BOARD OF ADJUSTMENT
Development Services
112 Goldsboro Street E, Wilson, NC 27893
PO Box 10, Wilson, NC 27894-0010
(252) 399-2220
www.WilsonNC.org

Agenda Item # 3
PROJECT: LD-26-0088
PIN # 3713-50-2022.000

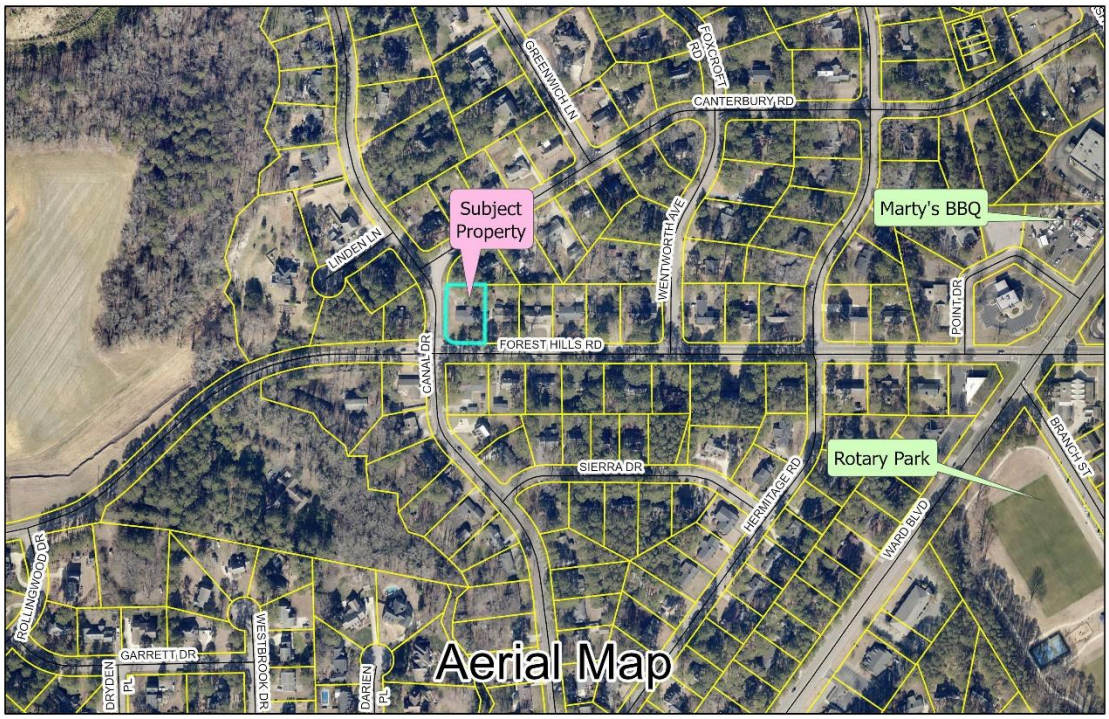
DATE: August 18, 2026

DESCRIPTION:
A request by Oxford House Hominy c/o its attorney Greg Heafner for a Reasonable Accommodation Variance for 310 Forest Hills Road, NW

STAFF ANALYSIS: In its review of the request, the City Planning Staff made the following "findings of fact" and suggests that the Board, likewise, include these among any specific "findings of fact" that they make regarding this case. Any such "findings of fact" should be made by separate motion(s) and vote(s) prior to any motion and vote to grant or deny the permit.

PROPOSED VARIANCE

310 Forest Hills Rd NW
PIN: 3713-50-2022



Aerial View of Property

FACT 1: The property in question is located at 310 Forest Hills Road, NW in Wilson, North Carolina.

FACT 2: The property is also known as 3713-50-2022.000 (PIN).

FACT 3: The property is zoned SR4 (Suburban Residential – Low Density).

FACT 4: The City of Wilson Unified Development Ordinance sets the difference between a "home" versus a "facility" at six (6) persons.

