



Town of Beaufort, NC

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

Town of Beaufort Board of Adjustment Regular Meeting 4:00 PM Tuesday, July 28, 2026 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

- [1.](#) BOA Draft Minutes for 112525

Administration of Oaths

Quasi-Judicial Proceeding

- [1.](#) Case 26-01 – Variance – 1021 Ann Street

Commission / Board Comments

Staff Comments

Adjourn



Town of Beaufort, NC

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Town of Beaufort Board of Adjustment Regular Meeting 4:00 PM Wednesday, November 25th, 2025 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Minutes

Call to Order

Chair Reeve called the November 25th, 2025 Board of Adjustment regular meeting to order at 4:00 pm.

Roll Call

Members Present: Cathy Reeve, Chair; Clark Patton, Vice-Chair; Wendi Oliver, Joe Provenzano, Charles Harrell

Members Absent: Bruce Sheldon

A quorum was declared with five members present.

Staff Present: Mr. Kyle Garner, Planning Director; Jill Quattlebaum, Town Attorney; Laurel Anderson, Board Secretary

Agenda Approval

Vice-Chair Patton made the motion to approve the Agenda and Member Harrell made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Administration of Oaths

Chair Reeve gave the Quasi-Judicial Statement as follows: This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. The board must base its decision upon competent, relevant and substantial evidence in the record. It is a decision constrained by the standards in the ordinance and based on the facts presented. All applications for variances must be consistent with the Town of Beaufort's Land Development Ordinance (LDO). If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the applicant, the local government and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. For certain topics, this board may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and

provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Secretary Anderson administered the Oath to Mr. Garner.

Quasi-Judicial Proceeding

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

Mr. Garner introduced the case as a request for 200 Shell Landing Road to reduce the side setbacks in the R20 zoning district on an interior lot from 15 feet to 10 feet. He requested to submit the staff report and all information included on the town's website into the official record. Mr. Garner noted that the property was an existing lot of record created prior to the implementation of the R20 zoning and setback requirements.

Using a vicinity map, Mr. Garner pointed out how the property was wider at the street level and narrowed toward the rear (south).

The property was zoned R20 for residential single-family use with a current compliant use as a vacant lot. It existed prior to adoption of any zoning standards. The lot area was conforming at 25,905 square feet (20,000 required), but the lot frontage was non-compliant at 92.49 feet where 100 feet was required in the R20 district.

Mr. Garner explained that Section 11C under nonconformities of the LDO did not include a reduction of side yard setbacks for lots over 69 feet in width. He noted this was significant because other zoning districts had built-in variations for side setbacks, but lots requiring 100 feet did not have any such variation.

He noted that at one time there was a nonconforming structure on the site that did not meet side yard setbacks.

Mr. Garner also noted that the survey should be corrected as the surveyor put that the setbacks were 10 feet where they should have been 15 feet. When the additional 5 feet was considered, the previous structure was also nonconforming as it did not meet the westerly setback - the survey showed it was 14.7 feet from the property line when 15 feet was required.

Additionally, he explained that the septic tank and drain fields were located toward the front of the lot, making the design of the new structure difficult. This meant a property owner would have to dig everything up and reinstall a new septic tank and lines if they wanted to make the house deeper rather than wider.

Mr. Garner showed slides comparing the previous and proposed structures. On the proposed survey, the septic tank and field location was visible, with the applicant requesting setbacks of 10 feet 5 inches on one side and 11 feet 2 inches on the other. The previous survey showed where the surveyor had incorrectly marked 10-foot setbacks when 15 feet was required.

He also showed a photo of the previous structure that had been on the site and confirmed it had received a demolition permit and was now gone, making it a vacant lot. He also provided an aerial photo showing the surrounding neighborhood and structures.

Chair Reeve asked the board members to disclose any conflicts of interest and there were none.

Member Patton observed from an aerial photo that it appeared that almost every house was non-conforming. Mr. Garner noted that while GIS maps have disclaimers about accuracy, after field visits to the area he agreed that there were many structures that were non-conforming.

Secretary Anderson administered the Oath to Sammy Ballou, contractor, and Frank Eastman, applicant and property owner.

Mr. Ballou explained that the original house and many houses in the subdivision were built parallel to the road but skewed on the lot, and they were going to build parallel to the property lines but not parallel to the road as turning them at an angle made them smaller.

Mr. Eastman stated they were trying to improve the neighborhood and asked the board to consider their request.

Secretary Anderson administered the Oath to Thomas Ninke, 190 Shell Landing Road, who requested standing in the matter. He stated the proximity of his house was very close to the borderline of the requested 10-foot gap, he was worried the new house would be oversized for the neighborhood, and he was concerned about runoff during rain events. Mr. Ninke estimated his house was under 10 feet, and possibly 5 feet at the front corner from the shared property line. The board discussed the question of stormwater and agreed that without sufficient supporting evidence, expert testimony would be needed for this claim.

Member Provenzano made the motion to deny standing and Member Oliver made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

There being no other witnesses, the Chair confirmed there were no other materials not in evidence that would prevent a decision and the board reviewed the four findings of fact required for a variance. Attorney Quattlebaum reminded the board that a 4/5th vote is necessary to approve a variance and all four of the factors must be met, and if any of the factors are not met by a 4/5th vote then the board must deny the variance.

The Board began discussing the four Findings of Fact.

Chair Reeve requested a motion for Finding 1: Unnecessary hardship would result from the strict application of the land development ordinance. Vice-Chair Patton made a motion to approve Finding of Fact #1 due to the size of the lot and a house could not be built there.

Member Oliver countered that there was still reasonable use of the land – the new house could be smaller with a 1-car garage instead of 2-car.

Vice-Chair Patton withdrew his motion.

