Town of Beaufort, NC
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Town of Beaufort Board of Adjustment Regular Meeting
4:00 PM Wednesday, November 25th, 2025 - Train Depot, 614 Broad Street, Beaufort, NC 28516
Minutes

Call to Order

Chair Reeve called the November 25th, 2025 Board of Adjustment regular meeting to order at 4:00 pm.

Roll Call

Members Present: Cathy Reeve, Chair; Clark Patton, Vice-Chair; Wendi Oliver, Joe Provenzano, Charles Harrell

Members Absent: Bruce Sheldon

A quorum was declared with five members present.

Staff Present: Mr. Kyle Garner, Planning Director; Jill Quattlebaum, Town Attorney; Laurel Anderson, Board Secretary

Agenda Approval

Vice-Chair Patton made the motion to approve the Agenda and Member Harrell made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Administration of Oaths

Chair Reeve gave the Quasi-Judicial Statement as follows: This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. The board must base its decision upon competent, relevant and substantial evidence in the record. It is a decision constrained by the standards in the ordinance and based on the facts presented. All applications for variances must be consistent with the Town of Beaufort's Land Development Ordinance (LDO). If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the applicant, the local government and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. For certain topics, this board may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Secretary Anderson administered the Oath to Mr. Garner.

Quasi-Judicial Proceeding

1. Case #25-02 Variance Request 200 Shell Landing Road

Mr. Garner introduced the case as a request for 200 Shell Landing Road to reduce the side setbacks in the R20 zoning district on an interior lot from 15 feet to 10 feet. He requested to submit the staff report and all information included on the town's website into the official record. Mr. Garner noted that the property was an existing lot of record created prior to the implementation of the R20 zoning and setback requirements.

Using a vicinity map, Mr. Garner pointed out how the property was wider at the street level and narrowed toward the rear (south).

The property was zoned R20 for residential single-family use with a current compliant use as a vacant lot. It existed prior to adoption of any zoning standards. The lot area was conforming at 25,905 square feet (20,000 required), but the lot frontage was non-compliant at 92.49 feet where 100 feet was required in the R20 district.

Mr. Garner explained that Section 11C under nonconformities of the LDO did not include a reduction of side yard setbacks for lots over 69 feet in width. He noted this was significant because other zoning districts had built-in variations for side setbacks, but lots requiring 100 feet did not have any such variation.

He noted that at one time there was a nonconforming structure on the site that did not meet side yard setbacks.

Mr. Garner also noted that the survey should be corrected as the surveyor put that the setbacks were 10 feet where they should have been 15 feet. When the additional 5 feet was considered, the previous structure was also nonconforming as it did not meet the westerly setback - the survey showed it was 14.7 feet from the property line when 15 feet was required.

Additionally, he explained that the septic tank and drain fields were located toward the front of the lot, making the design of the new structure difficult. This meant a property owner would have to dig everything up and reinstall a new septic tank and lines if they wanted to make the house deeper rather than wider.

Mr. Garner showed slides comparing the previous and proposed structures. On the proposed survey, the septic tank and field location was visible, with the applicant requesting setbacks of 10 feet 5 inches on one side and 11 feet 2 inches on the other. The previous survey showed where the surveyor had incorrectly marked 10-foot setbacks when 15 feet was required.

He also showed a photo of the previous structure that had been on the site and confirmed it had received a demolition permit and was now gone, making it a vacant lot. He also provided an aerial photo showing the surrounding neighborhood and structures.

Chair Reeve asked the board members to disclose any conflicts of interest and there were none.

Member Patton observed from an aerial photo that it appeared that almost every house was non-conforming. Mr. Garner noted that while GIS maps have disclaimers about accuracy, after field visits to the area he agreed that there were many structures that were non-conforming.

Secretary Anderson administered the Oath to Sammy Ballou, contractor, and Frank Eastman, applicant and property owner.Mr. Ballou explained that the original house and many houses in the subdivision were built parallel to the road but skewed on the lot, and they were going to build parallel to the property lines but not parallel to the road as turning them at an angle made them smaller.

