



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, February 22, 2021 - Held via Zoom due to the COVID-19 Pandemic
Monthly Meeting**

Call to Order

Roll Call

Agenda Approval

Minutes Approval

- [1.](#) Approval of the Minutes for the October 26, 2020 Board of Adjustment Meeting

Administration of Oaths

New Business

- [1.](#) Variance Request for 124 Ann Street

Public Comment

Commission / Board Comments

Staff Comments

Adjourn



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**Town of Beaufort Board of Adjustment Regular Meeting - Held via Zoom
6:00 PM Monday, October 26, 2020 - Held via Zoom due to the COVID-19 Pandemic
Minutes**

Call to Order

1. Call to Order
Chair Davis called the meeting to order.

Roll Call

2. Roll Call
Members present for the meeting were, Charles Davis, Pete Evans, Wendi Oliver and Virginia Cuthrell. Robert Terwilliger was not present for the meeting.
Also present for the meeting were Kyle Garner and Denice Winn.

Agenda Approval

3. Agenda Approval
Chair Davis asked for a motion to approve the Agenda. Board Member Evans made the motion. Board Member Oliver made the second. The motion passed unanimously by roll call vote.

Minutes Approval

4. Minutes Approval from the September 28, 2020 Meeting
Chair Davis asked for a motion to approve the minutes from the September 28, 2020 meeting. Board Member Oliver made the motion. Board Member Cuthrell made the second. The motion passed unanimously to approve the September 28, 2020 minutes by a roll call vote.

Calendar

5. Calendar Approval for 2021
Chair Davis asked for a motion to approve the 2021 calendar of meeting dates. Board Member Evans made the motion. Board Member Oliver made the second. The motion to approve the 2021 calendar passed unanimously by roll call vote.

Public Comment

No public comment.

Commission / Board Comments

No Board comments.

Staff Comments

Mr. Garner told the Board that they may have one item for the November meeting.

Adjourn

Chair Davis asked for a motion to adjourn the meeting. Board Member Evans made the motion. Board Member Cuthrell made the second. The motion carried unanimously by roll call vote.

Charles Davis, Chair

Denice Winn, Board Secretary



Town of Beaufort, NC

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**Town of Beaufort Board of Adjustment Regular Meeting
6:00 P.M. February 22, 2021 – Via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Variance Request for 124 Ann Street

BRIEF SUMMARY:

Applicant is requesting a variance to allow for:

A reduction of side setback from 6’ feet to 4.21 feet tapering to 4.7 feet for 22.6 feet of length to the existing southwestern portion of the structure for a total area of approximately 40 sq. ft.

REQUESTED ACTION:

Conduct Evidentiary Hearing
Decision on Request

EXPECTED LENGTH OF PRESENTATION:

15 Minutes (Presentation From Staff)

SUBMITTED BY:

Kyle Garner, AICP Planning Director

BUDGET AMENDMENT REQUIRED:

N/A

Description of Project:

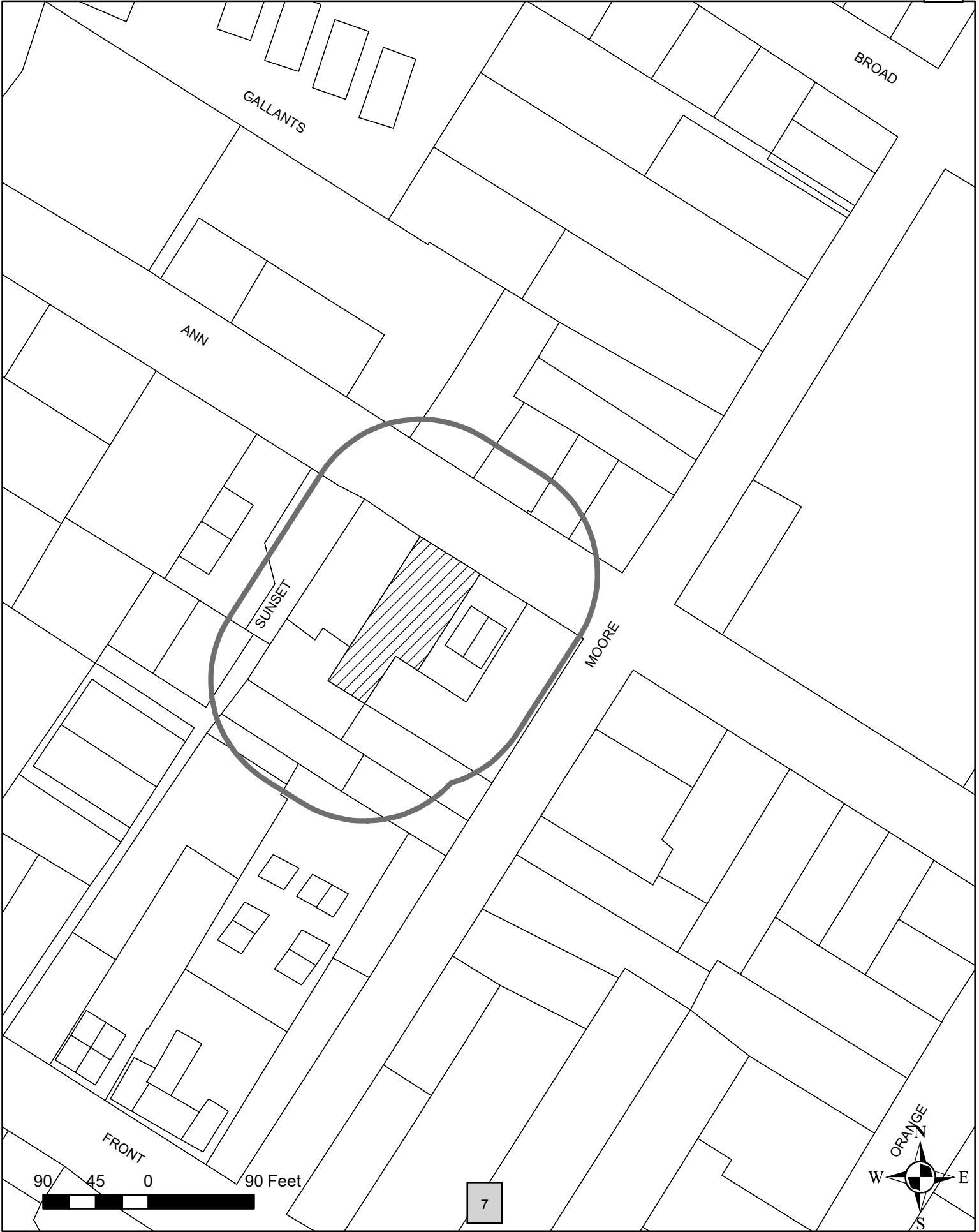
This property is an existing lot of record and the structure were created record prior to the implementation of the R-8 zoning and the setback requirements. As shown in the survey the structure is not square on the property, but skewed which makes it difficult for a proposed rear addition. Normally, the side setback for the R-8 is 8 feet however due to the width being less than 60 feet and an existing non-conforming lot the side setbacks are six feet (Per Table 11-1 in Section 11 of the Town’s Land Development Ordinance) The requested variance will allow for a rear addition to be built on this lot (once a COA is issued). The applicant understands that the issuance of a variance does not imply that a COA will be issued by the Historic Preservation Commission.

