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, July 27, 2020 - Held Electronically via Zoom due to COVID-19
Monthly Meeting

Call to Order

1. Call to Order

Roll Call

1. Roll Call

Agenda Approval

1. Agenda Approval for the July 27, 2020 Meeting

Minutes Approval

1. Minutes Approval from the February 24, 2020 Meeting

Old Business

1. Case 20-02, 800 Ann Street, Request for Variance, Tabled Item from February 24, 2020

Commission / Board Comments

Staff Comments

Adjourn

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Town of Beaufort Board of Adjustment Regular Meeting
6:00 PM Monday, February 24, 2020 - Train Depot, 614 Broad Street, Beaufort, NC 28516
Minutes

Call to Order

Chair Davis called the meeting to order and requested that everyone stand for the Pledge of Allegiance.

Roll Call

Chair Davis asked Secretary Winn to call the roll. Present for the meeting were, Pete Evans, Charles Davis, Wendi Oliver, Robert Terwilliger and Steve Weeks. Secretary Winn declared a quorum. Also present was the newest Board Member, Virginia Cuthrell.

Agenda Approval

Chair Davis asked if everyone had looked at the Agenda for the meeting. He then asked for a motion to approve the Agenda. Board Member Terwilliger made the motion, Board Member Evans made a second and the motion carried unanimously.

Minutes Approval

Chair Davis stated that they had an updated copy of the minutes and said everything looked pretty good. He asked if anyone had any questions. With no questions or changes Chair Davis asked for a motion to approve the minutes from the November 25, 2019 meeting. Board Member Terwilliger made the motions, Board Member Evans made a second and the motion carried unanimously.

Administration of Oaths

Secretary Winn, swore in Virginia Cuthrell as the newest Board Member.

Chair Davis asked for nominations for Chair for the Board. Board Member Evans nominated Chuck Davis, Board Member Weeks made a second and the motion carried unanimously for Chuck Davis to be Chairman.

Chair Davis asked for nominations for Vice Chair for the Board. Board Member Evans nominated Bob Terwilliger, Board Member Weeks made a second and the motion carried unanimously.

Board Member Evans made a motion to designate Dee Winn as Board Secretary, Vice Chair Terwilliger made a second and the motion carried unanimously.

New Business

Chair Davis stated that the new business is a Variance Request for 800 Ann Street. Chair Davis asked for Secretary Winn to swear in all who were going to be testifying.

Kyle Garner, Director for Planning and Inspections for the Town of Beaufort, presented the staff report for Case #20-01, Variance Request for 800 Ann Street. Mr. Garner stated that he would like to submit into evidence the Power Point and well as the Staff Report that was submitted prior to the meeting.

Mr. Garner presented to the Board the applicants request for the Variance in order to build a porch on the east and west sides of their house. Mr. Garner stated that letters were sent to home owners within a 100 feet of the property, a legal advertisement was run for two times in the Carteret County News Times and a sign was posted at the subject property. Mr. Garner stated that the applicant actually had three Variance requests. The first to ask for a 16.4 encroachment from the setback to Ann Street, a 6.32 foot encroachment from Marsh Street and also a variance from the 50% impervious surface requirement in RS5 zoning to an increase of 54.25. Mr. Garner stated that the property owners are Charles and Julia Wells.

Mr. Garner stated that in November 2009 this property was rezoned from R8 to RS5 as part of the creation of the new RS5 zoning district and the lot area was made conforming however the other non-conformity was created as the impervious surface of the lot is greater than 50% per ordinance. RS5 is for a single family residential structure with setbacks of 20 feet from the front, 15 feet from the rear, 5 feet from the side and a maximum of 50% impervious ratio. The lot dimensions per survey are a width of 55.51 and 55.49, the depth of 99.24 and 99.27 with a total square footage of the lot being 5508.7. Impervious surface allowed for this property is 2754.35 square feet and what is currently there is 2988.66 square feet or 54.25%. What is being proposed is 2983.81 square feet or 54.16%. The lot is a conforming lot of record and the structure is a non-conforming lot due to it doesn't meet the front and rear setbacks. Mr. Garner stated that this property is not located within a special flood hazard area. Mr. Garner went through the packet and stated what was included for the Board Members to review and photos of the property are also included. Mr. Garner stated that three emails were received from adjacent property owners, two in support and one in that is not in support of the variance. Mr. Garner submitted these as evidence as part of the record as well. Chair Davis asked Mr. Garner if that was all that staff had received and Mr. Garner stated yes.

Chair Davis asked Mr. Garner if this property was in the historical district and Mr. Garner stated that it is not in the local but that it is in the National Register. Chair Davis also asked for Mr. Garner to clarify that the impervious surface area is decreasing. Mr. Garner stated yes, that it is currently at 2988.66 at 54.25 and the applicant is proposing to reduce the area to 54.16%. Chair Davis asked if Mr. Garner had verified the numbers and Mr. Garner stated he had double and triple checked.

Board Member Evans wanted to disclose for a matter of record that in 2013, on behalf of Ann Street Church he executed a lease on the property to serve as a parsonage for the pastor of the church. He stated that he did not have contact with the owners and everything went through a property management company. He stated that the home served as the parsonage until the pastor left. He also stated that during that time frame he had met the owners on several occasions during a social setting. He stated that none of that would have any bearing on how he would look at this and that he had spoken with the Town's attorney concerning this. Mr. Garner wanted to clarify for the record that Board Member Evans was stating that he had not had any ex parte communication concerning this matter. Board Member Evans stated that was correct.

