D)(1): *Nonconforming Uses: Nonconforming Lots*
   Nonconforming Lots Usage of nonconforming lot of record: If a lot was approved on a subdivision plat and duly recorded prior to the effective date of this Ordinance and if such lot met the requirements of the Subdivision Ordinance in effect at the time of recordation, then, such lot may be used for any use permitted under the current zoning district designation even though the lot does not meet the lot area or lot width and depth requirements of the district, provided that all other regulations (including setbacks, yards requirements, density, screening, etc.) of this Ordinance can be satisfied.

   Usage of nonconforming lot of record: Amended November 15, 2010: If a lot was approved on a subdivision plat and duly recorded prior to the effective date of this Ordinance and if such lot met the requirements of the Subdivision Ordinance in effect at the time of recordation, then, such lot may be used for any use permitted under the current zoning district designation even though the lot does not meet the lot area or lot width and depth requirements of the district. However, the following regulations shall apply:

   b. For lots on record as of January 1, 2004, CAMA regulations will apply for waterfront lots, and the following dimensional requirements shall apply:

3. *Lots with 6001 to 10,000 square feet*
   a. *Front yard setback 20 feet*
   b. *Side yard setback 8 feet*
   c. *Rear yard setback 10 feet*

Article 6(D)(3): *Nonconforming Lots: Boundary Line Adjustments:*
Notwithstanding the provisions hereinabove, boundary line adjustments may be permitted between nonconforming lots provided the Planning Coordinator finds the degree of nonconformity is not increased due to such adjustment.

I. **BOARD CONFLICTS OF INTEREST**: (Attorney or designated Speaker)

It is also important that the members of the Board of Adjustment consider and make sure that they do not have any conflicts of interest with serving as a member of the decision-making body for purposes of hearing and ruling on this particular case. Therefore, the following questions should be considered by each member and any potential conflicts should be voiced, discussed, and resolved if possible or otherwise result in recusal of any member with such a conflict by the other members of the Board.

A. *does any member of this body have any interest in the property or the application, or do they own property in close proximity to the subject property;*
B. *does any member of this body stand to gain or lose any financial benefit as a result of the outcome of this hearing;*
C. *does any member of this body feel they cannot hear and consider the application in a fair and objective manner;*
D. *has any member of this body engaged in any ex parte communications with either proponents or opponents of the application, and, if so, I ask you to place on the record the substance of any such communications so that interested parties have the opportunity at this hearing to rebut the communications.*
E. *Are there any members of the audience who wish to challenge on appearance of fairness grounds participation in the matter by any member of Council, including the reasons for the request?*

II. **PARTY IDENTIFICATION/WITNESSES/OATH:** (Board Clerk)

At this time, we will identify and swear in or affirm all of the parties and witnesses.

A. **Call for and ID Parties- name, address, for/against applicant**
B. **Call for and ID Witnesses- name, address, for/against applicant**
C. All parties and witnesses should now stand and/or come forward to be sworn in or to affirm the truth of their testimony *[Administer the oath to all those who may testify, as a group] If anyone refuses to be sworn (or affirm), then inform them their statements must not be treated as evidence on which to base a decision, but merely as arguments]*

III. **PRESENTATION OF CASE/EVIDENCE:**

A. County Staff Presentation of Case: ***County Planning Department staff please come forward and describe the application being considered; and share the facts gathered and recommendation provided by staff and/or the Planning Board re the application.***

--Letter from Planning Director noting non-compliance of setback according to the Zoning Ordinance (attached)
--Application for Variance dated 10-14-2025 (attached)
--1 typed page of explanation by the Applicant along with pictures of structure showing location on property (attached)

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

B. Applicant: ***The applicant may come forward at this time and present their testimony and evidence to support the application if so desired. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

C. Other Legitimate Parties with Material Interest in the Case: (if applicable) ***may come forward at this time and present their testimony and evidence to support or oppose the application if so desired at this time. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

D. Closing Statements and/or Rebuttals: Are there any closing statements or any last rebuttal comments from:

1. Staff
2. Applicant
3. Other Legitimate Parties

E. Final Board Q&A: Are there any final questions from the Board for any of the parties before beginning deliberations on a decision?

