



Town of Beaufort, NC

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

Town of Beaufort Board of Adjustment Regular Meeting 6:00 PM Monday, September 28, 2020 - Held via Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

1. Call to Order

Roll Call

1. Roll Call for the Meeting on September 28, 2020

Agenda Approval

1. Agenda Approval for the September 28, 2020 Meeting

Minutes Approval

1. Minutes Approval for the August 24, 2020 Meeting

Administration of Oaths

Old Business

1. Variance Request for 111 Moore Street

Public Comment

Commission / Board Comments

Staff Comments

Adjourn



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

Call to Order

1. Call to Order
Vice Chair Terwilliger called the August 24, 2020 meeting to order.

Roll Call

2. Roll Call
Present for the meeting were Pete Evans, Virginia Cuthrell, Robert Terwilliger and Wendi Oliver. Also present for the meeting were Kyle Garner, Jill Quattlebaum, Town Attorney and Marianna Hollinshed, Town Commissioner.

Agenda Approval

3. Agenda Approval for the August 24, 2020 Meeting
Board Member Evans made a motion to approve the agenda as presented, Board Member Oliver made the second and the motion carried unanimously.

Minutes Approval

4. Minutes Approval from the July 27, 2020 Meeting
Board Member Evans made a motion to approve the July 27, 2020 Minutes as they were presented, Board Member Oliver made the second and the motion carried unanimously.
5. Minutes Approval from the February 24, 2020 Meeting
Board Member Evans made a motion to approve the February 24, 2020 Minutes as they were presented, Board Member Oliver made the second and the motion carried unanimously.

Administration of Oaths

Ms. Quattlebaum administered the oath to Mr. Garner.

New Business

6. Variance Request for 111 Moore Street

Vice Chair Terwilliger opened new Case 20-02, 111 Moore Street, Variance Request.

Vice Chair Terwilliger asked if there was anyone who wanted to testify if they had standing to let it be known. Allen Paul, Brian Buck and John Duncan were all affirmed for testimony.

Mr. Garner stated that the request is from the owner and applicant, Mr. John Duncan. Mr. Garner stated that the property is zoned Residential 8 and that it is located in the Beaufort Historic District. Mr. Garner said that Mr. Duncan is aware that he or anyone who purchased the property would still have to go before the Beaufort Historic Preservation Commission (BHPC) for any construction or improvements. Mr. Garner stated that the applicant is requesting a variance to change the front set back from 25 feet to 4 feet and the rear set back from 25 feet to 2 feet. Mr. Garner said that the packet that was provided and also put on the web included numerous deeds and maps with surveys for everyone to review. Mr. Garner stated that he would be happy to answer questions from the Board Members.

Vice Chair Terwilliger asked Mr. Garner if this was a lot of record and Mr. Garner stated yes. Board Member Oliver asked to clarify the dimensions on the South and North of the property, which are 36 on the South end and 38 on the North end, Mr. Garner stated that was correct. Board Member Evans wanted clarification of the width of the property on Moore Street due to Mr. Garner saying it was 107 feet but the survey has it at 120 feet. Mr. Garner stated that staff was taking the easement into consideration and the area in which could be built on. Board Member Evans asked about easements being set in the Land Development Ordinance (LDO). Mr. Garner stated not only in the LDO but they are set by Statute. Mr. Garner said the easements are record and they cannot be built on.

Mr. John Duncan stated that all he was asking was four feet off of Moore Street and two feet off of the back, to give him a 30 foot width/footprint to build a small story and a half cottage.

Vice Chair Terwilliger polled each of the Board Members for comments or questions. Board Member Evans asked Mr. Duncan about off street parking or his plans for parking. Mr. Duncan stated that he envisioned a cut in for a driveway on the South side of the property and that he would like to have off street parking for at least two cars. Board Member Evans asked Mr. Duncan if he planned on building right up to the two foot setback and Mr. Duncan stated that he didn't have any plans at this point. Mr. Garner stated that a vacant lot of record can have a reduced set back as long as it matches the adjacent property. Board Member Evans clarified that if he is within that with the neighboring property he wouldn't need one for the Moore Street side and the south side could not be counted. Mr. Garner stated that was correct.

Vice Chair Terwilliger opened the discussion to Mr. Allen Paul owner of 117 Moore Street. Mr. Allen read a statement that he had prepared for the meeting. He stated that he was opposed to both variance requests, the 21 foot encroachment from Moore Street and the 23 foot from the rear property line. He stated that gives 3,184 square feet of buildable area. Mr. Allen stated that his house at 117 Moore Street is the largest house on Moore Street and its footprint is only 1,600 feet and that is on a lot three times the size as 111 Moore Street. He stated if the variance is granted it would create a hardship for the owners along the western boundary line in that a two foot setback is not enough to even place a ladder along the driveway that serves 119, 121, 123 and 125 Front Street. Mr. Allen talked about the four foot setback that was approved for Judy Adams property on Front Street that adjoins 111 Moore Street and he stated he felt that was more appropriate. The oldest recorded easement is the the one that runs by 111 Moore Street to Sunset Lane and the variance request would put the property line into that

easement. Mr. Allen spoke about the "drop inlet" on the North end of the property and the importance it serves for storm water runoff.

Mr. Brian Buck stated that a lot of them on Moore Street would agree with Mr. Allen. He stated that the recorded measurements were hard to follow and said he would propose to take accurate measurements, look at other properties in the historic district and to look at the possible safety issues with the driveway.

Mr. Doug Goines stated he represents Mr. John Duncan. Ms. Quattlebaum stated that he did not have to be sworn in. Mr. Goines stated that any impervious areas or run offs would be addressed by the Beaufort Historic Commission (HPC) when the permit is applied for. He stated that they didn't know what was going to be built on the property at this time and that the set backs would be decided once the building permit was applied for. He stated that the survey was completed by a licensed surveyor. Mr. Goines stated that the applicant has met all of the requirements and that he had researched back 47 years and that this lot is inconsistent with the neighborhood.

Board Members Evans asked Mr. Garner about the two foot set back and what had to be considered with the eaves of the structure, etc. Mr. Garner stated that all of that would have to be considered because the eaves and such are in the required yard and not what the variance would be.

Board Member Evans stated that the lot has been zoned R8 for a long time and as such should be allowed to have a residence on it. Board Member Evans also stated that the R8 zoning has made the consideration of construction of a structure without a variance impossible. Board Member Evans said that he is in favor of a variance but he wanted to hear what the other members had to say in respect to the dimensions and the easement. Board Member Evans had one more question for Mr. Garner concerning parking and the requirements of two parking spots that are in the Land Development Ordinance (LDO) and if that applied to this situation. Mr. Garner stated that standard did apply.

Board Member Oliver stated that after reviewing all of the information that this is not exactly a buildable lot. She stated that the Quasi-Judicial hand book on page 71 in the second paragraph last sentence addresses this, "if set backs are to be relaxed that should be accomplished through an amendment to the ordinance applicable to all not through case-by-case variances." Board Member Oliver stated she felt that this applies to this situation.

Board Member Cuthrell stated that she had a hard time hearing due to a lot of interference. She stated that she agreed with Board Member Evans in that it is a residential property and if you cannot build on it then what value does it have.

Vice Chair Terwilliger stated that one of the key aspects is that it is a "lot of record" and it has been defined as part of the record of the Town and the current owner. He stated that the board needs to work with the owner to find a way to get a structure built. Vice Chair Terwilliger stated that one of his concerns also was one of the setbacks and how it would encroach upon the easement. Vice Chair Terwilliger was also concerned from a safety aspect of it and being able to get access to the easement and the condos behind the lot in question. He stated that in the LDO, under D, when considering variances public safety has to be taken into account. He also stated that the Historic Preservation Commission (HPC) will only take into consideration if the structure would fit into the historic district. Vice Chair Terwilliger stated that he felt after hearing the testimony the matter should be tabled until the next meeting so the Board could give it further thought.

