



# Memorandum

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[www.cityofws.org/departments/planning-and-development-services](http://www.cityofws.org/departments/planning-and-development-services)

**TO:** Mayor Allen Joines and members of the City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services  
Angela Carmon, City Attorney  
**DATE:** October 10, 2017  
**SUBJECT:** Existing Accessory Dwelling Units Requiring Special Use Permit Renewal

On September 5, 2017 City Council adopted revised standards for regulating accessory dwelling units (ADUs) in Winston-Salem (UDO-267). Accessory dwellings are small residential units that may be either attached to or detached from principal residential structures. Such units have been allowed by our zoning ordinance for several decades. For many years, attached ADUs were allowed with staff approval as long as those attached units met certain limitations, while detached ADUs were permitted via the Board of Adjustment Special Use Permit process. In many cases, permits issued by the Board did not allow units to be approved in perpetuity, however. In those cases, such units approved by the Board of Adjustment (BOA) had expiration dates, after which point the unit would no longer be allowed unless a permit renewal was issued. This permit renewal process would include a new public hearing and adjacent property owner notification.

Following approval of UDO-267, all new ADUs (both attached and detached) must be approved through the Special Use District rezoning process, which requires a City Council public hearing. Approval of UDO-267 was the result of many months of discussions by Council on how ADUs should fit in neighborhoods, and how they should be reviewed and approved. One aspect of ADU regulation which was not discussed when Council adopted UDO-267, however, was what should happen to the existing ADUs which were previously approved by the BOA with permit expiration dates.

The City Attorney and Planning/Development Services staff believe that under the wording adopted in UDO-267, the only option for BOA-approved units with expiring permits is to require owners of these units to request rezoning from City Council. However, such a requirement adds difficulty for property owners, especially if Council chooses to deny a rezoning request for an already existing ADU. The owners of such units who applied for and were granted accessory dwelling status under one set of rules would be subject to a much more expensive and elaborate process under these new rules to keep their previously granted property rights.

To gain a better understanding of the prevalence of this situation, staff researched the number of detached ADUs previously approved by the Board of Adjustment. Our records show 79 units approved from 1975 to 2017, with the vast majority (over 70%) of these units being manufactured homes.

**Appendix A** (attached) shows a detailed listing of the detached ADUs approved by the Board of Adjustment in Winston-Salem. In total, 66 units approved by the BOA include permit expiration dates. Two of the 66 units have already had their permits expire and have therefore lost any claim that they



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**City Council:** Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**County Commissioners:** David R. Flyler, Chairman; Don Martin, Vice Chair; Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everett Witherspoon; County Manager: Dudley Watts, Jr.

**City-County Planning Board:** Arnold G. King, Chair; Allan Younger, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; Chris Leak; Brenda J. Smith

should be allowed to continue.

For the remaining 64 existing ADUs approved by the BOA, Council could potentially see up to that number of rezoning requests between now and 2027 (the latest expiration date of the BOA-issued ADU permits). Such rezoning requests would not be evenly distributed across the City, but would be heavily concentrated in the Southeast and Northeast Wards (21 cases exist in each of these wards). Between 2 and 10 rezonings would be required in the East, North, Northwest, South, and West Wards. No ADUs requiring renewal exist in the Northwest Ward.

This memo is presented to Council for informational purposes only. However, if Council believes the previously described consequence of UDO-267 to be an unintended imposition upon owners of existing ADUs, staff is prepared to draft an ordinance amendment allowing BOA-approved units to continue requesting permit renewal from the BOA as previously prescribed. Otherwise, the existing ADUs will be handled under the new provisions that require the owner to seek Special Use District rezoning from the City Council. Of course, all new accessory units proposed by an owner after the September 5 adoption of UDO-267 would follow the Special Use District rezoning process prescribed in that ordinance.