Definitions for Residential/Family Care Home (6 or fewer residents) and Residential Care Facilities (more than 6 residence) in accordance with Chapter 17 of the Unified Development Ordinance are as follows:

RESIDENTIAL / FAMILY CARE HOME (6 OR FEWER RESIDENTS)
A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the

State of North Carolina. (NCGS 168-Article 3). This term excludes residential care facilities and halfway homes.

RESIDENTIAL CARE FACILITIES (MORE THAN 6 RESIDENTS) A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS §131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes residential/family care homes and halfway homes.

FACT 5: Oxford House residents are considered a protected class under the Fair Housing Act (FHA).

FACT 6: The request to allow an additional two (2) persons to reside in this residence must be deemed necessary and reasonable. See Statement of Justification for details. (Attached)

FACT 7: Section 15.13.3.A discusses the action of the Board of Adjustment concerning Variances.

15.13.3 FORMAL REVIEW

A. Action by the Board of Adjustment

1. Upon receipt of the request for a variance from the Administrator, the Board of Adjustment shall hold a quasi-judicial hearing on the request.
2. After conducting the hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; or grant the application. It shall take a vote of the Board to grant a variance.
3. A decision by the Board of Adjustment shall be made within 35 days of the date of the hearing.
4. Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in Section 15.13.3.B.1.

PROCEDURE: The Board must proceed in accordance with Section 15.13.3.A as quoted in Fact 7.

RECOMMENDATION: Staff recommends the Board proceed as follows:

- Move that Facts 1-7 in the staff findings be adopted as "findings of fact" of the Board (motion-second-and vote).

- Move to Conclude that the proposed accommodation:

1. Will be used by an individual or individuals with a disability or handicap protected under federal law.

2. Is the minimum needed to provide the accommodation.

3. Is reasonable and necessary.

- If the Board grants the Variance, staff recommends that the following conditions be applied:

1. The applicant and operator of the establishment shall fully comply with all of the requirements of the Order together with any other applicable state or local rules, ordinances, laws and regulations of whatever nature.

2. If any of the conditions affixed to the permit or any part thereof shall be held invalid or void, then the permit shall become void and of no effect.

3. The variance is granted for the reasonable accommodation of allowing up to 8 residents within the Residential/Family Care Home located at 310 Forest Hills Road, NW.

ATTACHMENTS: 1) Application
2) Listing of those receiving notice
3) Statement of Justification

City of Wilson
Development Services
Land Development Division
P. O. Box 10
Wilson, North Carolina 27894-0010

REASONABLE ACCOMMODATION VARIANCE APPLICATION

https://www.wilsonnc.org/home/showpublisheddocument/7825/638943890376953722
Applicable Fees: Variance Fee

PROJECT & SITE INFORMATION

Name of Project: Oxford House Hominy

Acreage of Property: 0.45 **Current Zoning District:** SR4

County Tag #: _____ **NC Pin #:** 3713-50-2022.000

Address/Location: 310 Forest Hills Road NW, Wilson

Existing Use: Oxford House

Are you submitting the application under the ordinances and policies in effect at the time of the application for review by the City of Wilson? ☐ Yes ☐ No

If you answered "No" to the question above, please specify the ordinance(s) and/or policy(ies), including version(s), under which the application is being submitted: Fair Housing Act, 42 U.S.C. 3601 et. seq.

Note: Supporting documentation must be submitted with the application.

APPLICANT INFORMATION

Applicant: Oxford House Cavalier c/o its attorney Greg Heafner

Mailing Address: 1510 Twisted Oak Drive, Chapel Hill, NC 27516

Phone Number: (919) 618-1042 **Fax:** _____

Contact Person: Greg Heafner

Email Address: gregheafner@gmail.com

PROPERTY OWNER INFORAMTION

Name: JGAP PROPERTIES LLC

Mailing Address: 904 N GLENWOOD TRL, SOUTHERN PINES NC 28387

Phone Number: (401) 525-8383 **Fax:** _____

Email Address: gleasonguy@gmail.com

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary. You must specify the specific code section(s) you are requesting a Variance from.