After further discussion the Board voted on the following Findings of Fact:

- a. *Unnecessary hardship would result from the strict application of the Land Development Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

Member Harrell made the motion to approve Finding of Fact #1 due to the existing driveway easement and the location of the septic tank and field, and Vice-Chair Patton made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

- 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.*

Member Provenzano made the motion to approve Finding of Fact #2 due to the unique shape of the lot and the small buildable area, and Member Harrell made the second. Chair Reeve took a vote:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Provenzano, Member Harrell

Voting nay: Member Oliver

- 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.*

Member Oliver made the motion to approve Finding of Fact #3 as the homeowner's actions did not result in the hardship, and Vice-Chair Patton made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

- d. Based on the neighbors being consulted and testimony of the applicant the spirit of the ordinance was being upheld. 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.*

Member Provenzano made the motion for Finding of Fact #4 because the variance does meet the spirit, purpose, and intent of the Ordinance, and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Chair Oliver then asked for a motion for the approval of the variance.

Member Provenzano made the motion for the approval of the variance and Member Harrell made the second.

Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Attorney Quattlebaum requested a short break to bring the written order into evidence and when the meeting reconvened, she presented a draft order with additions based on the board's findings. For Finding 1, she added: "strict application of the ordinance, which would result in denial of the variance, would result in an unnecessary hardship due to the existing driveway easement to the east, which encroaches into the 15-foot side setback and the location of the septic tank and field."

For Finding 2, she added: "the hardship of which the applicant complains does result from a condition or conditions peculiar to the applicant's property due to the unique shape of the lot and the small buildable area of the lot." She asked if there were any additions or changes to the Order and there were none.

Vice-Chair Patton made the motion to approve the Order as presented and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Mr. Garner explained to the applicants that normally the Board would not render a decision on an Order until their next meeting but the variance and Order had both been approved at this meeting.

New Business

1. 2026 Board of Adjustment Meeting and Submittal Calendar

Member Oliver made the motion to approve the Calendar and Member Harrell made the second. Chair Reeve took a vote that was unanimous:

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Commission / Board Comments

The board wished everyone happy holidays and noted that the agenda packet was very thorough.

Staff Comments

There were no comments.

Adjourn

Member Oliver made the motion to adjourn and Member Provenzano made the second. Chair Reeve took a vote that was unanimous.

Voting yea: Chair Reeve, Vice-Chair Patton, Member Oliver, Member Provenzano, Member Harrell

Chair Reeve then declared the meeting adjourned at 5:15 p.m.

Catherine Reeve, Chair

Laurel Anderson, Board Secretary



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Town of Beaufort Board of Adjustment Regular Meeting 6:00 P.M. July 28, 2026 – Train Depot – 614 Broad Street

AGENDA CATEGORY: Quasi-Judicial Proceeding
SUBJECT: Case 26-01 – Variance – 1021 Ann Street

BRIEF SUMMARY:

Brad and Deborah Wintermute, owners of subject property 1021 Ann Street (PIN 730506493225000), have requested a variance to construct an addition to the existing single-family home up to 6ft 4in from the Fulford Street side property line, which would encroach 3ft8in into the 10ft side right-of-way setback required for corner lots by LDO Section 7.F.4.

REQUESTED ACTION:

Conduct Evidentiary Hearing
Decision on Request

EXPECTED LENGTH OF PRESENTATION:

15 Minutes (Presentation from Staff)

SUBMITTED BY:

Michelle Eitner, Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



STAFF REPORT



To: Board of Adjustment Members
From: Michelle Eitner, Town Planner
Date: July 28, 2026
Case: #26-01 – Variance – 1021 Ann Street

THE REQUEST: Brad and Deborah Wintermute, owners of subject property 1021 Ann Street (PIN 730506493225000), have requested a variance to construct an addition to the existing single-family home up to 6ft 4in from the Fulford Street side property line, which would encroach 3ft8in into the 10ft side right-of-way setback required for corner lots by LDO Section 7.F.4.

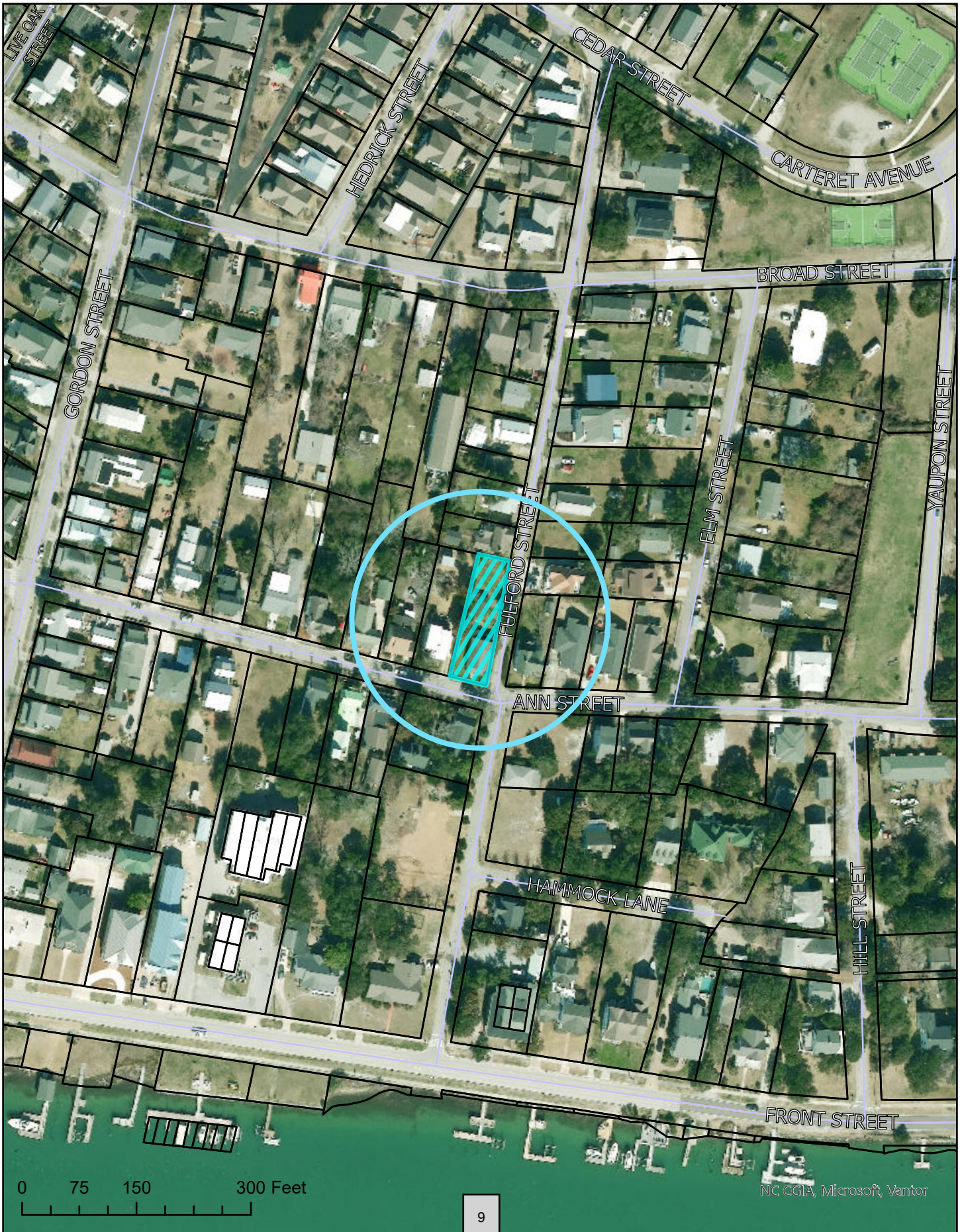
BACKGROUND:

Property Owner: Brad and Deborah Wintermute
 Property Address: 1021 Ann Street (northwest corner of Ann and Fulford)
 PIN: 730506493225000
 Zoning District: RS-5 Residential Single-Family 5 Development District.
 Flood Zone: X (effective and preliminary FIRMs)
 Lot Dimensions: See survey included in application package
 Existing Land Use: Single-family residential
 Utilities: Town water and wastewater

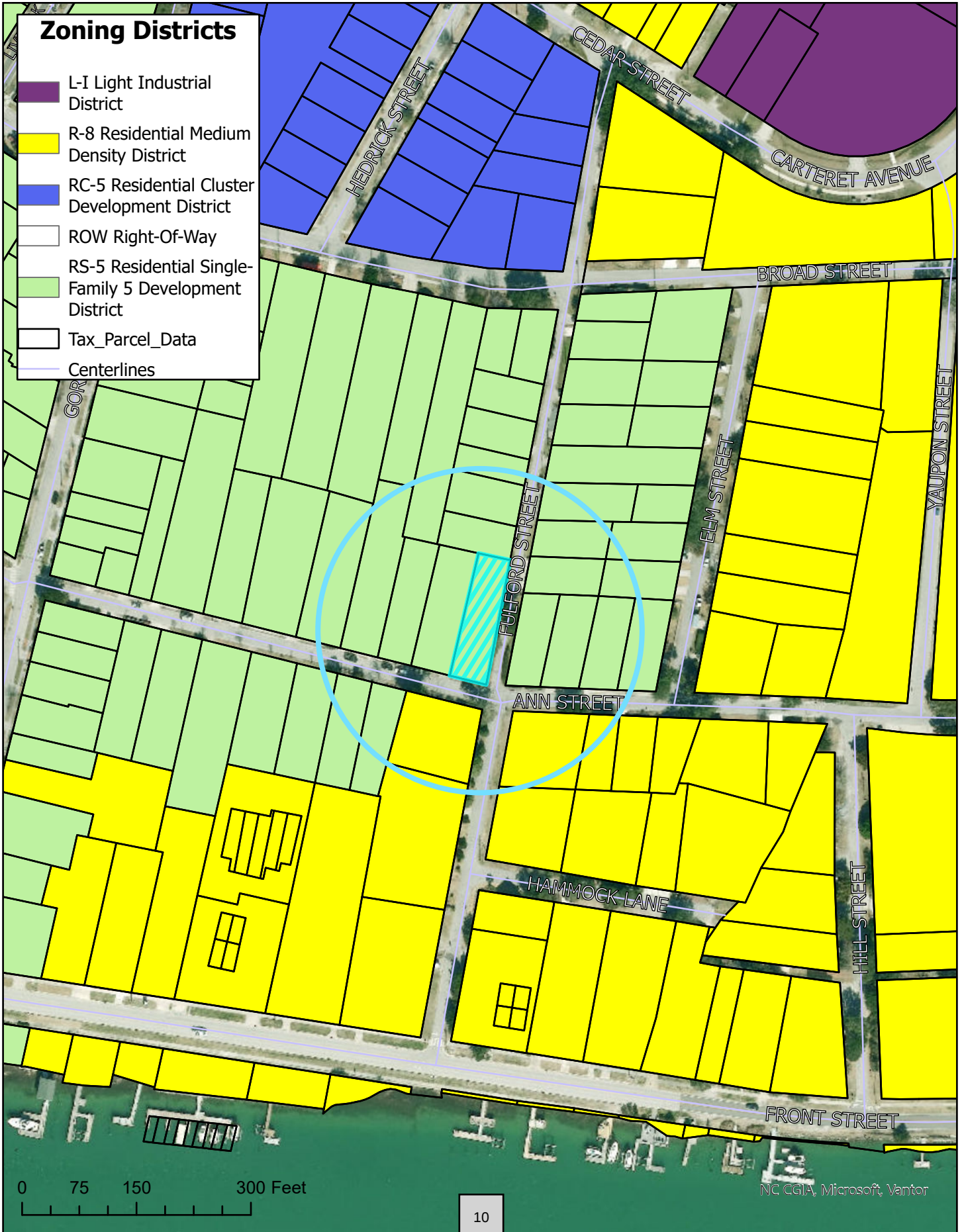
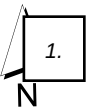
EXHIBITS:

Exhibit A – Staff Report
 Exhibit B – Vicinity Map
 Exhibit C – Zoning Map
 Exhibit D – Variance Application Package
 Exhibit E – Notification Certification
 Exhibit F – LDO Section 7.F RS-5 Zoning District

Case 26-01 1021 Ann St Variance Request Vicinity Map



Case 26-01 1021 Ann St Variance Request Zoning Map





APPLICATION FOR A VARIANCE OF LAND DEVELOPMENT STANDARDS FOR THE TOWN OF BEAUFORT

Instructions:

Please complete the application below, include all the required attachments, and the **application fee of \$300.00** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed but **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 with any questions.