**Appendix A      Accessory Dwelling Units Approved by the Board of Adjustment**

Street Number	Street Name	City	Zip Code	Ward	Manufactured Home?	Year of Original Approval	Permit Expiration Date
131	SCOTT HOLLOW	WINSTON-SALEM	27103	Southwest	Yes	1975	May 5, 2026
545	OLD HOLLOW	WINSTON-SALEM	27105	Northeast	Yes	1976	November 3, 2026
4855	KESTER MILL	WINSTON-SALEM	27103	Southwest	Yes	1977	August 4, 2026
109	BREVARD	WINSTON-SALEM	27101	Northeast	Yes	1978	October 1, 2018
4855	NORTHWEST	WINSTON-SALEM	27105	Northeast	Yes	1978	June 1, 2017
601	VOSS	WINSTON-SALEM	27105	Northeast	Yes	1978	June 4, 2020
2360	DARWICK	WINSTON-SALEM	27127	South	Yes	1979	April 4, 2018
251	STICKNEY	WINSTON-SALEM	27107	Southeast	Yes	1979	March 3, 2021
2265	FANNING	WINSTON-SALEM	27107	Southeast	Yes	1980	March 2, 2020
2825	SPRAGUE	WINSTON-SALEM	27107	Southeast	Yes	1981	August 6, 2020
4703	BAUX MOUNTAIN	WINSTON-SALEM	27105	Northeast	Yes	1983	March 3, 2021
5051	BECKERDITE STEWART	WINSTON-SALEM	27107	Southeast	Yes	1983	Pending
152	HINES	WINSTON-SALEM	27107	Southeast	Yes	1983	July 2, 2020
5250	SHALLOWFORD	LEWISVILLE	27023	West	Yes	1983	February 7, 2018
263	STANLEYVILLE MANOR	RURAL HALL	27045	Northeast	Yes	1983	May 7, 2020
110	HINES	WINSTON-SALEM	27107	Southeast	Yes	1984	September 5, 2018
60	HOSKINS	WINSTON-SALEM	27105	North	No	1985	June 2, 2026
127	FRIENDSHIP	WINSTON-SALEM	27106	North	No	1986	November 5, 2020
221	CREWS	WINSTON-SALEM	27101	East	Yes	1986	April 6, 2027
4845	MONTE VISTA	WINSTON-SALEM	27105	Northeast	Yes	1986	June 4, 2020
4943	GERMANTON	WINSTON-SALEM	27105	Northeast	Yes	1987	April 6, 2027
141	HASTINGS HILL	KERNERSVILLE	27284	East (ETJ)	Yes	1987	October 16, 2026
112	STANLEY	WINSTON-SALEM	27101	Northeast	Yes	1988	November 6, 2019
1420	BETHANIA RURAL HALL	WINSTON-SALEM	27106	North	Yes	1989	February 6, 2019
2500	DACIAN	WINSTON-SALEM	27107	Southeast	Yes	1989	June 2, 2026
709	STEWART	WINSTON-SALEM	27107	East	Yes	1989	November 5, 2020
1580	BETHANIA RURAL HALL	WINSTON-SALEM	27106	North	Yes	1990	February 6, 2019
223	CRAFT	WINSTON-SALEM	27105	North	Yes	1990	March 3, 2021
5020	MONTE VISTA	WINSTON-SALEM	27105	Northeast	Yes	1990	November 1, 2017
4374	OGBURN	WINSTON-SALEM	27105	Northeast	Yes	1991	May 5, 2026
235	PENNER	WINSTON-SALEM	27105	Northeast	Yes	1991	May 7, 2020
4216	RAYFIELD	WINSTON-SALEM	27107	Southeast	Yes	1991	September 5, 2018
4241	OLD LEXINGTON	WINSTON-SALEM	27107	Southeast	No	1992	November 1, 2017
3208	SWAIM	WINSTON-SALEM	27107	Southeast	Yes	1992	February 7, 2018
2820	WILLARD	WINSTON-SALEM	27107	Southeast	Yes	1993	August 1, 2018
5050	BECKERDITE STEWART	WINSTON-SALEM	27107	Southeast	Yes	1995	February 6, 2019
23	CARNES	WINSTON-SALEM	27127	Southeast	Yes	1995	April 6, 2027
654	STEWART	WINSTON-SALEM	27107	East	Yes	1995	October 2, 2019
3222	SWAIM	WINSTON-SALEM	27107	Southeast	Yes	1995	September 1, 2026