Board Member Oliver asked Mr. Garner who would this go to for ordinances changes and creating variances off of R8 lots. Mr. Garner stated that it would go to the Board of Commissioners (BOC). Mr. Garner stated that in this particular instance if you change the setbacks it affects every single property in the R8 district and this could be close to 22 to 25% of the properties in the Town of Beaufort. Board Member Oliver asked for examples of other properties and Mr. Garner gave one on the corner of Ann and Queen

Streets. Board Member Oliver agreed on tabling until the Board could go look at those lots and come up with a plan.

Board Member Evans stated that this is why variances are available. Board Member Evans also brought up the fact that there are only four board members present for the meeting and that all four would have to be in favor for the variance request to pass. Board Member Evans then asked the board members if they would consider reduced setbacks of four foot off of the back, ten foot off of Moore Street, eight foot South end of the easement and eight foot off the South end and if not we might as well table it. Vice Chair Terwilliger stated that the safety was still a concern and a few other things. He stated he would personally like to go look at the property. Board Member Oliver agreed and stated she also wanted to go look at the other lots and think on this some more.

Board Member Evans asked if the public safety question had been addressed with the Fire Department or the Police Department and Mr. Garner stated that he would talk with them and get a statement and that he would also get with the surveyor to get clearer maps for everyone to look at. Board Member Oliver asked if staff could put out markers for the board members to look at for reference. Mr. Garner stated that they would have to ask Mr. Duncan if that was okay. Mr. Duncan stated it was but Vice Chair Terwilliger asked him to put that in writing stating it was okay to put markers on the property.

Board Member Evans made the motion to table this matter until the next meeting, Board Member Oliver made the second and the motion carried unanimously.

Public Comment

None

Commission / Board Comments

Board Member Evans wanted to know if there were any items so far for September, other than the tabled item and Mr. Garner stated there were not. Board Member Cuthrell wanted to know when we would be meeting in person again and Mr. Garner stated he would be looking in to that option.

Staff Comments

Mr. Garner stated he would look into possibly having an in-person meeting for the next Board of Adjustment meeting and he thanked Ms. Quattlebaum for filling in for Dee as well as being the Town Attorney. Mr. Garner also stated that they would get the new information for 111 Moore Street out for the Board Members to review prior to the meeting in September.

Adjourn

Board Member Evans made the motion to adjourn, Board Member Oliver made the second and the motion carried unanimously.

Charles Davis, Chairman

Denice Winn, Secretary to the Board



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**Town of Beaufort Board of Adjustment Regular Meeting
6:00 P.M. September 28, 2020 – Via Zoom**

AGENDA CATEGORY: Old Business
SUBJECT: Variance Request for 111 Moore Street

BRIEF SUMMARY:

Applicant is requesting two variances to allow for:

- A 21’ encroachment from Moore Street;
- A 23’ encroachment into rear property line.
- At the August meeting there was some confusion as to the dimensions of the property and maps associated with those dimensions so the request was tabled to gain accurate and additional information regarding the request.
- Since the meeting staff has updated its report to reflect accurate information as well as posting flags on the site as to the requested variance dimensions (Blue Flags) and dimensions of a proposed footprint of a structure (White Flags)

REQUESTED ACTION:

Resume Evidentiary Hearing
Decision on Request

EXPECTED LENGTH OF PRESENTATION:

15 Minutes (Presentation From Staff)

SUBMITTED BY:

Kyle Garner, AICP Planning Director

the issuance of a variance does not imply that a COA will be issued by the Historic Preservation Commission.

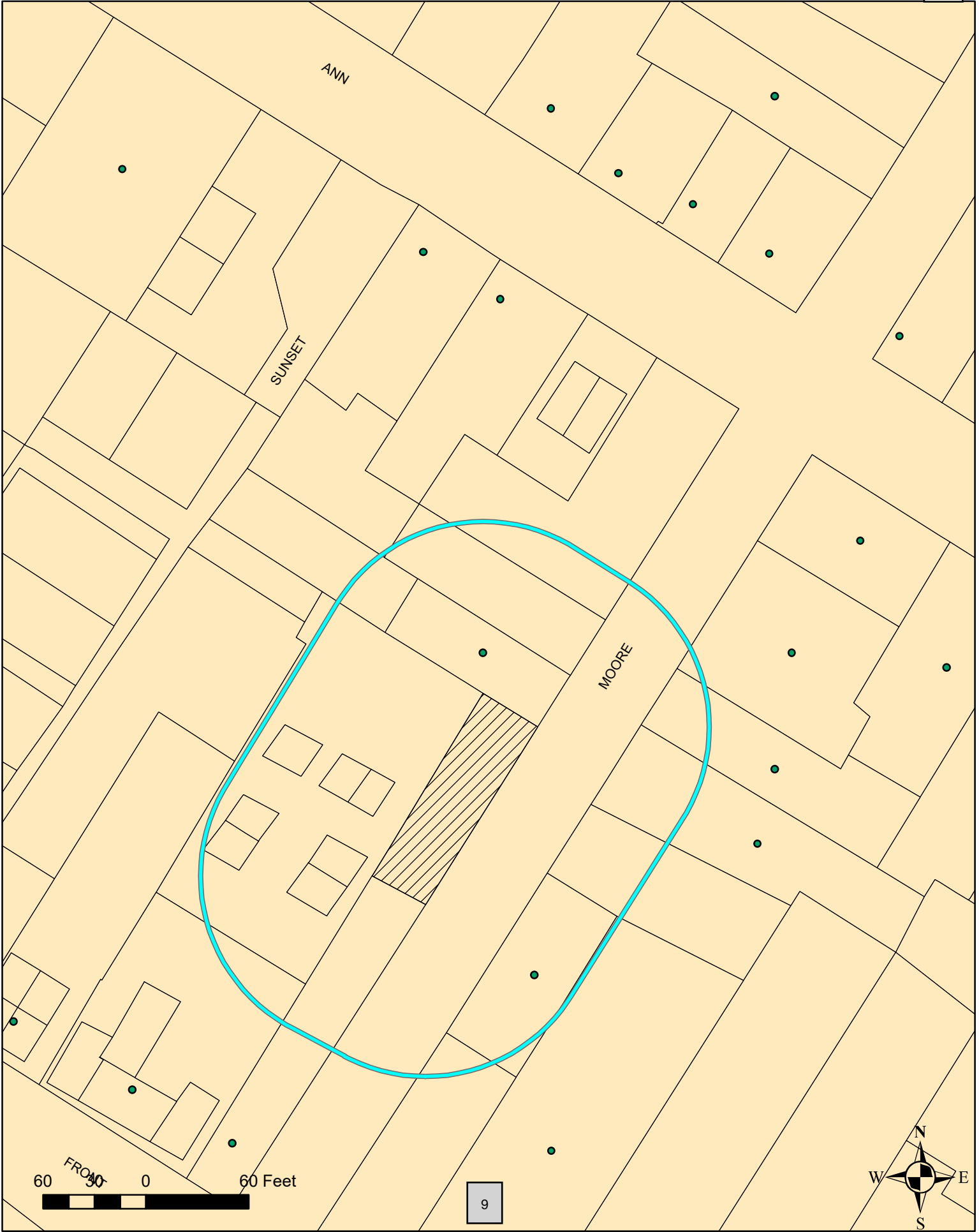
SECTION 8. TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS

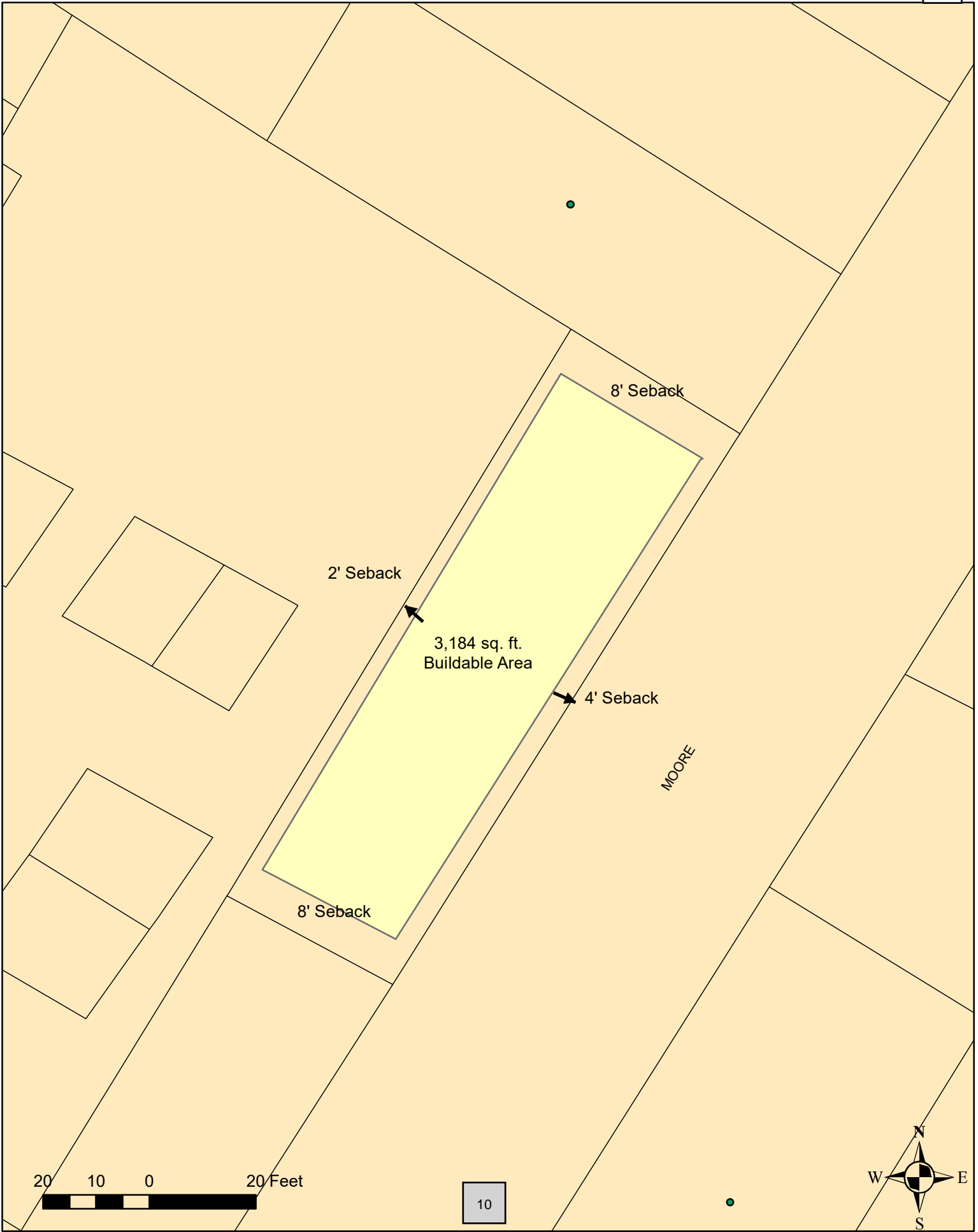
District and Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width (ft.)	Minimum Yards (ft.) Including Corner Lots			Maximum Building Height (ft)
			Front	Side	Rear	
R-8	8,000 sq. ft.	60 ft.	25ft.	8ft.	25ft.	35ft.
			20ft.			

Facts:

- The property is zoned R-8 (Residential 8).
- The property is located within the local historic district.
- To Staffs’ knowledge the property does not have any topographic features which cause a hardship.
- The property has been in existence prior to adoption of any zoning standards.
- The existing lot can by ordinance have a reduced setback Per Section 6-B Height and Area Exceptions and Supplements – Vacant Lot Exceptions which states ***“If a vacant lot is adjacent to an existing lot containing an existing dwelling on the lot, and such dwelling is situated less than the required front building setback line, the required minimum front building setback line for the vacant lot shall be a line projected along the front wall of the main building to the adjacent lot and across the vacant lot. In cases where existing dwellings are situated on both sides of the vacant lot and each exist less than the required minimum front building setback line, the required minimum front building setback line for the vacant lot shall not be less than the average of the two front building setbacks of the existing dwellings”.***

BOA Case 20-02 111 Moore Street - Variance Request





OWNER	MAIL_H	MAIL_ST	MAIL_CITY	MAI
ADAMS,JUDITH E ETVIR ETAL			BEAUFORT	NC
BARKER,MARK ETUX LAURA W ETAL	711	BRISTOL COURT	BURLINGTON	NC
BEACON STREET BRADLEY LLC	3126	SUSSEX RD	RALEIGH	NC
BURKE,ELIZABETH JOHNSON	114	MOORE STREET	BEAUFORT	NC
DUNCAN,JOHN N III ETAL	115	MOORE ST	BEAUFORT	NC
DURHAM,CAREY M ETUX BILLIE M	853	OAKMONT DRIVE	ASHEBORO	NC
EARLY,WILLIAM K ETUX MARGARET			ORDINARY	VA
FLEET,CLIFFORD III ETUX FRAN	512	SOMERSET AVENUE	RICHMOND	VA
GLASGOW,MOLLY H ETVIR THOMAS B	2806	O'BERRY STREET	RALEIGH	NC
HUBBEL,JOHNNIE BRITT ETVIR	112	MOORE STREET	BEAUFORT	NC
JOHN & JOSEPH LLC	325	FRONT STREET	BEAUFORT	NC
LOVOY,ANNE MCKINLEY	103	MOORE STREET UNIT 3	BEAUFORT	NC
MOORE,NANCY WASHINGTON	113	MOORE STREET	BEAUFORT	NC
ODOM,KELLY ETVIR BRIAN ENGLISH	2640	DAVIS STREET	RALEIGH	NC
PAUL,ALLAN	403	GLASCOCK ST	RALEIGH	NC
POST,CHARLOTTE	135	CUMBERLAND GREEN DR	CARY	NC
RAJKOVICH LVG TR DT 09/09/1999	110	MOORE STREET	BEAUFORT	NC
RISSER,MARGARET PINER	118	MOORE STREET	BEAUFORT	NC
SUTTON,GERALENE			BEAUFORT	NC
WELBORN,DARRELL ETUX PAT LYNN	3903	PAYNE ROAD	HIGH POINT	NC
WILDER,WILLIAM N SR ETUX TANIS	552	LAKELAND DRIVE	KINSTON	NC

MAIL_ZIP MAIL_CODE MAIL_ADD2
28516 PO BOX 1057
27215
27607
28516
28516
27205
0356 23131 PO BOX 356
23226
27607
28516
28516
28516
2128 28516
2030 27608
27604
27513
28516
2129 28516
28516 PO BOX 690
27265
28504

SECTION 21 Board of Adjustment

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

A) Organization of the Board of Adjustment.

