



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 4:00 PM Tuesday, November 25, 2025 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Administration of Oaths

Quasi-Judicial Proceeding

1. Case # 25-02 Variance Request 200 Shell Landing Road

New Business

1. 2026 Board of Adjustment Meeting and Submittal Calendar

Commission / Board Comments

Staff Comments

Adjourn



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**Town of Beaufort Board of Adjustment Regular Meeting
4:00 P.M. November 25, 2025 – 614 Broad Street – Train Depot**

AGENDA CATEGORY: New Business
SUBJECT: Case # 25-02 Variance Request 200 Shell Landing Road

BRIEF SUMMARY:

Alicia Nelson is requesting a variance to allow for:

- ◆ A reduction in the side yard setbacks in the R-20 zoning district on an interior lot from 15 feet to 10 feet

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

Memo

To: Beaufort Board of Adjustment
From: Kyle Garner, AICP, Planning Director
Date: November 17, 2025
Re: A request to reduce the side yard setbacks in the R-20 zoning district on an interior lot from 15 feet to 10 feet

Variance Request

Applicant: Alicia Nelson **Property Owner:** Same

Property Address: 200 Shell Landing Road **PIN:** 731703204113000

Property Zoning District: R-20 (Residential Single-Family District)

Flood Zone: Shaded X

Lot Dimensions: See Attached Survey as part of the application. The survey shows the lot dimensions as being wider in the front and then narrowing down towards the rear.

Request:

To reduce the side yard setbacks in the R-20 zoning district on an interior lot from 15 feet to 10 feet

Description of Project:

This property is an existing lot of record and was created prior to the implementation of the R-20 zoning and the setback requirements.

The applicant has submitted a written description as to why they request the variance.

Facts:

- The property is zoned R-20 (Residential Single-Family District)
- The use of the lot is compliant as it is a vacant lot.
- The property was in existence prior to adoption of any zoning standards.
- The lot area **is** conforming as it is 25,905 sq. ft. (20,000 sq. ft. needed)

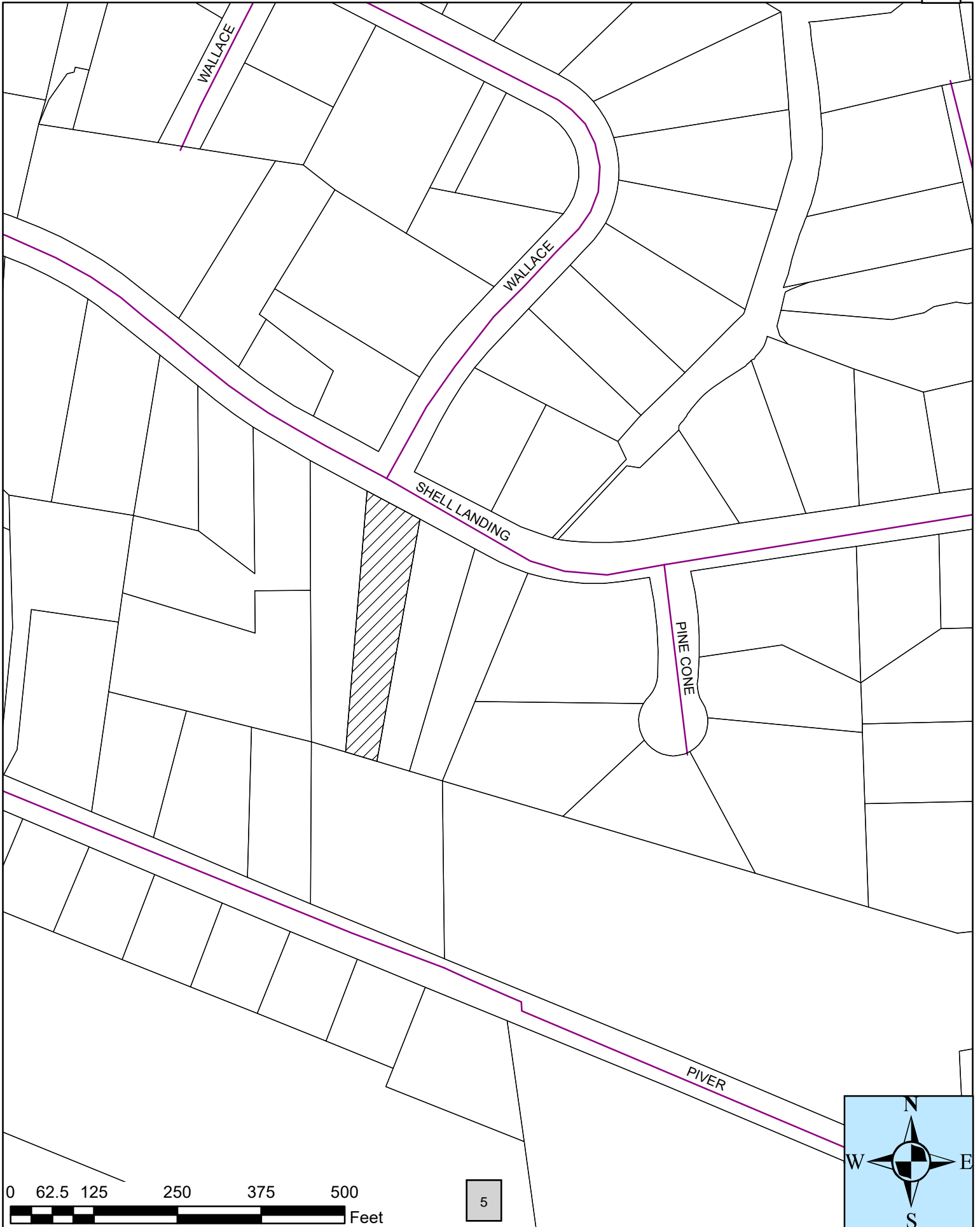
- The lot frontage is not compliant as the width is 92.49 feet when 100 feet is required in the R-20 zone.
- Section 11-C (Non-Conformities) of the LDO does not include a reduction of side yard setbacks for lots over 69 feet in width.
- The property is within a Special Flood hazard Area of Shaded X
- There was at one time a non-conforming structure on site that did not meet the side yard setbacks. (See Septic Map)
- The Septic Tank & Drain Fields are located towards the front of the lot making the design of a new structure difficult to design.

Exhibits:

- Exhibit A – Staff Report for Case #25-02
- Exhibit B – Vicinity Map
- Exhibit C – Adjacent Owners
- Exhibit D – Notification Certification
- Exhibit E – Application (with surveys)
- Exhibit F – LDO Sections
- Exhibit G – Site Photo
- Exhibit H - Sign Posting Photo

Case # 25-02 Variance Request 200 Shell Landing Road - Vicinity Map

1.