4600	PAULA	WINSTON-SALEM	27127	South	Yes	1996	May 5, 2026
3861	HIGH POINT	WINSTON-SALEM	27107	East	Yes	1997	June 5, 2019
5630	MURRAY	WINSTON-SALEM	27106	North	Yes	1997	October 4, 2017
2727	SPRAGUE	WINSTON-SALEM	27107	Southeast	Yes	1997	January 4, 2018
4675	BAUX MOUNTAIN	WINSTON-SALEM	27105	Northeast	Yes	1998	June 4, 2020
1735	LATONIA	WINSTON-SALEM	27127	South	Yes	1998	April 4, 2018
3939	SOUTHDAL	WINSTON-SALEM	27107	Southeast	Yes	1998	June 4, 2020
2211	WINSTED	WINSTON-SALEM	27127	South	Yes	1998	April 4, 2018
5030	BECKERDITE STEWART	WINSTON-SALEM	27107	Southeast	Yes	1999	March 7, 2018
1010	CAYUGA	WINSTON-SALEM	27105	Northeast	Yes	2000	January 5, 2027
155	JONES	WINSTON-SALEM	27107	Southeast	Yes	2001	August 21, 2018
4925	SHATTALON	WINSTON-SALEM	27106	North	No	2003	December 3, 2020
4790	BELL WEST	KERNERSVILLE	27284	East (ETJ)	Yes	2003	August 1, 2018
5238	COX	WINSTON-SALEM	27105	Northeast	No	2004	February 6, 2019
3890	LEO	WINSTON-SALEM	27105	Northeast	No	2007	No Expiration
918	CRANFORD	WINSTON-SALEM	27107	Southeast	Yes	2007	September 4, 2019
409	BARNES	WINSTON-SALEM	27107	Southeast	No	2009	No Expiration
1451	NORWICH	WINSTON-SALEM	27127	Southeast	No	2010	December 3, 2020
4562	HERRY	WINSTON-SALEM	27105	Northeast	Yes	2010	November 5, 2020
4109	MACARTHUR	WINSTON-SALEM	27107	Southeast	Yes	2010	January 4, 2018
301	WESTVIEW	WINSTON-SALEM	27104	West	No	2012	No Expiration
4419	OGBURN	WINSTON-SALEM	27105	Northeast	Yes	2013	November 7, 2018
515	ALPINE	WINSTON-SALEM	27104	West	No	2014	Pending
812	OSPREY RIDGE	WINSTON-SALEM	27106	West	No	2014	November 6, 2019
3994	GLENN HI	WINSTON-SALEM	27107	Southeast	Yes	2014	November 6, 2019
4470	OGBURN	WINSTON-SALEM	27105	Northeast	Yes	2014	April 3, 2019
721	ONTARIO	WINSTON-SALEM	27105	Northeast	Yes	2014	November 6, 2019
420	RICKARD	WINSTON-SALEM	27101	Northeast	Yes	2014	March 6, 2019
602	BANNER	WINSTON-SALEM	27127	South	No	2015	April 2, 2020
2705	COUNTRY CLUB	WINSTON-SALEM	27104	West	No	2015	No Expiration
2716	BARTRAM	WINSTON-SALEM	27106	Northwest	No	2016	No Expiration
426	CLEMMONSVILLE	WINSTON-SALEM	27127	Southeast	No	2016	No Expiration
2301	GEORGIA	WINSTON-SALEM	27104	West	No	2016	No Expiration
1067	KENT	WINSTON-SALEM	27104	Northwest	No	2016	No Expiration
2116	QUEEN	WINSTON-SALEM	27103	Southwest	No	2016	No Expiration
3705	NEW WALKERTOWN	WINSTON-SALEM	27105	Northeast	Yes	2016	March 3, 2021
3305	EMORY	WINSTON-SALEM	27103	Southwest	No	2017	No Expiration
4243	OLD LEXINGTON	WINSTON-SALEM	27107	Southeast	n/a	n/a	November 1, 2012
2200	WILLARD	WINSTON-SALEM	27107	Southeast	n/a	n/a	April 7, 2016
3314	NEW GREENSBORO	WINSTON-SALEM	27101	East	No	2017	No Expiration