SECTION 8. TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS

District and Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width (ft.)	Minimum Yards (ft.) Including Corner Lots			Maximum Building Height (ft)
			Front	Side	Rear	
R-8	8,000 sq. ft.	60 ft.	25ft.	8ft.	25ft.	35ft.
			20ft.			

Facts:

- The property is zoned R-8 (Residential 8).
- The property is located within the local historic district.
- The property and structure have been in existence prior to adoption of any zoning standards.
- The existing lot is non-conforming being 7,404.9 sq. ft. in area in and R-8 zoning district.

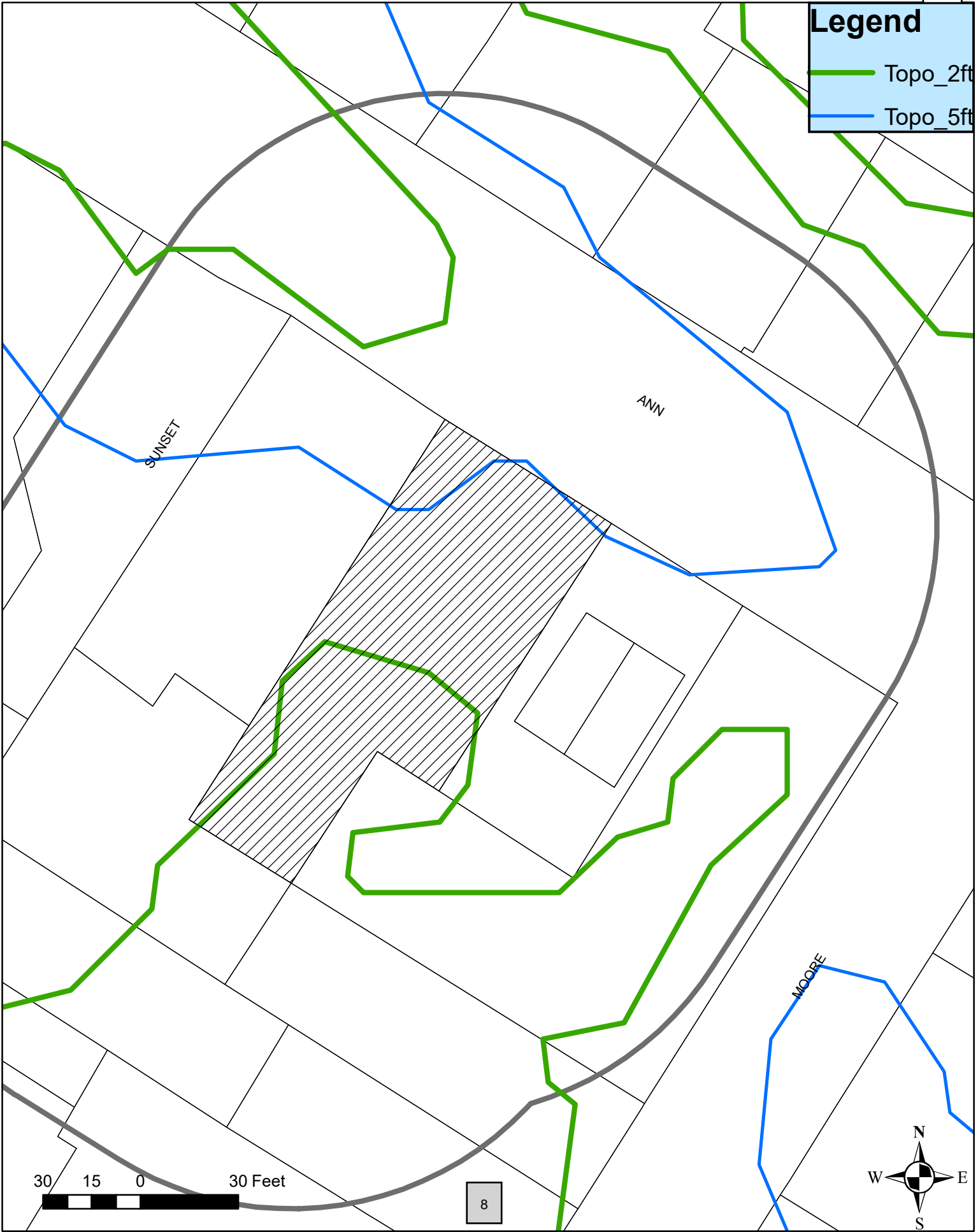


Case # 21-01 - Variance Request - 124 Ann Street

1.