1) Board Membership.

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

2) Term Limits.

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

3) Removal from Board.

- a) Regular BOA members may be removed by the BOC at any time for failure to attend three consecutive meetings or for failure to attend seventy-five percent (75%) of the meetings within any twelve month period or for any other good cause related to performance of duties. Such failure will constitute a voluntary resignation of the member. Upon the request of the member proposed for removal, the BOC shall hold a hearing on the removal before it becomes effective.
- b) Alternate members may also be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with BOA established procedures. Upon request of the alternate member proposed for removal, the Town’s BOC shall hold a hearing on the removal before it becomes effective.
- c) If a regular member or alternate member moves outside their particular planning jurisdiction within the Town it shall constitute a resignation of the member from the BOA.
- d) If for reasons other than mentioned herein a member resigns from the board, a written notice shall be delivered to the Town Clerk at the member’s earliest convenience.

4) ETJ Members Rights.

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

5) Notification of Absences.

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

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

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

C) **Quorum.**

1) Quorum Requirements.

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

2) Withdrawal from Meeting.

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

D) **Deciding Cases.**

1) Voting.

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

2) Failure to Vote.

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

3) Conflicts.

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

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

4) Voting Procedures Due to Conflict.

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

5) Roll Call Vote.

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

E) **Board of Adjustment Officers.**

1) Election of Officers.

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

2) Rules of Order.

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

3) Chairpersons Rights.

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

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

1) The BOA shall hear and decide:

Land Development Ordinance for the Town of Beaufort

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

G) Public Notice of Hearings of the Board.

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

NOTICE

This property is subject to a Zoning Hearing.

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

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

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

H) Appeals.

1) Appeal Procedures.

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

Land Development Ordinance for the Town of Beaufort

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

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

2) Stay of the Appeal.

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

3) Modifications to Appeals.

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

D) ***Variances.***

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

1) Application Submittal.

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

2) Findings for the Variance.

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

- a) Unnecessary hardship would result from the strict application of this Chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that

Land Development Ordinance for the Town of Beaufort

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

- d) The requested variance is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured, and substantial justice is achieved.

J) Interpretations.

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

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

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

L) Board Action on Appeals and Variances.

1) Appeals.

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

2) Granting a Variance.

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

Land Development Ordinance for the Town of Beaufort

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

3) Denying a Variance.

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

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

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

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

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



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 \$200.00 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 Town Hall at 252-728-2141 with any questions.

APPLICANT INFORMATION

Applicant Name: John N. Duncan, III

Applicant Address: 115 Moore Street, Beaufort, NC 28516

Phone Number: 252-241-3411 Email: john@beaufortrealtync.com

Property Owner Name: John & Joseph, LLC

Address of Property Owner: 325 Front Street, Beaufort, NC 28516

Phone Number: 252-241-3411 Email: john@beaufortrealtync.com

PROPERTY INFORMATION

Property Address: 111 Moore Street, Beaufort, NC 28516

15-Digit PIN: 730617005991000 Lot/Block Number: PART L31

Size of Property (in square feet or acres): .104 acres

Current Zoning: R8 Is the property in the Historic District? Yes

Current Use of Property: Residential Vacant Commercial Other: _____

[Signature] Applicant Signature 7/28/20 Date of Signature

[Signature] Property Owner Signature (if different than above) 7/28/20 Date of Signature

An application fee of \$200, either in cash, money order, or check made payable to the "Town of Beaufort" 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 Planning Board 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

Received by: _____ Reviewed for Completeness By: _____

Date: _____ Date Deemed Complete and Accepted: _____

REQUIRED ATTACHMENTS FOR A VARIANCE TO THE BEAUFORT ZONING REGULATIONS

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

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

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

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

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

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

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

Section 21. Board of Adjustment

I) *Variances.*

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

1) Application Submittal.

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

2) Findings for the Variance.

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

- a) Unnecessary hardship would result from the strict application of this Chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- b) The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and,
- d) The requested variance is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured and substantial justice is achieved.

K) *Burden of Proof for Variances.*

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

L) *Board Action on Variances.*

2) Granting a Variance.

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

3) Denying a Variance.

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

Specific Requirements Applicant is asking to be Varied:

1. The property is zoned R-8. R-8 has a 25' front setback, a 30' rear set back and an 8' side setbacks.

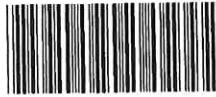
This Lot is not a "pure" rectangle. However, if the front and rear setbacks are applied as stated, nothing can be built upon the Lot.

As a result of the foregoing, Applicant requests that the front setback be reduced to 4' and the rear setback be reduced to 2'. There is no request to change the side setbacks.

2. Applicant is attaching deeds back to 1973 showing that the Lot has existed as presently configured since that date. It is possible that the configuration existed longer than that, but the attached deeds demonstrate that the Lot has been thusly configured for at least 47 years.

3. The Applicant has taken no action to create or modify the configuration of the Lot. It has been thusly configured for 47 years.

4. The requested variance is consistent with other structures and Lots within the neighboring area.



FILE # 1625321

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County, NC
December 13, 2018 01:23:39 PM
ANNA DEED 2 P
FEE: \$26.00
NC REVENUE STAMP: \$350.00
FILE # 1625321

1.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

Parcel Identifier No. 7306.1700.5991

✓ Mail/Box to: **Kirkman, Whitford, Brady, Berryman & Gordon, P.A.**

This instrument was prepared by: **Kirkman, Whitford, Brady, Berryman & Gordon, P.A.**

Brief description for the Index: **Part Lot 31 Old Town**

THIS DEED made this 11 day of December, 2018, by and between

GRANTOR	GRANTEE
<p>Suzanne Coppola and husband, Paul Coppola</p> <p>5484 Lynbrook Drive Houston, TX 77056</p>	<p>John & Joseph, LLC</p> <p>325 Front Street Beaufort, NC 28516</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Carteret County, North Carolina and more particularly described as follows:

In the Town of Beaufort, North Carolina, Part Lot 31, Old Town, on the West side of Moore Street; beginning at the northeast corner of said lot thirty-one (31), Old Town where it intersects Jas. Mason's lot and Moore Street; thence southwardly along Moore Street one hundred twenty (120) feet; thence westwardly and parallel Front Street to the Davis house line, thence northwardly and parallel Moore Street one hundred twenty (120) feet to Jas. Mason's lot; thence long Jas. Mason's lot eastwardly and parallel Front Street to the beginning.

The property hereinabove described was acquired by Grantor by instrument recorded in File Numbers 1614342 and 1600197.

A map showing the above described property is recorded in Map Book ____, Page ____.

②

Notice per N.C.G.S. §105-317-2: The property herein is not the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any and all restrictions, covenants and easements of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)

Suzanne Coppola (SEAL)
Suzanne Coppola

By: _____

Paul Coppola (SEAL)
Paul Coppola

Title: _____

By: _____

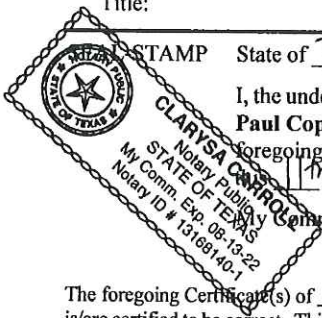
(SEAL)

Title: _____

By: _____

(SEAL)

Title: _____



STAMP State of TEXAS - County of HARRIS

I, the undersigned Notary Public of the County and State aforesaid, certify that **Suzanne Coppola and Paul Coppola**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 11 day of December, 2018.