III. **PRESENTATION OF CASE/EVIDENCE:**

A. County Staff Presentation of Case: ***County Planning Department staff please come forward and describe the application being considered; and share the facts gathered and recommendation provided by staff and/or the Planning Board re the application.***

--Letter from Planning Director noting non-compliance of setback according to the Zoning Ordinance (attached)
--Application for Variance dated 10-14-2025 (attached)
--1 typed page of explanation by the Applicant along with pictures of structure showing location on property (attached)

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

B. Applicant: ***The applicant may come forward at this time and present their testimony and evidence to support the application if so desired. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

C. Other Legitimate Parties with Material Interest in the Case: (if applicable) ***may come forward at this time and present their testimony and evidence to support or oppose the application if so desired at this time. Any specific written documents, surveys, pictures, or other evidence, and/or any expert witness testimony you would like to have considered should also be clearly identified and presented at this time.***

- ***[Commissioners should ask questions at this time]***
- [Cross Examination if applicable]

D. Closing Statements and/or Rebuttals: Are there any closing statements or any last rebuttal comments from:

1. Staff
2. Applicant
3. Other Legitimate Parties

E. Final Board Q&A: Are there any final questions from the Board for any of the parties before beginning deliberations on a decision?

Mr. Potter asked if there were any conflicts of interest. There were none from the Board members or audience.

Ms. Bennett, Clerk to the Board asked if anyone was here to speak on behalf of this Variance Application. Ms. Mary Bonds & Mr. Noah Barnes stated they were. There was no one present in opposition.

Ms. Bennett swore in Mr. & Mrs. Bonds.

Mr. Pittman read his statement to the Board along with his recommendation.

Approve with Conditions:
"I move that the Board of Adjustment approve the requested variances, subject to the following conditions:

1. Only one primary dwelling shall remain on the property.
2. The new dwelling shall adhere to the existing footprint of the current structure.
3. All construction shall comply with applicable building, setback, and safety requirements.

The Board finds that, with these conditions, the variances allow reasonable use of the property while protecting the character and safety of the surrounding area."

Mr. Bonds spoke on the size of the structure there now and will be removing that structure from the property. He will also be removing a small barn (shed). He would not like to stay within the same footprint (not a 50 ft wide lot) and is asking for 3 ft set back on 3 sides and 15 ft on rear.

Mr. Bonds went on to say that the 2nd dwelling on property is further back on the property. He bought this property with his mom and dad. His mom is elderly & his dad has passed. Mr. Bonds is recently disabled and needs an updated home. He promised his mom to have home to come to and on that property (the 2nd dwelling). He and his wife enjoy the community.

Chair Spruill asked if there are 2 structures on the lot. Mr. Pittman said yes, but the ordinance says if a new structure is added it must meet the same footprint as what was previously there. Mr. Pittman said Mr. Bonds doesn't have to be closer, his new structure just has to be same size as the one being removed and the only one structure on the property.

Discussion ensued. Mr. Pittman said there should only be one primary residence in the Ordinance.

Mr. Bonds said the structure in the front will be primary residence and the one in the back would be a weekend home.

Mr. Bonds read a letter from Ms. Lisa Hester who owns property near his. It was not attached to his original application. She was not against what he wants to do.

Chair Spruill asked if this Variance Application went to the Planning Board. Mr. Pittman said Variances do not go before the Planning Board.

Commissioner Johnson asked about the acquisition of the two properties. Mr. Bonds said they purchased the two lots together.

Commissioner Phelps made a motion to approve the Variance Application for Mr. Noah Bonds to remove the structure at 104 Breezy Banks Road, build a new 48' x 45' structure on 104 Breezy Banks Road with setbacks of 5 ft from 3 sides and 15 ft setback on front and keep 106 Breezy Banks Road (structure in the back) as temporary structure until it ceases to be used as a temporary residence for 1 year or more at which time it shall be removed. Commissioner Keyes seconded; motion carried unanimously.

Commissioner Johnson made a motion to close the Quasi-Judicial Hearing. Commissioner Phelps seconded; motion carried unanimously.

Commissioner Phelps made a motion to adjourn as the Board of Adjustment. Commissioner Keyes seconded; motion carried unanimously.

[The remaining supporting documents will be attached hereto and incorporated herein by reference and will be made part of these minutes.]

Mr. Pittman stated that this is the last case he will be bringing to the Commissioners as he is retiring at the end of 2025. The Commissioners thanked him for his service.

BOARDS & COMMITTEES: Ms. Bennett went over the following information.

WASHINGTON COUNTY PLANNING BOARD

The Planning Board seat for the Plymouth Municipal district, held by Charles Weathersbee, is slated to expire December 31, 2025. Mr. Weathersbee is eligible to sit on the Board and has agreed to serve another term if approved by the Board of Commissioners.

Commissioner Keyes made a motion to re-appoint Mr. Charles Weathersbee to the Washington County Planning Boar. Commissioner Johnson seconded; motion carried unanimously.