APPLICANT INFORMATION

Applicant Name: Bradford Earl Wintermute & Deborah Lynn Wintermute
 Applicant Address: 42979 Cedar Spring Ct; Ashburn, VA 20148
 Phone Number: (571) 283-3964 Email: [REDACTED]
 Property Owner Name: Bradford Earl Wintermute & Deborah Lynn Wintermute
 Address of Property Owner: 42979 Cedar Springs Ct; Ashburn, VA 20148
 Phone Number: (571) 283-3964 Email: [REDACTED]

PROPERTY INFORMATION

Property Address: 1021 Ann Street, Beaufort, NC 28516
 15-Digit PIN: 730506493225000 Lot/Block Number: See DB 1780/036
 Size of Property (in square feet or acres): 7,830 sq ft (0.18 Ac) Survey Job #26-042, May 2026
 Current Zoning: RS-5 Is the property in the Historic District? No
 Current Use of Property: ☒ Residential ☐ Vacant ☐ Commercial ☐ Other: _____
 Applicant Signature: Bradford E. Wintermute Date of Signature: 6-5-2026
 Property Owner Signature (if different than above): Deborah Lynn Wintermute Date of Signature: 06-05-2026

An application fee of \$300.00, is to be paid by either cash, money order, or check made payable to the "Town of Beaufort" and must accompany this application. The complete application, payment, and supporting material must be received by Town Staff at least 15 working days prior to a regularly scheduled Board of Adjustment meeting date.

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

The Town's website address is www.beaufortnc.com.

OFFICE USE ONLY

Revised 8/2020

Received by: _____ Reviewed for Completeness By: _____
 Date: _____ Date Deemed Complete and Accepted: _____

Please be advised that email addresses have been removed by staff from this application & attachments to protect the applicant from AI spam emails.

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).

TOWN OF BEAUFORT, NORTH CAROLINA
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE — WRITTEN STATEMENT OF HARDSHIP

Property Address: 1021 Ann Street, Beaufort, North Carolina 28516

Owner: Bradford Earl Wintermute & Deborah Lynn Wintermute

Parcel Number: 730506493225000

Deed Reference: 1780/036 | **Map Reference:** 27/528

Zoning District: RS-5 (Residential Single-Family)

Nature of Variance: Side Street Setback — Fulford Street

Required Setback: 10 feet from Fulford Street Right-of-Way

Proposed Setback: 6 feet 4 inches from Fulford Street Right-of-Way

Variance Requested: 3 feet 8 inches

I. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicants propose to construct a residential addition to the existing single-family dwelling at 1021 Ann Street. The addition will expand the habitable area of the home northward along the existing east building plane, connecting to the existing structure consistent with the architectural massing and footprint established by the current house. A detached garage is also proposed on the northern portion of the lot; the garage has been confirmed by the Town Planning Director to comply with all applicable zoning standards and is not the subject of this variance request.

The proposed addition's east wall is designed to continue the existing building line at 6 feet 4 inches from the western edge of the Fulford Street right-of-way (R/W). The RS-5 zoning district requires a 10-foot side street setback measured from the R/W line. Accordingly, a variance of 3 feet 8 inches from the required side street setback is requested.

II. SPECIFIC VARIANCE REQUESTED AND LDO CITATION

A. The Standard Being Varied

The applicants request a variance from the **side street setback requirement** applicable to corner lots in the RS-5 (Residential Single-Family) zoning district, as established in the

Town of Beaufort Land Development Ordinance (LDO), Section 7F (Residential Zoning Districts) RS-5 (Residential Single-Family 5 Development District), Table 7-18 Corner Lot Requirements..

That section establishes the following minimum dimensional standards for principal structures on RS-5 corner lots:

- **Front yard setback (Ann Street):** 20 feet, measured from the Ann Street right-of-way line
- **Side street setback (Fulford Street):** 10 feet, measured from the Fulford Street right-of-way line
- **Interior side yard setback:** 5 feet, measured from the interior (west) property line
- **Rear yard setback:** 15 feet, measured from the rear (north) property line
- **Maximum building height:** 35 feet

The measurement of setbacks from the street right-of-way line (rather than the property line) is confirmed by the Town's LDO definitions and by N.C.G.S. § 160A-306, which authorizes municipalities to establish minimum distances buildings shall be set back from the right-of-way line of existing or proposed streets.

B. The Exact Amount of Variance Requested

The applicants request a reduction of the Fulford Street side street setback from **10 feet 0 inches** (required) to **6 feet 4 inches** (proposed) — a variance of **3 feet 8 inches**. This variance applies to the east wall of the proposed residential addition parallel to the Fulford Street right-of-way.

No variance is requested with respect to the front yard setback (Ann Street), the interior side yard setback (west), the rear yard setback (north), building height, lot coverage, or any other dimensional standard of the RS-5 district. The detached garage proposed on the northern portion of the lot has been confirmed by the Town Planning Director to comply with all applicable zoning standards and is not the subject of this variance request.

II. FACTUAL BACKGROUND AND SITE CONDITIONS

A. The Property and Lot Geometry

The subject parcel is a corner lot situated at the intersection of Ann Street (front/south, 33-foot R/W) and Fulford Street (east side, 20-foot R/W). The parcel is legally described as 165 feet by 52.5 feet per deed, yielding a gross lot area of 7,830 square feet as confirmed by a licensed land survey completed May 12–13, 2026 by James I. Phillips III, RLS No. L-3151 (Survey Job #26-042).

The lot is zoned RS-5. The RS-5 district establishes a minimum lot width of 50 feet. The deed lot width of 52.5 feet exceeds this minimum by only 2.5 feet under ideal conditions — a thin margin that is entirely consumed, and exceeded, by the physical constraint described below.

B. The Fulford Street Right-of-Way Encroachment

The Survey documents a material and long-standing physical condition that distinguishes this property from a standard RS-5 corner lot: a portion of the deeded parcel lies within the established right-of-way of Fulford Street. The Survey explicitly notes, in the surveyor's own language:

"Hatched area denotes portion of Lot 165' x 52.5' within the R/W of Fulford Street for 100+ years."