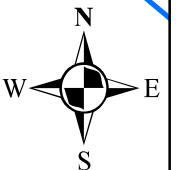
Legend

- Topo_2ft
- Topo_5ft

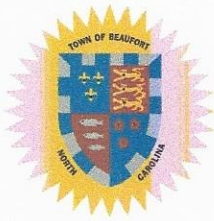


30 15 0 30 Feet

8



<u>OWNER</u>	<u>MAIL_HOL</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>IL_ST</u>	<u>MAIL_ZI</u>	<u>MAIL_ADD2</u>
ABRAMS,DOUGLAS B ETUX MARGARET	5101	HUNTINGWOOD DR	RALEIGH	NC	27506	
BEACON STREET BRADLEY LLC	3126	SUSSEX RD	RALEIGH	NC	27607	
BOLLINGER,CLAY BELIN ETUX ETAL	4600	HICKORY NUT RIDGE RD	GRANITE FALLS	NC	28630	
CANDLEWOOD INVESTMENTS LLC			ROCKY MOUNT	NC	27804	PO BOX K
CHADWICK,BRADFORD Q ETAL	4003	HALCYON DRIVE	HUNTERSVILLE	NC	28078	
DUNCAN,JOHN N III ETAL	115	MOORE ST	BEAUFORT	NC	28516	
DURANT,SUSAN D ETAL STANZIALE	300	DUNSTABLE COURT	RALEIGH	NC	27614	
ENSLEY,THOMAS I			NEW BERN	NC	28564	PO BOX 3234
HARDESTY,JERRY JR ETUX SHELIA	124	ANN STREET	BEAUFORT	NC	28516	
HOLLAND,LAURA ELLEN	305	MOORE STREET	BEAUFORT	NC	1814	28516
JOHN & JOSEPH LLC	325	FRONT STREET	BEAUFORT	NC	28516	
LINDSTROM,ERIC	233	OLD STREET	FAYETTEVILLE	NC	28301	
MOORE,NANCY WASHINGTON	113	MOORE STREET	BEAUFORT	NC	2128	28516
NELSON,RICHARD S ETUX CARRIE	901	COLVILLE ROAD	CHARLOTTE	NC	28207	
PAUL,ALLAN	403	GLASCOCK ST	RALEIGH	NC	27604	
REVELS,RAY V JR	120	ANN STREET	BEAUFORT	NC	28516	
SUNSET LANE PROPERTIES LLC			ROCKY MOUNT	NC	27802	PO BOX K
TUTAK,CHRISTOPHER N ETUX HEIDI	131	ANN STREET	BEAUFORT	NC	28516	



APPLICATION FOR A VARIANCE OF LAND DEVELOPMENT STANDARDS FOR THE TOWN OF BEAUFORT

Instructions:

Please complete the application below, include all the required attachments, and the **application fee of \$300.00** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed but **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 with any questions.

APPLICANT INFORMATION

Applicant Name: Jerry T Hardesty Jr

Applicant Address: 124 Ann Street, Beaufort, NC 28516

Phone Number: (252) 917-9698 Email: jhardesty@trent.com

Property Owner Name: Jerry T Hardesty Jr and Sheila S Hardesty

Address of Property Owner: 124 Ann Street, Beaufort, NC 28516

Phone Number: (252) 917-9698 Email: jhardesty@trent.com

PROPERTY INFORMATION

Property Address: 124 Ann Street, Beaufort, NC 28516

15-Digit PIN: 730617016116 Lot/Block Number: 39,40

Size of Property (in square feet or acres): 7,404.9

Current Zoning: R-8 Is the property in the Historic District? Yes

Current Use of Property: Residential Vacant Commercial Other: _____

Applicant Signature: *J. Hardesty Jr.* Date of Signature: 1/8/2021

Property Owner Signature (if different than above) _____ Date of Signature _____

An application fee of \$300.00, is to be paid by either cash, money order, or check made payable to the "Town of Beaufort" and must accompany this application. The complete application, payment, and supporting material must be received by Town Staff at least 15 working days prior to a regularly scheduled Board of Adjustment meeting date.

Please refer to the Town's **Land Development Ordinance, Section 3** and all other pertinent sections, for the information required to accompany this application.
The Town's website address is www.beaufortnc.com.

OFFICE USE ONLY Revised 8/2020

Received by: _____ Reviewed for Completeness By: _____
Date: _____ Date Deemed Complete and Accepted: _____

REQUIRED ATTACHMENTS FOR A VARIANCE TO THE BEAUFORT ZONING REGULATIONS

Please provide the following as attachments to the variance request form:

- 1. A statement explaining the following:
 - The **specific requirements** of the Town of Beaufort that the applicant is asking to be varied (for example: the number of required parking spaces, any yard setbacks, height of a structure etc.) Please reference the exact chapter and section of the Land Development Ordinance (LDO) in question.
 - The **EXACT amount** of variance that is being requested. For example, the reduction of a placement of a structure by 5 feet within a setback area; a reduction of parking spaces by 7; or an increase in the amount of permitted signage by 16 square feet, etc.
 - The **reason for requesting the Variance**, including an explanation of why the Variance should be considered based on the criteria outlined in Section 21-I (1) of the LDO and any other relevant Sections of the Ordinance that may specifically pertain to the project (see attached excerpts of the code).

- 2. A site plan of the property drawn to scale and includes:
 - A North Arrow;
 - All property lines and accurate property line dimensions;
 - The adjacent streets and names;
 - The location of all easements (if applicable);
 - The location of all existing structures (if applicable);
 - The proposed location of new or expanded structures;
 - The current and proposed building setbacks from all property lines; and,
 - All parking areas, landscaping, and any other requirements of the zoning regulations.

- 3. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requesting the variance (notification of adjacent property owners by the Town is required by North Carolina law).

- 4. Any additional materials such as photographs of the surrounding properties, elevations of proposed structures or information that the applicant would like to present to the Board of Adjustment relevant to the requested variance.

- 5. Plans or other documents submitted for the Variance should be in an electronic/digital method as well as one paper copy.

APPLICATIONS ARE DUE 15 WORKING DAYS BEFORE A REGULAR BOARD MEETING.

Section 21. Board of Adjustment

I) *Variances.*

The power of variances is to be sparingly exercised and only in rare instances and under exceptional circumstances and with due regard to the main purpose of the *Land Development Ordinance* (herein known as *the LDO* or *the Ordinance*): to preserve the property rights of others. No change in permitted uses may be authorized by variance.

1) Application Submittal.

An application for a variance shall be submitted to the Board of Adjustment (BOA) by filing a copy of the application with the Town.

2) Findings for the Variance.

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the LDO, the BOA shall have the power to vary or modify any of the regulations or provisions of the Ordinance so the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted only upon affirmative finding of the following:

- 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;
- 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;
- 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; and,
- d) 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.