Commission Expires: 08-13-22

Clarysa Carroll
, Notary Public

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds



FILE # 1614342

FOR REGISTRATION REGISTER OF DEEDS
Karan S Hardesty
Carteret County NC
July 20, 2018 02:48:00 PM
TRAVIS DEED 2 P
FEE \$26.00
FILE # 1614342

Rt. Wheatly

This Instrument Was Prepared By:
C. R. Wheatly, III
Wheatly, Whcatly, Weeks, Lupton & Massie, PA
P O Box 360, Beaufort, NC 28516

Return Recorded Document To:
C. R. Wheatly, III
Wheatly, Wheatly, Weeks, Lupton & Massie, PA
P O Box 360, Beaufort, NC 28516

DEED OF CORRECTION

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

PARCEL ID NUMBER:730617005991
STAMPS: \$0.00

THIS DEED OF CORRECTION made this 18 day of July, 2018, by and between Jean L. Humber, Widow, Grantor, whose address is 756 Christopher Road, Chapel Hill, NC 27514 and Suzanne Coppola and husband, Paul Coppola, Grantee, whose address is 5484 Lynbrook Drive, Houston, TX 77056;

WITNESSETH:

THAT WHEREAS, on the 20th day of February, 2018, Grantor conveyed to Grantee certain property as shown in Deed Book 1600, Page 197, Carteret County Registry; and

THAT WHEREAS, said Deed contained an erroneous error only conveying a 1/2 undivided interest in said property when in fact the total interest or 100% was to be conveyed;

THAT WHEREAS, in order to correct same, Grantor, for \$10.00 and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee, in fee simple, all that certain lot or parcel of land situated in Beaufort Township, Carteret County, North Carolina, and being more particularly described as follows:

In the Town of Beaufort, North Carolina, Part Lot 31, Old Town, on the West side of Moore Street; beginning at the northeast corner of said lot thirty-one (31), Old Town where it intersects Jas. Mason's lot and Moore Street; thence southwardly along Moore Street one hundred twenty (120) feet; thence westwardly and parallel Front Street to the Davis house line, thence northwardly and parallel Moore Street one hundred twenty (120) feet to Jas. Mason's

②

lot; thence along Jas. Mason's lot eastwardly and parallel Front Street to the beginning.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

All rights of way, conditions, easements and restrictive covenants of record.

IN TESTIMONY WHEREOF, said Grantor has hereunto set their hand and seal this day and year first above written.

Jean L. Humber (SEAL)
Jean L. Humber

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, DENISE A ORP, Notary Public of the County and State aforesaid, certify that Jean L. Humber personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal this 18 day of July, 2018.

Denise A Orp
Notary Public

My Commission Expires:
18 May 2023

DENISE A. ORP
Notary Public
Orange County, North Carolina
May 18, 2023 EXPIRE



FILE # 1600197

NORTH CAROLINA, CARTERET COUNTY
This instrument and this certificate are duly filed at
the date and time and in the Book and Page shown
on the first page hereof.

Karen S. Hardesty, Register of Deeds
By Karen S. Hardesty
Asst. Deputy, Register of Deeds

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County, NC
February 20, 2018 12:17:00 PM
TRAVIS DEED 2 P
FEE: \$26.00
NC REVENUE STAMP: \$350.00
FILE # 1600197

Rt. Wheatly

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

Parcel Identifier No. 730617005991 Verified by Carteret County on the ___ day of _____, 20___
By: _____

Mail/Box to: Wheatly, Wheatly, Weeks, Lupton & Massie, PA, P O Box 360, Beaufort, NC 28516

This instrument was prepared by: C. R. Wheatly, III

Brief description for the Index: 111 Moore Street

THIS DEED made this 14 day of February, 2018, by and between

GRANTOR

GRANTEE

Jean L. Humber, Widow
756 Christopher Road
Chapel Hill, NC 27514

Suzanne Coppola and husband, Paul Coppola
5484 Lynbrook Drive
Houston, TX 77056

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey 1/2 undivided interest unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Beaufort Township, Carteret County, North Carolina and more particularly described as follows:

In the Town of Beaufort, North Carolina, Part Lot 31, Old Town, on the West side of Moore Street; beginning at the northeast corner of said lot thirty-one (31), Old Town where it intersects Jas. Mason's lot and Moore Street; thence southwardly along Moore Street one hundred twenty (120) feet; thence westwardly and parallel Front Street to the Davis house line, thence northwardly and

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010
Printed by Agreement with the NC Bar Association

BOOK 1600 PAGE 197

②

parallel Moore Street one hundred twenty (120) feet to Jas. Mason's lot; thence along Jas. Mason's lot eastwardly and parallel Front Street to the beginning.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1279, Page 207.

A map showing the above described property is recorded in Plat Book _____ Page _____, Carteret County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Jean L. Humber (SEAL)
Jean L. Humber

State of NC
County of ORANGE

I, the undersigned Notary Public of the County and State aforesaid, certify that Jean L. Humber personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 14 day of February, 2018.

My Commission Expires:

18 May 2018
(Affix Seal)

DENISE A. ORR
Notary Public
Orange County, North Carolina
My Commission Expires May 18, 2018

Denise A Orr
DENISE A ORR Notary Public

BOOK 1600 PAGE 197

NORTH CAROLINA, CARTERET COUNTY
This instrument and this certificate are duly filed at
the date and time and in the Book and Page shown
on the first page hereof.

Melanie Arthur 2P
CARTERET COUNTY
BWC Date 07/10/2008 Time 09:59:00
GR 1279207 Page 1 of 2

Melanie Arthur, Register of Deeds
By *[Signature]*
Asst/Deputy, Register of Deeds

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

WARRANTY DEED

Parcel # 7306.17.00.5729
Parcel # 7306.17.00.5991

Excise Tax \$ None

THIS DEED, made this the 19 day of June, 2008, by, Ann K. Humber, Trustee of
that Trust known as the Marcel B. Humber Trust established by a Trust Agreement dated April 18,
2000, hereinafter called "GRANTOR," to, John L. Humber and wife, Jean L. Humber whose
address is 756 Christopher Road, Chapel Hill, NC 27514, hereinafter called "GRANTEE;"

WITNESSETH THAT:

GRANTOR, for TEN DOLLARS (\$10.00) and other valuable consideration, hereby
acknowledged as paid and received, has bargained and sold, and by these presents does grant,
bargain, sell and convey a one-half (1/2) undivided interest (subject to limitations, conditions, and
provisions - if any - listed below) to GRANTEE, their heirs and assigns, certain land described as
follows:

NORTH CAROLINA CARTERET COUNTY BEAUFORT TOWNSHIP

TRACT ONE:

Being the same property described in that certain deed dated November 29, 1973,
from Ruth Blackwelder Davis to John L. Humber and Marcel B. Humber recorded in
Book 363, Page 183, Carteret County Registry.

TRACT TWO:

Being that same property described in that certain Deed dated June 10, 1939, from
Frank Ramsey, Charles F. Wheatley and Henry Weeks, Trustees of Carteret Lodge

BOOK 1279 PAGE 207 (2)

PREPARED BY: TAYLOR & TAYLOR • ATTORNEYS AT LAW • 610 ARENDELL STREET • MOREHEAD CITY, N. C. 28557 • (252) 726-0001

No. 2, Knights of Harmony, to Robert L. Humber, Jr., recorded in Book 92, Page 191, Carteret County Registry and also the same property in that Deed dated April 24, 1943, from T.M. Thomas, Jr., Trustee for Carteret County and the Town of Beaufort, NC, to Robert Lee Humber, Jr., recorded in Book 102, Page 445, Carteret County Registry.

