Town of Beaufort, NC
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Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, June 15th, 2026 - Train Depot, 614 Broad Street, Beaufort, NC 28516
Minutes

Call to Order

Chair Neve called the June 15th, 2026 Planning Board meeting to order at 6:00 p.m.

Roll Call

The Secretary conducted the roll call for the meeting.

Members Present: Ryan Neve, Chair; George Stanziale, Vice-Chair; Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Members Absent: Tammy Hunsucker, Cameron White

A quorum was declared with five members present.

Town Staff Present:

Kyle Garner, Planning Director
Michelle Eitner, Town Planner
Brad Fockler, Code Enforcement Officer
Arey Grady, Town Attorney
Laurel Anderson, Board Secretary

Agenda Approval

Chair Neve made two amendments to the agenda: the addition of an attorney presentation on Special Use Permits before Public Comment, and Item 1 of New Business, Case #26-16 had been withdrawn from the agenda.

Member Patton made the motion to approve the amended agenda and Member Fasolino made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Election of Officers

Town attorney Arey Grady facilitated the election of officers. He declared the floor open for the nomination of Chairperson of the Planning Board.

George Stanziale made the motion to nominate Ryan Neve for Chair with no other nominations and Jeff Vreugdenhil made the second. Mr. Grady asked if there were any other nominations and there were none. Vic Fasolino made the motion to close the nominations for Chair and Clark Patton made the second. Mr. Grady took a vote to close nominations that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Mr. Grady took a verbal vote to approve Ryan Neve as Chairperson of the Planning Board.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Mr. Grady declared the floor open for the nomination of Vice-Chairperson of the Planning Board.

Clark Patton made the motion to nominate George Stanziale for Vice-Chair with no other nominations. Mr. Grady asked if there were any other nominations and there were none. Vic Fasolino made the motion to close the nominations for Chair and George Stanziale made the second. Mr. Grady took a vote to close nominations that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Mr. Grady took a verbal vote to approve George Stanziale as Vice-Chairperson of the Planning Board.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Minutes Approval

1. PB Draft Minutes 051826

Member Fasolino made the motion to approve the minutes as amended and Member Vreugdenhil made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Attorney Presentation on Special Use Permits

Town Attorney Arey Grady provided the board with an overview and refresher on the legal standards governing special use permit proceedings. He emphasized that once an application on its face satisfies the required findings, case law establishes a presumption that the applicant is entitled to approval. To overcome that presumption and impose a condition the applicant does not voluntarily accept, the board must identify specific facts in the record and tie those facts to an ordinance provision that is not met.

The attorney distinguished between voluntary concessions — where an applicant agrees to a suggested condition — and involuntary conditions, which carry a higher legal burden. He cautioned that while the Planning Board operates in a more legislative capacity than the Board of Commissioners, its recommendations carry significant weight in the quasi-judicial proceedings that follow at the commissioner level. Therefore, the board should approach its recommendations as if it were a quasi-judicial body, ensuring that any recommended conditions are grounded in facts and traceable to specific provisions of the Land Development Ordinance (LDO). Conditions unsupported by evidence and ordinance provisions risk being characterized by courts as arbitrary and capricious.

Board members engaged the attorney with questions clarifying how these standards apply in practice — including scenarios involving landscaping requests, tree preservation, and situations where an applicant agrees to a voluntary condition in the moment. The attorney confirmed that voluntary conditions require no additional justification, but that any condition an applicant objects to must be rigorously supported. The Chair concluded by asking board members to ensure that any conditions raised during the evening's remaining special use permit cases be tied back to the required findings.

Public Comment

Chair Neve then asked if anyone would like to speak. There were no public comments.

Old Business

1. Case #26-12 Special Use Permit – 1507 Live Oak St Gas Station

Member Vreugdenhil requested to be recused per family interests.

Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton, Jeff Vreugdenhil

Town Planner Mrs. Eitner presented the case, explaining that the Planning Board had previously tabled this application pending additional information. The applicant — Seman LLC, represented by attorney Bryce Pike of Pike Law Firm — had returned with responses to each of the board's prior requests. The property at 1507 Live Oak Street is within the Huntley Plaza Shopping Center, zoned B-1 General Business, where gas stations are allowed as a special use. The convenience store and quick-service restaurant components of the proposed development are permitted uses by-right. The proposed development includes the convenience store in the former Rolands/Redneck Barbecue end unit, a fuel island canopy, and above-ground fuel storage tanks at the northern end of the building.

