# Town of Beaufort, NC

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**Town of Beaufort Board of Adjustment Regular Meeting**
**4:00 PM Tuesday, July 28th, 2026 - Train Depot, 614 Broad Street, Beaufort, NC 28516**
**Minutes**

**Call to Order**

Chair Reeve called the July 28th, 2026 Board of Adjustment regular meeting to order at 4:00 pm.

**Roll Call**

Members Present: Cathy Reeve, Chair; Jay Bumpus, Wendi Oliver, Joe Provenzano, Charles Harrell

Members Absent: Bruce Sheldon

A quorum was declared with five members present.

Staff Present:

Charlie Rocci, Senior Town Planner
Michelle Eitner, Town Planner
Jill Quattlebaum, Town Attorney
Brad Fockler, Code Enforcement Officer
Laurel Anderson, Board Secretary

**Agenda Approval**

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

*Voting yea: Chair Reeve, Member Bumpus, Member Oliver, Member Provenzano, Member Harrell*

Minutes Approval

1. BOA Draft Minutes for 112525

*Member Oliver 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, Member Bumpus, 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 Mrs. Eitner and Mr. Brad Wintermute, applicant.

**Quasi-Judicial Proceeding**

1. Case #26-01 Variance Request - 1021 Ann Street

Chair Reeve asked for disclosure or ex-parte communication by any board members and there were none. Mrs. Eitner presented the staff review of Case #26-01 and submitted all exhibits in the packet and presentation into evidence. Brad and Deborah Wintermute, owners of 1021 Ann Street, requested a variance to construct an addition to their existing single-family home that would be no closer than six feet, four inches from the Fulford Street side property line, an encroachment of three feet, eight inches into the required 10-foot side street setback applicable to corner lots under LDO Section 7-F-4, Table 7-18, within the RS-5 Residential Single-Family zoning district.

Mrs. Eitner explained that the property sits at the northwest corner of Ann Street and Fulford Street. The home was constructed in 1920, predating zoning regulations, and is a nonconforming structure as it relates to the Fulford Street setback. The lot, while deeded as a 52.5-foot by 165-foot rectangle, is effectively trapezoidal in usable width because the platting of Fulford Street created an angled eastern boundary, reducing the rear width to approximately 42.5 feet.

The proposed addition would carry the existing building line northward along the Fulford Street side, resulting in a diminishing setback due to the angle of the lot, reaching its closest point of six feet, four inches at the northeast corner. A wraparound covered porch is the element that falls within the variance area. A new accessory structure is also proposed but is expected to meet dimensional requirements and is not part of the variance request.

Mrs. Eitner also noted that the current impervious surface coverage stands at approximately 43%, within the RS-5 limit of 50%, though coverage was not formally calculated on the submitted drawings. Adjustments to paving materials or the accessory structure footprint could be used if needed to remain compliant. She explained the approval procedure for a variance to be granted, noting that specific findings of fact must be met with items A through D of subsection 2 being the list of requirements and the applicant bears the burden of proving these findings. Mrs. Eitner then offered all exhibits in the agenda packet and her presentation into evidence.

Board members asked several clarifying questions regarding impervious coverage, the location of the proposed garage, and the scope of the renovation. Mrs. Eitner confirmed that the existing porch already does not conform to the 10-foot setback, sitting approximately eight feet from the right-of-way. She also suggested that a condition could be applied to any granted variance requiring the encroaching porch area to remain open or screened, and not be enclosed with solid walls.

**Applicant Presentation**

Applicant Brad Wintermute presented photographs of the property and a rendering of the proposed addition as viewed from both Fulford Street and Ann Street. He clarified the sequencing of events: the design was initially based on the assumption that the deeded lot was a full 52.5-foot rectangle, as he bought the house without having an official survey completed. After staking out the proposed addition on the property and finding the setback appeared closer than expected, he contacted the Town, was advised to obtain a survey, and discovered that the Fulford Street right-of-way had reduced the effective lot width on the rear portion to 42.5 feet - a condition that has existed for over 100 years and predates both the current ownership and the original dwelling.

Mr. Wintermute explained that the proposed two-story addition's main wall exceeds the required 10-foot setback and is conforming; only the covered wraparound porch at the northeast corner of the addition falls within the variance request. The side porch along Fulford Street is five feet, ten inches in depth, and the total porch runs approximately 29 feet, six inches northward from the existing structure, extending roughly 21 feet, six inches beyond the current eight-foot porch. He affirmed he was not proposing any encroachment into the Fulford Street right-of-way itself.