This Deed conveys a one-half (1/2) undivided interest in the above-described property.

This conveyance subject to all easements and restrictions of record and 2008 ad valorem taxes.

TO HAVE AND TO HOLD (subject to limitations, conditions restrictions and provisions - if any - listed above), said land, and all privileges and appurtenances thereto belonging, to GRANTEE, their heirs, successors and assigns, forever.

And GRANTOR covenants with GRANTEE that they are seized of said premises in fee and has the right to convey in fee simple; that the same are free and clear of all encumbrances (except those - if any - listed above), and that they do hereby forever warrant and will forever defend the same against the lawful claims of all whomsoever.

Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the context may require.

IN TESTIMONY WHEREOF, GRANTOR has signed and sealed this Deed.

Ann K. Humber
Ann K. Humber, Trustee



STATE OF VIRGINIA
COUNTY OF Fairfax

I, a Notary Public of the County and State aforesaid do hereby certify that Ann K. Humber, Trustee of that Trust known as the Marcel B. Humber Trust established by a Trust Agreement dated April 18, 2006, personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 19 day of June, 2008.

My commission expires:
31 December 2008

Gabriel M. Stas
Notary Public
Print/Type Name: Gabriel M. Stas
ID# 345255

BOOK 279 PAGE 201

Prepared: Sam B. Underwood, Jr

NORTH CAROLINA
CARTERET COUNTY

Box 75
Greenville, N.C.

THIS DEED, made and entered into this the 29th day of November, 1973,
by and between RUTH BLACKWELDER DAVIS of Rowan
County, North Carolina, party of the first part; and JOHN L. HUMBER
of Orange County, North Carolina, and MARCEL B. HUMBER of Pitt
County, North Carolina, parties of the second part;

W I T N E S S E T H:

That the party of the first part for and in consideration of the sum
of TEN DOLLARS (\$10.00) and other good and valuable considerations
to her in hand paid, receipt whereof is hereby acknowledged, has
bargained and sold and by these presents does bargain, sell, grant,
give, and convey unto the said parties of the second part and their
heirs and assigns in fee simple absolute forever all of her life
estate in and to the following described lots or parcels of land
located in the Town of Beaufort, Carteret County, North Carolina,
to wit:

RECORDED
10100
111
STATE OF NORTH CAROLINA
APR-174
RECORDED
10100
111

Lot #1. BEGINNING in the western property line of Moore Street at the southeastern corner of the lot conveyed to the late Robert Lee Humber by deed of record in Book 102 at page 445 in the office of the Register of Deeds of Carteret County and running thence southwardly along and with the western property line of Moore Street to the northwest corner of the intersection of Moore and Front Streets, cornering; running thence westwardly along and with the northern property line of Front Street to a point, the corner of the conveyance from E. V. Perry to John D. Davis, cornering; running thence northwardly and parallel with Moore Street to the southern boundary line of Lot #38 according to Beaufort Old Town plan, running thence eastwardly along said lot to the northwestern corner of the lot or parcel of land conveyed to Robert Lee Humber as aforesaid, cornering; running thence southwardly and parallel with Moore Street a distance of 120 feet, cornering; running thence eastwardly and parallel with Front Street to the POINT OF BEGINNING; and being a portion of Lot #31 according to the plan of Beaufort Old Town.

Lot #2. All of Lot #234 according to the plan of Beaufort Old Town and said lot being on the south side of Front Street and having the same width as that

portion of Lot #31 conveyed to John D. Davis by E. V. Perry and running southwardly from Front Street to the channel of the River or Sound, and being a portion of the property conveyed by E. V. Perry to John D. Davis by deed dated the 3rd day of September 1872.

The life estate herein conveyed is the same devised to Charles Webb Davis and in succession to his widow, Ruth Blackwelder Davis, by the will of the late Maude Davis Dameron, the remainder interest in said land having been devised to Robert Lee Humber who is now survived by the grantees of this deed as his surviving issue and heirs at law.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land together with all privileges and appurtenances thereunto belonging or in anywise appertaining to them the said parties of the second part and their heirs and assigns in equal shares as tenants in common for and during the life time of the party of the first part.

The party of the first part covenants to and with the parties of the second part that she has a good and indefeasible life estate title in said land and has a good right to make this conveyance; that said land is free and clear from any and all encumbrances whatsoever and that she will warrant and defend the title herein conveyed against the claims of all persons whomsoever and that she will execute and deliver such other and further assurances as may be necessary or proper to carry out the true intent and purpose of this conveyance.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal as of the day and year first above written.

Ruth Blackwelder Davis (SEAL)

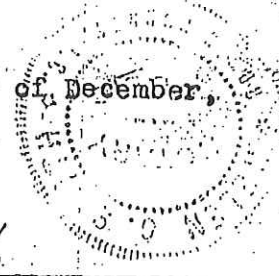
NORTH CAROLINA

Rowan COUNTY

1.

I, Chloe O Smith, a Notary Public in and for said County and State, do hereby certify that Ruth Blackwelder Davis personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official seal this the 28th day of December, 1973.



Chloe O Smith
Notary Public

My commission expires: 10-12-74

SAM B. UNDERWOOD, JR.
NORTH CAROLINA
CARTERET COUNTY ATTORNEY AT LAW

The foregoing certificate of Chloe O Smith, a Notary Public of _____ County, is certified to be correct.

This the _____ day of December, 1973.