K) *Burden of Proof for Variances.*

2) The applicant for a variance (request) shall have the burden of proof and persuasion.

L) *Board Action on Variances.*

2) Granting a Variance.

Before granting a variance, the BOA must take a separate vote and vote affirmatively by a four-fifths majority, on each of the four required findings stated in subsection I-2 of this Section. A motion to make an affirmative finding on each of the requirements set forth in subsection I-2 (see above reference) of this Section shall include a statement of the specific reasons or findings of fact supporting such motion.

3) Denying a Variance.

A motion to deny a variance shall be made if any one or more of the four required findings set forth in subsection I-2 (see above reference) of this Section are not satisfied or if the application is incomplete. A motion to deny a variance shall include a statement of the specific reasons or findings of fact which were not met and therefore caused the denial of the variance. The motion is adopted as the board's decision if supported by more than one-fifth of the board's voting membership in attendance (excluding vacant seats).

ORDINANCE: A variance may be granted by the BOA only upon the affirmative finding of the following:

- a) The applicant cannot reasonably comply with the literal terms of the Ordinance and secure a reasonable return from or make reasonable use of his/her property.

The existing house is non-conforming on its west side property line as can be seen on the attached survey. Requesting a 1.79' setback variance on the west side of the property line at the rear of the existing structure for an addition to the home. As the addition goes back the amount of the variance request changes and a 1.3' setback variance is requested for the right rear corner of the addition. See attached new plot plan.

- b) The hardship of which the applicant complains results from the unique circumstance related to the physical nature of and are peculiar to his/her land.

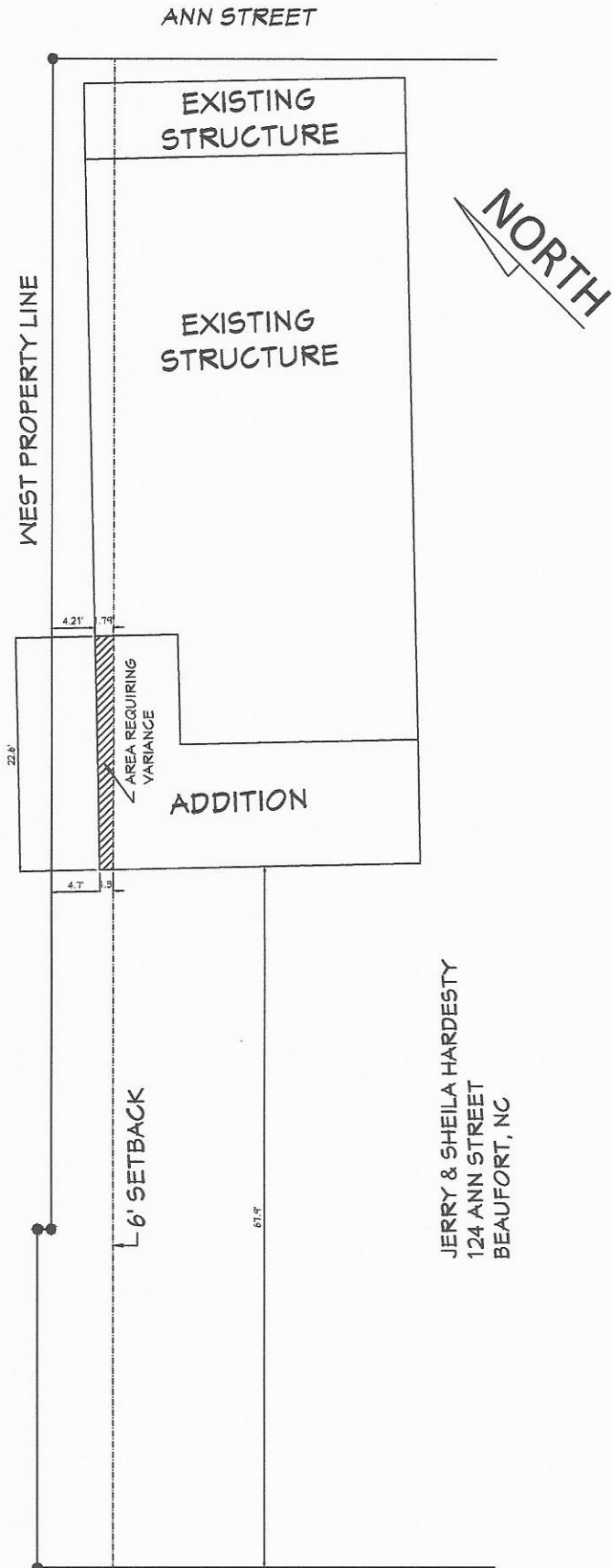
The existing house was built on the property in 1782 according to Carteret County GIS parcel records, prior to the applicant's acquisition of the property in 2020. Current owner purchased the property from his Grandfather's estate. The Hardesty's have owned the property since 1946.

- c) The hardship is not a result of the applicants' own actions or the actions of a prior owner.

The existing house was built on the property line in 1782, presumably there were no town ordinances at that time.

- d) The variance will be in harmony with the general purpose and intent of this Ordinance and will preserve its spirit.

This variance will provide the applicants relief by allowing them to create an addition to the rear of the existing house. The new addition will be in harmony with the other houses of its vintage in this area.



Property Owners within 100 feet of property

**Richard & Carrie Nelson
901 Colville Rd
Charlotte, NC 28207**

**John Duncan
115 Moore St
Beaufort, NC 28516**

**Ray Revels, Jr
120 Ann St
Beaufort, NC 28516**

**Nancy Moore
113 Moore St
Beaufort, NC 28516**

**Susan Durant
300 Dunstable Ct
Raleigh, NC 27614**

**Eric Lindstrom
233 Old St
Fayetteville, NC 28301**

**Laura Holland
305 Moore St
Beaufort, NC 28516**

**Allen Paul
403 Glascock St
Raleigh, NC 27604**

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Jerry T. Hardesty, Jr. and Wife Sheila S. Hardesty				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street				Company NAIC Number:	
City Beaufort		State North Carolina		ZIP Code 28516	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Portion of Lots 39,40, Old Town Beaufort, PIN-730617016116.					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)				Residential	
A5. Latitude/Longitude: Lat. <u>34.72002</u> Deg. Long. <u>-76.66782</u> Deg. Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>9</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>1747.10</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Town Of Beaufort CID: 375346			B2. County Name Carteret		B3. State North Carolina
B4. Map/Panel Number 3720730600	B5. Suffix J	B6. FIRM Index Date 06-19-2020	B7. FIRM Panel Effective/ Revised Date 07-16-2003	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 6.0'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street			Policy Number:
City Beaufort	State North Carolina	ZIP Code 28516	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
 Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: EA0102 Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

