



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Town of Beaufort Board of Adjustment Regular Meeting 6:00 PM Monday, May 22, 2023 701 Front Street Town Hall Conference Room, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

1. BOA Draft Minutes for 4.24.23

Election of Officers

Items of Consent

1. Approval of the Order for 105 Front Street

Commission / Board Comments

Staff Comments

Adjourn

DRAFT



Town of Beaufort, NC

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**Town of Beaufort Board of Adjustment Regular Meeting
6:00 PM Monday, April 24, 2023
Minutes**

Call to Order

Acting Chair Reeve called the April 24, 2023 Board of Adjustment regular meeting to order at 6:00 pm.

Roll Call

Members Present: Cathy Reeve, Ann Carter, Clark Patton, and Nick Wilson

Members Absent: Wendi Oliver, Barry Evans, Alternate, and Bruce Sheldon, Alternate

A quorum was declared with four members present.

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

Agenda Approval

Acting Chair Reeve asked if there were any changes to the Agenda.

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

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Minutes Approval

Acting Chair Reeve asked if there were any changes to the October 24, 2022 Meeting Minutes.

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

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Election of Officers

Member Carter made the motion to table the election of officers until more members were present and Member Wilson made the second. Acting Chair Reeve took a vote that was unanimous.

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Administration of Oaths

Secretary Anderson administered the Oath to Kyle Garner.

Acting Chair Reeve read the Quasi-Judicial Statement.

Secretary Anderson administered the Oath to Jay Horton, Filter Design Studio

Acting Chair Reeve asked if any Members needed to recuse themselves of which there were none.

Quasi-Judicial Proceeding

1. Variance Request for 105 Front Street

Mr. Garner gave an overview of the request to grant a variance for the current air handler installed in the crawlspace to encroach 0.60 feet below FEMA Base Flood Elevation. The applicant is requesting the variance due to the interior configuration of the historic structure and not being able to relocate the current handler without causing issues to the Historic Character of the structure. This property is locally known as the Duncan House and in August 2012 was approved by the State Historic Preservation Office as a structure of Statewide Significance. In March 2021 a Certificate of Appropriateness was issued for the elevation of the structure from 5.1 feet to 8.2 feet. In July of 2021 a building permit was issued for the work.

- The property is zoned R-8 (Medium Density).
- The structure per elevation certificate has been raised from below the Base Flood Elevation to 2.2 feet above the base flood. (See attached elevation plans submitted to Historic Commission showing previous elevation and proposed/existing elevation of the structure).
- The structure is listed as a structure of Statewide Historic Significance.
- The structure is part of the National Registered District of Beaufort.
- Chapter 151 Flood Damage Prevention Ordinance Item C does allow for variances for historic structures if it protects the historic character. An email submitted by Mr. John Wood of the State Historic Office states that the mechanical units do not adversely impact the historic character.

Mr. Garner went on record to state that in Staff’s opinion, the request meets the criteria to be granted a variance and noted that the variance would bring the structure into compliance with federal, state, and local laws.

Member Carter observed that maintenance of proper air quality would enable the home to be preserved and maintained.

Town Attorney Quattlebaum noted that the Town of Beaufort’s Floodplain Development Ordinance designated the applicable variance approval conditions for the request, as stated on page 44 of the Agenda Packet and Section (H) of the Floodplain Development Ordinance.

The Board voted on the following Findings of Fact:

- (H) Conditions for variances: The variance is of good and sufficient cause as the house is a historic structure as defined by the Floodplain Ordinance.

Member Patton made the motion to approve Finding of Fact #1 and Member Carter made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

- 1. The variance will not cause the structure to violate other federal, state, or local laws, regulations, or ordinances.

Member Patton made the motion to approve Finding of Fact #2 and Acting Chair Reeve made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

- 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Member Carter made the motion to approve Finding of Fact #3 and Member Patton made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

- 3. Variances shall only be issued upon:

- a) A showing of good and sufficient cause.