See attached Statement of Justification

REQUIRED FINDINGS OF FACT

Please provide a response to each Finding of Fact listed below. Attach additional sheets if necessary. A Reasonable Accommodation Variance application shall be approved subject to a finding by the Board of Adjustment that the proposed accommodation:

1. Will be used by an individual or individuals with a disability or handicap protected under federal law.

   Yes, see Statement of Justification

2. Is the minimum needed to provide the accommodation.

   8 residents, see Statement of Justification

3. Is reasonable and necessary.

   Yes, see Statement of Justification

APPLICANT AFFIDAVIT

I understand that by signing this application I am legally bound to the representation, terms, and conditions herein. By signing below, I certify that I was technically able to read and had a reasonable opportunity to read this disclosure. I further acknowledge that I am authorized to submit this application, and any subsequent revisions thereto, and confirm having obtained permission from the property owner/occupant for the application and the City's entry onto the property, if applicable. I further authorize City of Wilson representatives to enter the site for purpose of conducting inspections or evaluations to determine compliance with applicable laws, policies, and manuals. I hereby certify that all of the information provided in this application and any attached documents is true, accurate, and complete to the best of my knowledge. I understand that any false information may result in rejection of the application or revocation of the permit or plan. I understand this submittal with its related materials and all attachments become official records of the City of Wilson, North Carolina, and will not be returned. I understand this application and any communication, approval, or resulting permits issued as a result of this application are subject to disclosure pursuant to the North Carolina Public Records Act. I also acknowledge that, pursuant to NCGS § 143-755(b1), failure to respond to City comments or holding the permit application on hold for six consecutive months or more will result in the cessation of review and forfeiture of all application fees, requiring a new application under current regulations. I shall not hold the City of Wilson, its officers, employees and agents liable for any claims, losses, liabilities, expenses, charges or damages arising from or relating to incomplete, inaccurate, or false applications, or any additional supplemental applications, with respect of any cause arising out of, resulting from, or in connection with the application or permit.