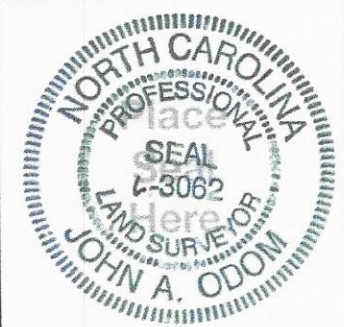
- | | | | |
|---|------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>4.5</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | <u>7.9</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>N/A</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>5.7</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>5.0</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>5.8</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including
structural support | <u>5.2</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name John A. Odom	License Number L-3062
Title Professional Land Surveyor	
Company Name Prestige Land Surveying, P.A.	
Address 501 W. B. Mclean Blvd.	
City Cape Carteret	State North Carolina
	ZIP Code 28584



Signature <i>[Handwritten Signature]</i>	Date 12-10-2020	Telephone (252) 393-2129	Ext.
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Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
 Lat. and Long. in Section A5 is taken from NCFRIS. Structure appears to be crawlspace construction with crawlspace 0.5' below grade so diagram 9 in Section A7. BFE in Section B9 taken from NCFRIS. Elevation in Section C2e is top of HVAC unit slab. There is a preliminary map dated 6/30/2016 that indicates this structure will be in a Zone AE with BFE of 8'.

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street			Policy Number:
City Beaufort	State North Carolina	ZIP Code 28516	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
 - b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name _____

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	

Comments _____

Check here if attachments.

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street			Policy Number:
City Beaufort	State North Carolina	ZIP Code 28516	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
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G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters Datum _____

G10. Community's design flood elevation: _____ feet meters Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date

Comments (including type of equipment and location, per C2(e), if applicable)

Check here if attachments.

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street			Policy Number:
City Beaufort	State North Carolina	ZIP Code 28516	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Front View 10-26-2020

Clear Photo One

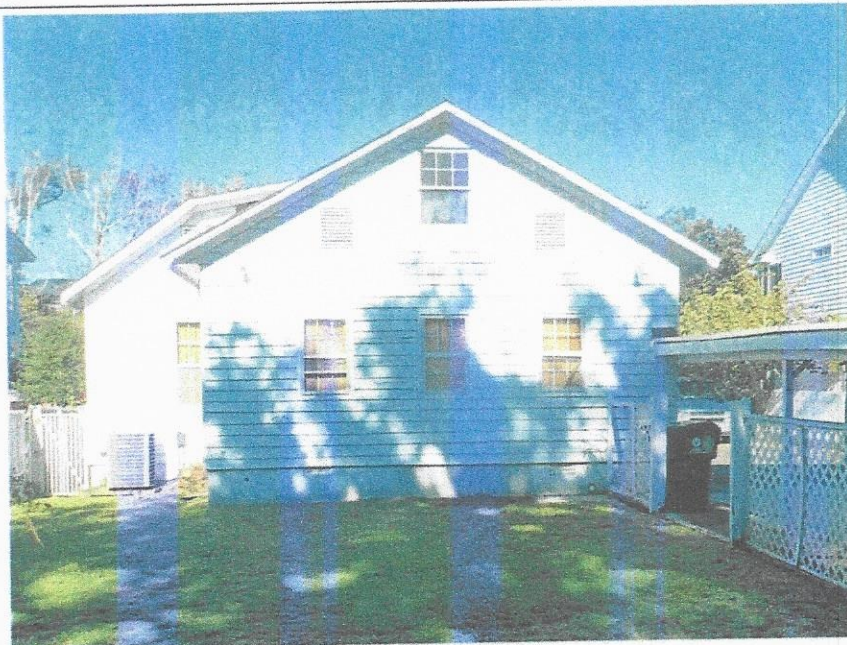


Photo Two

Photo Two Caption Rear View 10-26-2020

Clear Photo Two

BUILDING PHOTOGRAPHS

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

Continuation Page

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 124 Ann Street			Policy Number:
City Beaufort	State North Carolina	ZIP Code 28516	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo Three

Photo Three

Photo Three Caption No photo this page

Clear Photo Three

Photo Four

Photo Four

Photo Four Caption No photo this page

Clear Photo Four

SECTION 11 Nonconformities

A) Intent.

Nonconforming situations may continue subject to certain limitations, until they are removed, discontinued, or made conforming. Nonconforming situations shall not be enlarged, expanded, extended, enhanced, or used as grounds for adding other prohibited structures or prohibited uses. Nonconforming uses are declared to be incompatible with permitted uses within the various zoning districts.

B) Application.

This Ordinance shall affect all land, structures, and uses of land and structures and shall apply as follows:

1) New Uses and Construction.

After the effective date of this Ordinance, all new uses, structures, and development shall comply with this Ordinance, including their specific zoning district regulations.

2) Conforming Uses and Structures.

Land, structures, and uses of land or structures which comply with this Ordinance including the zoning district regulations, may be continued provided any structural changes, additions, or changes in use must conform fully to this Ordinance.

3) Nonconforming Uses and Structures.

Nonconforming situations may be continued only subject to the limitations stated herein, and should eventually be discontinued under the provisions of this Ordinance.

C) Continued Use of Nonconforming Property.

Nonconforming properties may be continued in use as set forth below:

1) Nonconforming Lots of Record.

In any zoning district permitting residential dwellings by right, a residential dwelling and customary accessory building may be erected on any single nonconforming lot lawfully recorded before the adoption of this Ordinance or amendment hereto provided this single lot is not adjacent to another lot of record under the same ownership and, if combined, would allow for the meeting of all area and setback requirements established within this Ordinance. This provision shall apply if the single lot fails to meet the minimum lot size or width requirement of the zoning district. Yard space and other dimensional requirements of the zoning district shall continue to apply, however, variances of such requirements shall be obtained by action of the Board of Adjustment (BOA) except no petition for a variance is necessary if other yard spaces are met and the following setbacks are met:

Table 11-1 Minimum Nonconforming Lot Requirements

<i>Width – Lot of Record</i>	<i>Side Setback</i>	<i>Front Setback</i>
30-49 feet	5 feet	15 feet
50-59 feet	6 feet	15 feet
60-69 feet	7 feet	20 feet

2) Adjoining Lots.