Mr. Wintermute then addressed each of the four required findings of fact for a variance:

He argued that the strict application of the 10-foot setback creates an **unnecessary hardship** because the RS-5 standard was written for a conforming 50-foot wide lot, which would provide a 35-foot building envelope. His lot's effective rear width of 42.5 feet compresses the building envelope disproportionately, an outcome the standard was not designed to produce.

He asserted the hardship is **peculiar to this property**, arising from the over-100-year-old angled right-of-way encroachment that reduced the effective lot width — a condition unique to this parcel and not shared by neighboring properties on standard lots.

He stated the hardship was **not self-created**, as neither he nor Deborah Wintermute caused the Fulford Street right-of-way configuration. The condition predates zoning, predates the dwelling, and predates their ownership. He noted there is no private mechanism to remedy the encroachment.

Finally, he argued the variance is **consistent with the spirit and intent** of the LDO, as continuing the established building line does not create new sight-line, traffic, or safety concerns, does not impede pedestrian or emergency access, and maintains the existing relationship between the structure and Fulford Street. He stated his goal was architectural coherence - an addition that appears as though it has always been part of the home - rather than a disjointed tack-on.

Board members asked clarifying questions about the width and depth of the porch, the history of the survey, the position of the street pavement relative to the right-of-way line, and whether a future sidewalk on Fulford Street could be impacted. Mr. Wintermute noted that the pavement of Fulford Street itself is contained within the right-of-way and that the porch would be nearly 10 feet from the pavement edge. He also noted that other houses along Fulford Street are similarly nonconforming grandfathered structures.

Confusion arose during Board discussion as to whether the addition would encroach into the right-of-way itself. Mrs. Eitner clarified that the proposal remains entirely within the applicant's property lines — the issue is solely that the porch would be less than 10 feet from the property line, not that it would enter the Fulford Street right-of-way.

A neighboring property owner spoke from the audience and indicated no objection to the variance request.

**Board Deliberation and Findings of Fact**

The Board proceeded to deliberate on each of the four required findings:

*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 given that the strict application of the ordinance would result in unnecessary hardship, and Member Oliver made the second. Chair Reeve took a vote that was unanimous:*

*Voting yea: Chair Reeve, Member Bumpus, 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 orientation of the existing structure in relationship to the property lines, and Member Harrell made the second. Chair Reeve took a vote:*

*Voting yea: Chair Reeve, Member Oliver, Member Provenzano, Member Harrell*

*Voting nay: Member Bumpus*

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

*Voting yea: Chair Reeve, Member Bumpus, 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 Oliver 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, Member Bumpus, Member Oliver, Member Provenzano, Member Harrell*

**Variance Approval**

Following affirmative votes on all four findings, the Board discussed imposing a condition that the porch area within the variance encroachment remain open air or screened, with no solid wall enclosures permitted in the future. The applicant confirmed he was amenable to this condition. Ms. Quattlebaum confirmed that screening would be permissible under the condition.

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

*Member Harrell made the motion for the approval of the variance with the condition that the entire addition/encroachment within the setback area remain either open air or a screened porch with no solid enclosures, and Member Provenzano made the second.*

*Chair Reeve took a vote that was unanimous.*

*Voting yea: Chair Reeve, Member Bumpus, Member Oliver, Member Provenzano, Member Harrell*

**Written Order**

After a short break, Ms. Quattlebaum presented a handwritten order memorializing the four findings of fact and the condition that the encroaching addition remain open air or a screened porch. The order was circulated among Board members for review.

*Member Oliver made the motion to approve the Order as presented and Member Provenzano made the second. Chair Reeve took a vote that was unanimous:*

*Voting yea: Chair Reeve, Member Bumpus, Member Oliver, Member Provenzano, Member Harrell*

Ms. Quattlebaum indicated the order would be revised and provided to Ms. Anderson for coordination with the Chair for signature.

Chair Reeve formally closed Case #26-01.

**Commission / Board Comments**

Chair Reed inquired about the timeline for election of officers. Ms. Anderson advised that, given the time of year, the election would be deferred to either the end of the year or the beginning of next year, coinciding with the meeting to approve the upcoming year's calendar.

**Staff Comments**

Ms. Eitner introduced new Senior Planner, Charlie Rocci, who said a few words about his academic and professional history.

**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, Member Bumpus, Member Oliver, Member Provenzano, Member Harrell*

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

**Catherine Reeve,** Chair

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**Laurel Anderson,** Board Secretary