Greg Heafner	Greg Heafner	02/09/2026
Print Name	*Signature of Applicant*	*Date*

100 ft. buffer / APO

EASON JESSE NECOLA JR
EASON GEORGIANNA VIVERETTE
401 FOREST HILLS RD NW
WILSON NC 278961361

RICHARDSON LARRY D JR
BARNES CHARLENE D
309 FOREST HILLS RD NW
WILSON NC 278961657

HARRIS WILLIAM HOWARD
HARRIS EVELYN S
311 FOREST HILLS RD NW
WILSON NC 278961657

MILLER & MILLER REALTY LLC
PO BOX 7036
WILSON NC 278957036

PALMER NATALIE
314 CANTERBURY RD NW
WILSON NC 278961307

GRISWOLD CAROLYN C (LER)
306 FOREST HILLS RD NW
WILSON NC 278961658

HARVEY TAMIKIA D
311 CANTERBURY RD NW
WILSON NC 27896

HARRIS JAMES BRETT
2003 CANAL DR NW
WILSON NC 27896

JOHNSON DELORIS
4603 WHISPERING PINES LN N
WILSON NC 278969189

STONE J R
STONE SONJA L
312 CANTERBURY RD
WILSON NC 27893

JGAP PROPERTIES LLC
904 N GLENWOOD TRL
SOUTHERN PINES NC 28387

ROBERSON FRANCES WRENN
313 CANTERBURY RD NW
WILSON NC 278961306

LA MONICA JOSEPH GILBERT LA
MONICA ESTELLE
308 FOREST HILLS RD NW
WILSON NC 278961658

Attendees for 4.21.26 BOA meeting,
not within the 100 ft. buffer

RICHARD HERRING
2102 HERMITAGE ROAD NW
WILSON, NC 27896

KENT ANDERSON
2006 WENTWORTH AVE NW
WILSON, NC 27896

STEPHEN JONES
2101 CANAL DRIVE NW
WILSON, NC 27896

SCOTT HANCHETT
302 CANTEBURY ROAD NW
WILSON, NC 27896

STATEMENT OF JUSTIFICATION

Oxford House, Inc. requests a Reasonable Accommodation pursuant to the Federal Fair Housing Act, 42 U.S.C. 3601 et. seq. Specifically, Oxford House requests that eight men be allowed to live at each of the two Oxford Houses in the City of Wilson.

This Statement of Justification is intended to provide the information requested by the City of Wilson for this Reasonable Accommodation request. This Statement explains what Oxford House is, and why the requested accommodation is both reasonable and necessary.

WHAT IS AN OXFORD HOUSE

Oxford Houses are homes for persons recovering from alcoholism and or drug addiction, who are no longer using alcohol or drugs. Oxford Houses provide an opportunity for recovering alcoholics and addicts to maintain their sobriety in a supportive living environment that does not require the provision of any services or treatment. Oxford Houses are democratically self-run and financially self-supporting by their residents.

The first Oxford House was established in 1975 by a group of men in recovery from alcoholism. They rented a home and established rules for self-governance, and rules to be financially self-supporting. Years later Oxford Houses served as the model for the self-run, self-supporting recovery homes under the Anti-Drug Abuse Act of 1988. This Act was later codified at 42 U.S.C. §300x-25. This legislation gives each state funds to establish housing for recovering alcoholics and addicts that is democratically run, financially self-supporting, and immediately expels anyone who relapses.

Since the early 1990's Oxford House, Inc., a non-profit corporation, has contracted with state governments to open Oxford Houses across the country using these federal funds. Most of the over

four thousand Oxford Houses in the United States were started through ongoing contracts with state governments. Oxford House, Inc. has contracted with the State of North Carolina since the early 1990s. There are over three hundred Oxford Houses in North Carolina.

Oxford House, Inc. is distinct and separate from individual Oxford Houses. Oxford House, Inc. does not run, operate, or manage an Oxford House once it is started. After an Oxford House is started it is autonomously run and supported by its residents. There are no dues or fees to Oxford House, Inc. by individual houses, nor do the houses pay anyone any fees other than rent to their landlord and utilities to utility providers.

An Oxford House is an unincorporated association comprised of its current residents. Each Oxford House adopts its own name. All Oxford Houses are rented in their own name from their respective landlords.

Each individual Oxford House is democratically run by its residents. The residents have weekly house meetings. All decisions relating to the functioning of the house are made democratically, from who moves in, to who does what chores. Each house is financially self-supporting and manages its own finances. The residents of the house share equally all household expenses, including rent and utilities, which they pay out of a single household checking account.

The quality of the relationship among the residents in an Oxford House is one of mutual support and bonding, providing an ameliorative therapeutic benefit which aids each resident in their recovery from alcoholism or drug addiction. There is zero tolerance for alcohol or drug use. Any use by a resident results in their immediate expulsion.

Oxford House residents are considered to be the functional equivalent of a family for several reasons. All residents have access to the entire house and live as any other group of unrelated persons functioning as a single housekeeping unit. They share in the cooking, shopping, cleaning and general care of the premises. The residents live together purposefully to create a "family"

atmosphere, where the residents share all aspects of domestic life. There are no locks on the bedroom doors. There is no staff, paid or otherwise, living in the house or overseeing the house, and no treatment or professional services provided. The living arrangement is not based upon a profit motive. Finally, there are no limits as to how long someone can stay in an Oxford House.