When two or more lots with continuous frontage are in single ownership at any time after the adoption of this Ordinance and such lots are individually less than the

Land Development Ordinance for the Town of Beaufort

minimum area or width required in a district, such lots shall be considered as a single lot or several lots of required area and width (if sufficient land exists) and shall be combined to the extent necessary to achieve a lot or lots of the area and width required in the district. Such lots shall comply with all yard space and other dimensional requirements of the district.

D) *Nonconforming Structure.*

A lawful structure which existed at the time of adoption or amendment of this Ordinance, or was grandfathered under the previous zoning ordinance, but which does not comply with this Ordinance by other restrictions relating to the structure, may be continued so long as it remains otherwise lawful, subject to the following limitations:

1) Enlargements, Alterations.

Nonconforming structures shall not be enlarged and shall not be altered in any way which increases their nonconformity, but may be altered to minimize their nonconformity.

2) Moving.

If nonconforming structures are moved off the lot or moved within the lot for any reason, they shall thereafter conform to the regulations of the Ordinance.

3) Repairs and Maintenance.

Ordinary maintenance, repairs, and alterations of a nonconforming structure are permitted provided they do not increase the area or the nonconformity. Normal maintenance, repairs, and alterations shall be considered work not exceeding fifty percent (50%) of the structure's replacement cost within any twelve-month consecutive period.

4) Deteriorated and Dilapidated Structures.

If any nonconforming structure becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by an authorized official to be unsafe or unlawful by reason of its physical condition, the structure shall not be restored, repaired, or rebuilt except in conformity with this Ordinance. This shall not prevent strengthening or restoring to a basically safe condition of any unsafe building or part thereof directed by the authorized official charged with protecting public health or safety.

5) Substantially Damaged Structures.

If a nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at the time of the damage, it may be reconstructed only in conformity with this Ordinance.

6) Residential Exception.

When a single-family residential nonconforming structure is damaged by fire, flood, wind, or act of God, the structure may be repaired and restored to its pre-event dimensions on the pre-event footprint provided the structure meets all applicable building codes.

E) *Nonconforming Uses.*

A use of land and/or structure which was lawful prior to the adoption of this Ordinance but which does not comply with the use regulations of this Ordinance, may be continued so long as it remains otherwise subject to the following provisions:

Land Development Ordinance for the Town of Beaufort

1) Extensions, Enlargements.

No nonconforming use of land or structures shall be enlarged, expanded, increased, or extended beyond the floor space and land area occupied or be carried on in a more intensive manner than existed at the time of the adoption of this Ordinance, except a nonconforming use may be extended within a structure to any parts already clearly arranged and designed for such use.

2) Relocation on Lot.

No nonconforming use of land shall be relocated or significantly rearranged in whole or in part on the same lot unless it thereafter conforms to this Ordinance.

3) Discontinuance.

If active operation of a nonconforming use is discontinued for any reason for a continuous period of one hundred eighty days or superseded at any time by a permitted use, any subsequent use of the land shall conform fully to this Ordinance.

4) Changes of Use.

A nonconforming use of land (only) shall not be changed to any use other than a use permitted in the zoning district. A nonconforming use of a structure and premises may be changed to another nonconforming use if:

- a) No significant structural alterations are made; and,
- b) The approved new use is more in character with the uses normally permitted in the zoning district than the previous nonconforming use.

5) Deteriorated and Dilapidated Structures.

If a structure or part thereof occupied by a nonconforming use is damaged, destroyed, or becomes deteriorated to an extent greater than fifty percent (50%) of its replacement cost at the time of damage or discovery of deterioration, the structure may not be repaired for or to a nonconforming use.

6) Uses Permitted as Special Exceptions.

Any use which is permitted as a special exception in a district shall not be considered a nonconforming use but shall, without the necessity of further action, be considered a conforming use. This provision shall not diminish the right of the Board of Commissioners (BOC) to impose conditions on such use in a proceeding initiated by any interested part and considered in the manner of a special exception.

7) Residential Exceptions.

Nonconforming single-family detached residential uses shall comply with all requirements of this section. However, an existing nonconforming single-family detached residential use may be enlarged, expanded, and/or altered provided no enlargement, expansion, or alteration will:

- a) Result in the structure exceeding building height limits in the zoning district;
- b) Reduce the building site area required in the zoning district; and,
- c) Encroach into any required front yard, side yard, and rear yard setback areas. If approved, such use shall be considered a special exception and may be accompanied by appropriate conditions and safeguards as required by this Ordinance.

SECTION 21 Board of Adjustment

The Board of Adjustment (BOA) is a “quasi-judicial” administrative body whose purpose is (i) to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Ordinance; (ii) to issue variances as authorized by this section and state law; and, (iii) to issue special use permits when required by this Ordinance. The responsibilities of the BOA are authorized and set forth by N.C.G.S. 160A, Article 19 (3).

A) Organization of the Board of Adjustment.

1) Board Membership.

The BOA shall consist of five regular and two alternate members. Three regular and one alternate member shall reside within the corporate limits of the Town of Beaufort and be appointed by the Town’s Board of Commissioners (BOC). Two regular and one alternate member shall be appointed by the Carteret County Board of Commissioners (CC BOC) and shall reside within the Town’s extraterritorial jurisdiction (ETJ). If despite good faith efforts, enough residents of the ETJ cannot be found to fill the seats reserved for such residents, the CC BOC may appoint other residents of the county to fill these seats. If the CC BOC fails to appoint ETJ members needed within ninety days after receiving a resolution requesting such action from the Town, the BOC may make the necessary appointments.

2) Term Limits.

BOA regular members and alternate members shall be appointed to serve a three-year staggered term and members may continue to serve until their successors have been appointed. Members may be reappointed to successive terms without limitation. Vacant seats and unexpired terms shall be filled by the BOC or the CC BOC as necessary.