Ms. Eitner confirmed that the resubmitted plans addressed the prior board requests as follows: a secondary concrete containment berm around the above-ground fuel tanks (subject to fire marshal review at the building permit stage); an eight-foot opaque fence with Type A landscaping buffer on three sides of the tanks; building and canopy elevations with redacted branding; a photometric lighting plan; and updated voluntary landscaping along Highway 101 and in the parking lot interior. She noted that a formal landscaping plan is not required for this project, as it meets the exemption criteria for existing development not expanding impervious surface by more than 15%. The developer has voluntarily offered updated and additional landscaping along with this project. This landscaping has been updated according to Planning Boards' request for additional information to show:

- Wax myrtles planted at 30 feet on center which is consistent with our street tree requirements. These small trees are allowed within such close proximity of the powerlines per our ordinance, but the applicant understands that Duke Energy may further dictate their placement or replacement following maintenance
- Widened parking lot landscaping between fuel canopy and parking spaces which will accommodate bushes and small trees
- Type-a 10-foot-wide buffer with 8ft opaque fence shown on three sides of the above-ground fuel tanks provides evergreen plantings
- The planting area with relocated sign at the southern edge of the project has remained the same but is updated to show types of plantings

The parking lot provides 124 spaces, exceeding the 91 required by 33 spaces. There are five points of ingress/egress to Live Oak or Highway 101, with the northernmost access to 101 downgraded to an exit-only as required by NCDOT.

The applicant's attorney, Mr. Bryce Pike, presented the case, arguing that all seven required findings were met or exceeded, and requested an approval vote.

During board questioning, several concerns were raised by the board. Vice-Chair Stanziale asked whether the applicant would consider removing or reducing parking spaces along the side of the existing building to allow for additional landscaping or architectural screening of the electrical panels and utility meters visible from Highway 101. Mr. Pike stated that what had been submitted represented the full extent of his client's authorization and declined to entertain modifications beyond the submitted plan, and reiterated that this was an exempt parcel and these matters were not part of the original request.

Chair Neve raised the question of whether a commitment during discussion made by the applicant at the prior meeting — to provide a pedestrian connection from the Highway 101 sidewalk to the businesses within Huntley Plaza — had been incorporated into the resubmitted plans. Ms. Eitner confirmed it had not been included in the board's original motion items and therefore was not required on resubmittal. The board discussed the matter and Mr. Pike indicated this was not a significant sticking point, and the board agreed it could be added as a condition tied to required findings D (traffic and circulation adequacy) and G (public health and safety).

The board also discussed the height and dimensions of the above-ground fuel storage tanks — approximately 8'6" in diameter, 32 feet long, and elevated approximately 18" off grade, placing the top of the tanks at roughly 11'. Vice-Chair Stanziale stated that he could not believe they were doing above-ground storage tanks and Member Fasolino also expressed strong personal objection to the use of above-ground storage tanks, noting that other gas station developments in the region had utilized underground storage. Member Fasolino went on to say that technically the applicant did not have to make any improvements but it was a great opportunity to enhance the appearance of the town. He stated that the applicant addressed the board's issues on the list but he had some concerns that he thought could have been handled differently. Mr. Pike stated that improvements are being made and asked that if any board members cannot make an unbiased vote that they recuse themselves.

Member Patton noted that the applicant had stated he would screen the conduit and meters but because of the existing grease traps and conduits he couldn't dig and plant anything. Vice-Chair Stanziale complained that there are architectural ways to do things like that and they would not take a flat no and they would not deal with that.

Town attorney Mr. Grady advised that requiring underground tanks would necessitate factual support from a professional appraiser or expert and a corresponding ordinance provision — neither of which was present in the current record. He emphasized that case law is decided in these situations. He noted that concerns can be transmitted to the Board of Commissioners as non-binding parts of the motion but they are inappropriate as conditions.

The board determined that two formal conditions could be supported and one item regarding the pedestrian connection was agreed to voluntarily by the applicant:

- Upon implementing the provided landscape plan with the additional modification that the planting island to the east of the fuel pumps be modified to incorporate two or more large shade trees in order to be compatible and in harmony with the adjoining land uses and development patterns, and
- In the interests of the public safety that a pedestrian path be provided from the shown sidewalk to the businesses in Huntley Plaza.