Chair Davis asked for someone who represented the applicant to speak on their behalf. Applicants Charles and Julia Wells came forward. Mr. and Mrs. Wells stated that they had nothing to add other than it is something that they want and that it can add value and an aesthetic look to the home. Board Member Evans asked them where their HVAC unit(s) were located and the owners stated that they had moved them to the opposite side of the house.

At this point Chair Davis asked if there were any further questions. With none, he stated that as yo 1.
Chairman I forgot to open the meeting, so he stated that he was opening it a little late. Chair Davis asked if there was any further discussion from anyone and being none, he said it was time for the board to deliberate.

The board then discussed the chance to look at the emails that had been received from neighbors and the visibility issues that may come from extending the porches for traffic. Board Member Evans stated that in order to grant a variance four conditions must be met, with the first of those conditions being an unnecessary hardship. Board Member Evans questioned whether this was an unnecessary hardship for the homeowners.

Paula Stancil, neighbor, was sworn in at this point to speak on behalf of the Wells. Ms. Stancil stated she lives catty-corner across from the Wells. She stated that they do not live there full time. She said they are trying to make their house more valuable to them and to Beaufort. She said she has done the double decker bus for several years and people always ask about the house and where it came from because she said they think it looks out of place. She also stated that she felt they didn't hear from anyone because everyone lives out of town. She said there are only a few in the area that live there full time.

Vice Chair Terwilliger stated that the challenge that the board has is that there are set laws that were determined by the Town and that we have to live by those laws when looking at these types of situations. He stated that unless there is an overwhelming, compelling reason to grant the variance that the board doesn't have a lot of latitude to grant it in these types of situations. Board Member Evans stated that he agreed. Board Member Evans also stated that he didn't think this was discussed but the front door opens to the elements and a stoop or covering over the door would stop or lessen the potential problems of people standing in the rain. He stated he is also having difficulty coming up with an unnecessary hardship.

Board Member Cuthrell stated that she was new to the board but could understand about having small children and being in the rain/snow trying to get in a house. She also stated that the plans were very much in line with what was around there.

Chair Davis asked how close the front porch was going to be from the sidewalk. Mr. Wells stated that the porch was going to come out nine feet from the house and that would give about two feet from the edge of the porch to the sidewalk. Mr. Wells explained that there would be two steps coming off of the porch to a pad leading to the sidewalk. He also explained how they had reduced the front porch in width to fit between the front windows and that nine feet in width worked due to allowing for railings and posts, if it were eight feet that would make it tight.

With nothing further Chair Davis closed the hearing.

Board Member Weeks stated that his difficultly is finding the unnecessary hardship for this variance. He stated that getting in and out of the weather may not be adequate for an unnecessary hardship. Board Member Evans brought up the second condition for a hardship being "conditions that are peculiar' and wondered if this was peculiar. Vice Chair Terwilliger stated that the challenge to him is, to grant the variance there has to be an overwhelmingly obvious reason why the board is doing it. He stated that he understood about the visual aspect but there are rules that have to be followed. Chair Davis stated that this is in the Guidelines.

Mr. Wells spoke up and said that they are flexible and if they had to prioritize they would like the porch on the Marsh Street side and were open to a canopy over the front door on the Ann Street side.

Mr. Garner stated that if the Wells do not object the staff would like to go out and flag the property so the board could see and get an idea of where the porches would potentially come out, the Wells stated that they did not object and Mr. Garner said that he would like for this to be on the record as well that staff will be placing flags or stakes on the property.

Vice Chair Terwilliger made a suggestion that the matter be tabled for 30 days and come back to make a decision at the next scheduled meeting. Chair Davis asked for a motion to table the decision until the next

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meeting, Vice Chair Terwilliger made the motion, Board Member Evans made a second and the motion passed unanimously.

Public Comment

Chair Davis opened public discussion but there was none.

Commission / Board Comments

Chair Davis opened board comments and the board as a whole welcomed Virginia Cuthrell.

Staff Comments

Mr. Garner stated he would also like to welcome Virginia to the board and that he feels she is going to be a great asset to the board considering she grew up in Beaufort and knows the area.

Mr. Garner stated the only other item that he has is something that he has been working with the staff attorneys on concerning the changes to the N.C. General Statutes. The staff attorneys are working on a presentation to present to all of the boards. There are changes that are going to affect opening of board meetings and statements that will need to be made concerning ex parte communications. Mr. Garner stated that there are a number of things that are already being done so those boxes can be checked off.

Board Member Evans asked if the changes for this board would include the 4/5th's majority. Mr. Garner stated that none of that had changed. The one thing that may change is the ETJ representation based on population but that staff is waiting on the new census to come out for that.

Board Member Weeks asked Mr. Garner about getting copies of the update from the UNC School of Government for everyone.

Adjourn

Chair Davis asked for a motion to adjourn, Board Member Evans made the motion, Board Member Weeks made a second and the motion carried unanimously.

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Charles Davis, Chair

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Denice Winn, Board Secretary