



**BOARD OF ADJUSTMENT MEETING
TUESDAY, DECEMBER 16, 2025
BOARD OF ADJUSTMENT MEETING MINUTES**

The Board of Adjustment met on the above date at 7:00 PM in the Town Hall Assembly Room, with Chairman Jeffrey Briley presiding. The following were present:

Jeffrey Briley, Chairman
Edward Reynolds, Vice Chair (absent)
Brian Miller, Member (absent)
Alfred Phillips, Member (excused)
Devin Micah Johnson, Town Alternate Member
Garrett Killian, Member
Stephen Penn, Planning and Economic Development Director
Tristyn Daughtry, Economic Development Planner
Donald Harvey, Town Clerk

CALL TO ORDER: Chairman Briley called the Board of Adjustment meeting to order on Tuesday, December 16, 2025, at 7:00 PM.

WELCOME: Chairman Briley welcomed those present to the meeting.

EXCUSED ABSENCES: Member Phillips was noted as having an excused absence from the meeting.

Motion made by Member Killian and seconded by Member Johnson to approve the excused absence of Member Phillips. Motion carried unanimously, 3-0.

APPROVAL OF AGENDA:

Motion made by Member Killian and seconded by Member Johnson to approve the agenda as presented. Motion carried unanimously, 3-0.

APPROVAL OF MINUTES: Chairman Briley asked if there were any questions about the minutes from December 17, 2024; April 15, 2025; and May 19, 2025. Town Clerk Harvey noted that he had made a correction to the minutes regarding Member Killian who had been incorrectly listed as an alternate member.

Motion made by Member Johnson and seconded by Member Killian to approve the minutes of the December 17, 2024, April 15, 2025, and May 19, 2025, meetings as presented. Motion carried unanimously, 3-0.

NEW BUSINESS:

1. Brief Training Session.

Planning and Economic Development Director Penn conducted a training session about the Board of Adjustment's functions and responsibilities. He explained that the Board operates as a quasi-judicial body that makes decisions based on findings of fact rather than opinions, with decisions rooted in the zoning ordinance and state law.

Planning and Economic Development Director Penn outlined that the Board primarily manages special use permits and variance applications, with other less common functions including appeals for zoning decisions, vested right cases, and non-conforming changes to other non-conforming uses.

The training covered several key points.

Variances:

- Defined as requests to deviate from zoning requirements due to unique situations.
- Require meeting all four state-mandated criteria.
- Unnecessary hardship would result from strict application of ordinance.
- Hardship results from conditions particular to the property.
- Hardship is not self-created.
- Variance must be consistent with the spirit, purpose, and intent of ordinances.

Planning and Economic Development Director Penn provided examples of both suitable and unsuitable variance applications, noting that Winterville has few variance cases due to being a younger town with most lots created under current ordinances.

Special Use Permits:

- Required for uses marked with an "S" in the table of permitted and special uses.
- Must meet five state requirements for approval.
- Listed as a special use in the district.
- Will not endanger public health or safety.
- Meets all special requirements for that use.
- Will not injure the value of adjoining properties (or is a public necessity).
- Location, character, and design will be in harmony with the area.

Board Procedures and Rules:

- No ex parte communications about cases.
- No bias (members must remain neutral).
- Public comments must be competent, material, and substantial evidence.
- Three types of conflicts of interest requiring recusal: financial, relationship, and neutrality.
- Burden of proof is on the applicant.
- Decisions can be appealed to NC Superior Court within 30 days.
- Quorum and voting requirements (simple majority for special use permits; four-fifths majority for variances).

Planning and Economic Development Director Penn emphasized that staff are available to assist the Board with procedural matters during hearings.

REPORTS FROM STAFF – INFORMATIONAL ITEMS:

Planning and Economic Development Director Penn provided several updates on ongoing development activities:

- The Vernon White House has submitted a preliminary plat for six commercial lots with ingress/egress from Vernon White Road, Highway 11, and Beacon Drive.
- A 17-unit addition to the 11 at Main townhomes was presented at the previous night's Planning and Zoning meeting.
- Town Council's meeting was rescheduled due to weather and will address a 110-acre rezoning application for R-10 conditional district at Old Tar Road and Laurie Ellis Road, with a 10% dedicated to open space.
- December has been unexpectedly busy with developmental activity after a slow year.

COMMENTS FROM BOARD OF ADJUSTMENT MEMBERS:

Chairman Briley wished everyone a Merry Christmas as the meeting concluded.

ADJOURN:

Having no further business to come before the Board of Adjustment meeting, Chairman Briley requested a motion to adjourn.

Motion made by Member Killian and seconded by Member Johnson to adjourn the meeting. Motion carried unanimously, 3-0. Meeting adjourned at 7:27 pm.

Adopted the 21st day of July 2026.



ATTEST:


 Jeffrey Briley, Chairman


 Donald Harvey, Town Clerk