FINANCE OFFICER'S REPORT: Ms. Dixon went over the budget transfers and budget amendments that were in the Commissioners' package.

Commissioner Johnson made a motion to approve the budget transfers/ amendments as presented. Commissioner Keyes seconded; motion carried unanimously.

OTHER ITEMS BY CHAIR, COMMISSIONERS, COUNTY MANAGER/ COUNTY ATTORNEY OR CLERK:

Ms. Dixon Missy said the County has provided everything to the auditors. Due to the government shutdown, new compliance orders were issued before Thanksgiving. Ms. Dixon said she is still pushing to get the audit completed but there will be a delay in getting it to the Board.

Commissioner Spruill asked Mr. Squires about an EMTOC update. Mr. Squires said he had a meeting on 11/26 to go over progress and gave the following report.

Washington County, NC
Grant Report – November 2025

Activities – November 2025

- **Design**
  - No activity planned
- **Construction**
  - Completion of pressure-treated plates at top of masonry
  - Roof trusses delivered and installed
  - Blocking and bracing of roof trusses
  - Installation of roof sheathing (plywood)
  - Installation of ice/water shield on roof decking
  - Steel stud wall framing materials, on-site
  - Steel stud wall framing to be underway
  - Site utility installation to begin
  - Permanent power to site/infrastructure underway
- **Technology**
  - 911 Equipment RFP development
- **Administrative**
  - Submit monthly grant report
  - Process and approve Pay App #6
  - Monthly Construction Progress Meeting

Anticipated Activities – December 2025

- **Design**
  - No activity planned
- **Construction**
  - Complete all interior steel stud framing and set Hollow metal door frames
  - Continue with PME wall and overhead rough-ins
  - Begin Sprinkler rough-ins
  - Installation of air barrier
  - Finish site utilities
  - Start storm drain and front parking lot area
- **Technology**
  - Issue 911 Equipment RFP
- **Administrative**
  - Submit monthly grant report
  - Monthly Construction Progress Meeting
  - Review and process Pay App #7

Mr. Squires said he worked with Procurement Manager on the generator purchase.

Commissioner Spruill asked about the Pea Ridge project. Mr. Squires said there will be a pre-con meeting tomorrow. He won't be able to attend but Mr. Potter and Mr. Chesson will go.

Commissioner Phelps mentioned that there are new contrasting colors on the new school so you can see them more easily.

Mr. Potter said the County is going to use a seldom used procedure—the Alliance Cooperative Purchasing Program. The County will be purchasing the generator through this program. We have received some quotes.

Mr. Potter said that an Application was turned in for Needs Based School Capital Fund ; however, we did not receive the funds and we continue to look into other programs (Site note: Tyrrell County received $60M).

Mr. Potter will attend a meeting on 12/10 with RPO staff representative for any road projects that need to be on their radar. Please let Mr. Potter know if you have any information to share with him that might need possible funding. The meeting will be in Commissioners' Room.

Mr. Potter said management has become aware of issues in getting back to customers from the Tax Office. We will be publishing on our website our efforts for correcting this.

Mr. Potter said the Board will need to have a 2nd meeting this month, December 17 @ 9:00 AM in the Commissioners' Room.

Ms. Bennett mentioned the upcoming employee holiday luncheon on Friday, December 19, 2025 at 12:30 PM at the Plymouth Church of Christ, Family Learning Center on Hwy 32, Plymouth and encouraged the Commissioners to attend.

Ms. Bennett mentioned she has started getting requests for the Commissioners to participate in Christmas parades:

- Mid County Volunteer Fire Dept.—Annual Christmas on the Ridge – Sunday, December 7 (parade @ 3:00 pm)
- Town of Plymouth Christmas Parade—Thursday, December 11, 2025 (parade @ 5:30 pm)
- Town of Roper Christmas Parade—Saturday, December 13 (parade @ 1:00 pm)

Commissioner Johnson made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(3) (attorney-client privilege), and §143-318.11(a)(6) (personnel). Commissioner Walker seconded; motion carried unanimously.

Back in Open Session, **Commissioner Johnson made a motion approve RESO 2025-032 Temporarily Appointing An Acting Deputy Tax Administrator. Commissioner Phelps seconded; motion carried unanimously.**

Commissioner Keyes made a motion to recess tonight's meeting to Wednesday, December 17, 2025 @ 9:00 AM in the Commissioners' Room. Commissioner Phelps seconded; motion carried unanimously.

Julie J. Bennett, MMC, NCMMC	John C. Spruill
Clerk to the Board	Chair