5

OWNER

BRAKE JOSEPH B
EASTMAN FRANK H
KELLY PATRICK DANIEL
MAKUTA CHRISTOPHER ETUX ALIJAH
NINKE THOMAS WILLIAM
ROWAN JULIANNE EMILY

Mailing Address

195 SHELL LANDING RD BEAUFORT, NC 28516
4044 ARENDELL ST MOREHEAD CITY, NC 28557
204 SHELL LANDING ROAD BEAUFORT, NC 28516
110 WALLACE ROAD BEAUFORT, NC 28516
190 SHELL LANDING ROAD BEAUFORT, NC 28516
5006 CAMBRON DR NASHVILLE, TN 37221



Town of Beaufort
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252-728-2141 • 252-728-3982 fax
www.beaufortnc.org

Notification Certification
Case # 25-02 Variance Request 200 Shell Landing Road – November 25, 2025, Board of Adjustment meeting

JOE BRAKE 195 SHELL LANDING ROAD BEAUFORT, NC 28516	ALICIA NELSON 1602 FRONT STREET BEAUFORT, NC 28516
MR. PATRICK KELLY 204 SHELL LANDING ROAD BEAUFORT, NC 28516	CHRIS MAKUTA 110 WALLACE ROAD BEAUFORT, NC 28516
WILLIAM NINKE 190 SHELL LANDING ROAD BEAUFORT, NC 28516	EMILY ROWAN 5006 CAMBRON DRIVE NASHVILLE, TN 37221

I, *Kyle Garner*, Planning Director for the Town of Beaufort do hereby certify the following:

- The above property owners, applicants, and adjacent property owners were mailed a letter and vicinity map on November 14, 2025, regarding a request for a Variance at 200 Shell Landing Road.
- A sign was posted on the subject property on November 14, 2025, providing additional notification.
- An ad in the Carteret County News Times ran on Wednesday November 12th & 19th of the quasi-judicial hearing.

The variance request will be heard on November 25, 2025, Board of Adjustment meeting at the Train Depot, 614 Broad Street, Beaufort, NC, at 4:00 p.m.

Kyle Garner, Planning Director
Signed

11/14/25
Date



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: Alicia A. Nelson and Frank H. Eastman

Applicant Address: 1602 Front Street, Beaufort, NC 28516

Phone Number: (252) 241-0402 Email: alicianelsonawp@gmail.com

Property Owner Name: Same as applicant

Address of Property Owner: _____

Phone Number: _____ Email: _____

PROPERTY INFORMATION

Property Address: 200 Shell Landing Road, Beaufort, NC 28516

15-Digit PIN: 7317.03.204113000 Lot/Block Number: L41

Size of Property (in square feet or acres): .5947/acre

Current Zoning: R-20 Is the property in the Historic District? No

Current Use of Property: Residential Vacant Commercial Other: _____

Frank H. Eastman Alicia A. Nelson 11/4/25
Applicant Signature Date of Signature

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: K.G. Reviewed for Completeness By: K.G.
Date: 11/4/25 Date Deemed Complete and Accepted: 11/4/25

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).

200 Shell Landing Road - Adjacent Property Owners

- 1. NINKE THOMAS WILLIAM 731703203134000
190 SHELL LANDING ROAD
BEAUFORT, NC 28516

- 2. KELLY PATRICK DANIEL 731703204181000
204 SHELL LANDING ROAD
BEAUFORT, NC 28516

- 3. CHRISTOPHER MAKUTA 731703205376000
110 WALLACE ROAD
BEAUFORT, NC 28516

- 4. JOSEPH BRAKE 731703203463000
195 SHELL LANDING ROAD
BEAUFORT, NC 28516

Owner Statement for Request

Specific requirements and request:

Referencing Sect. 7-a, Table 7-1

1. Reduction in the side set backs from 15' to 10'.
2. The placement of the proposed construction will require a reduction of 5' to each of the side setbacks.
3. With completed construction the west back corner would be 11'2" with the east back corner 10'5" due to the irregular tapered shape of the property lines.
4. Existing septic system has been inspected and repairs have been made to insure working order.

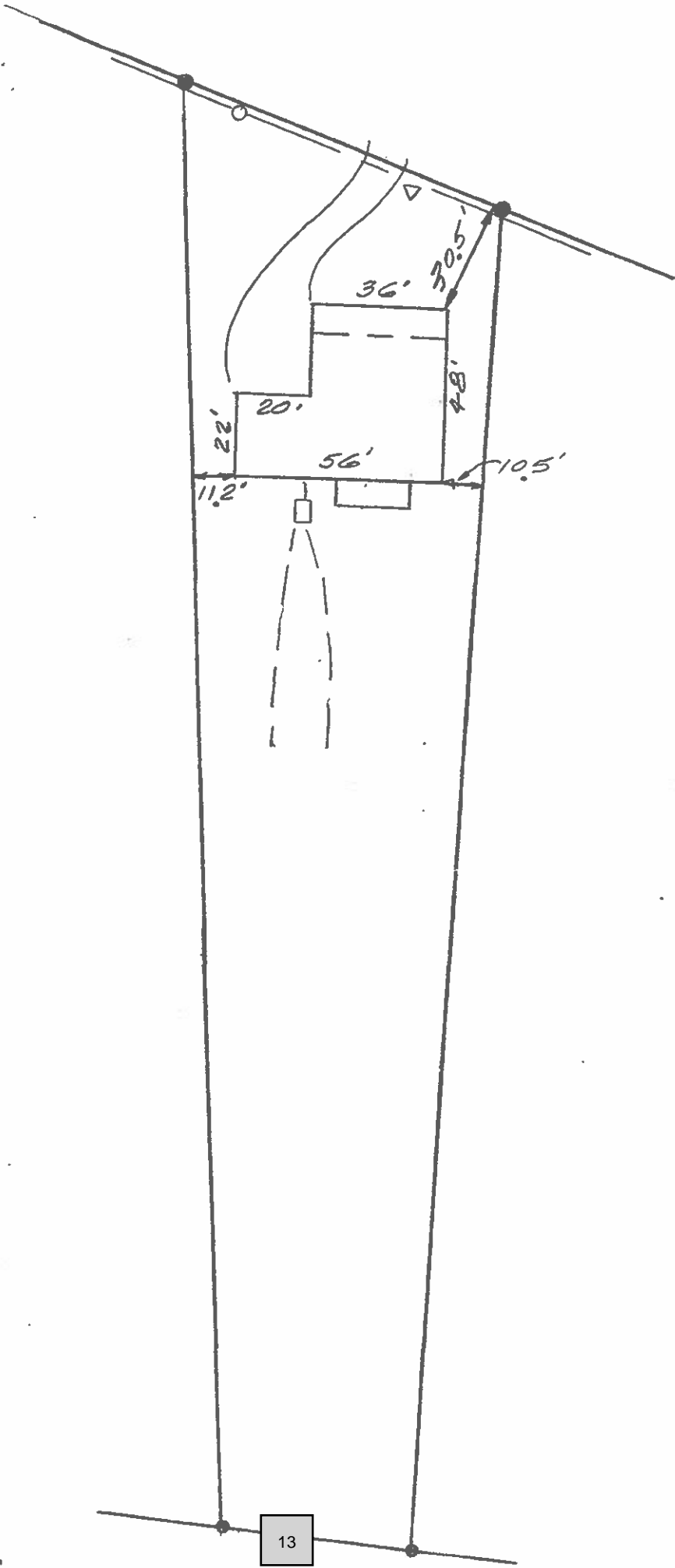
The strict application of the zoning ordinance creates an unnecessary hardship as it relates to the side setback requirement for this property. The hardship results from a combination of unique site conditions, including the tapered side property line and the location of the existing septic system and drain lines, which together limit the available buildable area.

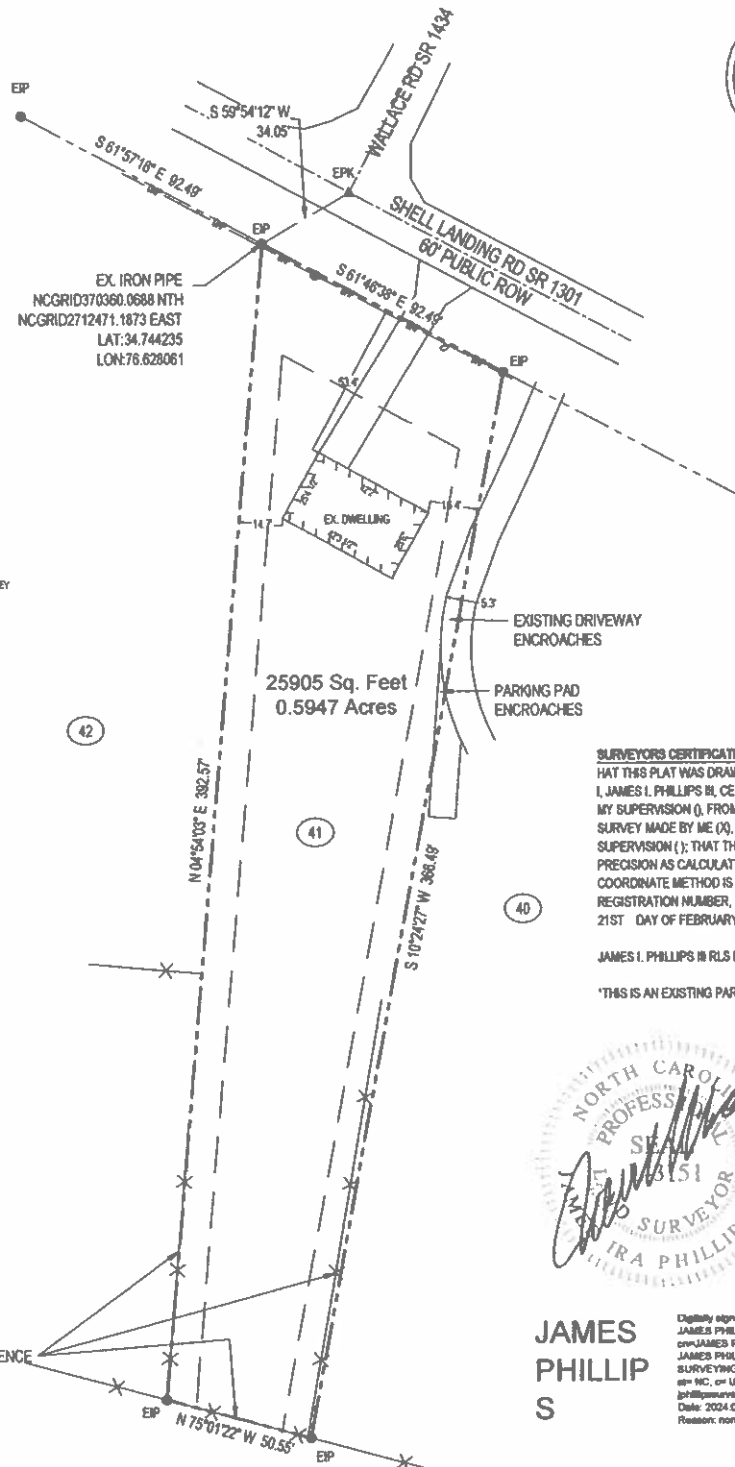
Because of the lot's irregular shape and the fixed placement of the septic components — which must remain in their current location to meet health department requirements — it is not possible to maintain the required side setback while constructing a reasonably sized structure consistent with neighboring homes. These conditions are inherent to the property and were not created by the current owner.

Granting the requested variance will allow for a modest reduction in the side setback to accommodate the structure while preserving the existing septic system in compliance with environmental and health regulations. The requested relief represents the minimum variance necessary to make reasonable and practical use of the property.

Approval of this variance will not alter the essential character of the neighborhood, impair property values, or compromise public health, safety, or welfare. The requested variance is consistent with the spirit and intent of the zoning ordinance, given the property's unique physical constraints.

It is also recognized that the applicant is not required to demonstrate that the property would be unusable without the variance — only that strict enforcement of the setback requirement would result in unnecessary hardship due to the lot's tapered boundary and the required location of the existing septic system and drain field.





- LEGEND**
- EP-EXISTING IRON PIPE
 - EP-EXISTING IRON ROD
 - ECM-EXISTING CONCRETE MONUMENT
 - EA-EXISTING ASILE
 - EM-EXISTING NAIL
 - EPH-EXISTING PK NAIL
 - POINT NOTHING EXISTING OR SET
 - NC83-NORTH CAROLINA GEODETIC SURVEY
 - NAD83-NATIONAL GEODETIC SURVEY
 - RAN-MONUMENT
 - SP-SET IRON PIPE
 - SPH-SET IRON PIPE
 - SCM-SET CONCRETE MONUMENT
 - EA-SET ASILE
 - SN-SET NAIL
 - SPH-SET PK NAIL
 - OP-OVERHEAD POWER
 - NOT HELD NOT CONSIDERED PART OF SURVEY
 - NHNL-NORMAL HIGH WATER LINE
 - AEC-AREA OF ENVIRONMENTAL CONCERN
 - NAD83-NORTH AMERICAN VERTICAL DATUM
 - NAD83-NORTH AMERICAN HORIZONTAL DATUM
 - PP-POWER POLE
 - UT-UNDERGROUND TELEPHONE
 - UP-UNDERGROUND POWER
 - UML-UNDERGROUND WATER
 - UJ-UTILITY HOLE

SURVEYORS CERTIFICATION
 THAT THIS PLAT WAS DRAWN BY ME (X), DRA
 L, JAMES I. PHILLIPS III, CERTIFY TOWN UNDER
 MY SUPERVISION (), FROM AN ACTUAL
 SURVEY MADE BY ME (X), MADE UNDER MY
 SUPERVISION (); THAT THE RATIO OF
 PRECISION AS CALCULATED BY
 COORDINATE METHOD IS 1:10,000+;
 REGISTRATION NUMBER, AND SEAL THIS
 21ST DAY OF FEBRUARY, A.D. 2024.

JAMES I. PHILLIPS III RLS NO. L-3151

THIS IS AN EXISTING PARCEL OF LAND



JAMES PHILLIPS III

Digitally signed by
 JAMES PHILLIPS
 on JAMES PHILLIPS III, as
 JAMES PHILLIPS LAND
 SURVEYING, in BEAUFORT,
 NC, on US, email
 jphillipsurvey@gmail.com
 Date: 2024.02.21 11:08:19 EST
 Reason: none

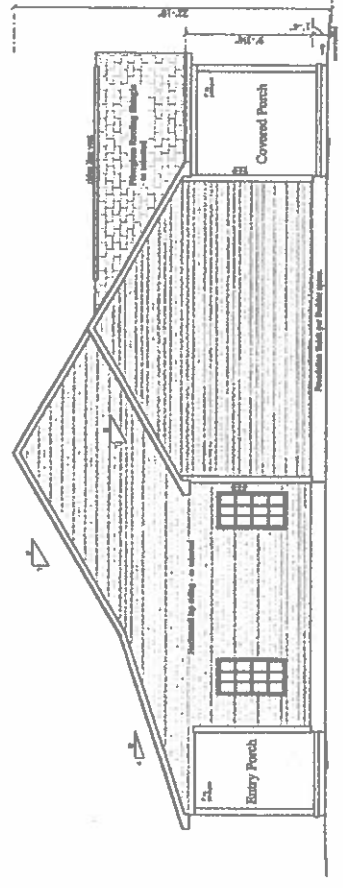
ROWAN, WILLIAM III ETUX, JULIANN
 215 PIVER ROAD
 PIN: 731805284705000
 Deed Ref: 1726-028

SURVEYOR DISCLAIMER
 NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES,
 WELLS, HAZARDOUS MATERIAL SITES, UNDERGROUND
 UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW
 GROUND OTHER THAN THOSE SHOWN. HOWEVER, NO VISIBLE
 EVIDENCE OF CEMETERIES OR UTILITIES, ABOVE GROUND OR
 OTHERWISE, WAS OBSERVED BY THE SURVEYOR OTHER
 THAN THOSE SHOWN ON THIS MAP.

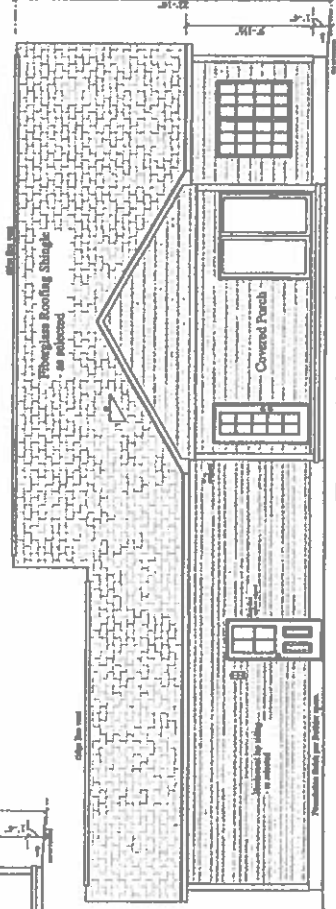


SURVEY FOR ALICIA NELSON 200 SHELL LANDING RD LOT 41 SHELL LANDING TOWN OF BEAUFORT ETJ, BEAUFORT TOWNSHIP CARTERET COUNTY, N.C. SCALE 1"=50'	PRESENT OWNER TRUST 0283 381-1 DEED REF: BOOK PAGE 1813-688 MAP REF: BOOK PAGE 2-150 PIN: 731703204113000 SHEET: 1 OF 1 JOB #: 24-013	REVISIONS
	DATE OF FIELD SURVEY: 2-20-2024	DATE OF MAPPING: 2-21-2024
	SURVEY BY: JP DRAWN BY: JP CHECKED BY: JP	JAMES I. PHILLIPS LAND SURVEYING PO BOX 2103, 379 Arrington Rd., Beaufort, N.C. 28516 252-728-5848 phone jphillipsurvey@gmail.com

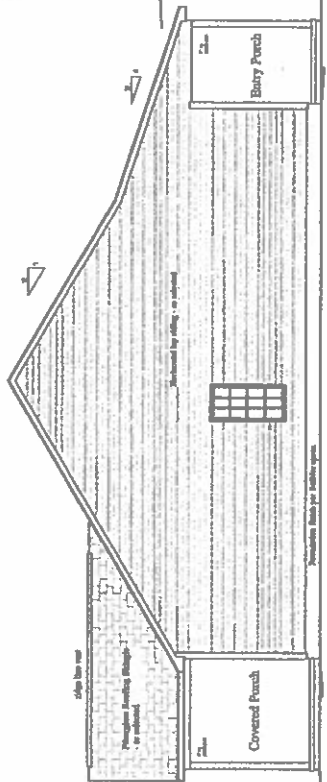
GENERAL NOTES:
 THIS PLAN HAS BEEN PREPARED BY ARCHITECTS WITH LOCAL STANDARDS AND PRACTICES.
 LOCAL CODES AND LOCAL ORDINANCES MAY VARY ACCORDING TO LOCALITIES OF CONSTRUCTION.
 GENERAL CONTRACTOR IS RESPONSIBLE FOR ADHERING TO ALL LOCAL REQUIREMENTS.
 ALL DIMENSIONS WILL BE VERTICAL UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS ARE PROVIDED (OR INDICATED) IN THIS SET OF PLANS. ANY DIMENSIONS OF MATERIALS WILL BE PROVIDED BY SUPPLIER. THIS PLAN DOES NOT PREVENT SUPPLIER FROM PROVIDING MATERIALS WITH DIMENSIONS THAT DIFFER FROM THOSE SHOWN IN THIS PLAN.
 IN ACCORDANCE WITH LOCAL BUILDING CODES.
 WITH CONDITIONS AND ALLOWABLE DEVIATIONS (IF ANY) WILL VARY ACCORDING TO LOCALITY. HEIGHT ABOVE FINISHED GRADE. THESE FIGURES ARE REFLECTED FROM TO COMPLETION OF ANY WORK.
 THIS PLAN AND SPECIFICATIONS SHOULD BE CONSULTED FROM TO COMPLETION OF ANY WORK.
 GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



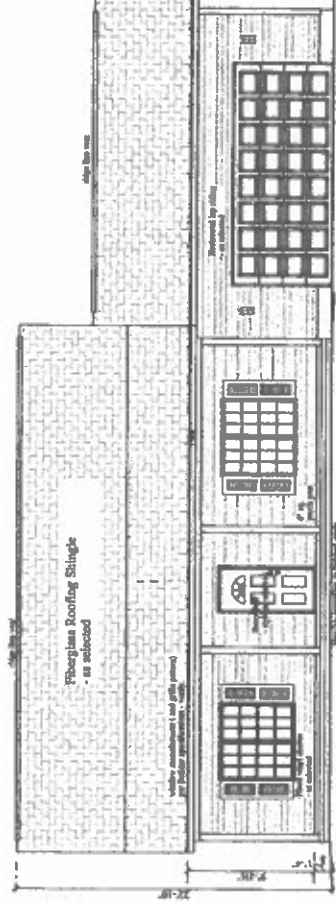
Right Side Elevation II



Rear Elevation II



Left Side Elevation II



Entry Elevation III

SOFTPLAN	S F BALLOU CONSTRUCTION	5302 - I BRIDGES STREET MORRISVILLE, N.C. 28557	NEALSON	100 Shell Landing PO Box 100	DESIGNED BY: KENNY WELLS DATE: Tuesday, July 8, 2008	APPROVED BY: KDW	STATUS: FINAL
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HOME INSPECTION PROFESSIONALS-HIP SERVICES, LLC

800-553-8876 / Text 910-601-1223
Schedule@hipservices.com
https://www.homeinspection-professionals.com

Bill To
Alicia Austin Nelson
252-241-0402
allicianelsonawp@gmail.com

Property
200 Shell Landing Rd
Beaufort, NC 28516

Date 01/22/2024
Order 20180

Name	Description	Amount
Outside Services	\$325.00 (Base)	\$325.00
No Utilities	\$175.00	\$175.00
Return Client		\$-25.00
Repairs	\$350.00	\$350.00
Repair-Lids	\$200.00x2	\$400.00
Repairs	\$350.00	\$350.00
Technology Fee	3.95%	\$62.21
TOTAL		\$1637.21
Paid (Other)		\$1575.00
Other Discount		\$62.21
BALANCE DUE		\$0.00

PAID

16

\$1575.00 on 01/27/2024 1:29pm



HOME INSPECTION PROFESSIONALS-HIP SERVICES, LLC

800-553-8876 / Text 910-601-1223

Schedule@hipservices.com

<https://www.homeinspection-professionals.com>



ROBERT KELLY SEPTIC INSPECTION

200 Shell Landing Rd
Beaufort, NC 28516

Alicia Austin Nelson
01/22/2024



Inspector
Robert Kelly
800-553-8876 / Text 910-601-1223
Schedule@hipservices.com



Agent
Alicia Nelson
AI Williams Properties

TABLE OF CONTENTS

1: On-Site Waste Water General Details	3
2: On-Site Waste Water Inspection	4
3: General Information - S	7
4: General Summary	8

1: ON-SITE WASTE WATER GENERAL DETAILS

Information

In Attendance

Client

Occupancy

Vacant

Owner of Record

Not Available

Copy of Operation Permit (OP)

Carteret

Environmental Health

Department stated number of bedrooms and the Gallons Per Day

Unknown

Advertised number of bedrooms as stated on the MLS

3

System Requires a Certified Subsurface Water Solution Control System Operator

NO

Type of Water Supply

Well

Maintenance Reports

Not Available

Pursuant to G.S. 90A-34.

Limitations

General

CLIENTS REPORT

This report is for the person(s) named in the Client section only. Unauthorized use is prohibited without said Client(s) permission. Liability under this report is limited to the party identified on the cover page of this report.

2: ON-SITE WASTE WATER INSPECTION

Information

Septic Tank Details: Distance From House Or Structure

5ft+

Septic Tank Details: Distance From Well

Not Applicable

Septic Tank Details: Distance From Property Line

10 FT+

Septic Tank Details: Distance From Water Line

Unknown

Septic Tank Details: Access Riser(s)

No, 24x28

Septic Tank Details: Distance from finished grade to top of Tank or access riser

6 - 10"

Septic Tank Details: Tank Lids Intact

No, Corner Cracked Off

Septic Tank Details: Tank Has Baffle Wall

No

Septic Tank Details: Inflow To Tank Is Noted As Sufficient

No

Septic Tank Details: Inflow To Tank Is Noted As Insufficient Or Blocked

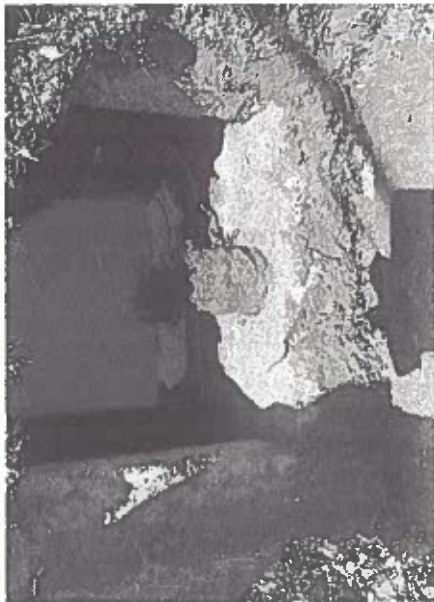
Yes, Roots around pipe

Septic Tank Details: Water Level In Tank Is Relative To Tank Outlet

Yes

Septic Tank Details: Outlet T Is Present

Yes



Septic Tank Details: Outlet Has Filter

No

Septic Tank Details: Effluent Leaves The Outlet

Yes

Septic Tank Details: Root Present In Tank

Minor

Septic Tank Details: Evidence Of Tank Leakage

No

Septic Tank Details: Evidence Of Non-Permitted Connections

No

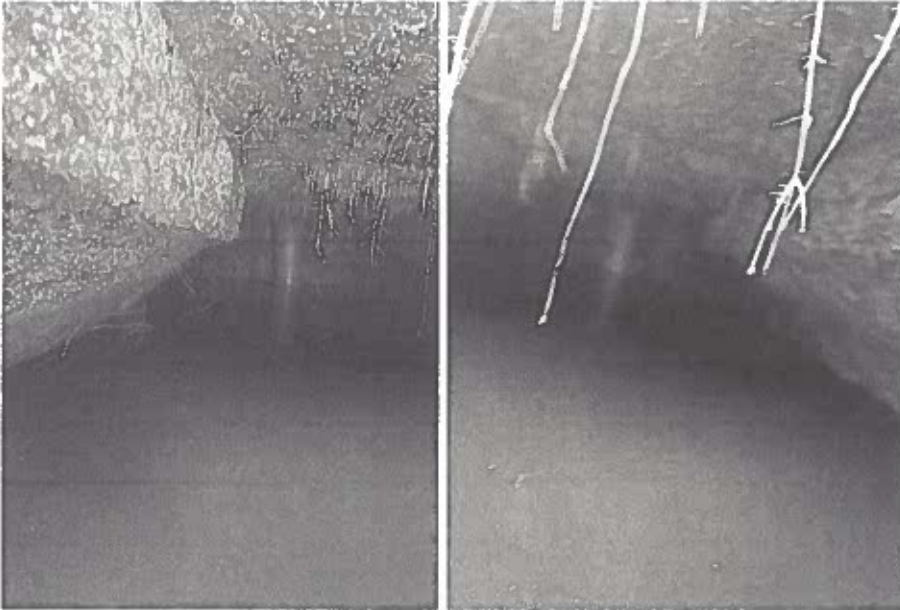
Septic Tank Details: Connection Present From House To Tank

Yes

3: GENERAL INFORMATION - S

Information

General Photos



Septic Tank Details: Connection Present From Tank To Next Componet
Yes

Septic Tank Details: Percentage Of Solids In Tank
More than 25%, Tank needs pumping

Septic Tank Details: Unable To Locate Tank. System Inspection Cannot Be Completed Until Tank Is Located
N/A

Septic Tank Details: Date Tank Was Last Pumped
Unknown

Dispersal Field: Type Of System
Conventional Gravity Rock

Dispersal Field: Brief Description of The System Type
Conventional, Gravity Feed, Gravel

Dispersal Field: Distance From Property Line
Unknown

Dispersal Field: Distance From Septic/Pump Tank
2-5ft

Dispersal Field: Number Of Lines
2

Dispersal Field: Length Of Line
60+

Dispersal Field: Evidence Of Past Or Current Surfacing At The Time Of Inspection
No, Vacant house at time of inspection

Dispersal Field: Evidence Of Traffic Over The Dispersal Field
No

Dispersal Field: Effluent is Reaching The Dispersal Field
Yes

Dispersal Field: Any conditions That Require Evaluation By The Local Health Department
No

4: GENERAL SUMMARY

Information

Tank: Tank

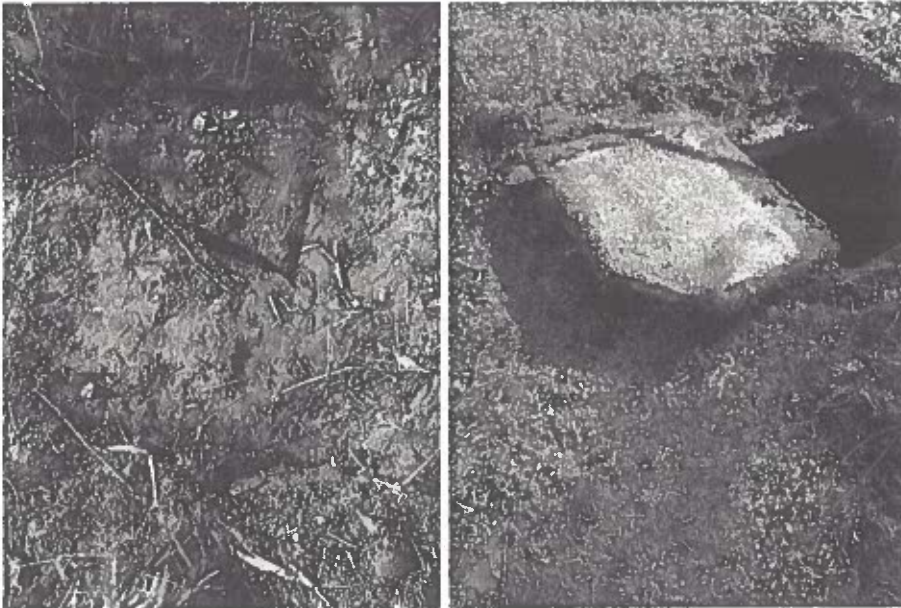
Root's are around inlet pipe

Over growing

Vegetation at ends of lines and beginning

At least two lids are broken

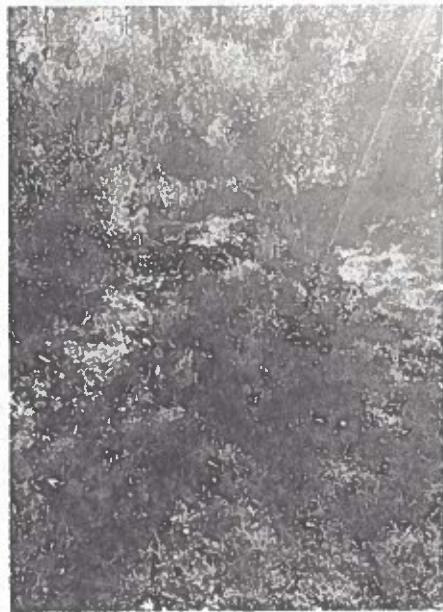
D-box has eroded through to dirt



Dispersal Field: Vegetation Affecting The System

1.

Yes



Supplement to Owners Statement – Site History and Existing Conditions

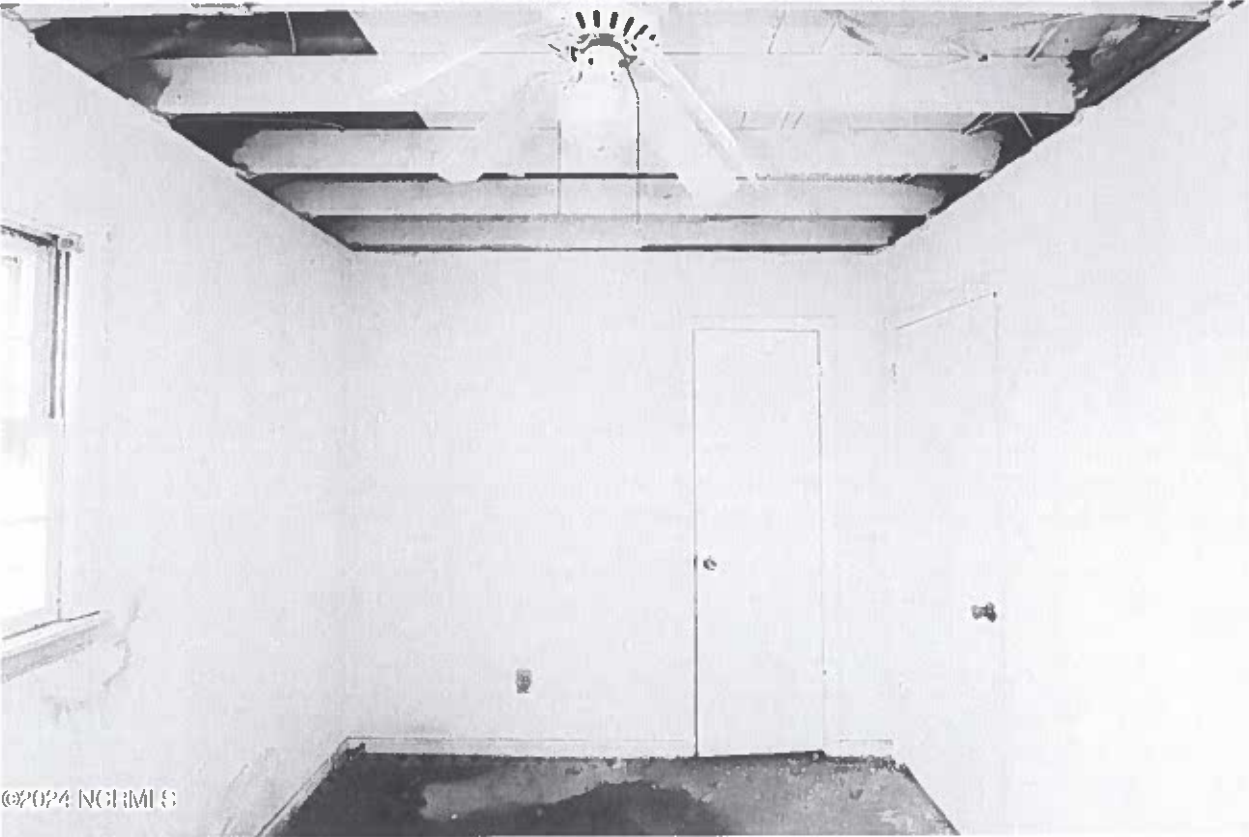
The original residence on the property was constructed in 1968 and, prior to being listed for sale, had remained vacant for more than eight years. During that period, the structure sustained significant neglect in addition to hurricane-related roof damage, which was never properly repaired and was only covered with a tarp. Prolonged exposure to the elements resulted in severe interior water intrusion, mold growth, and structural deterioration, leaving the dwelling unsafe and economically infeasible to renovate.

The decision to remove the structure was made to restore safe and compliant use of the property and to prepare the lot for redevelopment consistent with current health and building standards. The accompanying photos and documentation illustrate the pre-demolition condition of the home and the current site layout, including the fixed location of the existing septic system and drain field. These exhibits provide context for the requested modest side setback variance, which seeks to accommodate reasonable redevelopment while maintaining the character and integrity of the neighborhood.

*Original residence was 1,400 sq. ft. / 3 Bed / 2 Bath with small garage where the washer/dryer was located.

MLS Listing Attached.

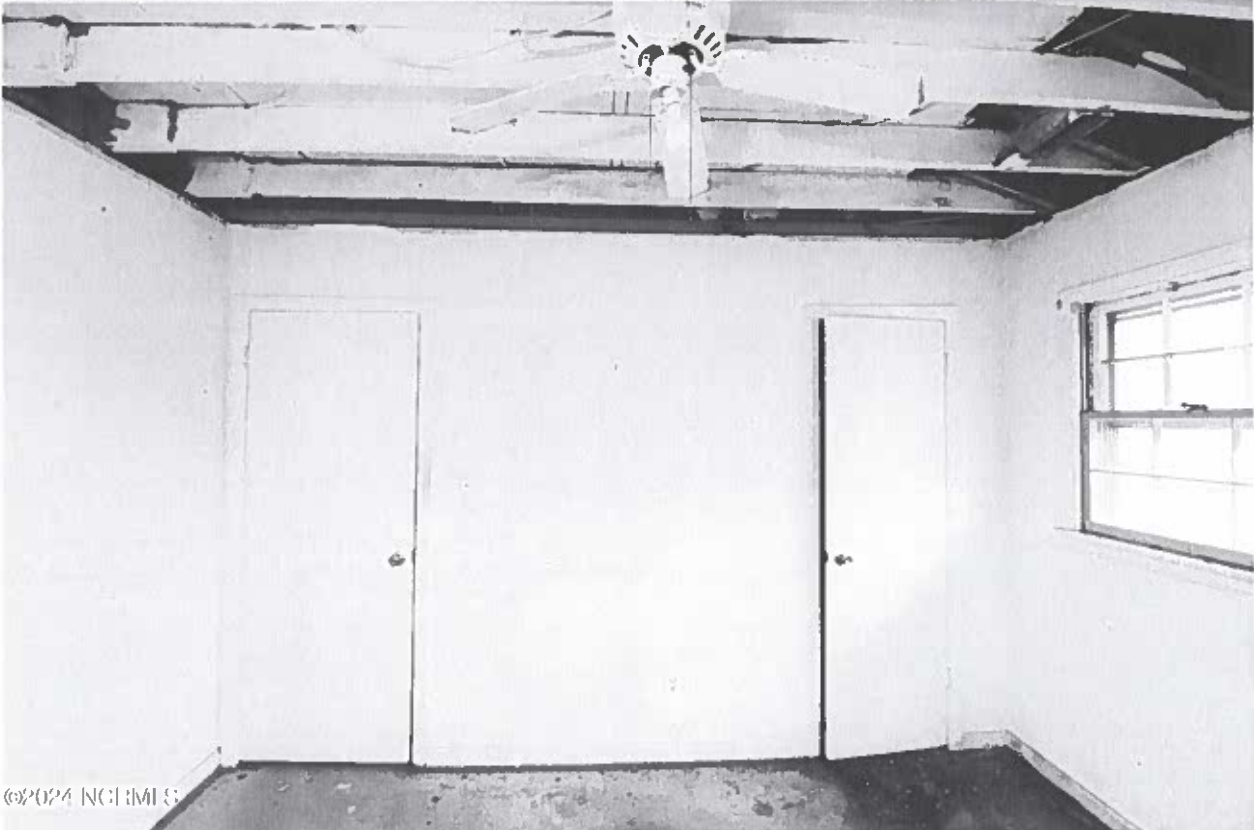
Photos to Supplement – 200 Shell Landing



Photos to Supplement – 200 Shell Landing



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SECTION 7 Residential Zoning Districts

A) **R-20 Residential Single-Family District.**

This residential district is intended to maintain a compatible mixture of single-family residential and bona fide farm uses with a density of two families per acre in accordance with the North Carolina State Board of Health recommendations for residential areas without public water and public sewer, and to prevent the development of blight and slum conditions.

1) **Minimum Lot Size.**

All lots in this district shall be a minimum of twenty thousand square feet (20,000 ft²).

2) **Minimum Lot Width.**

All lots in the R-20 district shall have a minimum lot width of one hundred feet (100') at the minimum building line.

3) **Building Setback and Building Height Requirements and Limitations.**

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-1 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	25 feet	15 feet	40 feet

Table 7-2 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	30 feet	25 feet	15 feet	40 feet

Table 7-3 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-20	30 feet	25 feet	15 feet	40 feet

4) **Accessory Building Setback Requirements.**

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

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 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.

SECTION 21 Board of Adjustment

The Board of Adjustment (BOA) is a “quasi-judicial” administrative body whose purpose is (i) to hear, review, and decide appeals from 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 Ordinance 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. Gen. Stat. §160D-302.

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 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.

The BOC may establish reasonable procedures to solicit, review and make appointments to the BOA.

The BOC shall from time to time review this section to confirm the existence of proportional representation based on population for residents of the Town’s ETJ, pursuant to N.C. Gen. Stat. §160D-307(a).

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) Oath of Office.

All members appointed to the BOA under this section shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160A-61.

4) 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. .

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.

c) If a member appointed by the Town moves outside the Town’s corporate limits, that member shall be deemed to have resigned from the BOA. If a member representing the ETJ of the Town moves outside the Town ‘s ETJ, that member shall be deemed to have resigned from the BOA.

Land Development Ordinance for the Town of Beaufort

- d) If for reasons other than mentioned herein a member resigns from the BOA, a written notice shall be delivered to the Town Clerk at the member’s earliest convenience.
- e) Members of the BOA may be removed for inefficiency, neglect of duty or misconduct in office by the BOC only after being given a copy of the charges and provided the opportunity to be heard in person or by counsel. A BOA member is entitled to at least 10 days after receipt of the notice to prepare for such hearing.

5) 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.

6) 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) ***Meeting of the Board of Adjustment.***

- 1) The BOA shall meet periodically pursuant to a schedule adopted pursuant to law and may hold special or emergency meetings in accordance with Chapter 143 of the North Carolina General Statutes.
- 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 BOA shall keep minutes of its proceedings. 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.
- 5) Quasi-Judicial Decisions. The BOA shall follow the procedures set forth in Section 32 of this Ordinance if making a decision or determination on a quasi-judicial matter.

C) ***Quorum.***

1) Quorum Requirements.

- a) A quorum for the BOA shall consist of a minimum of four members.
- b) Other than for a variance, 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 Section 21(D)(3) or has been allowed to withdraw from the meeting in accordance with Section 21(D)(4).

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 of interest are defined in Section 33 of this Ordinance.

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.
- 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 serve more than three 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 subject to the term limits herein.
- 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 Procedure and Rules of Order.

Rules of procedure that are consistent with the provisions of Chapter 160D may be adopted by the BOC for the BOA. In the absence of action by the BOC, the BOA is authorized to adopt its

Land Development Ordinance for the Town of Beaufort

own rules of procedure that are consistent with the provisions of Chapter 160D. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and shall be posted on the Town’s website.

The chair shall decide on all points of order and procedure consistent with the *Zoning Board of Adjustment*, by Michael B. Brough and Philip P. Green, Jr., as updated; the modified version of *Roberts Rules of Order*, as updated; and the UNC School of Government’s Suggested Rules of Procedure for Small Local Government Boards

3) Chairpersons Rights.

- a) The chair or any member temporarily acting as chair and the Clerk to the BOA 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:
 - 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 Section 21(H) and Section 31.
 - b) Applications for variances, as provided in Section 21(I).
 - c) Questions involving interpretations of the location boundary lines on the Official Zoning Map or ordinance text requirements as provided in Section 21(J).
 - d) Any other matter the board is required to act upon by any other Town ordinance or state law.
- 2) Additional Powers.
The BOA shall have all powers given to boards of adjustments generally by Chapter 160D.

G) ***Public Notice of Hearings of the Board.***

- 1) Notice of hearings conducted pursuant to this Section shall be given in accordance with the provisions of Section 32 herein.

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 by any person aggrieved in accordance with the provisions of Section 31 (E) herein.
- 2) Stay of the Appeal.
Stays are governed by the provisions of Section 31(D)(5) herein.
- 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.

Land Development Ordinance for the Town of Beaufort

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 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. The BOC shall also follow the procedure outlined in Section 21(I)(2) when considering a variance from the provisions of Section 34, Subdivision Regulations or where a variance is otherwise required by the provisions of this Ordinance.

2) Findings of Fact.

When unnecessary hardships would result from carrying out the strict letter of a requirement of this Ordinance, the BOA shall vary the requirement of this Ordinance upon a showing of all of the following:

- a) Unnecessary hardship would result from the strict application of the requirement. 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- 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.
- d) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

3) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

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 Administrator, they shall be handled as provided in Sections 21(H) and Section 31.

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’s planning and development regulation jurisdiction limits shall be construed as following such lines, limits, or boundaries;

Land Development Ordinance for the Town of Beaufort

- 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 Section 21(H), 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.

The concurring vote of four-fifths of the BOA shall be necessary to grant a variance. 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. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 32 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) 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 Section 21(I)(2). A motion to make an affirmative finding on each of the requirements set forth in Section 21(I)(2) 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 Section 21(I)(2) 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 in accordance with the provisions of Section 32(K) herein. The decision of the board should be delivered in accordance with the provisions of Section 32.

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

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**Town of Beaufort Board of Adjustment Regular Meeting
4:00 PM Tuesday, November 25, 2025 – Train Depot**

AGENDA CATEGORY: New Business
SUBJECT: 2026 Board of Adjustment Meeting and Submittal Calendar

BRIEF SUMMARY:

Our new administrative support specialist, Laurel Anderson, has developed the 2026 meeting and submittal calendar for the coming year. We ask that each member review the proposed dates and inform us of any conflicts at the November meeting.

REQUESTED ACTION:

Discussion on Proposed Calendar
Decision on Proposed Calendar

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Garner, AICP
Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A

Proposed
Board of Adjustment Meeting Dates
2026
(Fourth Tuesday of the Month)

Submission Deadline	Meeting Date
1.6.2026	1.27.2026
2.3.2026	2.24.2026
3.3.2026	3.24.2026
4.7.2026	4.28.2026
5.5.2026	5.26.2026
6.2.2026	6.23.2026
7.7.2026	7.28.2026
8.4.2026	8.25.2026
9.1.2026	9.22.2026
10.6.2026	10.27.2026
11.3.2026	11.24.2026
12.1.2026	12.22.2026