Courts have held that Oxford Houses are akin to a family. "The residents make all house decisions in a democratic fashion. But even more importantly, the support they lend each other is therapeutic, in the same manner as that of a well-functioning family." *Oxford House-Evergreen v. City of Plainfield*, 769 F.Supp. 1329, 1335 (D. N.J. 1991). "The plaintiffs [Oxford House] are part of a nationally recognized program which, through peer pressure and strict conditions of abstinence, successfully maintains freedom from addiction and improves the lives and opportunities of its participants. For its success, however, it requires a minimum number of members at each location." *Id* at 1329. See also *Oxford House v. Township of Cherry Hill*, 799 F. Supp. 450 (D.N.J. 1992) where the court stated: "Oxford Houses are not health care facilities, rehabilitation centers, or supervised halfway houses. They are simply residential dwellings rented by a group of individuals who are recovering from alcoholism and drug addiction… No professional treatment, therapy, or paid staff is provided. Unlike a boarding house, where a proprietor is responsible to run and operate the premises, at Oxford House, the residents are responsible for their own food and care as well as running the home. Because the house must be self-supporting, each of the residents needs a source of income to pay his or her fair share of the expenses."

WHO ARE OXFORD HOUSE RESIDENTS

Oxford House residents are all recovering alcoholics or drug addicts who are no longer using alcohol or drugs. As such, Oxford House residents are considered "disabled and handicapped persons" under federal laws and are a protected class under the Fair Housing Act (FHA). See 42 U.S.C. 3602(h),

and *City of Edmonds, WA v. Oxford House, Inc*. 514 U.S. 725 (1995); *Oxford House v. City of St. Louis*, 77 F.3d 249 (8th Cir. 1996); *United States (on behalf of Oxford House) v. Village of Palatine*, 37 F.3d 1230 (7th Cir. 1994), and; *United States (on behalf of Oxford House) v. Village of Audubon*, 797 F. Supp. 353, aff'd without opinion, 968 F.2d 14 (3d Cir. 1992).

REQUEST FOR REASONABLE ACCOMMODATION

As members of a protected class under the FHA, Oxford Houses are protected against discriminatory zoning practices. As such, the issue of whether an Oxford House is in violation of or compliance with local zoning ordinances is not relevant to the question of federal law. See *Oxford House v. Village of Audubon*, supra. The FHA prohibits discriminatory land use decisions by local governments, even when such decisions are "ostensibly authorized by local ordinance." See *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1197 (D.N.J. 1991); also 42 U.S.C. Section 3615 ("any law of a State, a political subdivision, or other jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid under the Fair Housing Act").

The FHA's prohibition against zoning discrimination by local governments includes the requirement that local governments make reasonable accommodations in their zoning ordinances to allow the operation of Oxford Houses. Specifically, the Act defines discrimination to include a "refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such handicapped person equal opportunity to use and enjoy a dwelling." Federal law requires a reasonable accommodation when the request is both reasonable and necessary. The law defines reasonable and necessary as follows:

"Reasonable". An accommodation is reasonable if it would not undermine the legitimate purposes of or fundamentally alter existing zoning regulations, and if it would not impose a significant financial and administrative burden upon the municipality.

"Necessary". An accommodation is necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing of their choice in residential districts of the municipality.

The reasonableness and necessity of the requested accommodation for the Oxford Houses in Wilson are as follows:

THE REQUEST IS REASONABLE

No Burden

There is no evidence of any financial or administrative burden on the City by the existence of an Oxford House. In fact, the Oxford Houses provide a free benefit to the City by providing housing and aiding in the recovery of those recovering from alcoholism and drug addiction.

Zoning Scheme Not Undermined or Fundamentally Altered

The Oxford House does not undermine the purposes of the City's zoning regulations or fundamentally alter its zoning regulations. The Code provides for a reasonable accommodation for the request made herein.