Mr. Eastman stated they were trying to improve the neighborhood and asked the board to consider their request.

Secretary Anderson administered the Oath to Thomas Ninke, 190 Shell Landing Road, who requested standing in the matter. He stated the proximity of his house was very close to the borderline of the requested 10-foot gap, he was worried the new house would be oversized for the neighborhood, and he was concerned about runoff during rain events. Mr. Ninke estimated his house was under 10 feet, and possibly 5 feet at the front corner from the shared property line. The board discussed the question of stormwater and agreed that without sufficient supporting evidence, expert testimony would be needed for this claim.

Member Provenzano made the motion to deny standing and Member Oliver made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

There being no other witnesses, the Chair confirmed there were no other materials not in evidence that would prevent a decision and the board reviewed the four findings of fact required for a variance. Attorney Quattlebaum reminded the board that a 4/5th vote is necessary to approve a variance and all four of the factors must be met, and if any of the factors are not met by a 4/5th vote then the board must deny the variance.

The Board began discussing the four Findings of Fact.

Chair Reeve requested a motion for Finding 1: Unnecessary hardship would result from the strict application of the land development ordinance. Vice-Chair Patton made a motion to approve Finding of Fact #1 due to the size of the lot and a house could not be built there.

Member Oliver countered that there was still reasonable use of the land – the new house could be smaller with a 1-car garage instead of 2-car.

Vice-Chair Patton withdrew his motion.

After further discussion the Board voted on the following Findings of Fact:

a. *Unnecessary hardship would result from the strict application of the Land Development Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

Member Harrell made the motion to approve Finding of Fact #1 due to the existing driveway easement and the location of the septic tank and field, and Vice-Chair Patton made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

b. *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.*

Member Provenzano made the motion to approve Finding of Fact #2 due to the unique shape of the lot and the small buildable area, and Member Harrell made the second. Chair Reeve took a vote:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Provenzano, Member Harrell
Voting nay: Member Oliver

c. *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 shall not be regarded as a self-created hardship.*

Member Oliver made the motion to approve Finding of Fact #3 as the homeowner's actions did not result in the hardship, and Vice-Chair Patton made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

d. *Based on the neighbors being consulted and testimony of the applicant the spirit of the ordinance was being upheld. The requested variance is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured, and substantial justice is achieved.*

Member Provenzano made the motion for Finding of Fact #4 because the variance does meet the spirit, purpose, and intent of the Ordinance, and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Chair Reeve then asked for a motion for the approval of the variance.

Member Provenzano made the motion for the approval of the variance and Member Harrell made the second.

Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Attorney Quattlebaum requested a short break to bring the written order into evidence and when the meeting reconvened, she presented a draft order with additions based on the board's findings. For Finding 1, she added: "strict application of the ordinance, which would result in denial of the variance, would result in an unnecessary hardship due to the existing driveway easement to the east, which encroaches into the 15-foot side setback and the location of the septic tank and field."

For Finding 2, she added: "the hardship of which the applicant complains does result from a condition or conditions peculiar to the applicant's property due to the unique shape of the lot and the small buildable area of the lot." She asked if there were any additions or changes to the Order and there were none.

Vice-Chair Patton made the motion to approve the Order as presented and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Mr. Garner explained to the applicants that normally the Board would not render a decision on an Order until their next meeting but the variance and Order had both been approved at this meeting.

New Business

1. 2026 Board of Adjustment Meeting and Submittal Calendar

Member Oliver made the motion to approve the Calendar and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Commission / Board Comments

The board wished everyone happy holidays and noted that the agenda packet was very thorough.

Staff Comments

There were no comments.

Adjourn

Member Oliver made the motion to adjourn and Member Provenzano made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Chair Reeve then declared the meeting adjourned at 5:15 p.m.

Catherine Reeve, Chair

Laurel Anderson, Board Secretary