



## **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](http://www.beaufortnc.org)

### **Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, September 18, 2023 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting**

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#### **Call to Order**

#### **Roll Call**

#### **Agenda Approval**

#### **Minutes Approval**

- [1.](#) PB Draft Minutes 082123

#### **Public Comment**

#### **Public Hearing**

- [1.](#) To recommend approval or denial to the Board of Commissioners for the rezoning of 101 Ann Street

#### **Presentations**

- [1.](#) 160-D Presentation by the Town Attorney.

#### **Commission / Board Comments**

#### **Staff Comments**

#### **Adjourn**



**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, August 21, 2023 - Train Depot**  
**614 Broad Street, Beaufort, NC 28516**  
**Minutes**

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**Call to Order**

Chair Merrill called the August 21, 2023 Planning Board meeting to order at 6:00 p.m.

**Roll Call**

Members Present: Chair Merrill, Vice Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil

Members Absent: Member Bowler, Member Willis

A quorum was declared with five members present.

Staff Present: Kyle Garner, Town Planner Michelle Eitner, Town Attorney Arey Grady, and Laurel Anderson

**Agenda Approval**

Chair Merrill asked if there were any changes to the Agenda and hearing none, he asked for a motion.

*Member Stanziale made the motion to approve the agenda as presented and Vice-Chair Meelheim made the second. Chair Merrill took a vote that was unanimously approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

**Minutes Approval**

1. PB Draft Minutes for 5.15.23

Chair Merrill asked if there were any changes to the Minutes from the May 15, 2023 meeting.

*Vice-Chair Meelheim made the motion to approve the minutes with previously adopted changes and Member Stanziale made the second. Chair Merrill took a vote that was unanimously approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

**Public Comment**

Chair Merrill opened public comments and asked if anyone would like to speak.

Robert Harper, 1020 Broad St, spoke regarding Case #23-05.

Bobbie Rouse, 503 Golden Eye Ct, spoke regarding Case #23-05.

Heather Walker, 504 Campen Rd, spoke regarding Case #23-05.

**Public Hearing**

- 1. Case #23-05, Zoning Text Amendment - Modifying Section 8A (TCA District) & Table 8-8 (Table of Uses) to allow a density of 14 Dwelling Units per acre as a Special Use.

Vice-Chair Meelheim made a motion to recuse Member Stanziale due to a conflict of interest. Town Attorney Grady stated that Member Stanziale did not have a conflict of interest in the text amendment but could be recused for Case #23-07. Vice-Chair Meelheim withdrew her motion.

Mr. Garner gave a presentation and explained that after reviewing a proposal for a new affordable housing district, the Board of Commissioners at their June workshop requested that staff move in another direction and instead add language to the existing TCA district to allow a density of 14 units per acre as a Special Use Permit. By making this amendment it opens the opportunity for the density bonus to a much larger group than focusing on just one developer. He explained that Special Use Permits (SUP) are decided in a quasi-judicial proceeding.

The Board discussed SUP criteria and requirements including density and usage, and the difference between obtaining a SUP and a variance. Town Attorney Grady stated that expert witnesses may be required to testify about parking, environmental concerns etc. and persons with standing also may be qualified to testify.

*Chair Merrill asked for a motion to open the Public Hearing. Member Stanziale made the motion to open the Public Hearing and Member LoPiccolo made the second. Chair Merrill took a vote that was unanimously approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

Keith Walker, 103 Turner’s Creek Way, stated that he had been an affordable housing developer for about 30 years and applauded the Planning Board’s and Board of Commissioners’ discussions on the issue. He felt that his affordable housing developments had always fit into the existing communities but large development communities of affordable housing created what he called “reservations of poor people”.

Member Stanziale commented that affordable housing was not specifically the issue under discussion and clarified that this was an amendment to an ordinance.

Heather Walker then rebutted Member Stanziale and said that the discussion was specifically for affordable housing and the Beaufort Housing Authority.

*Chair Merrill asked for a motion to close the Public Hearing. Member Stanziale made the motion to close the Public Hearing and Vice-Chair Meelheim made the second. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

Chair Merrill asked Mr. Garner why the text amendment proposal did not include changing the density across the board from 12 to 14 units allowed by right rather than a SUP. Mr. Garner stated that the Planning Board (PB) could make that a recommendation rather than a SUP. He reminded them that a SUP gave the PB more leeway and restrictions for every application, and other jurisdictions used the SUP mechanism to regulate density, and all developers would be given the option to apply for higher density.

Member LoPiccolo stated that he was personally not in support of increasing the density higher than 12. Vice-Chair Meelheim also said she was not in support of increasing the density. Member Vreugdenhil had no comment and Member Stanziale stated that he felt that the increase from 12 to 14 was negligible and he moved to approve the text amendment. Member Vreugdenhil clarified that Member Stanziale could vote on the text amendment without recusal and Town Attorney Grady agreed.

*Member Stanziale made the motion to approve Case #23-25 as presented. There was no second and the motion died.*

*Vice-Chair Meelheim made the motion to recommend denying the text amendment. Member Vreugdenhil made the second and Chair Merrill took a vote.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

*Voting nay: Member Stanziale*

- 2. Case #23-06, To recommend approval or denial to the Board of Commissioners for the rezoning of 1103 Lennoxville Road

Ms. Eitner introduced Case #23-06 and stated that the approximately 6,000sf property on the north side of Lennoxville Road is currently zoned R-8 (Residential Medium Density). The commercial building on the property was built in 1965 and until recently hosted the Carter Tile Company. This nonconforming use continued for decades. Upon discontinuation of the nonconforming commercial use for more than 180 days, all subsequent uses are required to conform to the zoning district (LDO Section 11.E.3). This property is proposed to be rezoned from a residential district to a commercial district to allow a new commercial use to be established. The Future Land Use Map of the current CAMA Core Land Use Plan classifies this property as “mixed use”, which is consistent with the requested zoning of B-1 General Business, and no CAMA Plan amendment is required. Ms. Eitner requested that the consistency statement in the packet be corrected as it errantly notes a change to the comprehensive Land Use Plan in the heading of the document as the proposed rezoning does not require an amendment to the Land Use Plan.

Member Vreugdenhil clarified that the current R-8 zoning is non-conforming and the B-1 rezoning would be conforming.

Chair Merrill asked if there were any comments regarding the request and Ms. Eitner stated that there were two comments but they were only asking for clarification.