3) Removal from Board.

a) Regular BOA members may be removed by the BOC at any time for failure to attend three consecutive meetings or for failure to attend seventy-five percent (75%) of the meetings within any twelve month period or for any other good cause related to performance of duties. Such failure will constitute a voluntary resignation of the member. Upon the request of the member proposed for removal, the BOC shall hold a hearing on the removal before it becomes effective.

b) Alternate members may also be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with BOA established procedures. Upon request of the alternate member proposed for removal, the Town’s BOC shall hold a hearing on the removal before it becomes effective.

c) If a regular member or alternate member moves outside their particular planning jurisdiction within the Town it shall constitute a resignation of the member from the BOA.

d) If for reasons other than mentioned herein a member resigns from the board, a written notice shall be delivered to the Town Clerk at the member’s earliest convenience.

4) ETJ Members Rights.

ETJ regular members shall have equal rights, privileges, and duties as town members and may vote on all matters considered by the board regardless of whether or not the property affected lies within their planning jurisdiction.

5) Notification of Absences.

Regular members shall promptly notify the board secretary if they are unable to attend or participate in an upcoming meeting. The secretary shall notify an alternate member to attend when necessary. Assignments shall be rotated among the alternate members. When seated, any alternate member in attendance shall have the same powers and duties as the regular member they replace, including the ability to constitute a quorum for the purpose of the meeting regardless of whether the alternate is a regular or ETJ member.

B) **Meetings of the Board of Adjustment.**

- 1) The BOA shall establish a regular meeting schedule and shall meet frequently enough so the board can take action on the issues for which they are appointed.
- 2) All meetings of the board shall be open to the public and whenever feasible, the agenda for each board meeting shall be made available to the public at least three business days in advance of the meeting.
- 3) The minutes of all meetings and hearings of the BOA shall be retained by the board secretary or his/her designee and all minutes shall be a public record once adopted by the BOA. This shall include all findings of fact and decisions of the board.
- 4) The Chairman of the BOA will have the authority to cancel a meeting of the BOA when notified by the Planning and Inspections Department there is no business to be considered at the meeting.

C) **Quorum.**

1) Quorum Requirements.

- a) A majority of the members of the BOA board in attendance shall constitute a quorum at all meetings of the BOA. A quorum for the Board of Adjustment shall consist of a minimum of four members of the board qualified to vote.
- b) All actions of the BOA shall be taken by majority vote, a quorum being present.

2) Withdrawal from Meeting.

Any member who has withdrawn from the meeting without being excused shall be counted as present for the purposes of determining whether a quorum is present.

D) **Deciding Cases.**

1) Voting.

- a) The concurring vote of four-fifths of the board shall be necessary to grant a variance.
- b) A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.
- c) For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

2) Failure to Vote.

Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection D-3 of this section or has been allowed to withdraw from the meeting in accordance with subsection D-4 of this section.

3) Conflicts.

A member of the board shall not participate in or vote on any quasi-judicial matter in a manner which would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include but are not limited to the following:

- a) A member having a fixed opinion prior to hearing the matter which is not susceptible to change;
- b) A member having undisclosed ex-parte communications;
- c) A member having a close familial business, or other associational relationship with an affected person;
- d) A member having direct or indirect financial interest in the outcome of the matter.

4) Voting Procedures Due to Conflict.

If an objection is raised to a member's participation and the member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

5) Roll Call Vote.

A roll call vote shall be taken upon request of any member.

E) **Board of Adjustment Officers.**

1) Election of Officers.

- a) Officers will be elected during the first February meeting of the year of the BOA and by majority vote of its entire membership (excluding vacant seats).
- b) The board shall elect one of its members to serve as chairperson (chair) and preside over the board's meetings. The chair should always be one of the regular members. No chair may succeed them self for more than two consecutive terms.
- c) The board shall elect one member to serve as vice-chairperson (vice-chair). The vice-chair shall serve as acting chair in the chair's absence and at such times, he/she shall have the same powers and duties as the chair.
- d) A secretary will be appointed by majority vote of the members either from within its membership or outside. The secretary shall produce all necessary clerical items for the board including public notices, minutes, correspondence, etc. as directed by the chair.
- e) The persons so designated to fill these positions shall serve in these capacities for a term of one year. The officers may be eligible for reappointment.
- f) Vacancies may be filled for the unexpired terms of the chair and vice-chair only by majority vote of the board membership (excluding vacant seats).

2) Rules of Order.

The chair shall decide on all points of order and procedure consistent with the *The Zoning Board of Adjustment*, by Michael B. Brough and Philip P. Green, Jr., as updated; and the modified version of *Roberts Rules of Order*, as updated.

3) Chairpersons Rights.

- a) The chair or any member temporarily acting or appointed by the chair may administer oaths to witnesses coming before the board.
- b) The chair and vice-chair may take part in all deliberations and vote on all issues.

F) **Powers and Duties of Board of Adjustment.**

- 1) The BOA shall hear and decide:

Land Development Ordinance for the Town of Beaufort

- a) Appeals from and review of any order, decision, requirement, or determination made by the administrative official charged with the enforcement of this Ordinance, as provided in subsection H of this section.
 - b) Applications for variances, as provided in subsection I of this section.
 - c) Questions involving interpretations of the location boundary lines on the Official Zoning Map or ordinance text requirements as provided in subsection J of this section.
 - d) Any other matter the board is required to act upon by any other Town Ordinance or state law.
- 2) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

G) Public Notice of Hearings of the Board.

- 1) Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property which is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land which is the subject of the hearing, and to all owners of parcels within 100 feet of such land, and to any other persons entitled to receive notice as provided by this section. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within the same time period, the planning staff shall also prominently post a notice of the hearing sign on the site which is the subject of the hearing or on an adjacent street or highway right-of-way. Such sign(s) shall be at least eighteen inches by twenty-four inches (18"x24") in dimension. The sign shall contain the following message:

NOTICE

This property is subject to a Zoning Hearing.

Contact Town Hall for more information at 252-728-2141.

Such sign may include additional information deemed relevant by the administrator of this Ordinance. If more than one contiguous lot or parcels of land are included in the variance application proposal, the Town may nonetheless post only one sign.