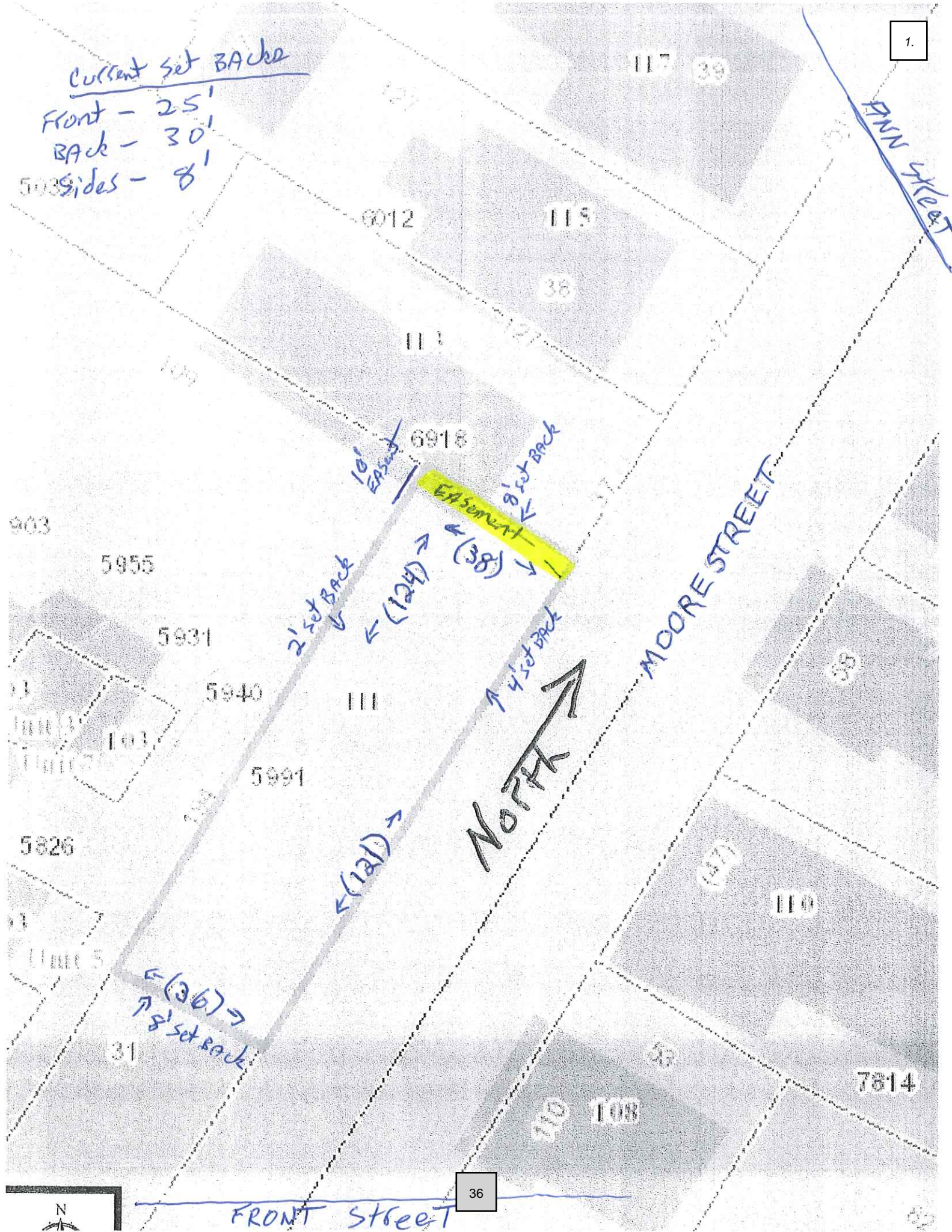
Register of Deeds

NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of Chloe O Smith is (are) certified to be correct. This Instrument was presented for registration and recorded in this office in Book 363 Page 183.

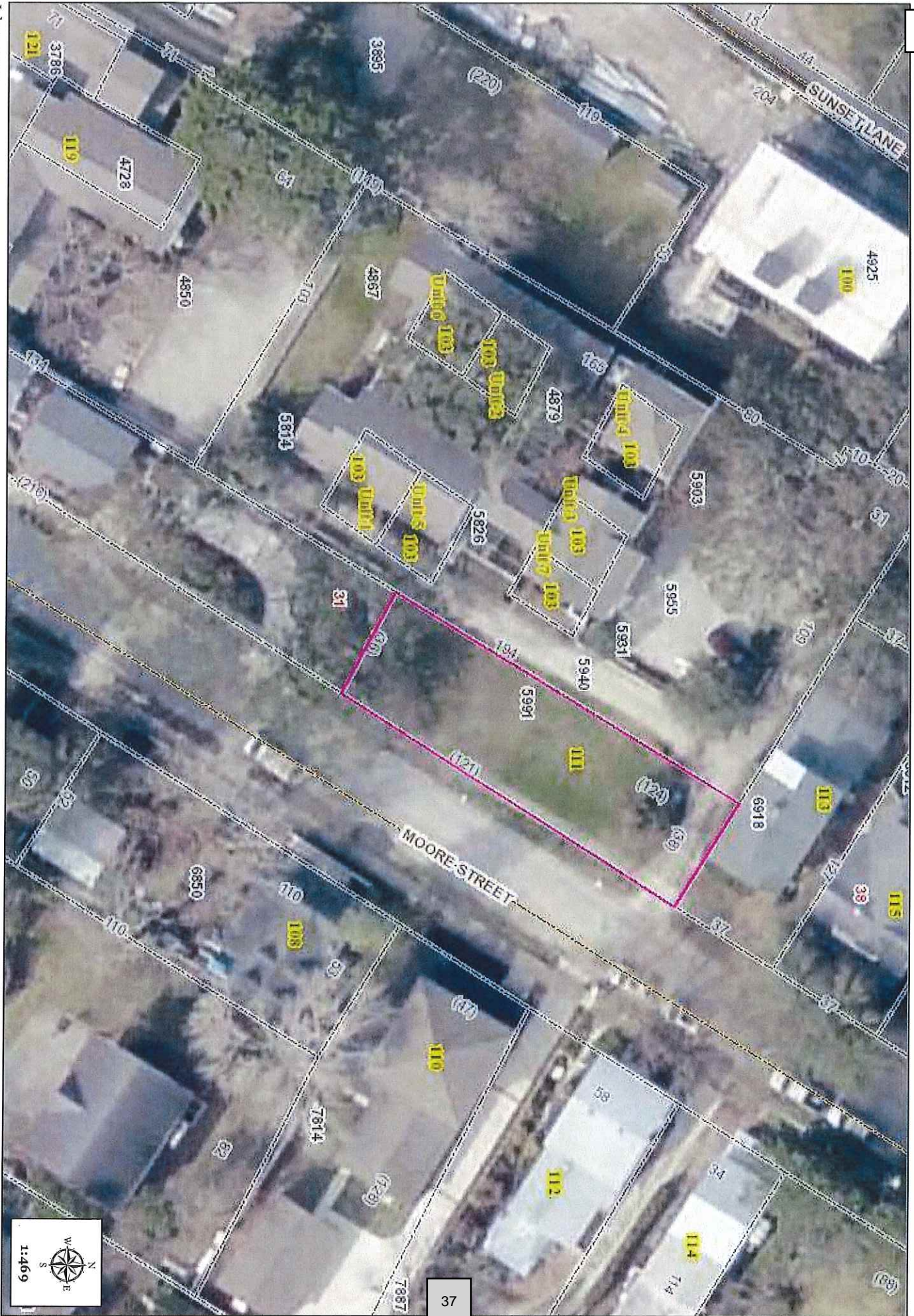
This 4 day of April, 1974 at 4:30 O'clock P. M.
Hugh Satter
Register of Deeds (Cm)

4:30 PM

Current set Back
Front - 25'
Back - 30'
Sides - 8'



Carteret County, N.C.



July 9, 2020

The information displayed by this website is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. Carteret County assumes no legal responsibility for the information contained on this site. Carteret County does not guarantee that the data and map services will be available to users without interruption or error. Furthermore, Carteret County may modify or remove map services and access methods at will.



APPROX 2' SET BACK 201 FRONT



1' SET BACK

1.