This hatched strip is land the applicants own by deed but which has functioned as public street right-of-way for over a century. The R/W encroachment is not symmetrical along the lot's length. The strip is narrowest at the southern end of the parcel (the Ann Street corner) and widens progressively as it moves northward toward the rear of the lot. At the northern boundary, the R/W consumes approximately 10 feet of the deeded lot width, as evidenced by the discrepancy between the deed's 52.5-foot north line and the surveyed dimension of 42.55 feet to the set iron rod.

Critically, the Fulford Street R/W line — from which the 10-foot side street setback is measured — does not coincide with the applicants' property line. The result is that the effective lot width at the addition zone is materially less than the 52.5-foot deed width. The RS-5 10-foot side street setback, applied to this compressed effective width, produces a buildable band substantially narrower than the standard assumes for a conforming RS-5 corner lot.

III. GROUNDS FOR VARIANCE — UNNECESSARY HARDSHIP

Under N.C.G.S. § 160D-705 and the Town of Beaufort Land Development Ordinance, a variance shall be granted upon a finding that strict application of the ordinance creates an unnecessary hardship for the applicant that is specific to the property, is not self-created, and does not undermine the ordinance's intent. The applicants respectfully submit that all three elements are satisfied, and that the following findings of fact and law support the granting of this variance.

Finding (a): Unnecessary Hardship from Strict Application of the LDO — The Effective Lot Width at the Addition Zone Is Materially Narrower Than the RS-5 Standard Assumes

The RS-5 dimensional standards in LDO Section 7F (Residential Zoning Districts) RS-5 (Residential Single-Family 5 Development District), Table 7-18 Corner Lot Requirements were calibrated for lots of standard geometry — specifically, corner lots with a minimum usable width of 50 feet. The 10-foot side street setback imposed on such a lot plus the 5 foot side yard setback leaves a 35-foot buildable band between the two setbacks on a standard 50-foot-wide RS-5 corner lot.

The subject parcel does not present standard geometry. The Fulford Street R/W encroachment reduces the effective lot width at the addition zone to materially less than 52.5 feet. Imposing the full 10-foot setback from that already-compressed R/W edge reduces the buildable band. The net usable width from the Fulford R/W to the west property line is approximately 27.5' feet the rear of the lot and approximately 31' at the addition location. The 31' buildable lot width is an 11% reduction from the buildable envelope the RS-5 standard presumes.

Stated plainly: the 10-foot setback rule was written for a lot that has 50 usable feet to work with. This lot has effectively less, through no act of the owners. Applying the rule as written to this parcel produces an outcome the rule was not designed to create — a disproportionate compression of the buildable envelope that is unique to this property's R/W geometry.

Strict application of LDO Section 7F (Residential Zoning Districts) RS-5 (Residential Single-Family 5 Development District), Table 7-18 Corner Lot Requirements thus creates an unnecessary hardship by imposing a dimensional outcome the standard was not designed to produce on a lot that does not present the geometry the standard assumes.

Finding (b): Hardship Peculiar to the Property — LDO § 21-I(2)(b)

The hardship results from a physical condition unique to this parcel: a 100+ year public R/W encroachment that occupies a wedge-shaped strip of the deeded lot along the Fulford Street frontage. This condition is specific to the geometry of this corner lot at Ann and Fulford Streets. Neighboring properties on standard lots do not face a comparable reduction in effective buildable width caused by a historic R/W taking. The hardship is not common to the neighborhood or the general public; it is a product of this property's particular history and configuration.

Finding (c): Hardship Not Resulting from Actions of the Applicant

The Fulford Street R/W encroachment has existed for over 100 years, predating the current owners' acquisition of the property, predating the existing dwelling, and predating the adoption of the Town's zoning ordinance. The Survey confirms this condition was present and established long before any act of the current or prior owners. The applicants did not place the house where it sits, did not create the R/W configuration, and have no mechanism to remedy the encroachment through private action. The hardship is the product of a long-established public right-of-way boundary, not of any decision made by the property owners.

Finding (d): Variance Consistent with Spirit, Purpose, and Intent of the LDO — The Variance Continues an Established Building Line, Not a New Encroachment

The purpose of the side street setback in LDO Section 7F (Residential Zoning Districts) RS-5 (Residential Single-Family 5 Development District), Table 7-18 Corner Lot Requirements is to maintain an appropriate relationship between structures and the public street, preserve sight lines, and ensure adequate separation between buildings and traffic. The proposed addition at 6 feet 4 inches from the Fulford Street R/W continues the building line that has defined this property for the life of the existing structure. It does not

introduce a new intrusion, does not create a sight-line or traffic hazard, and maintains a relationship to the street that is entirely consistent with the established character of the block. The proposed addition maintains the same relationship to the Fulford Street R/W as the existing dwelling. No new sight-line, traffic, or public-safety concern is introduced. The Fulford Street R/W is 20 feet wide and publicly maintained; the addition at 6 feet 4 inches from that R/W does not impede traffic, pedestrian movement, or emergency access. The adjacent properties to the north and west are not adversely affected: the addition's east wall does not face any adjoining residential structure, and the setback from the interior side (west) and rear (north) property lines is conforming. Granting this variance is consistent with the spirit and intent of the RS-5 district's residential character.

Permitting the addition to continue the established building line maintains the architectural coherence of the structure, is consistent with the scale and character of the streetscape, and results in no greater intrusion toward the Fulford Street R/W than already exists.

Finding (e): — Strict Application Produces Disproportionate Impact on the Buildable Program

Requiring strict conformance with the 10-foot side street setback would compel the applicants to shift the entire addition footprint 3 feet 8 inches to the west. This shift would either reduce the interior area of the addition by the equivalent of a 3'-8" × full-depth bay — a significant loss of program space in a constrained residential addition — or force an awkward stepping of the building plane that would create an architecturally incoherent east elevation visible from the Ann and Fulford Street corner. Neither outcome is consistent with the purposes of the RS-5 district or the intent of the setback standard.

IV. SUMMARY OF FINDINGS AND VARIANCE REQUESTED

The applicants respectfully request that the Board of Adjustment make the following findings and grant the requested variance:

- **Finding 1.** The strict application of the RS-5 side street setback requirement of 10 feet from the Fulford Street R/W creates an unnecessary hardship specific to this property.
- **Finding 2.** The hardship results from a physical condition unique to this parcel — a 100+ year public R/W encroachment that reduces the effective lot width at the addition zone to materially less than the RS-5 standard assumes for a conforming corner lot.
- **Finding 3.** The hardship is not the result of any action taken by the current or prior property owners and could not be remedied by any reasonable redesign without undue sacrifice of program and architectural coherence.
- **Finding 4.** The variance, if granted, will not authorize a use or dimensional condition that undermines the purposes of the RS-5 district, injures the public interest, or adversely affects adjacent properties.

- **Finding 5.** The variance is the minimum relief necessary to permit reasonable use and improvement of the property consistent with the established building line.
- **LDO Provision Being Varied:** Side street setback requirement for RS-5 corner lots, LDO Section 7F (Residential Zoning Districts) RS-5 (Residential Single-Family 5 Development District), Table 7-18 Corner Lot Requirements
- **Required Standard:** 10 feet from the Fulford Street right-of-way line
- **Proposed Setback:** 6 feet 4 inches from the Fulford Street right-of-way line
- **Exact Amount of Variance:** 3 feet 8 inches reduction in the side street setback
- **Basis:** Unnecessary hardship arising from a 100+ year public R/W encroachment that reduces the effective buildable lot width to materially less than the RS-5 standard assumes for a conforming corner lot

V. EXHIBITS

- Survey of 1021 Ann Street, Bradford Earl Wintermute & Deborah Lynn Wintermute, James I. Phillips III, RLS L-3151, Job #26-042, dated May 12-13, 2026.
- Survey overlay drawing showing proposed addition and garage footprints, property lines, Fulford Street R/W line, required 10-foot setback line, and proposed 6'-4" setback line, prepared by Bradford E Wintermute.
- Preliminary design drawings for the Wintermute Addition, prepared by Westpark Designs.
- Computer generated renderings showing visual representation of preliminary design.

Respectfully submitted,



Bradford Earl Wintermute



Deborah Lynn Wintermute

Date: _____

6-5-2026

TOWN OF BEAUFORT, NORTH CAROLINA
BOARD OF ADJUSTMENT — VARIANCE APPLICATION
ADJACENT PROPERTY OWNER LIST

Subject Property: 1021 Ann Street, Beaufort, NC 28516

Owner: Bradford Earl Wintermute & Deborah Lynn Wintermute

Parcel PIN: 730506493225000 | Deed Ref: 1780/036 | Map Ref: 27/528

Zoning: RS-5 | Lot Area: 7,830 sq ft (0.18 Ac)

Corner Lot: Ann Street (south/front, 33' R/W) and Fulford Street (east, 20' R/W)

This list identifies all property owners within 100 feet of the boundary lines of the subject parcel, as required by the Town of Beaufort Board of Adjustment application requirements and N.C.G.S. § 160D-406. The 100-foot notification radius extends beyond the subject property lines in all four directions, encompassing portions of the adjoining rights-of-way and the parcels on the far side of those streets.

Direction	Owner Name	Mailing Address	Parcel PIN	Survey / Source
WEST — Interior Side Property Line (shared boundary, no street separation)				
West (adjacent) 1019 Ann Street	Stevenson, Michael G. Etux Kimbe	210 EAST FOREST DRIVE RALEIGH, NC 27605	730506492287000	GIS
West – 1017 Ann Street	FLECKENSTEIN THOMAS MARK L/T	1017 ANN STREET BEAUFORT, NC 28516	730506492238000	GIS
West – 1015 Ann St	LEWIS WILEY H JR ETUX DONNA B	178 OLDE POINT ROAD HAMPSTEAD, NC 28443	730506491288000	GIS
NORTH — Rear Property Line within 100 feet of subject property				
North (rear adjacent) 207 Fulford	The Bruce D. Mann & Lynne T. Chase Rev Liv Tr	207 Fulford Street Beaufort, NC 28516	730506493316000	GIS
North – 209 Fulford	THE BRUCE D MANN & LYNNE T CHASE REV LIV TR	207 Fulford Street Beaufort, NC 28516	730506493421000	GIS

Direction	Owner Name	Mailing Address	Parcel PIN	Survey / Source
North – 211 Fulford	SPANOLIA MICHAEL JAY	393 BIG OAK TRAIL BROWNS SUMMIT, NC 27214	730506493435000	GIS
North -1016 BROAD STREET	RIFFE MADISON M ETUX EDITH E	1018 BROAD STREET BEAUFORT, NC 28516	730506492593000	GIS
North 202 and 204 Fulford	SPRINGLE BOBBIE ANN LOCKLEAR	205 ELM ST BEAUFORT, NC 28516	730506495432000	GIS
North – 208 Fulford	WALTON RONALD A JR ETAL JOHN T	208 FULFORD ST BEAUFORT, NC 28516	730506494460000	GIS
EAST — Fulford Street (20' R/W); parcels within 100 feet of subject property line				
East 1101 Ann St.	BALES JANE BLACK TRUSTEE	1658 NOBLE CIR JENKINTOWN, PA 19046	730506493292000	GIS
East – 1103 Ann St	AUSTIN CHARLOTTE JONES	PO BOX 787 WILLISTON, NC 28589	730506494241000	GIS
East – 200 Fulford St	BURNS STUART MCALLISTER BURNS MICHELLE MAUREEN	113 OSBORNE CIR KENNETT SQ, PA 19348	730506494330000	GIS
Southeast – 112 Fulford St	RUMFELT JAMES M	PO BOX 520 SNOW CAMP, NC 27349	730506494017000	GIS
SOUTH — Ann Street (33' R/W); parcels side within 100 feet of subject property line				
South across Ann St. 1022 Ann St	MACOMBER CHRISTINE S ETAL DANA	1022 ANN STREET BEAUFORT, NC 28516	730506492079000	GIS
Southwest across Ann St. (SW corner) – 1018 Ann St	MEYMANDI SPENCER S MEYMANDI KIMBERLY F	[MAILING ADDRESS] Beaufort, NC 28516	730506491089000	GIS

Carteret County GIS Portal used for property identification:
<https://arcgisweb.carteretcountync.gov/maps/>

I certify that the above list represents all known property owners within 100 feet of the boundary lines of the subject property at 1021 Ann Street, Beaufort, NC, to the best of my knowledge and belief, and that the information has been obtained from official county records and a licensed survey of record.