*Chair Merrill asked for a motion to open the Public Hearing. Member LoPiccolo made the motion to open the Public Hearing and Member Vreugdenhil made the second. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

Mary Garvey, owner of 1103 Lennoxville Rd, stated that she had bought the property from Ann Carter in January 2021 as a commercial property and in March of 2023 and found out that her property had been rezoned to residential and did not understand why and she had never been contacted regarding the rezoning. Member Vreugdenhil corrected Ms. Garvey’s statement claiming the property had been rezoned and clarified that the property had lost its legal nonconforming commercial usage over the time of disuse as commercial property, and the current rezoning was to correct the zoning map and usage.

*Chair Merrill asked for a motion to close the Public Hearing. Member Vreugdenhil made the motion to close the Public Hearing and Vice-Chair Meelheim made the second. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

*Member Vreugdenhil made the motion to recommend approval of the rezoning request as presented and Vice-Chair Meelheim made the second. Chair Merrill took a vote that was unanimously approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Stanziale, Member Vreugdenhil*

- 3. Case #23-07, To recommend approval or denial to the Board of Commissioners for the rezoning of three properties owned by the Beaufort Housing Authority from TR & R-8 to TCA

*Chair Merrill asked for a motion to recuse Member Stanziale from deliberating and voting on Case #23-07 due to a conflict of interest. Vice-Chair Meelheim made the motion and Member LoPiccolo made the second. Member Vreugdenhil stated for the record that Member Stanziale had brought the conflict of interest matter to the Board’s attention. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

Chair Merrill took the opportunity to welcome Ms. Eitner in her new position as Town Planner. Ms. Eitner thanked him and she introduced Case #23-07, a request from the Beaufort Housing Authority (BHA) to rezone three parcels from TR & R-8 to Townhomes, Condominiums, and Apartments (TCA). She explained that notifications of the request were mailed to property owners within 100 feet of each tract and 43 letters were mailed on August 7<sup>th</sup>, signs were posted on August 9<sup>th</sup>, and advertisements were run in the newspaper on August 9<sup>th</sup> and 15<sup>th</sup>. Tract 1 is currently zoned R-8 and is undeveloped, Tract 2 is currently zoned TR and contains multi-family housing, and Tract 3 is currently zoned R-8 and the BHA office is located on that property. Ms. Eitner stated that no comments were received.

Member Vreugdenhil asked how many units could be on Lots 2 and 3 if it were rezoned, and Ms. Eitner stated that she did not have that information at this time as factors such as landscaping, parking spaces and recreational areas as well as residential units would be calculated, and Lot 3 currently contained the BHA office and Lot 1 was undeveloped.

*Chair Merrill asked for a motion to open the Public Hearing. Vice-Chair Meelheim made the motion to open the Public Hearing and Member LoPiccolo made the second. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

Cindy Szwarcop, Withers and Ravenel, 137 South Wilmington St, Raleigh, spoke on behalf of the BHA. She gave a brief presentation reiterating the current zoning and proposed TCA zoning and redevelopment which would align all of the properties’ zoning.

Ms. Szwarcop answered questions from the Board regarding consistency with the CAMA Land Use Plan, Environmental Impact Studies, density, and explained that the rezoning only the first step in the process those issues would be addressed as the projects moved forward.

Robert Harper, 1020 Broad St, stated that if the CAMA Land Use Plan was updated for this rezoning then it would be changed for the entire area. He noted that the requested rezoning met the criteria for spot rezoning.

Steve Bishop, 800 Mulberry St, stated that he lived close to BHA Tract 3 and nearby homes were one-story and he was opposed to the rezoning.

Logan Louis, 900 Cedar St, spoke about spot zoning and reiterated Tract 3 was surrounded by single family homes.

Martin Haber, 711 Mulberry St, stated that if Tracts 1 and 2 would not be approved by CAMA, why would they be rezoned, and Tract 3 was currently a one-story building and he would not like to see a three-story building there, and also noted that visitors coming into Beaufort would be seeing three-story buildings when they came into town, and small town Beaufort was disappearing.

*Chair Merrill asked for a motion to close the Public Hearing. Member Vreugdenhil made the motion to close the Public Hearing and Vice-Chair Meelheim made the second. Chair Merrill took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

After further discussion, Member Vreugdenhil stated that he had many concerns regarding housing density and the fragile environment.

Member LoPiccolo also expressed his concerns with keeping the character of the town, in Tract 1 the marsh could be backfilled, open space and parking concerns needed to be addressed especially with Tracts 1 and 2 being in a busy traffic area.

Vice-Chair Meelheim stated the concerns with flooding in that area.

Chair Merrill expressed concerns with the higher density traffic along the Turner St corridor.

*He then asked for a motion to address all three properties as the applicant packaged all three requests together. Vice-Chair Meelheim made the motion to recommend denying the rezoning requests as they were not consistent with the current CAMA Land Use Plan and also concerns with spot zoning, and Member LoPiccolo made the second.*

*Chair Merrill took a vote.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

*Chair Merrill made a motion to return Member Stanziale to the meeting and took a vote that was approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member LoPiccolo, Member Vreugdenhil*

**Commission / Board Comments**

The Members thanked the staff for the complete and detailed agenda items. Chair Merrill requested discussion regarding updates to 160D at the next meeting. Town Attorney Grady noted that the discussion would not be a policy debate but would be an overview of statutory changes.

**Staff Comments**

Mr. Garner introduced and welcomed the new Town Planner, Michelle Eitner and noted that she was already an asset to the department.

He noted that the Subdivision Ordinance would also be reviewed as well as the Land Development Ordinance for 160D updates.

**Adjourn**

*Member Vreugdenhil made the motion to adjourn and Member Stanziale made the second. Chair Merrill took a vote that was unanimously approved.*

*Voting yea: Chair Merrill, Vice-Chair Meelheim, Member 6ccolo, Member Stanziale, Member Vreugdenhil*

Chair Merrill then declared the meeting adjourned.

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Ralph Merrill, Chair

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Laurel Anderson, Board Secretary



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252-728-2141 • 252-728-3982 fax  
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**APPLICATION FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Instructions:**

Please complete the application below, include all the required attachments and the **\$300.00** for Rezoning request with no Land Use Plan Change or **\$400.00** for Rezoning Request with Land Use Plan Change 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 and will be returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

**APPLICANT INFORMATION**

Applicant Name: Jay Horton-Filter Design Studio, P.L.L.C.

Applicant Address: 707 Bridges Street Morehead City, NC 28557

Phone Number: (252) 622-4119 Email: jay@filterdesignstudio.com

Property Owner Name: Beaufort Resorts LLC

Address of Property Owner: 3301 Benson Drive #103 Raleigh, NC

Phone Number: N/A Email: Todd.Saleed@dewittcarolinas.com

**PROPERTY INFORMATION**

Property Address: 101 Ann Street, Beaufort, NC 28516

15-Digit PIN: 730617013566000 Lot/Block Number: Lot Ann St. Town of Beaufort/Block 1

Size of Property (in square feet or acres): 0.631 Acres

Current Zoning: B-W Requested Zoning: TCA

Current Use of Property:  Residential  Vacant  Commercial  Other: Inn Use

[Signature] August 24, 2023  
Applicant Signature Date of Applicant's Signature

[Signature] 0.28.23  
Property Owner Signature (if different than applicant) Date of Owner's Signature

An application fee of **\$300.00** for Rezoning request with no Land Use Plan Change or **\$400.00** for Rezoning Request with Land Use Plan Change, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.



Please refer to the *Land Development Ordinance, Section 3* and all other pertinent sections for the information required to accompany this application.

**REQUIRED ATTACHMENTS FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Please provide the following as attachments to the zoning map amendment form:**

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).

If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.

4. An area map of property to scale which includes:
  - North Arrow;
  - All Property lines and accurate property line dimensions;
  - Adjacent streets and names;
  - Location of all easements;
  - Location of all structures;
  - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

**THE COMPLETE APPLICATION WITH SUPPORTING  
DOCUMENTATION IS DUE TO TOWN STAFF AT LEAST 15 WORKING  
DAYS PRIOR TO A SCHEDULED PLANNING BOARD MEETING.**

The Town's website is [www.beaufortnc.org](http://www.beaufortnc.org).

**OFFICE USE ONLY**

Revised 08/2020

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_

## Beaufort Land Use Plan Consistency Statement

We believe that the proposed zoning amendment is consistent with the proposed Beaufort Land Use Plan, and more consistent than what it is currently zoned. BW (Business-Waterfront) , to TCA (Townhome, Condominium, and Apartment) The requested residential zoning is more in keeping with the existing adjacent parcels, and congruous with the development adjacent to the North of the Beaufort Resorts LLC Property.

## Statement of Appropriateness

The “by right” nature of what is allowed to be developed in the BW zoning clearly offers the current 101 Ann Street property owners a significant return on investment if the options were exercised.

Development options more profitable than the current use include, Boat Sale/Rentals, Dry-stack Boat Storage, ABC Store, Parking Garage, Indoor Dog Kennel or Doggy Daycare Facility, etc., and can be built without the need for additional approval from the Town. Some of the aforementioned development options could potentially yield higher vehicular traffic volume, increased stormwater runoff, and above average noise levels for the surrounding residential parcels. There are numerous options on the commercial side that would be more profitable taking advantage of potential waterfront operations, but our first choice would be the request to “downzone” from BW to TCA ( Townhome, Condominium, Apartment). Clearly stated in the Land Development Ordinance, residential construction is not a permitted use, or allowed with a special use permit in BW zoning however, “Mixed Use” is permitted with a “Special Use” permit that would allow for commercial ground-floor use, and residential living quarters above.

The adjacent property to the North is zoned BW, and currently operating as “Multi Family” with Gallants Landing Owners Association operating as the “Home Owners Association”, and the individual Townhome owner’s responsible for their roughly .044 acre (1916ft<sup>2</sup>)- .055 acre (2396ft<sup>2</sup>) parcels. These parcels are far less in size (38%-47%), of the required 5000ft<sup>2</sup> in R5, and R5S zoning options. This equates to a potential residential dwelling unit density of (18) to(21) units per acre.

The TCA Zoning will allow for appropriate residentially oriented development on the 101 Ann Street Property, and will yield a more historic and residential feel for the adjacent property owners and surrounding neighborhood.

**Property Owners Located within 100 Feet of 101 Ann Street Property**

**PARCEL NUMBER:** 730617015464000  
**OWNER:** CHADWICK,BRADFORD Q ETAL  
**PHYSICAL ADDRESS** 119 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 4003 HALCYON DRIVE  
HUNTERSVILLE NC 28078

**PARCEL NUMBER:** 730617012422000  
**OWNER:** PUSATERI,THOMAS ETUX PAM ROSS  
**PHYSICAL ADDRESS** 102 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 2503 WAKE DRIVE  
RALEIGH NC 1339 27608

**PARCEL NUMBER:** 730617016657000  
**OWNER:** GALLANTS LANDING OWNERS ASSOC  
**PHYSICAL ADDRESS** 0 GALLANTS LN  
BEAUFORT  
**MAILING ADDRESS:** 14204 WYNDFIELD CIRCLE  
RALEIGH NC 27615

**PARCEL NUMBER:** 730617014444000  
**OWNER:** YOST,MARK S  
**PHYSICAL ADDRESS** 115 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 2026 SAINT ANDREWS ROAD  
GREENBORO NC 27408

**PARCEL NUMBER:** 730617015329000  
**OWNER:** ZIGLAR,WILLIAM R ETUX MEGAN  
**PHYSICAL ADDRESS** 117 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 117 ANN STREET  
BEAUFORT NC 2101 28516

**PARCEL NUMBER:** 730617013658000  
**OWNER:** MOORE,VICK C ETUX PATRICIA D  
**PHYSICAL ADDRESS** 112 GALLANTS LN  
BEAUFORT  
**MAILING ADDRESS:** 14204 WYNDFIELD CIRCLE  
RALEIGH NC 27615

**PARCEL NUMBER:** 730617013783000  
**OWNER:** BOLTON,WILLIAM E III ETAL TRUS  
**PHYSICAL ADDRESS** 110 GALLANTS LN  
BEAUFORT  
**MAILING ADDRESS:** 591 HOWELL MILL RD  
WAYNESVILLE NC 28786

**PARCEL NUMBER:** 730617013335000  
**OWNER:** OSTROW,GENE J ETUX T. WOODY  
**PHYSICAL ADDRESS** 106 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 217 LANCASTER DRIVE  
CHAPEL HILL NC 27517

**PARCEL NUMBER:** 730617013296000  
**OWNER:** O'BRYAN,ALLEN D II  
**PHYSICAL ADDRESS** 114 ANN ST  
BEAUFORT  
**MAILING ADDRESS:** 151 HOWLAND PARKWAY  
BEAUFORT NC 28516



FILE # 1545001

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.

Jerry T. Hardesty, Register of Deeds  
By: *[Signature]*  
Asst. Deputy, Register of Deeds

FOR REGISTRATION REGISTER OF DEEDS  
Jerry T. Hardesty  
Carteret County, NC  
June 09, 2016 03:44:12 PM  
TRAVIS DEED 3 P  
FEE: \$26.00  
NC REVENUE STAMP: \$7,500.00  
FILE # 1545001

Instrument prepared by: James W. Thompson, Attorney At Law, 1207-C Arendell Street, Morehead City, NC  
After recording, return to: *Robbie Parker, Lee Law Firm, PO Box 4548, Wilmington NC 28406*  
The property conveyed by this instrument    does  does not include the primary residence of Grantor.  
Documentary Stamps: \$7,500.00 Parcel No.: 730617013566

STATE OF NORTH CAROLINA *Lee Law Firm*  
COUNTY OF CARTERET *1427 Military Cut off Rd Ste. 208  
Wilmington, NC 28403*

**NORTH CAROLINA GENERAL WARRANTY DEED**

This General Warranty Deed is made this 9<sup>TH</sup> day of June, 2016, by and between  
**BEAUFORT INN, INC.**, a North Carolina corporation, hereinafter called "Grantor", whose address  
is 101 Ann Street, Beaufort, NC 28516; and **BEAUFORT RESORTS, LLC**, a North Carolina  
limited liability company, whose address 3301 Person Drive, Suite 163, Raleigh NC 27609  
hereinafter called, "Grantee".

WITNESSETH:

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 of that certain lot, tract, or parcel of land situated in Beaufort Township, Carteret County,  
North Carolina, and more particularly described as follows:

Being all of that property generally known as the "Beaufort Inn" located at the western end of  
Ann Street, Beaufort, N.C., and being the same property acquired by Grantor by deed dated  
June 21, 2006 from Robert T. Wetherington et als, as recorded in book 1177, page 56, Carteret  
County Registry. A more specific legal description is set forth on the attached Exhibit A.

**BOOK 1545 PAGE 1**

③

To have and to hold the above described lot, tract, or parcel of land, together with all the privileges and appurtenances thereto belonging, to the Grantee in fee simple forever.

Except for the limitations set forth below and as may be recited within the property description, 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.

This conveyance is subject to the lien for property taxes for the current year, general service utility easements, and all matters disclosed upon any recorded plat of the subject property.

In witness whereof, the Grantor has hereunto executed its official signature intending this deed to be effective as of the date first appearing above.

BEAUFORT INN, INC.

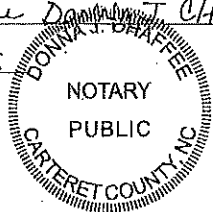
By: Katie Ethridge, President  
Katie Ethridge, President

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

I, the undersigned Notary Public of the County and State aforesaid, certify that Katie Ethridge, the President of Beaufort Inn, Inc., a North Carolina corporation, personally appeared before me this day and acknowledged the execution of the foregoing instrument by and on behalf of said corporation.

Witness my hand and official seal, this 9<sup>th</sup> day of June, 2016.

Donna J. Chaffee DONNA J. CHAFFEE  
Notary Public (print and sign name)  
My commission expires: 5/11/2018



l:\hgm\deeds\beaufort.inn.doc

BOOK 1545 PAGE 1



Exhibit "A"

Lying and being in Beaufort Township, Carteret County, North Carolina, and more particularly described as follows:

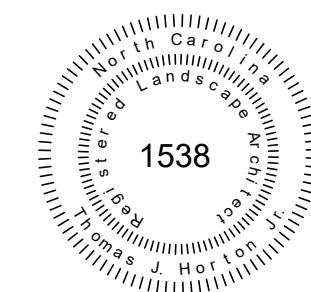
Beginning at a point on the north line of Ann Street at the former southwest corner of Richard H. Chadwick, Sr., which beginning point is located 501.98 feet west from the point of intersection of the north line of Ann Street and the centerline of Moore Street; running thence along an old fence on the west line of Richard H. Chadwick North 38-17 East 148.33 feet to the former Carteret Quick Freeze Plant property (now Gallants Landing homesites); thence North 56-37-20 West 180.42 feet to an existing iron pipe; thence continuing North 56-37-20 West approximately 60 feet more or less to the highwater mark of Gallants Creek and the edge of a bulkhead; thence continuing with the bulkhead southerly, easterly and southerly to the north line of Ann Street; thence with the north line of Ann Street south 56-23 East 191.43 feet more or less to the point of beginning.

BOOK 1545 PAGE 1

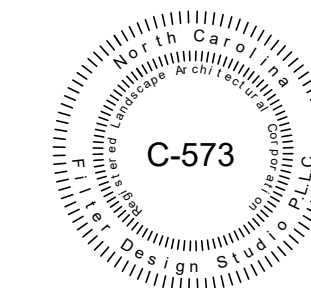




Landscape Architect Seal



Firm Seal



**Architecture**

Company: Filter Design Studio, P.L.L.C.  
Architect: Ryan Edwards  
Address: PO Box 735  
Morehead City, NC 28557  
Phone: 252-622-4119  
Email: ryan@filterdesignstudio.com

**Landscape Architecture**

Company: Filter Design Studio, P.L.L.C.  
Landscape Architect: Jay Horton  
Address: PO Box 735  
Morehead City, NC 28557  
Phone: 252-622-4119  
Email: jay@filterdesignstudio.com

**STARFISH**  
101 ANN STREET  
BEAUFORT NC

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No.	Description	Date

AREA MAP

Project number	22-023
Date	04-16-2023
Drawn by	JH
Review	JH

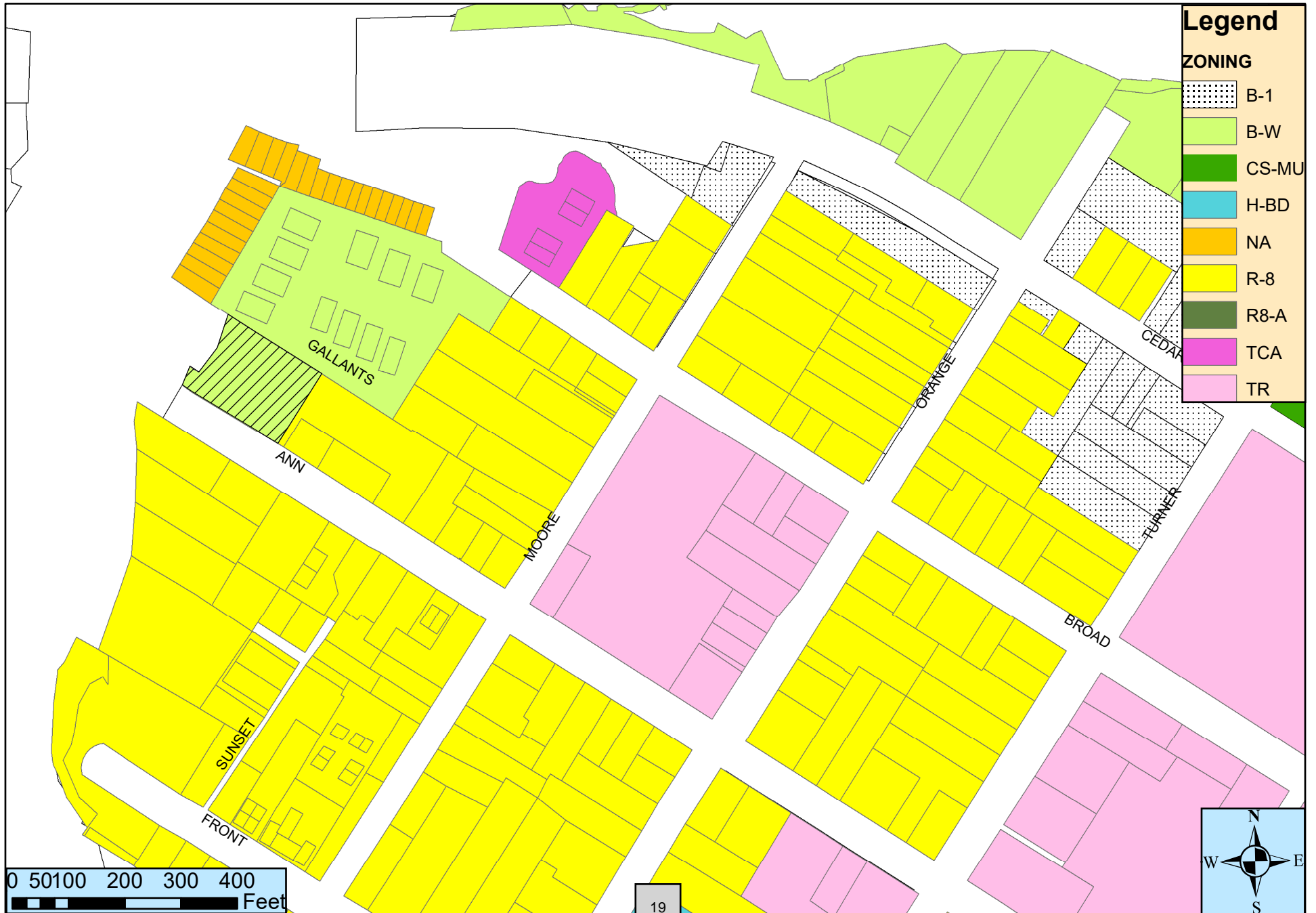
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Scale 1"=40'

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# Case #23-08 101 Ann Street Zoning Map Rezoning B-W to TCA





# Staff Report

**To:** Planning Board  
**From:** Michelle Eitner, Planner

**Date:** 8/29/2023  
**Meeting Date:** 9/18/2023

## Case Number 23-08

**Summary of Request:** Rezone 101 Ann Street from B-W to TCA

### Background

**Location(s) & PIN** 730617013566000

**Owner** Beaufort Resorts LLC  
**Applicant** Jay Horton – Filter Design Studio PLLC

**Current Zoning** Business Waterfront (B-W)

**Lot(s) Size & Conformity Status** 0.631 acres (based on GIS calculated acreage data)

**Existing Land Use** Former Hotel

**CAMA Future Land Use Map** Medium Density Residential  
Amendment Required  Yes  No

**Adjoining Land Use & Zoning**  
**North** Gallants Landing neighborhood (multi-family), B-W  
**South** Single-family residential, R-8  
**East** Single-family residential, R-8  
**West** Open water, no zoning

**Special Flood Hazard Area**  Yes  No

**Public Utilities**  
 Water  Available  Not Available  
 Sewer  Available  Not Available

**Additional Information** See Staff Comments

**Requested Action** Conduct Public Hearing  
Provide recommendation to the Board of Commissioners to:

- Approve the request;
- Deny the request; or
- Recommend more restrictive zoning district

### Staff Comments

This approximately 0.631 acre property at the northwest end of Ann Street is currently zoned Business Waterfront (B-W). For forty years, this has been the site of the Beaufort Inn, which is proposed for demolition. The property owners, represented by Jay Horton of Filter Design Studio, have requested a rezoning to TCA in advance of redevelopment of this site. Proposed

redevelopment of this site would require a Certificate of Appropriateness from the Beaufort Historic Preservation Commission.

NCGS § 160D-601(d) refers to rezonings that decrease development density or reduce the number of permitted uses as “Down-zonings”. This proposed rezoning is considered a down-zoning as it reduces the number of permitted uses (51 in B-W to 26 in TCA, not inclusive of special uses).

The proposed rezoning of B-W to TCA is not consistent with the CAMA Land Use Plan’s Future Land Use Map classification of Medium Density Residential, and as such will require an amendment to the FLUM to indicate High Density Residential. Staff identifies, however, that the proposed zoning district and land use classification are consistent with the existing land uses of subject and surrounding parcels. The current B-W zoning of this parcel is inconsistent with the current future land use classification of Medium Density Residential. The Gallants Landing multi-family development to the north is also zoned B-W, which is inconsistent with the use as well as the future land use classification of Medium Density Residential (appropriate density of 4.3 units per acre, but not a compatible zoning district).

In accordance with **NCGS § 160D-604(d)**, when conducting a review of proposed zoning text or map amendments the Planning Board shall advise and comment on whether the proposed action is consistent with the Town of Beaufort Comprehensive and CAMA Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the BOC that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Town of Beaufort Comprehensive and CAMA Land Use Plan shall not preclude consideration or approval of the proposed amendment by the BOC.

**CAMA Core Land Use Plan – Future Land Use Classification**

**Medium Density Residential Classification.** The Medium/High Density Residential classification encompasses approximately 0.8 square miles (483 acres) or about 10 percent of the total planning jurisdiction. The majority of the properties classified as Medium Density Residential are generally located immediately surrounding the Beaufort downtown area as well as north and east of the downtown area. The Medium Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or two-family developments. The residential density within this classification is generally 3 to 5 dwelling units per acre. Minimum lot sizes vary from 8,000 to 10,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within Medium Density Residential designated areas are generally compatible with the R-8, Medium Density Residential; and R-8A Single-family Medium Density Residential zoning districts. Public water is widely available and sewer service is required to support the higher residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support Medium Density Residential development. The Town’s goals and policies support the use of land in Medium Density-classified areas for single-family and two-family dwellings where adequate public utilities and streets are available or can be upgraded to support the higher residential densities encouraged in this classification.

**High Density Residential Classification.** The High Density Residential classification encompasses approximately 0.05 square miles (32.6 acres) or about 0.7 percent of the total planning jurisdiction.

The properties classified as High Density Residential are located in the northeastern portion of the Town’s planning jurisdiction along the US Highway 70 North corridor. The High Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. The residential density within this classification is generally 6 to 16 dwelling units per acre. The minimum lot size is 2,750 square feet per unit unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within High Density Residential designated areas are generally compatible with the RMF, Multi-Family High Density Residential and the R-5, Residential Cluster zoning classifications. Public water and sewer service is required to support the residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support High Density Residential development. The Town’s goals and policies support the use of land in High Density-classified areas for single-family and multifamily dwellings where adequate public utilities and streets are available or can be upgraded to support the higher residential densities encouraged in this classification. The higher density residential developments anticipated to occur during the planning period are encouraged within the High Density-classified areas.

- Attachments:** Attachment B - Vicinity Map with 100 Foot Notification Boundary  
Attachment C - Zoning Map  
Attachment D - CAMA Future Land Use Map  
Attachment E - Property Owners Within 100 Feet  
Attachment F - Application Packet  
Attachment G - CAMA Consistency Statement  
Attachment H - LDO Sections (B-W & TCA)



**TOWN OF BEAUFORT  
PLANNING BOARD**

**RZ23-08**

**RESOLUTION ADVISING THAT THE PROPOSED AMENDMENT  
TO THE ZONING ORDINANCE AND CAMA CORE LAND USE PLAN  
IS IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; IS/IS NOT  
REASONABLE; AND IS/IS NOT IN THE PUBLIC INTEREST.**

WHEREAS, the North Carolina General Assembly has given the Town of Beaufort (“Town”) the authority to adopt and amend zoning and development regulation ordinances for the purpose of promoting the health, safety, morals, and general welfare of its citizens;

WHEREAS, N.C.G.S. §160D-604(d) requires the Town of Beaufort Planning Board shall advise and comment on whether the proposed action is consistent with the Town of Beaufort Comprehensive and CAMA Land Use Plan that has been adopted and any other officially adopted plan that is applicable, and provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board; and

WHEREAS, the Planning Board has in fact met to consider and evaluate the proposed amendments to the Ordinance; and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Board finds that the proposed amendment to the Ordinance **is/is not** in accordance with all officially adopted Town plans for the reasons stated in the Staff Report for Rezoning Case 23-08 attached hereto and incorporated herein by reference, and therefore recommends **approval/denial** by the Board of Commissioners. Specifically the Planning Board finds that the proposed amendments **is/is not** in furtherance of the Town plans, ordinances and regulations.

This Resolution is effective upon its adoption this 18<sup>th</sup> day of September 2023.

**TOWN OF BEAUFORT  
PLANNING BOARD**

\_\_\_\_\_  
\_\_\_\_\_, Chairman

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Secretary





**D) B-W Business Waterfront District.**

The objective of this district shall be to protect the character of the commercial development along the waterfront of the Town.

1) Minimum Lot Size.

All lots in the B-W shall be a minimum of six thousand square feet (6,000 ft<sup>2</sup>).

2) Minimum Lot Width.

All lots in the B-W 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 9-6 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>
B-W	30 feet	15 feet	15 feet	40 feet

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.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Amusement Establishment</li> <li>Antenna Co-Location on Existing Tower</li> <li>Aquaculture</li> <li>Assisted Living</li> <li>Bed &amp; Breakfast</li> <li>Boat Sales/Rentals</li> <li>Car Wash</li> <li>Club, Lodge, or Hall</li> <li>Commercial Indoor Recreation Facility</li> <li>Community Garden</li> <li>Concealed (Stealth) Antennae &amp; Towers</li> <li>Convenience Store</li> <li>Day Care Center</li> <li>Dock</li> <li>Dry Boat Storage</li> <li>Financial Institution</li> <li>Government/Non-Profit Owned/<br/>Operated Facilities &amp; Services</li> <li>Hospital</li> </ul> | <ul style="list-style-type: none"> <li>Hotel or Motel</li> <li>Kennel, Indoor Operation Only</li> <li>Library</li> <li>Liquor Store</li> <li>Mortuary/Funeral Home/Crematorium</li> <li>Motor Vehicle Sales/Rentals</li> <li>Museum</li> <li>Neighborhood Recreation Center, Public</li> <li>Nursing Home</li> <li>Office, Business, Professional, or<br/>Medical</li> <li>Other Building-Mounted Antennae &amp;<br/>Towers</li> <li>Outdoor Retail Display/Sales</li> <li>Park, Public</li> <li>Parking Lot</li> <li>Parking Structure</li> <li>Personal Service Establishment</li> <li>Pool Hall or Billiard Hall</li> </ul> |
|---|--|

Produce Stand/Farmers' Market  
Public Safety Station  
Public Utility Facility  
Religious Institution  
Resource Conservation Area  
Restaurant with Indoor Operation  
Retail Store  
Satellite Dish Antenna

Signs, Commercial Free-Standing  
Tavern/Bar/Pub with Indoor Operation  
Temporary Construction Trailer  
Theater, Small  
Transportation Facility  
Utility Minor  
Vehicle Charging Station  
Vehicle Service

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

Adult-Oriented Retail Establishment  
Athletic Field, Public  
Commercial Outdoor Amphitheater  
Commercial Outdoor Recreation Facility  
Commercial Waterfront Facility  
Gas/Service Station  
Golf Driving Range  
Hazardous Material  
Kennels, Outdoor Operation  
Manufacturing, Light  
Marina  
Microbrewery  
Microdistillery  
Mini-Storage

Mixed Use  
Outdoor Amphitheater, Public  
Outdoor Storage  
Preschool  
Restaurant with Drive-Thru Service  
Restaurant with Outdoor Operation  
School, K-12  
School, Post-Secondary  
Tavern/Bar/Pub with Outdoor  
Operation  
Theater, Large  
Utility Facility  
Wholesale Establishment

## SECTION 8 Transitional Zoning Districts

### A) *TCA Townhomes, Condominiums, Apartments District.*

This district is established to provide a high density district in which the primary uses are multi-family residences and duplexes. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Maximum Overall Density.

The TCA district shall have a maximum density of twelve units per acre.

2) Minimum Lot Size.

All lots in the TCA district shall be a minimum of two thousand, seven hundred, and fifty square feet (2,750 ft<sup>2</sup>) per dwelling unit.

3) Minimum Lot Width.

All lots in the TCA district shall have a minimum lot width of eighty feet (80') at the minimum building line.

4) 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 8-1 Interior Lot Requirements**

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TCA	25 feet	25 feet	8 feet	35 feet

**Table 8-2 Corner Lot Requirements**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
TCA	25 feet	15 feet	30 feet	8 feet	35 feet

**Table 8-3 Double Frontage Lot Requirements**

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TCA	25 feet	15 feet	8 feet	35 feet

5) Accessory Building Setback Requirements.

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

6) Covenants.

In any development proposing common areas, jointly-used structures, or private streets, restrictive and protective covenants which provide for party wall rights, harmony of external design, continuing maintenance of building exteriors, grounds, or other general use improvements and similar matters, shall be submitted to the Town and approved by the BOC. Condominium development must submit evidence of compliance with the North Carolina Condominium Act.

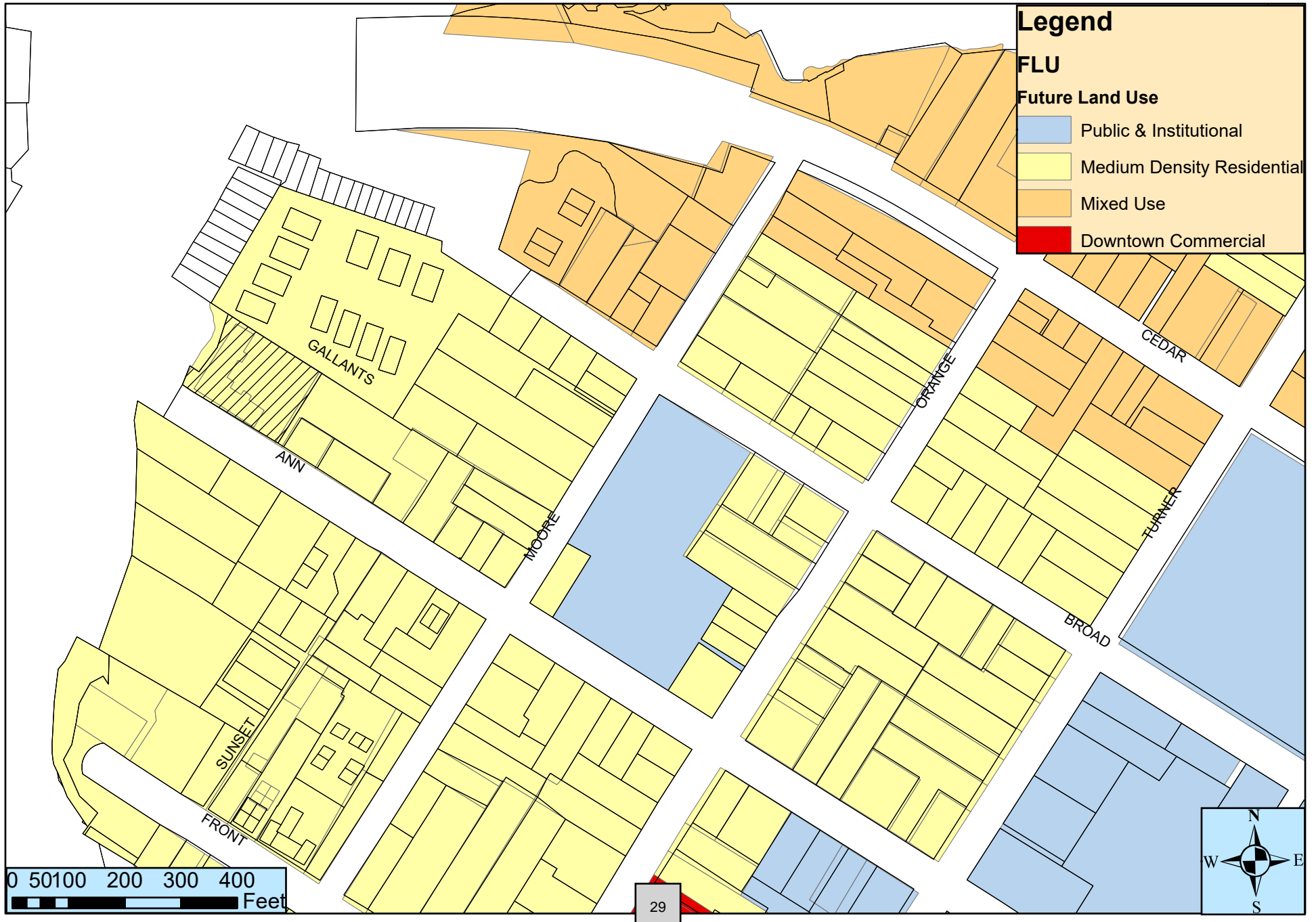
7) Permitted Uses.

Antenna Co-Location on Existing Tower	Home Occupation
Assisted Living	Neighborhood Recreation Center Indoor/Outdoor, Private
Athletic Field, Public	Neighborhood Recreation Center, Public
Carport	Nursing Home
Community Garden	Park, Public
Concealed (Stealth) Antennae & Towers	Public Safety Station
Dock	Public Utility Facility
Dormitory	Resource Conservation Area
Dwelling, Duplex/Townhome	Shed
Dwelling, Multi-Family	Signs, Commercial Free-Standing
Garage, Private Detached	Temporary Construction Trailer
Government/Non-Profit Owned/ Operated Facilities & Services	Utility Minor
Group Home	Vehicle Charging Station

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

Athletic Field, Private	Restaurant with Indoor Operation
Dwelling, Single-Family	Restaurant with Outdoor Operation
Golf Course, Privately-Owned	Retail Store
Golf Driving Range	Satellite Dish Antennas
Hotel or Motel	School, Post-Secondary
Marina	Tavern/Bar/ Pub with Indoor Operation
Mixed Use	Tavern/Bar/ Pub with Outdoor Operation
Outdoor Amphitheater, Public	Theater, Small
Personal Service Establishment	Transportation Facility
Preschool	Utility Facility
Religious Institution	
Restaurant with Drive-Thru Service	

# Case #23-08 101 Ann Street CAMA Future Land Use Map Rezoning B-W to TCA



**Case #23-08 Rezoning 101 Ann Street  
Property Owners within 100 Feet**

1.

<b>OWNER</b>	<b>MAIL_ADD</b>	<b>MAIL_CITY</b>	<b>MAIL_STATE</b>	<b>MAIL_ZIP</b>
SELLARS ASHLEY H ETVIR JULIAN	107 GALLANTS LANE	BEAUFORT	NC	28516
CHOATE DAVID M ETUX HEATHER L	109 GREY BARN ROAD	JACKSONVILLE	NC	28540-3835
ZIGLAR WILLIAM R ETUX MEGAN	117 ANN STREET	BEAUFORT	NC	28516-2101
GALLANTS LANDING OWNERS ASSOC	14204 WYNDFIELD CIRCLE	RALEIGH	NC	27615
MOORE VICK C ETUX PATRICIA D	14204 WYNDFIELD CIRCLE	RALEIGH	NC	27615
O'BRYAN ALLEN D II	151 HOWLAND PARKWAY	BEAUFORT	NC	28516
YOST MARK S	2026 SAINT ANDREWS ROAD	GREENBORO	NC	27408
OSTROW GENE J ETUX T. WOODY	217 LANCASTER DRIVE	CHAPEL HILL	NC	27517
PUSATERI THOMAS ETUX PAM ROSS	2503 WAKE DRIVE	RALEIGH	NC	27608-1339
HAWKINS DAVID D ETUX ELLEN R	2733 ANDERSON DRIVE	RALEIGH	NC	27608
BEAUFORT RESORTS LLC	3301 BENSON DRIVE #103	RALEIGH	NC	27609
CHADWICK BRADFORD Q ETAL	4003 HALCYON DRIVE	HUNTERSVILLE	NC	28078
BOLTON WILLIAM E III ETAL TRUS	591 HOWELL MILL RD	WAYNESVILLE	NC	28786



**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, September 18, 2023 – Train Depot**

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**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** To recommend approval or denial to the Board of Commissioners for the rezoning of 101 Ann Street

**BRIEF SUMMARY:**  
• Rezone 101 Ann Street from B-W to TCA

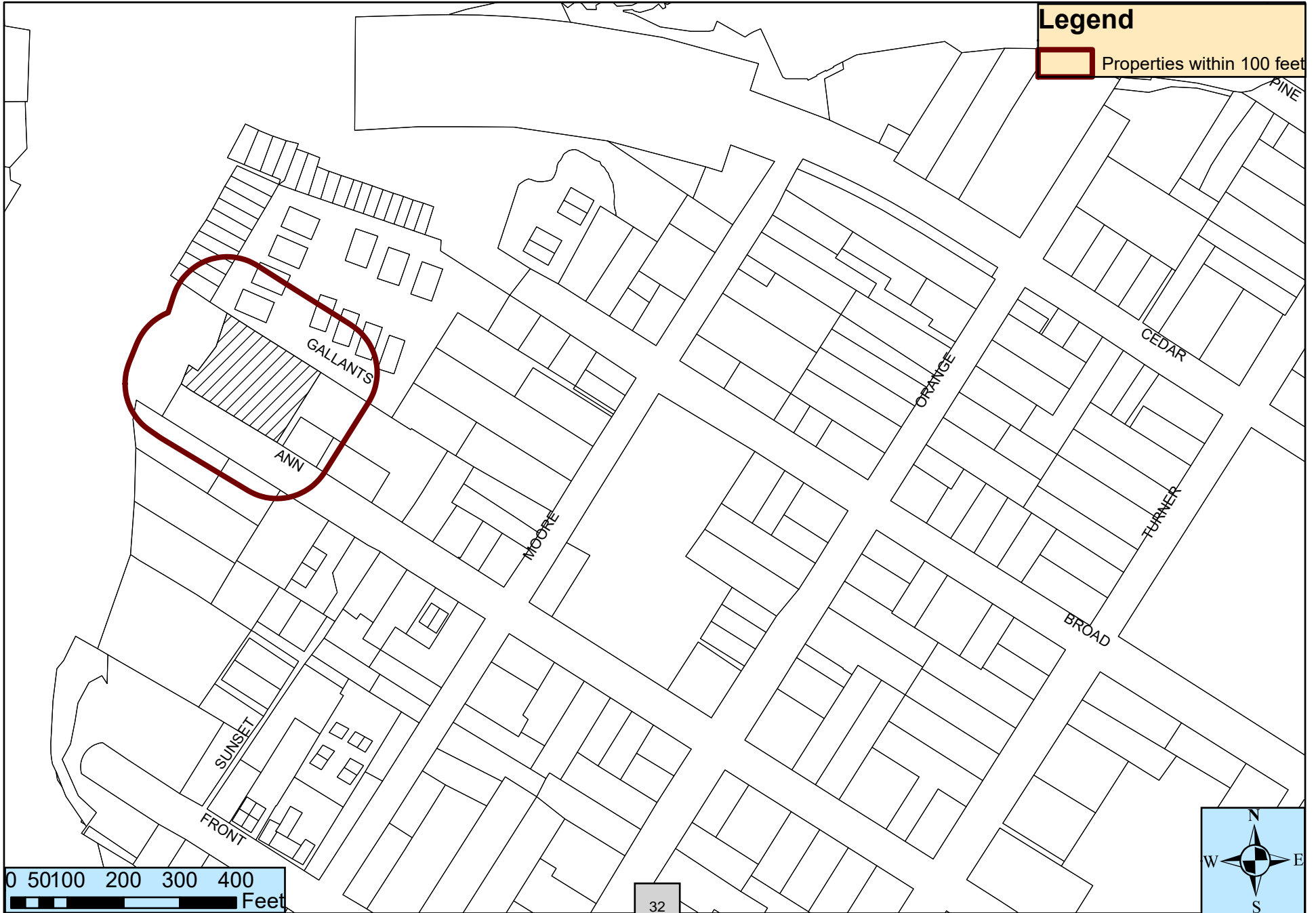
**REQUESTED ACTION:**  
Conduct Public Hearing  
Recommendation on Proposed Rezoning

**EXPECTED LENGTH OF PRESENTATION:**  
15 Minutes

**SUBMITTED BY:**  
Michelle Eitner  
Planner

**BUDGET AMENDMENT REQUIRED:**  
N/A

Case #23-08 101 Ann Street Vicinity Map  
Rezoning B-W to TCA







**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

**Beaufort Planning Board Regular Meeting  
6:00 PM Monday, September 18, 2023 – 614 Broad Street- Train Depot**

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**AGENDA CATEGORY:** Presentation

**SUBJECT:** 160-D Presentation by the Town Attorney.

**BRIEF SUMMARY:**

The Town Attorney will be giving an overview of 160-D changes in the state planning statutes and how these changes will be incorporated into the Land Development & Subdivision Ordinances..

At the conclusion of the Attorney’s presentation the Planning Board will receive a draft version of the changes prior to the Public Hearing in October.

**REQUESTED ACTION:**

Presentation

**EXPECTED LENGTH OF PRESENTATION:**

30 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A