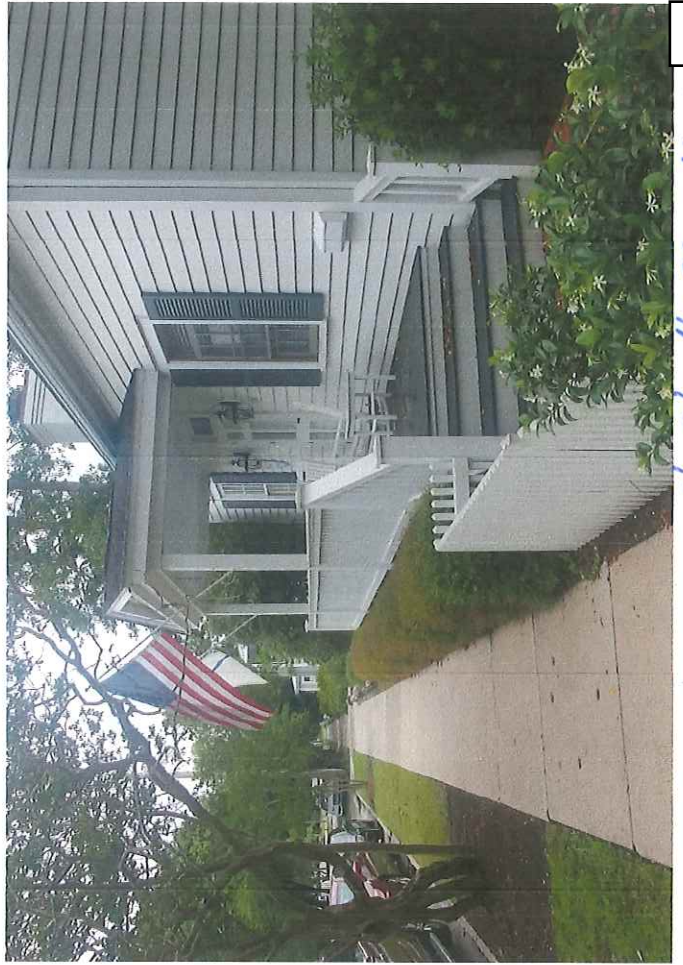


HOUSE APPROX ON PROP LINE



111 MOORE ST. LOT

111 Moore lot

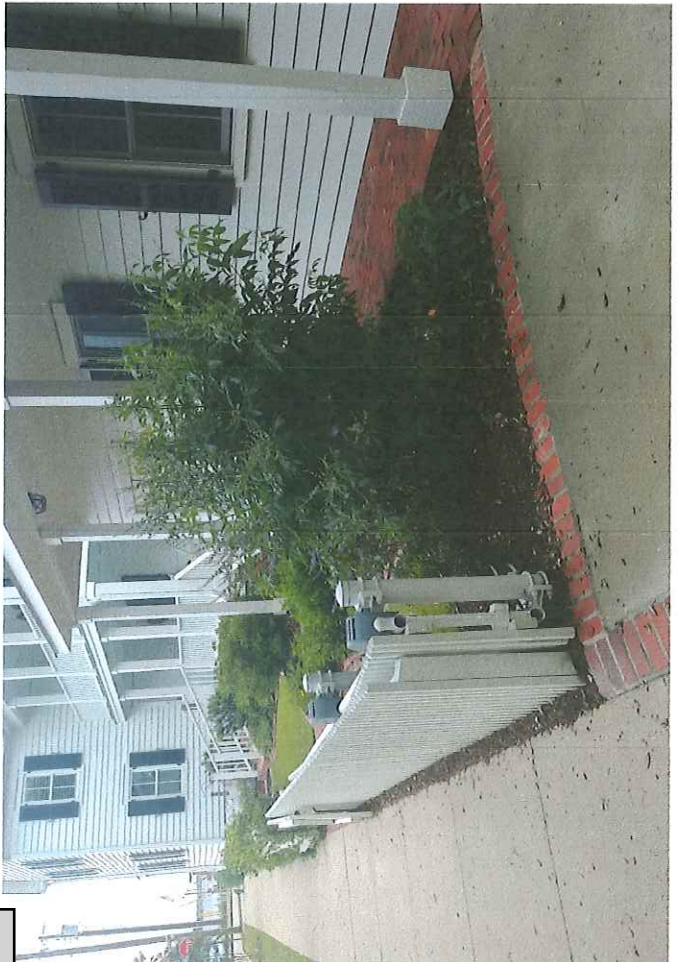


1.

108 more 1-2' off drop line



40





116 moore st.



1.

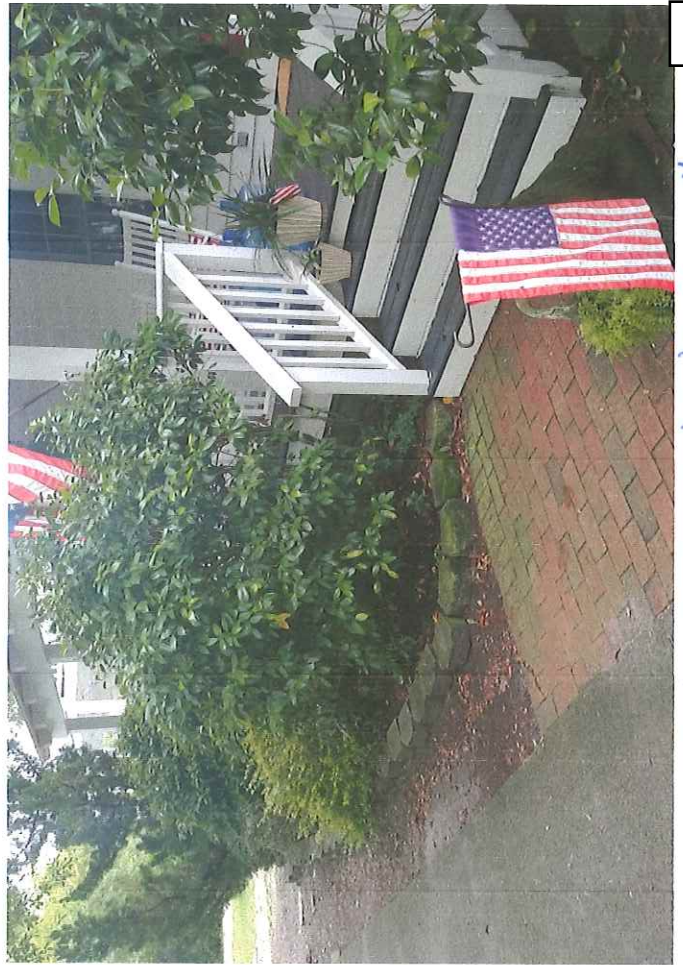
114 moore 2'-3' feet off



112 moore

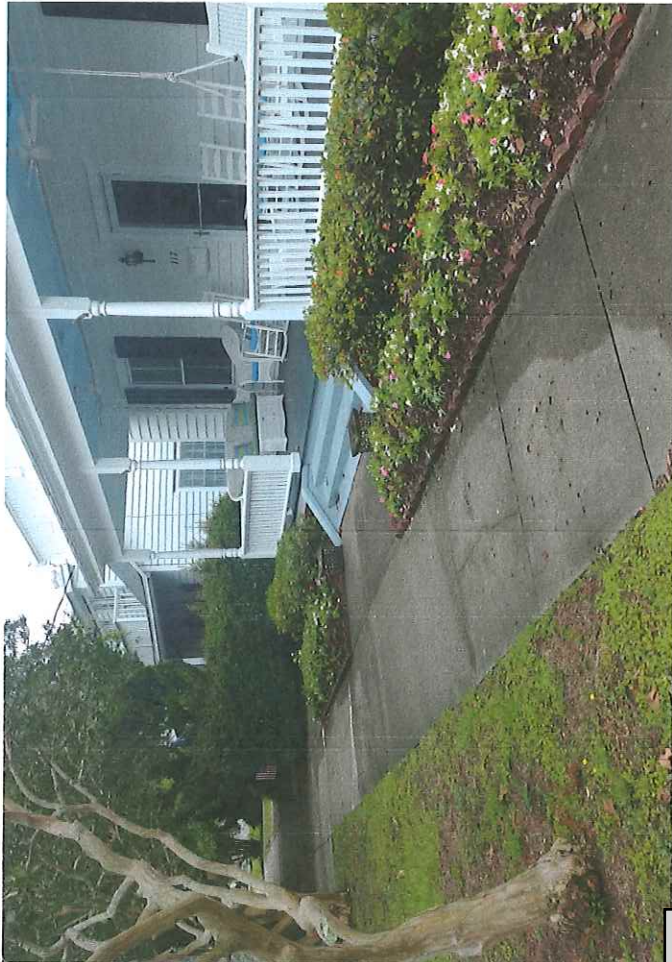


110 moore st. 3'-4' feet line



1.

115 more 3'-4' feet off line



42