- 2) A public hearing shall be held by the BOA for an appeal, a variance, or an interpretation as described in subsection F of this section. A notice of the public hearing shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation in Town. The notice shall be published the first time not less than ten days or not more than twenty-five days before the date affixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- 3) The person or persons mailing the notice of hearing pursuant to this section shall certify to the BOA the proper notice has been provided and such certificate shall be deemed conclusive in the absence of fraud.

H) Appeals.

1) Appeal Procedures.

- a) An appeal from any final order, decision, requirement, or determination of a Town official charged with the enforcement of this Ordinance may be taken to the BOA

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by any person aggrieved. An appeal is taken by filing a written notice of appeal specifying the grounds thereof to the Town and the BOA. A notice of appeal shall be considered filed with the Town and the BOA when delivered to the Town’s Planning and Inspections Department, and the date and time of filing shall be entered on the notice of appeal by staff.

- b) An appeal must be made within thirty days after the date of the decision or order appealed from.
- c) Whenever an appeal is filed, Town staff shall forthwith transmit to the BOA all papers constituting the record relating to the action of the appeal.

2) Stay of the Appeal.

An appeal stays all actions by the Town official seeking enforcement of or compliance with the order or decision appealed from, unless the official certifies to the BOA, because of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the BOA or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the official.

3) Modifications to Appeals.

The BOA may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination which in its opinion should be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal was taken.

D) ***Variances.***

The power of variances is to be sparingly exercised and only in rare instances and under exceptional circumstances and with due regard to the main purpose of this Ordinance: to preserve the property rights of others. No change in permitted uses may be authorized by variance.

1) Application Submittal.

An application for a variance shall be submitted to the BOA by filing a copy of the application with the Town.

2) Findings for the Variance.

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the BOA shall have the power to vary or modify any of the regulations or provisions of the Ordinance so the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted only upon an affirmative finding of the following:

- 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;
- 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;
- 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

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may justify the granting of a variance shall not be regarded as a self-created hardship; and,

- d) 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.

J) Interpretations.

- 1) The BOA is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the zoning official, they shall be handled as provided in subsection H of this section.
- 2) An application for a map interpretation shall be submitted to the BOA by filing a copy of the application with the Town. The application shall contain sufficient information to enable the board to make the necessary interpretation.
- 3) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - a) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
 - b) Boundaries indicated as approximately following lot lines in the Town or ETJ limits shall be construed as following such lines, limits, or boundaries;
 - c) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of a change in the shoreline shall be construed as continuing to follow such shorelines;
 - d) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement using the scale of the Official Zoning Map; and,
 - e) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply only to the portion of such streets or alleys added thereto by virtue of such vacation or abandonment.

K) Burden of Proof in Appeals, Interpretations, and Variances.

- 1) When an appeal is taken to the BOA in accordance with subsection H of this section, the appellant has the burden of proof and persuasion.
- 2) The applicant for a variance shall have the burden of proof and persuasion.

L) Board Action on Appeals and Variances.

1) Appeals.

With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include insofar as practicable, a statement of the specific reasons or findings of fact which support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the board's voting membership in attendance. (excluding vacant seats)

2) Granting a Variance.

Before granting a variance, the BOA must take a separate vote and vote affirmatively by a four-fifths majority, on each of the four required findings stated in subsection I-2

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of this section. A motion to make an affirmative finding on each of the requirements set forth in subsection I-2 of this section shall include a statement of the specific reasons or findings of fact supporting such motion.

3) Denying a Variance.

A motion to deny a variance shall be made if any one or more of the four required findings set forth in subsection I-2 of this section are not satisfied or if the application is incomplete. A motion to deny a variance shall include a statement of the specific reasons or findings of fact which were not met and therefore caused the denial of the variance. This motion is adopted as the board's decision if supported by more than one-fifth of the board's voting membership in attendance (excluding vacant seats).

M) ***Review of Board's Decisions.***

Every decision of the board shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Court shall be filed with the Clerk of Superior Court within thirty days after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or the chairperson of the board at the time of its hearing of the case, whichever is later. The decision of the board should be delivered to the aggrieved party either by personal service, or by registered or certified mail.

N) ***Deadlines for Applications to the Board.***

All applications and supporting materials shall be submitted to the Town's Planning and Inspections Department fifteen business days prior to the next regularly scheduled BOA meeting. Informational packets shall be delivered to board members seven days prior to the scheduled meeting.

TOWN OF BEAUFORT, NC
ORDER GRANTING/DENYING A VARIANCE

The Board of Adjustment for the Town Of Beaufort, NC having held a public hearing on February 22, 2021, to consider an application submitted by Jerry T. Hardesty Jr., a request for a variance of the Town of Beaufort Zoning Ordinance, 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 that, the proposed change will/will not constitute an unnecessary hardship which would result from the strict application of this Chapter. This conclusion is based on the following FINDINGS OF FACT:
2. It is the Board's CONCLUSION that the proposed change is/is not a hardship that results from conditions that are peculiar to the property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:
3. It is the Board's CONCLUSION that the proposed change is/is not a hardship resulting from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT:
4. It is the Board's CONCLUSION that the proposed variance is/is not is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured, and substantial justice is achieved. This conclusion is based on all of the FINDINGS OF FACT listed above, as well as the following:

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be (**Approved/DENIED**), subject to the following conditions

Ordered this _____ day of _____ 2021.

Chairman_____

Secretary_____

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Carteret County within 30 days after the date this order is served on you.

WORKSHEET FOR VARIANCE REQUEST

Applicant: Jerry T. Hardesty Jr.

Property Location: 124 Ann Street.

1. 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;	Yes	No
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;	Yes	No
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; and,	Yes	No
d.	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.	Yes	No

2. GRANTING OF A VARIANCE REQUEST

Motion to grant the Variance request based on items (a) through (d) found to be affirmative.

___ The Variance Request is granted, subject to the following conditions:

3. DENYING OF A VARIANCE REQUEST

Motion to deny based on:

___ The Application is denied because, if completed as proposed, the development more probably than not:

___ Will not be in conformity with the City’s land use plan and other comprehensive plan elements for the following reasons:

___ Will substantially injure the value of adjoining or abutting properties for the following reasons:

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: