



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 Planning Board Regular Meeting 6:00 PM Monday, December 21, 2020 - Held Via Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

1. Call to Order

Roll Call

1. Roll Call

Agenda Approval

1. Agenda Approval for the December 21, 2020 Meeting

Minutes Approval

1. Minutes Approval from the October 19, 2020 Meeting

New Business

1. Case No. 20-13. Request for Special Use Permit for Accessory Dwelling Unit at 102 Carteret Ave.

2. Case No. 20-14. Request to Rezone 129 Conway Road from R-20 Residential to R-8 Residential

Commission / Board Comments

Staff Comments

Adjourn



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

Call to Order

Chair Neve called the meeting to order.

Roll Call

Present for the meeting were Ryan Neve, Ralph Merrill, Paula Gillikin, Diane Meelheim and Jeff Vreugdenhil. John LoPiccolo and Aaron Willis were not present.

Also present for the meeting were, Kyle Garner, Kate Allen, Greg Meshaw, Denice Winn, Commissioner Marianna Hollinshed and Commissioner John Hagel.

Agenda Approval

Chair Neve asked for a motion to approve the Agenda for the October 19, 2020 Meeting. Vice Chair Merrill made the motion to approve the Agenda as it was presented. Board Member Meelheim made the second. A roll call vote was conducted and the motion passed unanimously to approve the Agenda as it was presented.

Minutes Approval

Chair Neve asked for a motion to approve the Minutes from the August 17, 2020 meeting. Vice Chair Merrill made the motion to approve the Agenda as it was presented. Board Member Gillikin made the second. A roll call vote was conducted and the motion passed unanimously to approve the Minutes from the August 17, 2020 as they were presented.

Calendar

Chair Neve asked for a motion to approve the 2021 Meeting Calendar. Board Member Meelheim made the motion to approve the 2021 Meeting Calendar as it was presented. Board Member Gillikin made the second. A roll call vote was conducted and the motion passed unanimously to approve the 2021 Meeting Calendar as it was presented.

Presentations

- 6. Greg Meshaw - Sidewalk and Street Improvements

Greg Meshaw, Town Engineer, made a presentation on sidewalks and street improvements for where they are planning to put them and also make improvements. Mr. Meshaw shared a power point presentation showing the proposed sidewalks as well as the proposed cost for the project. Mr. Meshaw stated that the sidewalk project will start once the "streets" project is completed and that it should be sometime after the first of the year.

Vice Chair Merrill had a question concerning connecting to Foodlion. Mr. Meshaw stated that there is a sidewalk from Professional Park that has connectivity to Foodlion but he stated that there is nothing planned for the North side of Live Oak from the storage units to Foodlion.

Chair Neve had a question concerning putting sidewalks in front of undeveloped land and once it is developed the developer would have to reimburse the Town for the cost of the sidewalk. Mr. Garner stated that could be done under the right mechanisms and that he and Mr. Meshaw both worked in a community that had that in place and it was called "cost recovery."

Board Member Vreugdenhil asked Mr. Garner or Mr. Meshaw who was reviewing existing sidewalks for ADA compliance. Mr. Meshaw said that it was a joint effort with him and the Planning Department. Mr. Garner stated that in the past it was a joint effort between Planning and Public Works. Board Member Vreugdenhil stated that the Department of Transportation (DOT) has strict guidelines for this and he wanted to urge the Town to look at this for projects in the future. Mr. Meshaw stated that they have a detailed plan for ramps and it has been taken from the most recent DOT standard for ramps.

Chair Neve made a suggestion to consider sidewalks to connect Beaufort Elementary to Highway 101 and then to Eagle Bay Apartments.

Board Member Gillikin had a few questions for Mr. Meshaw and thanked him for the presentation. Her question was concerning the culverting in the Highland Park area and if the costs were included in the estimate and Mr. Meshaw stated that it was generally included. Board Member Gillikin also had a concern about the ditch on Carteret Avenue and storm water. Mr. Meshaw stated that they are waiting on the survey and then they are going to start looking at things in detail. Board Member Gillikin wanted to know if there are sidewalks that are a priority. Mr. Meshaw stated that they did not have any that are a priority but if they did the RJ Park would be done as soon as it could be. He stated they wanted to make it so it was a safe journey to the park and he stated that Campen Road was also a priority for them because of the kids and the school.

Board Member Meelheim stated she had one question and one request. She stated that the Realo Drug Store in front of Foodlion has signs that they are going to be opening up and there is coverage across the street but it may be something to look at sooner rather than later for sidewalks there so people can access it for the medical needs. Board Member Meelheim stated that her question was concerning sidewalks that are already installed that may have incursions on walking paths, downtown there are some beautification pots that stick out further than they should and only allow for one person to walk. She questioned whose responsibility it is to keep an eye on that and monitor it. Mr. Meshaw said that would be an enforcement issue. Mr. Garner said it was and asked Board Member Meelheim for a list of those and stated that there was a person who would take care of that.

Public Hearing

- 7. Case #20-11. Request to Rezone 1205 Lennoxville Road from B-1 to TCA

Kate Allen presented this on behalf of staff for the Town. Ms. Allen stated that the Legal Ad was run in the Carteret County News Times on October 7th and 14th, 2020. Letters were mailed to surrounding property owners on October 5, 2020. The sign for the rezoning was place on the property on October 9, 2020. She said the property is a 0.4186 acre or 18,234 square foot lot that has 112.71 feet of frontage on Lennoxville Road and 116.18 feet of frontage on Legion Drive. Ms. Allen stated that the use is an existing non-conforming use but the structure and the lot itself are both conforming. Ms. Allen said if this request is

approved it would require a change to the Future Land Use Map due to it currently being identified as light industrial and the request is to change it to mixed use. Also included in the presentation were an aerial photograph of the property, a map of the topography and the Consistency Statement that is required for the Board of Commissioners.

Vice Chair Merrill asked if this property joined an existing TCA property and Ms. Allen stated it did. Vice Chair Merrill stated on the map it looked like the zoning was B-1. Ms. Allen had confirmed the zoning is B-1 but the future land use was light industrial. Ms. Allen stated that on the Future Land Use Map it is identified as industrial and the request would be to change it to mixed use that would be acceptable with the TCA zoning district.

Chair Neve asked Ms. Allen if there would be a need for buffering requirements between a TCA and an existing B-1. Mr. Garner stated that it would require buffering and that it goes by use not zone. Chair Neve asked if Carteret Court Apartments are currently zoned light industrial and Ms. Allen stated they were.

Chair Neve stated that he felt this seems fine and asked for a motion. Vice Chair Merrill asked if any comments had been received from the neighbors. Ms. Allen stated that she had not receive any phone calls or emails. Ms. Allen said that Mr. Frank Eastman, with F and G Management, was present for the meeting. Chair Neve asked for public comment on this item and there was none.

Mr. Eastman stated that he had spoken with Mr. Ellison who lives at 1201 Lennoxville Road and he had a letter from Mr. Ellison stating his full support of the request. Vice Chair Merrill asked Mr. Eastman about vehicle access in and out of the proposed site. Mr. Eastman stated that they had looked at this and are leaning to the access being off of Legion Drive.

Vice Chair Merrill made a motion to approve the rezoning from B-1 to TCA. As far as the statement regarding the Land Use Plan, it will require an amendment to the existing Core Use Plan. The Board took into consideration the abutting TCA property and therefore it is appropriate. Board Member Meelheim made the second. A roll call vote was conducted and the motion passed unanimously to approve the rezoning from B-1 to TCA.

New Business

- 8. Case #20-12 Special Use Permit for a Kennel, Indoor/Outdoor Operation for 102 Professional Park Drive & 1975 Live Oak Street

Kyle Garner presented the request for a Special Use Permit for 102 Professional Park Drive, for a Kennel, with an Indoor/Outdoor Operation. The acreage is 1.90. Mr. Garner had a vicinity map showing the area of the request as well as a circled area on the map showing the 200 foot area of homeowners/property owners that would require notification before it goes to the Board of Commissioners. Mr. Garner also had a zoning map which showed that the property is zoned TR (transitional) which does allow for medical facilities but he stated that the Kennel would require a special use permit. Mr. Garner said that Sam Barnes, applicant, also submitted a plan of the building and a site plan. He said that the only part that would be new is the outdoor animal run that is projected to be 30' x 50'. Mr. Garner said that the required number of parking spaces is 31 and the site has 34. Mr. Garner said that the outdoor play area would only be used during normal working hours of 9:00am to 5:00pm.

Mr. Garner stated that Mr. Barnes was on the meeting but must have had some technical issues and that he would answer questions.

Board Member Gillikin wanted to know if anything had been put in place for noise abatement for dogs potentially barking during the night. Mr. Garner stated that is why the outside area would only be used during normal business hours. He stated that sound proofing or deadening had been suggested. Mr. Garner stated that this Board could make a recommendation to the Board of Commissioners that this would be a condition for the special use permit. Board Member Gillikin stated that she would not be willing to put this forward if there was not sound proofing. She did say she would be more comfortable with

some type of condition with noise proofing the walls with some type of appropriate, engineered material.

Vice Chair Merrill stated he was familiar with the Live Oak situation but he thought that they had outdoor cages. He asked if the Kennel would have cages that would have dogs board there or if it was going to be something else. Mr. Garner stated that they are not looking to house a lot as the main focus is the Clinic but they realize some of their clients may need this when they go out of town and that some of the animals may need an extended stay for recovery. Chair Neve stated that this was not an outdoor kennel but an indoor one with an outdoor dog run. Mr. Garner stated that was correct. Mr. Garner said that Mr. Sam Barnes was back on the call and stated that the Board could now ask him questions.

Vice Chair Merrill wanted to know if there were going to be any pens in the outdoor area or if it was just going to be a play area. Mr. Barnes stated that it was just going to be a play area and that the pens were in a build-out that is in the interior of the building and that was where the animals would be staying. Mr. Barnes stated that in the outdoor area the animals would only go out in sunny weather, would never be out there without staff and only during the hours of 9:00 to 5:00.

Board Member Gillikin stated that she wanted to know if there had been any conversations concerning the noise that could be generated by dogs barking at night. She stated that she would be concerned for the neighbors on Pearl Drive. Mr. Barnes said that the owners of the Clinic had hired one of the largest designers of veterinary hospitals from Rock Hill, South Carolina to work on the design. Mr. Barnes said there would be insulation and sound baffling but he couldn't speak to the commercial grade or materials. He did state that consideration of this had been given. Mr. Barnes stated further information for the Board would need to be gathered post this meeting. Mr. Garner told Mr. Barnes to gather that information.

Chair Neve stated that the dog run would be on 1975 Live Oak Street which is currently undeveloped property. Mr. Garner said yes and that since they were acquiring both properties it would become one. Chair Neve wanted to know if the property becoming one would trigger requirements for a buffer between the residential and commercial property and if it would require the sidewalk to extend on Live Oak Street. Mr. Garner stated that they would definitely look at the buffering and he said he would say yes that the sidewalk would need to be extended.

Vice Chair Merrill asked Mr. Garner if he had received any comments from neighbors. Mr. Garner stated that letters did not go out because this was not a public hearing but the letters were ready to go out for the Board of Commissioners November meeting that would be a Quasi-Judicial hearing.

Board Member Gillikin stated that she had a final comment about the buffering and if there could be a condition on buffering. She said there are certain types of trees and vegetation that are more effective at sound attenuation than others. She stated she felt that a requirement would be to use a consulting service be used to find the right type of buffering. Mr. Garner asked her if she would like it to be an arborist and Board Member Gillikin said someone with expertise in this.

Board Member Vreugdenhill asked if the outside was for daytime use only and Mr. Barnes stated that was correct. Board Member Vreugdenhill stated that the building is engineered to with the animals being on the inside of a cement block building. Mr. Barnes stated that the building is made of steel, with several layers of insulation and also rated sheet rock. Mr. Barnes said they were going to do the necessary steps to make this work with regards to sound dampening with the features that were discussed. He said he wanted to make sure that he didn't give the impression that the animals would be outside unattended and that this was going to be a structured operation outside between the hours of 9:00 to 5:00.

Chair Neve asked if the hours of operation would be specified in the permit itself. Mr. Garner said yes based on the applicant submitting that. Mr. Garner stated the elements that and the elements that Board Member Gillikin brought out, which are the sound

dampening and the buffering, would be a condition that the Planning Board would recommend the Board of Commissioners consider in its decision.

Chair Neve asked for a motion. Board Member Vreugdenhill made a motion based on the fact, evidence and testimony provided to counsel that the adjacent property owners be notified, he would recommend that the request be passed to the Board of Commissioners with the conditions recommended by Board Member Gillikin of sound proofing and buffering. Board Member Gillikin made the second. A roll call vote was done and the decision was unanimous to pass this to the Board of Commissioners.

Public Comment

There were no public comments.

Commission / Board Comments

Chair Neve thanked staff for the presentations and also Commissioners Hollinshed and Hagle for joining the meeting.

Staff Comments

Mr. Garner asked the Board if they would like Mr. Meshaw to come back and give updates and they all stated that they would.

Ms. Allen stated that the CAMA Land Use Plan is dated and that Stewart will be updating that as approved by the Commissioners.

Adjourn

Chair Neve asked for a motion to adjourn the meeting. Vice Chair Merrill made the motion to adjourn the meeting. Board Member Meelheim made the second. A roll call vote was conducted and the motion passed unanimously to adjourn the meeting.

Ryan Neve, Chair

Denice Winn, Board Secretary



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**Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, December 21, 2020 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Case No. 20-13. Request for Special Use Permit for Accessory Dwelling Unit at 102 Carteret Ave.

BRIEF SUMMARY:

William Bell, on behalf of property owner Steve Carroll, is requesting a Special Use Permit for an Accessory Dwelling Unit at 102 Carteret Ave.

REQUESTED ACTION:

Provide comments, concerns and suggestions to the Board of Commissioners. Provide consistency statement to the Board of Commissioners

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kate Allen, Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



Staff Report

To: Planning Board
From: Kate Allen

Date: 12/10/2020
Meeting Date: 12/21/2020

Case Number 20-13

Summary of Request:

Request for Special Use Permit for Accessory Dwelling Unit at 102 Carteret Ave.

Background

Location(s) & PIN

102 Carteret Ave. (PIN 730619504853000)

**Owner
Applicant**

Steve Carroll
William Bell

Current Zoning

R-8 Residential

Lot(s) Size & Conformity Status

0.275 acres or 12,000 ft²
Conforming Lot of Record
Existing Nonconforming Structures
Road Frontage – Carteret Avenue 120.0’
Road Frontage – First Street 100.0’

Existing Land Use

Residential

**CAMA Future Land Use Map
Amendment Required**

Yes No Mixed Use

Adjoining Land Use & Zoning

North R-8; Residential
South B-1 & R-8; Residential
East B-1 & R-8; Residential
West R-8; Residential

Special Flood Hazard Area

Yes No 0.2% Annual Chance & AE-6

Public Utilities

Water Available Not Available
Sewer Available Not Available

Additional Information

See Staff Comments

Requested Action

Provide Consistency Statement to the Board of Commissioners
Provide comments, concerns and suggestions to the Board of Commissioners

Staff Comments

The subject property is an existing conforming lot of record. There are two existing non-conforming structures on the property. The primary residence does not meet front or side (ROW) setback requirements. The existing garage is non-conforming due to the side (ROW) setback requirements. The proposed use, however, would not increase the amount of non-conformity on the subject property.

Additional Information

The current **R-8 Residential District Standards**

Minimum Lot Size	8,000 Square Feet	Setbacks
Minimum Lot Width	60 Feet	Front 25 Feet
Maximum Building Height	40 Feet	Rear 25 Feet
		Side 8 Feet
		Side (ROW) 20 Feet

Consistency Statement & CAMA Core Land Use Plan Amendment

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

CAMA Core Land Use Plan – Future Land Use Classifications

Current: Mixed Use

The anticipated residential density within this classification ranges from medium to high density. Multifamily densities are consistent with the current requirements of the Town’s zoning ordinance which allows a density range of up to 16 dwellings per acre for planned developments. Residential building types encouraged within this classification include single-family attached dwellings, condominiums, cluster developments, and multifamily dwellings. Commercial uses include a variety of retail, office, business services, and personal services. Minimum lot sizes are generally dependent upon the specific nature and characteristics of the land use but typically range from 2,750 to 20,000 square feet for residential land uses and 3,000 to 8,000 square feet for nonresidential land uses. Maximum floor area ratios for nonresidential land uses range from 0.57 to 2.13. Land uses within the Mixed Use-designated areas are generally compatible with B-1, General Business; B-W,

Business Waterfront; TR, Transitional; TCA, Townhomes, Condominiums, Apartments; and PUD, Planned Unit Development Zoning Districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volume are necessary to support the intensity of development expected within the Mixed Use Classification.

Attachments:

- 1. Property Owners Within 200 Feet
- 2. Vicinity Map
- 3. Aerial Map
- 4. Current Zoning Map
- 5. Future Land Use Map
- 6. SFHA Map
- 7. LDO Excerpts – R-8 Residential District
- 8. LDO Excerpts – Special Use Permits
- 9. Application as Submitted

OWNER	MAILING ADDRESS	CITY STATE ZIP
DOTY,SUSAN G	100 NORTHBROOK DRIVE APT 304	RALEIGH NC 27609
ALPHIN,WILLIAM LEE ETUX JEAN C	501 FIRETOWER ROAD	LAGRANGE NC 28561
RAINS,NANCY ETAL ANN CULLEY	310 MOORE ST	BEAUFORT NC 28516
MULLINS,KIMBERLY A ETVIR C	9366 SKIPWITH ROAD	SKIPWITH VA 23968
PITTMAN,CLYDE D ETUX ANGELA J	210 FIRST STREET	BEAUFORT NC 28516
SPROWL,JONATHAN O ETUX ROBIN E	1412 LAKESTONE VILLAGE LN	FUQUAY VARINA NC 27526
PITTMAN,CLYDE D ETUX ANGELA J	210 FIRST STREET	BEAUFORT NC 28516
FOLLUM,CONNIE MARIE L/T	214 FIRST STREET	BEAUFORT NC 28516
CANOSA,CHRISTOPHER J ETUX K	2 ANTHONY DRIVE	NEW PALTZ NY 12561
MAGYAR,RODNEY P ETUX PATRICIA	203 FIRST ST	BEAUFORT NC 28516
POPE,DAVID W ETUX RENEE G	1305 FAYETTEVILLE STREET	KNIGHTDALE NC 27545
JONES,EARL B ETUX GLORIA	207 FIRST ST	BEAUFORT NC 28516
REECE,CLINTON B ETUX HOLLY H	4904 WILLOWTREE LANE	CLAYTON NC 27520
MANUEL,WILLIAM C ETUX ASHLEY S	109 CARTERET AVENUE	BEAUFORT NC 28516
MARSH STREET PROPERTIES LLC	PO BOX 643	MT PLEASANT SC 29465
CARROLL,STEVE RAYMOND TRUSTEE	700 SWORDFISH RD	FRIPP ISLAND SC 29920
CLARK,JOHN W	103 LENNOXVILLE POINT RD	BEAUFORT NC 28516
BONAVITO,JAMES ANDREW	1107 LENNOXVILLE ROAD	BEAUFORT NC 28516
YOU CAN FLY LLC	PO BOX 1839	NAGS HEAD NC 27959
WOODARD,ALAN	1600 BRICES CREEK ROAD	NEW BERN NC 28562
RAITER,PATRICK JACOBS	103 CARTERET AVENUE	BEAUFORT NC 28516
CARDINAL RULE HOLDINGS LLC	112 S PITT STREET	GREENVILLE NC 27834
ELLISON,WILLIAM L ETUX GRACE L	1201 LENNOXVILLE ROAD	BEAUFORT NC 28516
JAMES,BOOKER TOMMY SR HEIRS	PO BOX 52716	DURHAM NC 27717
FULFORD,MILTA DAVIS L/T	3812 WINDY TRAIL	NEW BERN NC 28560
F & G MANAGEMENT LLC	4044 ARENDELL STREET	MOREHEAD CITY NC 28557
BREUER,NELLIE ETAL CLOSE	1112 LENNOXVILLE RD	BEAUFORT NC 28516
MCCOLLUM,WARREN ETUX KITTY	10 TREADWAY COURT	HILLSBOROUGH NC 27278
CARTERET COURT LLC	PO BOX 25168	WINSTON-SALEM NC 27114

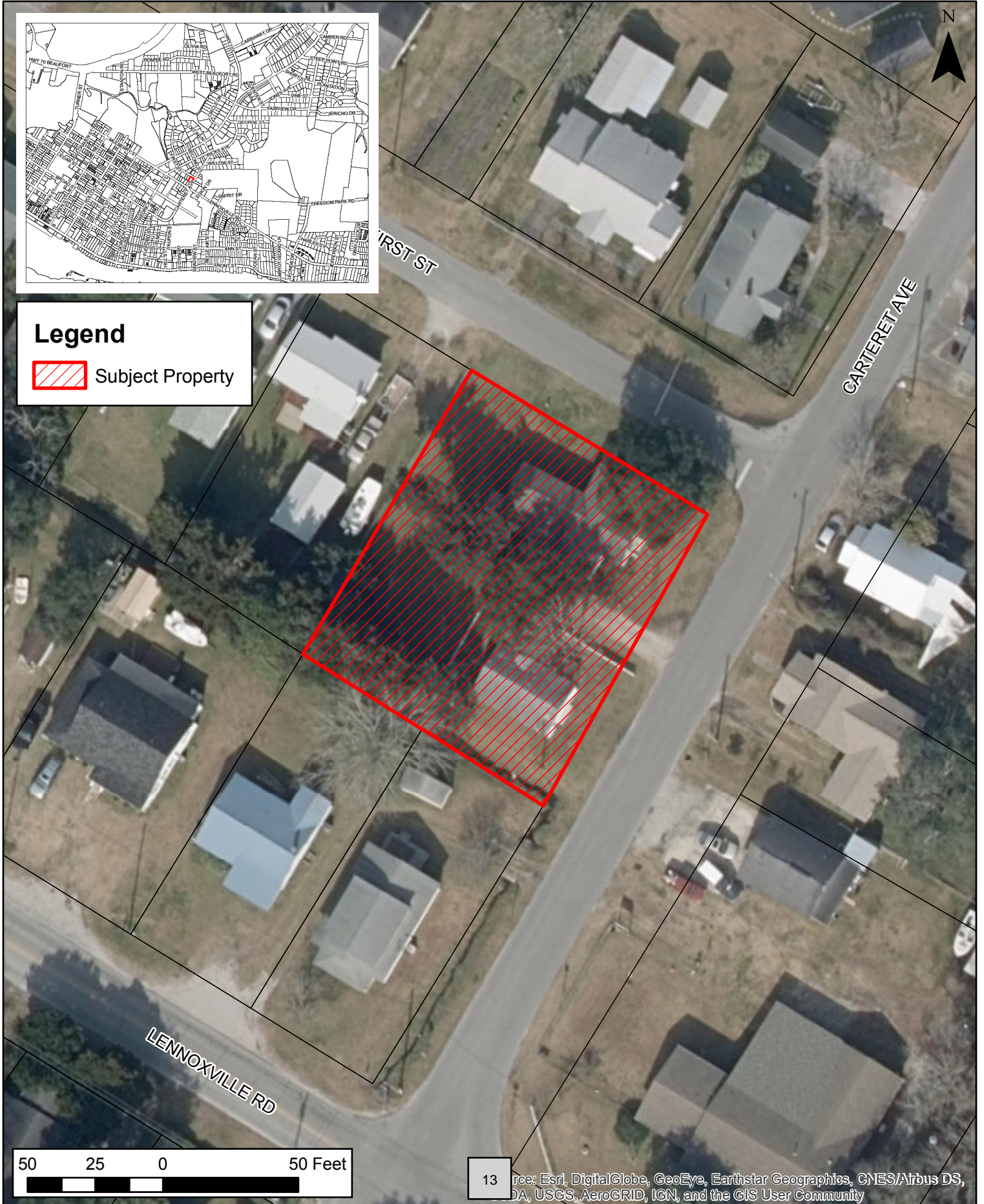
Vicinity Map 102 Carteret Ave.

1.

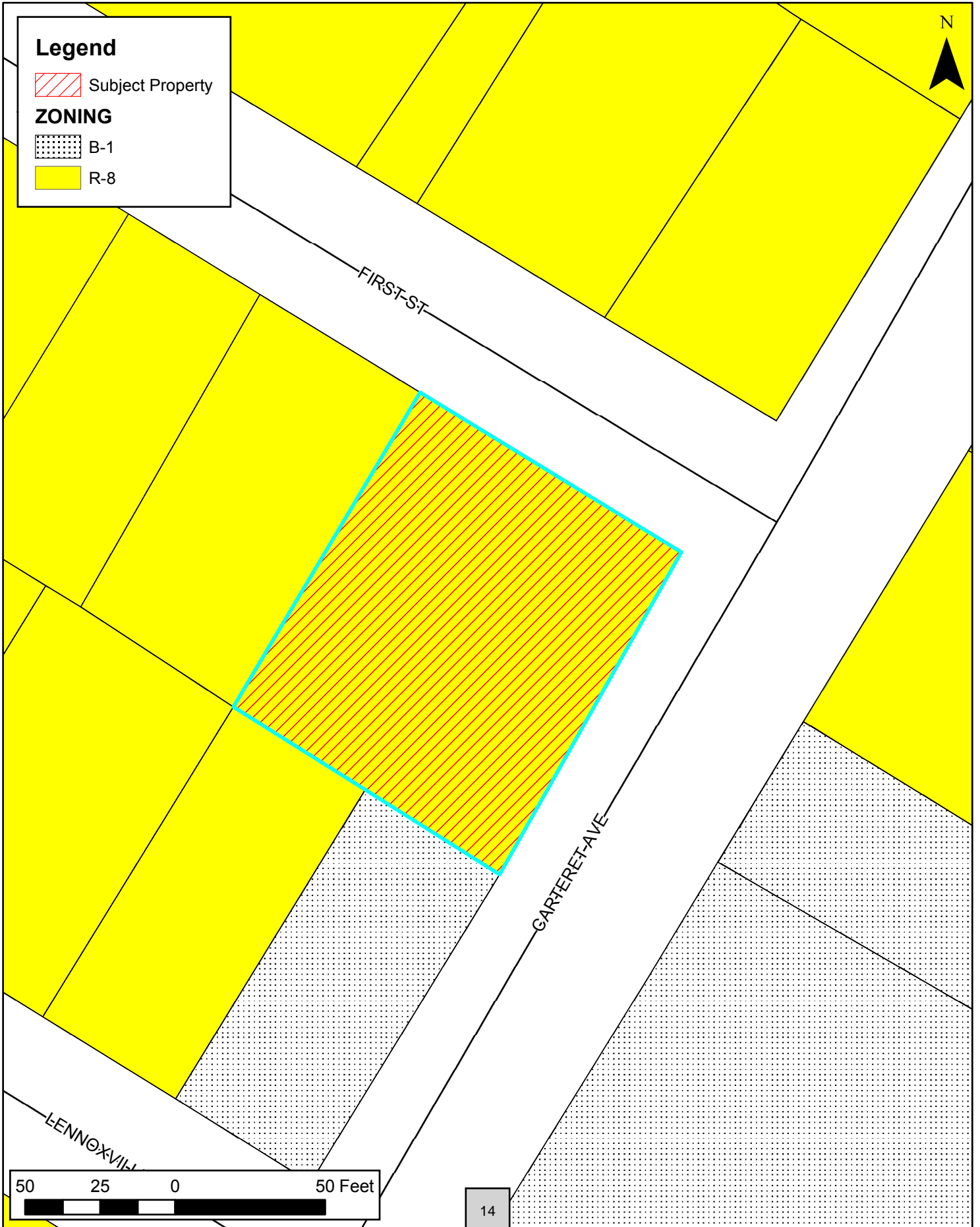


Vicinity Map 102 Carteret Ave.

1.

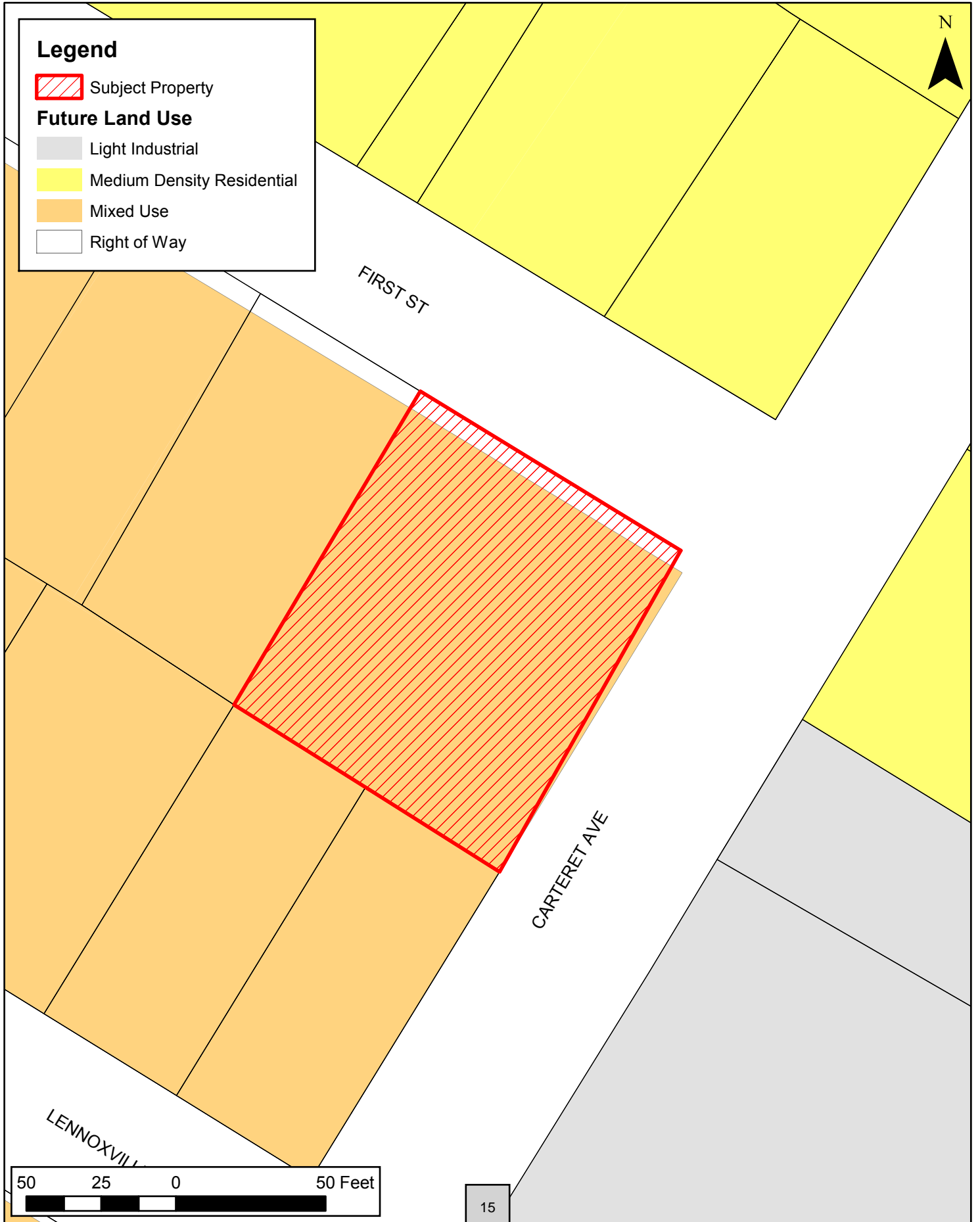


Current Zoning 102 Carteret Ave.



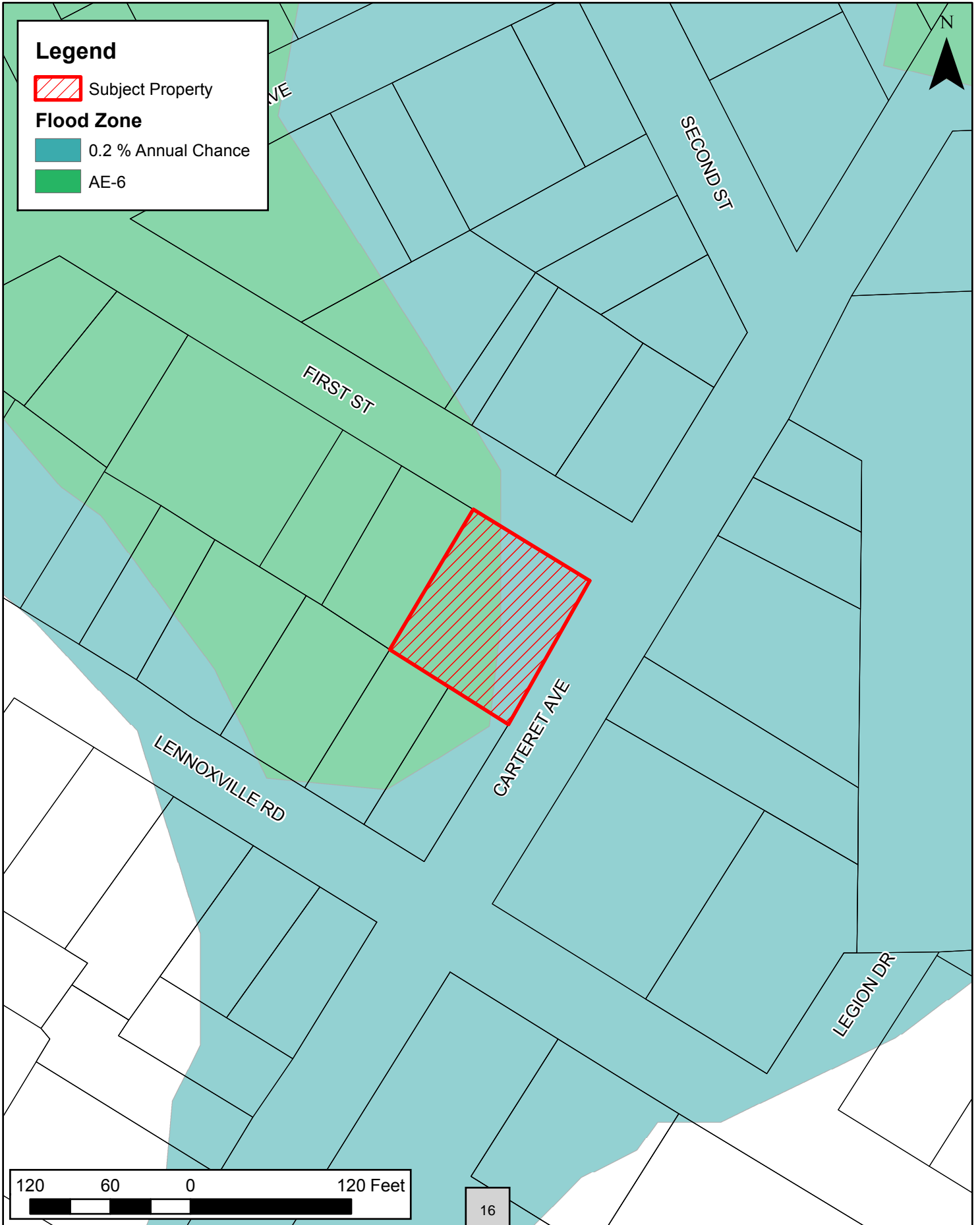
Future Land Use 102 Carteret Ave.

1.



Special Flood Hazard Areas 102 Carteret Ave.

1.



C) R-8 Residential Medium Density District.

This residential district is established as a medium density district in which the principle use of the land is for single-family dwelling units. The regulations of this district are intended to provide areas of the community for those persons desiring residences in relatively medium density areas. No buildings, houses, or structures, excepting noncommercial docks or piers as specified in section 2-H of this Ordinance, will be erected on the south side of Front Street in this district. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the R-8 district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the R-8 district shall have a minimum lot width of sixty feet (60') 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 7-9 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-8	25 feet	25 feet	8 feet	35 feet

Table 7-10 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-8	25 feet	20 feet	25 feet	8 feet	35 feet

Table 7-11 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-8	25 feet	15 feet	8 feet	35 feet

Where a lot extends across Front Street, the above setbacks shall apply to the portion of the lot north of Front Street. The docks or piers permitted on the south side of Front Street will be subject to an eight feet (8') side setback, or any more restrictive setback required by CAMA, or the regulations promulgated thereunder.

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing Tower	Neighborhood Recreation Center, Indoor/Outdoor, Private
Athletic Field, Public	Neighborhood Recreation Center, Public
Carport	Park, Public
Community Garden	Public Utility Facility
Dock	Resource Conservation Area
Dwelling, Single-Family	Shed
Garage, Private Detached	Swimming Pool (Personal Use)
Government/Non-Profit Owned/ Operated Facilities & Services	Temporary Construction Trailer
Group Home	Utility Minor
Home Occupation	Vehicle Charging Station

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Accessory Dwelling Unit	Marina
Athletic Field, Private	Outdoor Amphitheater, Public
Bed & Breakfast	Preschool
Cemetery/Graveyard	Produce Stand/Farmers' Market
Club, Lodge, or Hall	Public Safety Station
Concealed (Stealth) Antennae & Towers	Religious Institution
Day Care/Child Care Home	Satellite Dish Antenna
Golf Course, Privately-Owned	School, Post-Secondary
Golf Driving Range	Utility Facility

SECTION 20 Special Use Permits

A) General.

Special uses are practices which are not permitted by right in any zoning district in the Town of Beaufort, but may only be granted after due consideration by the Board of Commissioners (BOC). The consideration of a special use application is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special use permits may only be granted by the BOC following a recommendation by the planning board and the quasi-judicial review process as stipulated in this section.

B) Special Use Permit Application Procedures.

- 1) A written application for a special use permit in all zones shall be submitted to the Town’s Planning and Inspections Department in accordance with the requirements of section 1-M of this Ordinance and all applicable administrative regulations. The application shall include:
 - a) A proposed use site plan which contains information documented in section 18-C of this Ordinance and the specific information features below:
 - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
 - ii) A legend identifying all symbols on the map;
 - iii) A North arrow and a scale;
 - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
 - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
 - vi) The map book, page number, and deed book information;
 - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
 - viii) Any other related information requested by Town staff, the planning board, or the BOC.
 - ix) All required environmental permit improvements needed for the property.
 - b) The special use permit sought; and,
 - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.
- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
 - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
 - b) The submitted site plan shall also include all street front architectural elevation drawings to insure the building(s) compatibility with the surrounding residential structures; and,

- c) Additionally, the BOC and town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by town staff and submitted with comments and recommendation to the planning board for review. After the planning board makes its recommendation, the application shall be forwarded to the BOC for consideration.

C) Public Hearing Notification Requirements.

The Town shall schedule a public hearing for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a public hearing shall be given using the standards set forth in section 3-E of this Ordinance with the exception of the following:

- 1) The notice shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be 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 as documented.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot as listed in the county tax records shall be mailed by the Town a notice of the public hearing on the proposed special use application by first class mail at the address listed for such owners on the county tax abstracts. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notices shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the public hearing on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

D) Procedures on Special Use Applications.

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall hold the public hearing and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate in the proposed location. The BOC shall hear relevant information from the applicant, adjoining property owners, the Town Manager, the planning board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the public hearing for the proposed special use application. The BOC

Land Development Ordinance for the Town of Beaufort

need not issue a decision at the time of the hearing if additional information is needed and may continue said hearing until a later date.

- 4) If the application is found not to be in compliance with one or more of the required findings of subsection E of this section or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet. It shall be conclusively presumed the application complies with all requirements not noted by the BOC in their motion to deny the application.
- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under subsection E of this section. The BOC may place an expiration date on the special use permit if a building permit is not secured within a certain period of time. If the special use permit is not renewed periodically by the recipient of the permit, it will expire on the date given to the permit by the BOC.
- 6) After the BOC renders its decision on the special use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of the conclusion(s) of the BOC about the facts of the case and the board’s corresponding decision shall be forwarded to the applicant within ten days.

E) Required Findings.

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town’s land use plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent evidence" as described in N.C.G.S. 160A-393 (k) and will be cognizant the statute provides in part “competent evidence "shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - a) The use of property in a particular way would affect the value of other property.
 - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

- c) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- 3) Compatibility Standards for Special Uses in Residential Zones:
 In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
 - a) Size (footprint);
 - b) Height;
 - c) Proportion and scale;
 - d) Roof shape(s);
 - e) Setbacks;
 - f) Location, size, and number of openings (doors and windows);
 - g) Materials;
 - h) Color; and,
 - i) Texture.

F) **Special Use Guidelines.**

1) Adult Establishments.

- a) No building, structure, or any portion thereof nor any portion of a lot or parcel or property shall be used for an adult establishment at a location closer than one thousand feet (1000') from any other adult establishment; or closer than one thousand feet (1000') from any residentially zoned property, pre-school, child care, nursery school, day care, K-12 school, public playground, or church situated within the Town limits or the ETJ.
- b) Plans are required and must show:
 - i) Locations of buildings and signs and the size of the plan;
 - ii) Proposed points of access and egress and patterns of circulation;
 - iii) Layout of parking spaces;
 - iv) Lighting plan inclusive of wattage and illumination; and,
 - v) Landscape plan.

2) Day Care Centers (Including Kindergarten).

- a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
- b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
- c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
 - ii) Proposed points of access and egress and pattern of circulation;
 - iii) Layout of parking spaces;
 - iv) Location and extent of open play area(s);
 - v) Day care center shall provide one hundred square feet (100 ft²) of play area space per pupil.

Land Development Ordinance for the Town of Beaufort

- vi) Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet (4') in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least six feet (6') high or the maximum applicable fence or wall height limitation for the district or an open fence at least four feet high (4') and a screen planting designed to grow three feet (3') thick and six feet (6') high shall be created. The BOC may at its discretion, require additional screening/buffering and/or fencing elements to be located adjacent to abutting nonresidential land uses.
- vii) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. unless with written approval by the BOC.
- viii) Landscape plan.

3) Radio or Television Transmitter.

- a) Minimum lot area – at least three acres in area.
- b) One parking space is required at the site.
- c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures within the site and within one thousand linear feet in all directions;
 - ii) Proposed points of access and egress;
 - iii) Proposed off-street parking spaces; and,
 - iv) Protective fencing at least six feet (6') high with three stands of barbed wire turned out and ten feet (10') from the perimeter of the antenna base shall be established.

4) Telecommunication Tower.

- a) Guy-wire towers shall not be permitted.
- b) Co-location towers shall be permitted.
- c) Height of communication towers shall be regulated by the Federal Aviation Administration (FAA).
- d) Communication towers are prohibited in front yards and shall be in compliance with the Telecommunication Act of 1996.
- e) Local governments have no ability to prohibit towers on the basis of environmental or health issues according to the Federal Radio Frequency Emission Standards.
- f) The BOC may deny a permit based upon a tower's influence on property value or aesthetics.
- g) A minimum lot size of one-half acre per tower shall be met; however, the Telecommunication Tower shall be placed on a lot of sufficient size, and in a position on the lot, if the tower falls, no part of it will fall onto adjacent property. Variances shall not be allowed.
- h) Landscaping and screening/buffering are required as approved by the planning board and according to section 15 and section 19 of this Ordinance.
- i) A six-foot (6') high protective barrier shall be required around the base of the tower. The barrier shall be a masonry wall, chain link fence, solid wood fence, or opaque barrier as described in section 19 of this Ordinance.
- j) Setback requirements shall be according to the district in which the tower is located.
- k) Towers shall be lighted to satisfy the FAA requirements.

Land Development Ordinance for the Town of Beaufort

- l) Towers shall be removed within ninety days following abandonment of such towers.
- m) Towers shall be removed by the property owner within one hundred eighty days following damage or termination of operation resulting in inoperable towers or towers where the owner of the tower shows no intent to repair said tower. Blown over towers shall also be removed by the owner of such tower under this guideline.
- n) Any advertising signage is strictly prohibited on towers.
- o) Towers shall be painted blue or gray if not otherwise required by the FAA.
- p) The owner must provide adequate insurance coverage for any potential damage caused by or caused to the tower.
- q) For permitting purposes, site plans are required as defined in section 18 of this Ordinance and shall show all of the following additional features:
 - i) Identification of intended user of tower.
 - ii) Documentation by registered engineer shows tower has sufficient structural integrity to accommodate more than one user.
 - iii) Statement from owner indicating his intent to allow shared use of the tower and how others will be accommodated.
 - iv) Evidence the property owners of residentially zoned/used property within three hundred feet of the base of the proposed tower, would be notified prior to the special use application being heard by the BOC.
 - v) Documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
- r) The BOC shall determine if a tower is in harmony with the area and compatible with adjacent properties and may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics. The BOC may disapprove a tower based on the grounds the aesthetic effects are unacceptable and a new site should be proposed. The following factors shall be considered:
 - i) Protection of the view in scenic areas, unique natural features, scenic roadways, historic sites, etc.
 - ii) Prevention of a concentration of towers in one certain area; and,
 - iii) Height, design, placement, and other characteristics could be modified to have a less intrusive visual impact.

5) Marinas.

- The requirements below are for marinas and for proper disposal of sewage from boats:
- a) All slips over thirty feet (30') shall provide a permanent pump-out connection so a hose of not more than thirty feet (30') can reach the mid-point of the slip.
 - b) Any vessel with a permanently installed marine sanitation devise shall be located so the holding tank can be pumped-out using a hose not to exceed thirty feet (30').
 - c) Mobile pump-out equipment may not be used to meet the requirements of subsections 5a) and 5b) of this section.
 - d) A marina may not charge marina tenants an additional fee to pump-out their holding tanks.
 - e) When a T-head of a dock is unoccupied during regular business hours, the marina shall provide public access to the pump-out facility for a nominal fee.

6) Office: Small Business.

Property owners may be granted a special use permit for an Office: Small Business in a Residential Zoning District if identified as a *Small Business* as defined in section 4 of this Ordinance.

- a) In addition to application requirements outlined in subsection B of this section, special use permit applications must include the following:
 - i) Detailed narrative describing the activities associated with the requested use;
 - ii) Number of employees requested to work on site;
 - iii) Requested business hours of operation;
 - iv) Estimated number of clients served on site per day; and,
 - v) Detailed drawing or photographs, including measurements, of signage if requested.
- b) Signage will be reviewed by the BOC at the time of the special use permit and will meet the following standards:
 - i) Not more than one sign is permitted;
 - ii) Sign will not exceed an area of two square feet (2 ft²);
 - iii) Colors will be compatible with those of the structure and will not detract from the residential characteristics of the structure;
 - iv) Sign will be affixed flatly against the building; and,
 - v) Directly lighted and/or neon signage is not permitted.
- c) Conditions: The BOC may impose reasonable conditions as it deems necessary for the protection of the public health, general welfare, and public interest regarding:
 - i) Compatibility. The compatibility of the proposal, regarding both use and appearance, with the surrounding neighborhood;
 - ii) Hours of Operation. The frequency and duration of indoor/outdoor activities and the impact of the surrounding area;
 - iii) Noise. The added noise level created by activities associated with the request;
 - iv) Parking. The request will not generate a need for additional parking; and,
 - v) Appearance. The general appearance will not be adversely affected by the location of the proposed use on the property.



APPLICATION FOR A SPECIAL USE PERMIT

Instructions:

Please complete the form below including all required attachments, a **\$400.00 application fee**, and return to the Beaufort Town Hall; 701 Front Street; P.O. Box 390; Beaufort, N.C.; 28516. Incomplete applications will not be processed but will be returned to the applicant. Please call Planning and Inspections at (252) 728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: William Bell

Applicant Address: 110 Sherwood Blvd, Beaufort, NC. 28516

Phone Number: 252-725-0556 Email: Williambell61065@gmail.com

Property Owner Name: Steve Carroll

Address of Property Owner: 700 Swordfish Rd., Fripp Island S.C. 29920

Phone Number: 404-915-1034 Email: Steve@jcomarketing.com

PROPERTY INFORMATION

Property Address: 102 Carteret Avenue, Beaufort, NC. 28516

15-Digit PIN: 730619504853000 Lot/Block #: 10+11, Block 4

Size of Property (in square feet or acres): .275 acre Current Zoning: _____

Current Use of Property: Garage Private Detached Requested Use: Accessory Dwelling Unit

An application fee of **\$400.00**, either in cash, money order, or check made payable to the "Town of Beaufort" must accompany this application (a credit card payment can be made in person at Town Hall). The complete application, payment, and supporting materials must be received by Town Staff at least 15 working days prior to a regularly scheduled Planning Board meeting date.

Please refer to the Town's **Land Development Ordinance**, Sections 20 & 27, and all other pertinent sections of the Ordinance for information required to accompany this application. Any plans or documents submitted should be submitted in an electronic or digital format and one printed color copy of such documents submitted with the application.

The town's website address is www.beaufortnc.org.

William Bell
Applicant Signature

11/30/20
Date of Applicant's Signature

Steve Carroll
Property Owner Signature (if different than above)

11-30-2020
Date of Owner's Signature

OFFICE USE ONLY

Revised 8/2020

Date: _____

Reviewed for Completeness By: _____

Received by: _____

Date Deemed Complete and Accepted: _____

Narrative

We are buying this property for 2 main reasons. The first is to provide myself and my husband with a home of our own and the second is to provide a safe place for my parents to live. The purpose of the garage conversion is to provide a living space for my parents that allows them privacy within their own space yet is close enough so we may be of assistance if needed. As to the future use of the "cottage", it remains to be seen, but the current thinking is when my parents no longer need it we would rent it on a long term basis, or, possibly, my mother-in-law would move in. We have no intention of dividing the property, now or in the future.

As to the proposed changes to the existing garage, the exterior will remain the same material and the footprint of the building remains the same. Changes include the addition of windows, relocation of entrance and the enclosing of the large roll up door. All trim will be in keeping with the main house on the property. There will be a small screened porch attached to the north-west corner, again keeping the style compatible with the main residence. A screened in porch, 8' by 16' will be added to the north-west corner of the garage/cottage.

- This property is included in the Cama Corp Land Use plan.

Photograph Key and Explanation

Picture 1: This is the west facing façade. There will be the addition of a window with louvered shutters* into the kitchen area and a triangular fixed pane window* at the peak of the rood line for added light.

Picture 2: This is the north façade. The eastern most window* will be replaced with a larger version of the same style. The main entrance* will be relocated slightly east of the existing door and one window will be eliminated. There will be a basic covered entrance stoop*.

Picture 3: This is the south facing façade. The western most window* will remain the same. There will be a window* added, opening into the bath room, and the eastern most window* will be replaced with a larger version of the same style.

Picture 4: This is the eastern façade and the street view. The existing garage door will be removed and the space enclosed in keeping with the current siding color and style. There will be 2 windows* added, each opening into a bedroom. There will be a triangular, fixed pane window* added in the peak of the roof line to allow more light and to add balance to the overall aesthetic.

*All shutters, trim and color scheme will be in keeping with the neighborhood and will match the main residence on the property

1.





2

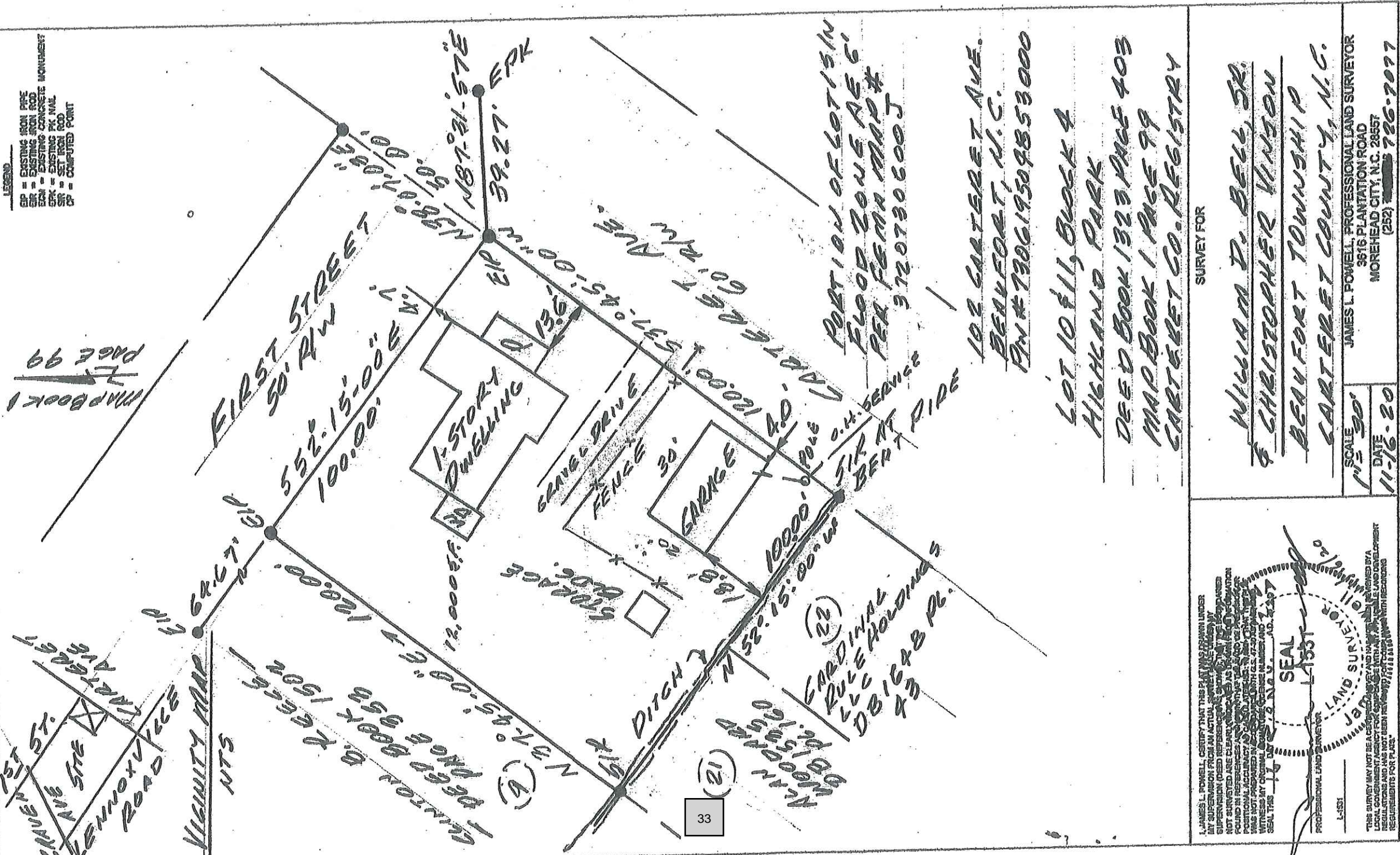


3



LEGEND
 EP = EXISTING IRON PIPE
 ECK = EXISTING IRON ROD
 ECKM = EXISTING CONCRETE MONUMENT
 EPK = EXISTING PK NAIL
 SPK = SET IRON ROD
 CP = COMPUTED POINT

MAP BOOK 1
 PAGE 99



PORTION OF LOT 15 IN
 FLOOD ZONE A E 6'
 PER FEMA MAP #
 3720730600J

102 CARTERET AVE.
 BEAUFORT, N.C.
 PN # 730619309853000

LOT 10 & 11, BLOCK 4
 HIGHLAND PARK
 DEED BOOK 1323 PAGE 403
 MAP BOOK 1 PAGE 99
 CARTERET CO. REGISTRY

SURVEY FOR

WILLIAM D. BELL, JR.
 & CHRISTOPHER WINSTON
 BEAUFORT TOWNSHIP
 CARTERET COUNTY, N.C.

JAMES L. POWELL, PROFESSIONAL LAND SURVEYOR
 3616 PLANTATION ROAD
 MOREHEAD CITY, N.C. 28557
 (252) 726-7077

SCALE 1" = 30'
 DATE 11-16-20

JAMES L. POWELL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. I HAVE READ THE ENTIRE PLAT AND AM CONVINCED THAT IT ACCURATELY REPRESENTS THE FIELD DATA AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. I HAVE ALSO VERIFIED THE POSITIONAL ACCURACY AS REQUIRED BY THE NORTH CAROLINA SURVEYING ACT AND HAVE NOTED ANY DISCREPANCIES THEREIN. I HAVE ALSO VERIFIED THE POSITIONAL ACCURACY AS REQUIRED BY THE NORTH CAROLINA SURVEYING ACT AND HAVE NOTED ANY DISCREPANCIES THEREIN. I HAVE ALSO VERIFIED THE POSITIONAL ACCURACY AS REQUIRED BY THE NORTH CAROLINA SURVEYING ACT AND HAVE NOTED ANY DISCREPANCIES THEREIN.

SEAL
 JAMES L. POWELL
 PROFESSIONAL LAND SURVEYOR
 L-1531

THIS SURVEY MAY NOT BE A COPY OF AN ORIGINAL SURVEY AND MAY BE REPRODUCED BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED BY THE REQUIREMENTS FOR PLATS.



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 Planning Board Regular Meeting
6:00 PM Monday, December 21, 2020 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Case No. 20-14. Request to Rezone 129 Conway Road from R-20 Residential to R-8 Residential

BRIEF SUMMARY:

Property owner, Joseph Dixon, applied to rezone 129 Conway Road from R-20 Residential to R-8 Residential. There are discrepancies regarding property boundaries. Town staff is requesting that the item be tabled until said discrepancies are resolved.

REQUESTED ACTION:

Table request

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kate Allen, Town Planner

BUDGET AMENDMENT REQUIRED:

N/A