The board also identified three advisory concerns to be transmitted to the Board of Commissioners:

- Number one, because this is an identified entry corridor into the town of Beaufort as noted in the adopted gateway master plan, we have concerns over the proposal of above ground fuel tanks in this corridor.
- Number two, we have concerns related the screening of the side of the existing building. The entire side of the existing building that contains electrical panels, meters and so forth, that has not been screened from 101 and will not be screened architecturally or by the landscaping that is proposed along 101.
- Number three, we have concerns about the inadequacy of the landscaping in the southwest corner of the property due to its prominent location.

Vice-Chair Stanziale made the motion to recommend the application with the above stated formal conditions and advisory concerns transmitted to the Board of Commissioners and Member Patton made the second. Chair Neve took a vote that was approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton

Member Patton made the motion to reinstate Member Vreugdenhil to the meeting and Vice-Chair Stanziale made the second. Chair Neve took a vote that was approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton

New Business

1. Case #26-17 – Subdivision – 2220 Live Oak Street Preliminary & Final Plat

Mrs. Eitner presented a concurrent preliminary and final plat subdivision review for the property at 2220 Live Oak Street, located near the intersection of Live Oak Street and the bypass, within the R-20 Residential Single Family zoning district. The proposal subdivides a 2.52-acre parcel into two lots: Lot 1 at 1.67 acres (retaining the address of 2220 Live Oak Street) and Lot 2 at 0.85 acres (to be addressed at 150 Shell Landing Road). Both lots meet the R-20 minimum lot size of 20,000 square feet and the minimum width requirement of 100 feet at the building line. Both lots have frontage on a public street, access to county water, and will use septic tanks. No development is proposed as a result of the subdivision. Mrs. Eitner noted that Lot 2 is configured as a flag lot, which is permitted in R-20.

Member Fasolino raised a question regarding road frontage, noting the R-20 requirement. Mrs. Eitner and Member Vreugdenhil clarified that the 100-foot width requirement is measured at the building line rather than at the road, consistent with how cul-de-sac lots are treated, and that the lots are compliant.

Member Vreugdenhil made the motion to approve as presented and Member Patton made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Jeff Vreugdenhil

2. Case #26-18 Special Use Permit – Amendment to remove condition from 1527 Front St Accessory Dwelling Units SUP

Mrs. Eitner presented an application to amend an existing special use permit for the property at 1527 Front Street, located within the RS-5 Residential Single-Family district. The existing special use permit, originally approved by the Board of Commissioners in 2019 and signed in 2021, authorized two accessory dwelling units (ADUs) on the property subject to the condition that the units be used exclusively by family members. The property contains three structures: the principal single-family dwelling (a 1950 home), a larger two-bedroom accessory structure, and a smaller efficiency-style accessory structure at the rear of the lot.

Mrs. Eitner noted that the property owner had recently listed the ADUs for short-term rental on Zillow and Realtor.com - a violation of the family-use condition - and had removed the listings following code enforcement action by the town. The applicant was now requesting that the family-use condition be removed entirely so the structures could be rented on a short-term basis. Mrs. Eitner noted there are currently no other regulations in the town's LDO specifically governing short-term rentals. She went on to quote the applicant when the SUP was originally obtained: “These buildings will be for my private use and my desire is that my family will enjoy them as peaceful retreats when they come to visit”.

In answering board questions Mrs. Eitner explained that then Commissioner Ann Carter indicated she believed the request for three separate living areas was not in keeping with the surrounding land use and also then Commissioner John Hagle was concerned about having so many dwelling units on one site or having accessory dwelling units. Member Fasolino asked if homeowners are limited to one ADU and Mrs. Eitner stated that they are limited to one accessory structure. Member Fasolino noted that this property has two ADU’s. There were no further questions for staff.

The applicant's representative, Delbert Heick, General Manager for Southern Living Homes, addressed the board. He explained that family members had not been utilizing the units and that the structures had sat largely unused after the SUP had been originally granted. He acknowledged that one of the accessory structures had then been rented to non-family members, which prompted the code enforcement action. He stated the intent was to market the rentals primarily to traveling nurses or individuals seeking short-term accommodation, not to large groups, and that a strict lease would prohibit parties, pets, and similar uses. He noted parking in the back of the property could accommodate approximately two vehicles and stated that a neighbor had five cars at their house the weekend before. He voluntarily proposed that the principal dwelling and the smallest accessory structure remain restricted to family use, while only the larger rear accessory dwelling be made available for non-family short-term rental. He stated “our intent is not to rent this to just anybody that wants to come here for Big Rock or whatever. We are only interested in trying to rent the places, short terms, traveling nurses, something to that effect. And that would be for the back; parking’s in the back. So there aren’t any issues with a bunch of cars in the front.”

The board again reiterated that the ADU's had been built for family only and Chair Neve stated, "I'm curious how having the ability to have additional guests will decrease the parking demands." In answer to how many bedrooms there are in total on the property, Mr. Heick answered that there can be seven total and Chair Neve pointed out that there are two parking spaces. Member Patton asked if the family lived in the front house and Mr. Heick stated that they did not and it was also rented out. Mr. Heick went on to further state that he thought the front house would be more concerning to the board as he could easily get five different families in there and Member Vreugdenhil said that he would be in violation of the zoning ordinance for having a boarding house or a multi-family apartment.

Attorney Steve Valentine appeared on behalf of the applicant, acknowledging the board's density and parking concerns and suggesting the board's consideration of the applicant's middle-ground proposal — permitting rental of the back structure while maintaining the family restriction on the others. Member Vreugdenhil clarified that "they have no rentals in the front house whatsoever, that's for family and the larger structure in the back be afforded rental ability and the small house not be rented at all." Mr. Valentine agreed with this.

Board discussion centered on several concerns. One member expressed skepticism that the application should be approved at all, noting that the original approval should arguably never have been granted and that having three dwellings on a single lot now available for rental to unrelated parties would change the character of the neighborhood. Other members acknowledged this concern but noted that, under normal circumstances, property owners on Front Street are not prohibited from renting their primary dwelling, and that the applicant's voluntary offer substantially limited the scope of rental activity. The board agreed that the applicant's proposed middle ground - restricting the principal dwelling and smaller accessory structure to family use, and permitting only the larger ADU for non-family rental - was a reasonable resolution that could meaningfully reduce parking demand and neighborhood impact compared to the alternatives. The board acknowledged that enforcement would be a practical challenge but found the condition reasonable. Vice-Chair Stanziale pointed out "I don't like the fact that they violated the special use permit and obviously they were caught. It's like you tell your kid, are you saying you're sorry because you got caught."

Member Vreugdenhil noted that the adjacent property owners who would be concerned would have an opportunity to provide testimony at the Board of Commissioners meeting.

Member Fasolino made the motion to recommend approval with the condition that the main dwelling and the smaller accessory dwelling in the back be reserved only for family use, and the larger accessory dwelling unit in the back may be rented out to other than family, as proposed by the applicant. Vice-Chair Stanziale made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Clark Patton

Following the vote, the Chair noted for the record that the submitted site plan appeared to show significantly more impervious surface than depicted, and suggested staff might wish to examine this as part of any follow-on permitting review.

Commission/Board Comments

Member Patton informed the board that he would be absent from the next month's meeting due to an upcoming surgery.

Member Fasolino thanked staff for their presentations and recognized the town attorney for keeping the board clear of legal exposure.

Vice-Chair Stanziale raised the question of why adjacent property owners are not notified of Planning Board meetings, as they are for Board of Commissioners hearings. Mrs. Eitner explained that Planning Board reviews are not quasi-judicial hearings, and that inviting neighbors without an opportunity for them to speak would be misleading. Staff noted that applicants are encouraged to inform their neighbors voluntarily, and that meetings are now live-streamed, providing public access to the proceedings in real time, and it was noted that Vice-Chair Stanziale had asked this question before.

Staff Comments

Staff announced that the UDO steering committee meeting is scheduled on June 24, 2026, followed by community input sessions at Beaufort Elementary School to discuss proposed updates to subdivision regulations and the flood damage prevention ordinance.

Adjourn

Member Vreugdenhil made the motion to adjourn and Member Patton made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Stanziale, Vic Fasolino, Jeff Vreugdenhil

Chair Neve then declared the meeting adjourned at 8:00 p.m.

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Ryan Neve, Chair

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Laurel Anderson, Board Secretary