Member Wilson made the motion to approve Finding of Fact (a) and Member Patton made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

- b) A determination that failure to grant the variance would result in exceptional hardship.

Member Wilson made the motion to approve Finding of Fact (b) and Member Patton made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

- c) The granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Member Patton made the motion to approve Finding of Fact (c) and Member Wilson made the second. Town Attorney Quattlebaum took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Member Carter made a motion to grant the variance based on the Findings of Fact meeting all criteria. Member Patton made the second. Town Attorney took a vote that was unanimous:

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Commission / Board Comments

There were no Board comments.

Staff Comments

Mr. Garner explained that as the variance was granted, the final Certificate of Occupancy could be issued and the Board would vote to approve the Order at the next meeting. Mr. Garner requested Mr. Horton or Mr. Wooten record the variance at the courthouse after the Order was signed.

Adjourn

Acting Chair Reeve asked for a motion to adjourn the meeting.

Member Wilson made the motion to adjourn and Member Carter made the second. Town Attorney Quattlebaum took a vote that was unanimous.

Voting yea: Acting Chair Reeve, Member Carter, Member Patton, and Member Wilson

Cathy Reeve, Acting Chair

Laurel Anderson, Board Secretary



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**Town of Beaufort Board of Adjustment Regular Meeting
6:00 P.M. May 22, 2023 – 701 Front Street – Town Hall**

AGENDA CATEGORY: Consent
SUBJECT: Approval of the Order for 105 Front Street

BRIEF SUMMARY:

As part of the new General Statutes (160D), prior to Evidentiary Hearing Orders being signed and sent to the applicant/property owners, the Board in which conducted the hearing is to review the order for accuracy.

Staff has consulted with the Town Attorney and now asks that the Board of Adjustment Members review the order for such accuracy and be prepared to make a motion to recommend approval of the Order or to approve with Board recommend changes.

REQUESTED ACTION:

Review the order for such accuracy and be prepared to make a motion to recommend approval of the Order or to approve with Board recommend changes

EXPECTED LENGTH OF PRESENTATION:

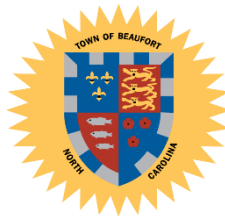
0 Minutes (Presentation From Staff)

SUBMITTED BY:

Kyle Garner, AICP Planning Director

BUDGET AMENDMENT REQUIRED:

N/A



TOWN OF BEAUFORT ORDER APPROVING A VARIANCE

The Board of Adjustment for the Town of Beaufort, having held an evidentiary hearing on April 24, 2023, to consider Case # 23-01, submitted by Filter Design Studio/Jay Horton, a request to allow the current air handler installed in the crawl space to encroach .6 feet below FEMA Base Flood Elevation for the property located at 105 Front Street, PIN # 730617001940000, Beaufort, NC, in a manner not permissible under the literal terms of the Town’s *Flood Damage Prevention Ordinance and Land Development Ordinance* (hereby known as “the *Ordinances*”), and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

1. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits that the property is a historic structure as defined by the Town of Beaufort Flood Damage Prevention Ordinance.
2. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits that the variance will not make the structure violate other federal, state, or local laws, regulations, or ordinances.
3. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits that applicant has shown good and sufficient cause for the variance.
5. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits that failure to grant the variance would result in exceptional hardship.
6. It is the Board’s **CONCLUSION/FINDING OF FACT** after hearing testimony and reviewing the staff report and exhibits the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisance; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

Therefore, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **VARIANCE** be **APPROVED TO ALLOW THE CURRENT AIR HANDLER INSTALLED IN THE CRAWL SPACE TO ENCROACH .6 FEET BELOW FEMA BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 105 FRONT STREET.**

Ordered this 22nd day of May, 2023.

Wendi Oliver
Chair

Laurel Anderson
Board Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Clerk of Superior Court of Carteret County within thirty (30) days after the date this order is served on you. See Section 21-M of the Town of Beaufort’s *Land Development Ordinance*.