THE REQUEST IS NECESSARY

Therapeutically Beneficial

By its very nature the Oxford House model's therapeutic benefit is derived solely from its residents. In an Oxford House there are no counselors, managers, care providers or personnel that provide any therapeutic services. Oxford Houses are not like traditional group homes or halfway

houses - all of which have managers and provide some services to their residents. In such traditional homes a lesser number of residents will not have any therapeutic impact. Not so in an Oxford House. The quality of the relationship among the residents in an Oxford House is one of mutual support and bonding, providing an ameliorative therapeutic benefit which aids each resident in their recovery from alcoholism or drug addiction. Thus the number of residents is therapeutically necessary for the residents to stay clean and sober. As a result of this therapeutic benefit, those living in an Oxford House are more likely to remain clean and sober than those living on their own.[1]

Studies and experience have shown that a minimum number of residents is required to provide the optimum therapeutic benefit. This number is in part dependent upon the physical size of the house. The average Oxford House has eight residents. The two Oxford Houses in Wilson are home to eight men each. Eight residents are needed in these two homes to eliminate the possibly of isolation – the

---

[1] DePaul University study funded by the National Institute on Alcohol Abuse and Alcoholism had 150 individuals getting out of primary treatment divided into two groups of 75 each with one group going to Oxford Houses and the other group going to normal living situations, each group was followed for two years after treatment and the Oxford House group did substantially better in staying clean and sober (64.8% v. 31.3%). *American Journal of Public Health*, Oct 2006; Vol. 96, pp1727-1729, Jason, L.A., Davis, M.I., Joseph R. Ferrari, J.R., Anderson, E.

Another DePaul study funded by the National Institute on Drug Abuse followed 897 residents in 219 Oxford Houses across the country for 27 months and found that only 13% relapsed. *Addictive Behaviors 2007; (32), 802-818*, Jason, L.A., Davis, M.I., Joseph R. Ferrari, J.R., Anderson, E.

The Surgeon General of the United States has recognized the Oxford House model as a leading example of "Recovery Housing*". Facing Addiction in America: The Surgeon General's Report of Alcohol, Drugs, and Health*. 2016. https://addiction.surgeongeneral.gov/.

Schwarz v. City of Treasure Island, 544 F.3d 1201, 1227 (11th Cir. 2008) citing a series of federal decisions addressing the efficacy of group living arrangements for recovering substance abusers including *Oxford House, Inc. v. Town of Babylon,* 819 F. Supp. 1179, 1185 (E.D.N.Y.1993), and Fn16 citing 42 U.S.C. §300x-25 and the Oxford House model thereunder.

Oxford House, Inc. v. City of Baton Rouge, 932 F. Supp. 2d 683, 693 (M.D. La. 2013) (There is sufficient evidence in the record to show that this type of living arrangement has an ameliorative effect on the residents' disability/handicap, since living in the supportive structure enabled the residents to turn their lives around.)

number one threat to recovery. Eight residents assures no one will be home alone at any time. This number fosters accountability and increases the likelihood that residents will find someone with whom they can relate and bond which not only encourages staying sober but is therapeutically beneficial for their recovery.

Further, Oxford Houses often have one vacancy at any given time. This is due to a resident moving out and the time it takes to interview and select a replacement resident. Therefore, whatever the maximum number of residents is, the house will usually have one less person at any given time. Further, limiting the number of residents can cause financial hardship on the residents since they all share expenses equally without any outside financial assistance.

Equal Opportunity to Use and Enjoy Housing of Choice

Additionally, Oxford Houses are home to their residents. The requested accommodation provides the residents an equal opportunity to use and enjoy housing of their choice. [2]

[2] The law requires equal opportunity for disabled persons to use and enjoy housing of their choice. *United States v. City of Jackson*, 318 F.Supp.2d 395, 416 (S.D. Miss. 2002) (FHA "guarantee[s] that the disabled be afforded equal opportunity to live, not in some residence in the community, but rather in the residence of their choice"); *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1185 n.10 (E.D. N.Y. 1993) (FHA "dictates that a handicapped individual must be allowed to enjoy a particular dwelling, not just some dwelling somewhere in the town"); *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1329, 1344 (D. N.J. 1991) (defense based on existence of alternative locations in the city for group home held "without merit").