



Town of Beaufort, NC

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Town of Beaufort Board of Adjustment Regular Meeting 6:00 PM Monday, August 22, 2022 Minutes

Call to Order

Chair Oliver called the August 22, 2022 Board of Adjustment regular meeting to order at 6:00 pm.

Roll Call

Members Present: Wendi Oliver, Cathy Reeve, Ann Carter, Virginia Cuthrell, and Nick Wilson

Members Absent: Barry Evans, Alternate, and Allison Long, Alternate

A quorum was declared with five members present.

Staff Present: Town Attorney Jill Quattlebaum, Kyle Garner, and Laurel Anderson.

Agenda Approval

Chair Oliver asked if there were any changes to the Agenda.

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

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

Minutes Approval

Chair Oliver asked if there were any changes to the May 23, 2022 Meeting Minutes.

Member Reeve made the motion to approve the Minutes and Member Carter made the second. Chair Oliver took a vote that was unanimous.

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

Items of Consent

1. Approval of the Order for 215 Turner Street

Chair Oliver asked for a motion to approve the Order for 215 Turner Street.

Member Reeve made the motion to approve the Order and Member Carter made the second. Chair Oliver took a vote that was unanimous.

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

2. Approval of the Order for 1314 Ann Street

Chair Oliver asked for a motion to approve the Order for 215 Turner Street.

Member Reeve made the motion to approve the Order and Member Carter made the second. Chair Oliver took a vote that was unanimous.

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

New Business

Chair Oliver read a statement regarding how quasi decisions are made and who had standing and could participate and then asked Ms. Anderson to swear in Kyle Garner and the applicant, Susan Marshall, 216 Ann Street.

1. Variance Request for 216 Ann Street

Chair Oliver opened the hearing and Mr. Garner presented on behalf of staff, stating the homeowners are requesting a reduction of the rear southwestern setback from 25 feet to 7 feet 2 inches (for a 17 foot 10 inch encroachment) and a reduction of the eastern Designated Right-of-Way setback from 20' feet to 15.4 feet (for a 4 foot 6 inch encroachment). Mr. Garner entered the following into the record:

The property is zoned R-8 (Medium Density).

The use of the lot is compliant as it is developed as a single family residential.

The property has been in existence prior to adoption of any zoning standards.

The lot is non-conforming as it is less than 8,000 sq. ft. (4,977 sq. ft. surveyed)

The existing structure is non-conforming as it does not meet the current rear setback of 25 feet (14.2 feet) and the Designated Side (Right-of-Way) setback of 20 feet (15.4 feet) per survey.

If approved the Applicant will have to go before the Historic Commission for a Certificate of Appropriateness prior to the construction of any structure.

In February 2015 a front yard variance was granted reducing the setback from 25 feet to 5.8 feet (across Ann Street)

Member Reeve asked the applicant, Susan Marshall, where the current HVAC unit would be placed. Ms. Marshall stated that they were planning on adding a bathroom and there were other options as to the type and placement of the HVAC unit.

Member Carter asked about the hardship stated on the variance application, which was stated as the impact for the Historic Commission. Ms. Marshall replied that the hardship is the need for a second bathroom. Member Carter also asked if the neighbors had been contacted, and Ms. Marshall responded that they had been sent letters but no one had responded.

Chair Oliver requested a motion, and the Board voted on the following Findings of Fact:

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

Member Carter made the motion to deny Finding of Fact #1 and Member Reeve made the second. Chair Oliver took a vote:

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Wilson

Voting nay: Member Cuthrell

- 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 Carter made the motion to deny Finding of Fact #2 and Chair Oliver made the second. Chair Oliver took a vote that was unanimous:

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

- 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 Carter made the motion to deny Finding of Fact #3 and Member Reeve made the second. Chair Oliver took a vote:

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

- 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 Carter made the motion for Finding of Fact #4 and Vice-Chair Reeve made the second. Chair Oliver took a vote that was unanimous:

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

Chair Oliver then asked for a motion for the denial of the variance.

Member Carter made the motion for the denial of the variance and Member Reeve made the second.

Chair Oliver took a vote that was unanimous.

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

Commission / Board Comments

There were no Board comments.

Staff Comments

There were no Staff comments.

Adjourn

Chair Oliver asked for a motion to adjourn the meeting.

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

Voting yea: Chair Oliver, Vice-Chair Reeve, Member Carter, Member Cuthrell, Member Wilson

Wendi Oliver, Chair

Laurel Anderson, Board Secretary