Bradford Earl Wintermute


Deborah Lynn Wintermute

Date: 6-5-26



THE BRUCE D. MANN & LYNNE T. CHASE REY LIT. TR.
207 FULFORD STREET
Parcel #: 730506493316000
Deed Ref: 1847-019

STEVENSON MICHAEL G. ETUX HIMBE
1019 ANN STREET
Parcel #: 730506492287100
Deed Ref: 1405-211

NOTE
HATCHED AREA DENOTES PORTION OF
LOT 185 X 51.5' WITHIN THE R/W OF
FULFORD STREET FOR 100+ YEARS.

LEGEND
EP-EXISTING IRON PIPE
BP-EXISTING IRON BOND
CM-EXISTING CONCRETE MONUMENT
BA-EXISTING A-LE
EN-EXISTING NAIL
EPK-EXISTING PLY NAIL
PNT-ANYTHING EXISTING OR SET
HOS-NORTH CAROLINA GEODETIC SURVEY
NOR-NORTH CAROLINA GEODETIC SURVEY
RMM-NACOT MONUMENT
EP-SET IRON PIPE
BP-SET IRON PIPE
CM-SET CONCRETE MONUMENT
BA-SET A-LE
EN-SET NAIL
EPK-SET PLY NAIL
PNT-SET IRON PIPE
NOT FIELD NOT CONSIDERED PART OF SURVEY
NAIL-NAIL HIGHWATER LINE
AC-AREA OF ENVIRONMENTAL CONCERN
NAVD-NORTH AMERICAN VERTICAL DATUM
NAD-NORTH AMERICAN HORIZONTAL DATUM
PP-POWER POLE
UT-UNDERGROUND TELEPHONE
UP-UNDERGROUND FORTH
UW-UNDERGROUND WATER
UO-UTILITY HOLE
RMM-NACOT MONUMENT
NNT-SET MAGNETIC NAIL

AREA SUMMARY	
Area	Sq. Feet
A1	1,135.94
A2	351.25
A3	199.03
A4	122.69
A5	52.38
A6	13.24
Total	1,874.54

BUILT UPON AREA SUMMARY
TOTAL BUILT UPON AREA 1874.54 SF
TOTAL LOT AREA 7830 SF
1874.54 / 7830 = 0.2394 X 100 =
23.94% TOTAL BUILT UPON AREA

MUCH CONSTRUCTION IS TAKING PLACE IN THE VICINITY OF THIS INTERSECTION
AT THE TIME OF THIS SURVEY



SURVEYORS CERTIFICATION
I, JAMES I. PHILLIPS III, CERTIFY THAT THIS
PLAN WAS DRAWN BY ME (X), DRAWN UNDER
MY SUPERVISION (), FROM AN ACTUAL
SURVEY MADE BY ME (X), MADE UNDER MY
SUPERVISION (), THAT THE RATIO OF
PRECISION AS CALCULATED BY
COORDINATE METHOD IS 1:10,000;
REGISTRATION NUMBER, AND SEAL THIS
13TH DAY OF MAY, A.D. 2023.

JAMES I. PHILLIPS III PLS NO. L-1151

THIS IS AN EXISTING PARCEL OF LAND

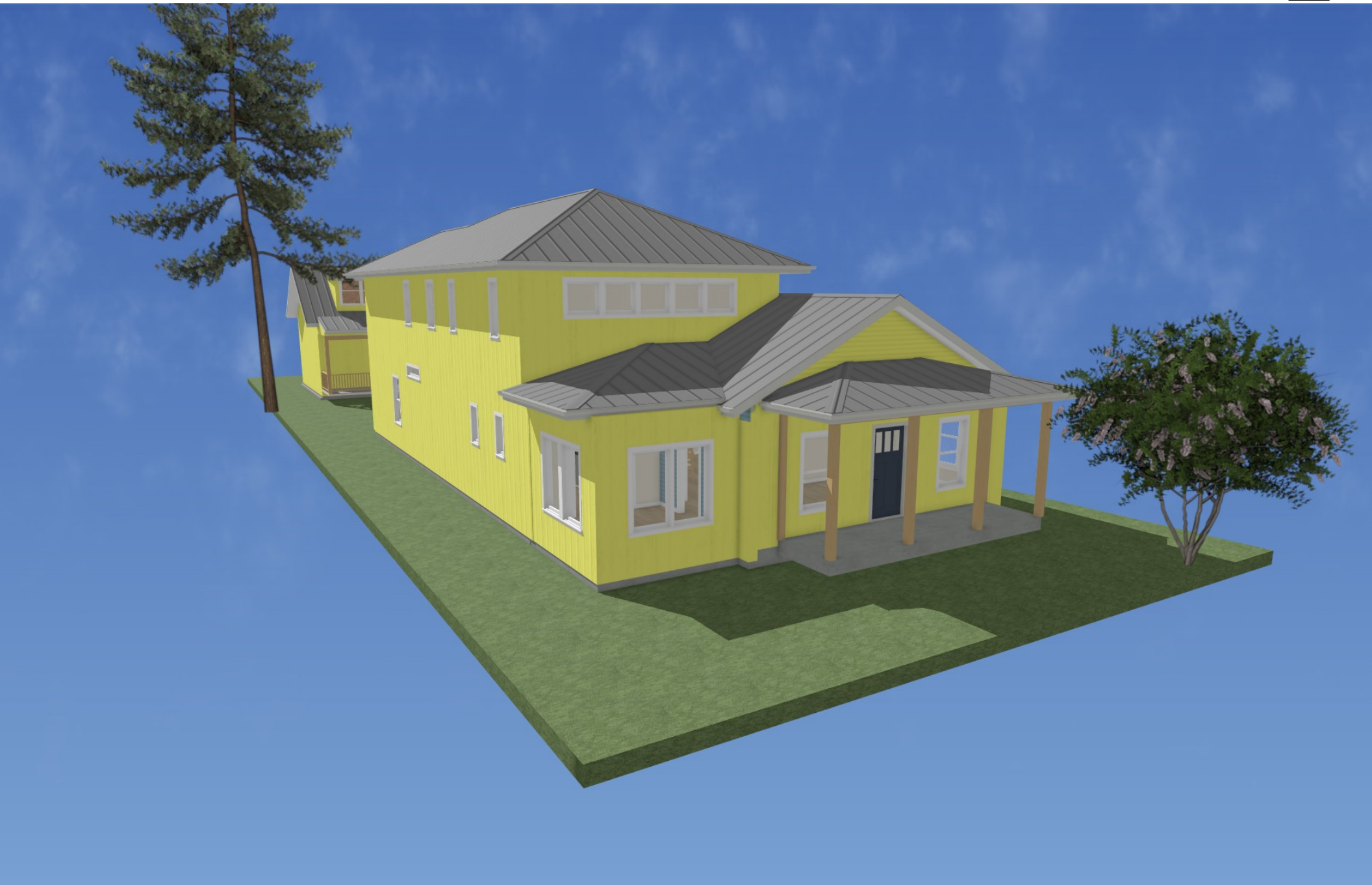
James Ira Phillips III
Digitally signed by James Ira Phillips III
Date: 2026.05.13
09:51:34 -04'00'

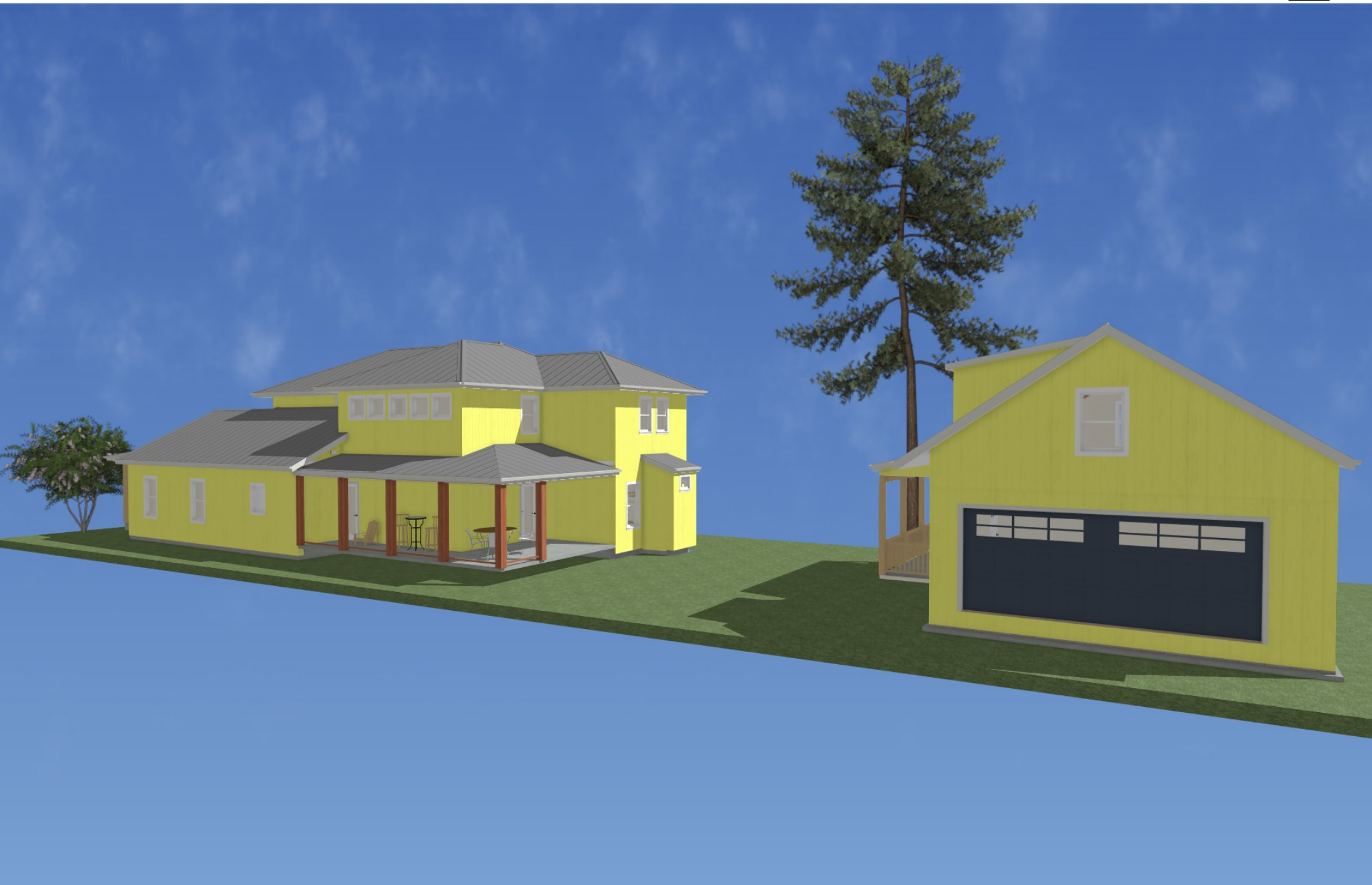
SURVEYOR'S DISCLAIMER
NO ATTEMPT WAS MADE TO LOCATE ANY OF THE
FOLLOWING: IRON BOND, IRON PIPE, IRON PIPE, IRON PIPE,
UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW
GROUND OTHER THAN THOSE SHOWN. HOWEVER, NO VISIBLE
EVIDENCE OF CONTRADICTION UTILITIES, ABOVE GROUND OR
COVERAGE, WAS OBSERVED BY THE SURVEYOR OTHER
THAN THOSE SHOWN ON THIS MAP.



SURVEY FOR
**BRADFORD EARL WINTERMUTE &
DEBORAH LYNN WINTERMUTE**
1021 ANN ST
TOWN OF BEAUFORT, BEAUFORT TOWNSHIP
CARTERET COUNTY, N.C.
SCALE 1"=20'

PREPARED BY: JPB DEED REF: 1700430 MAP REF: 27828 Parcel #: 730506493316000 SHEET 1 OF 1 JOB #25-042 DATE OF FIELD SURVEY: 5/12/2026 DATE OF MAPPING: 5/13/2026	REVISIONS
SURVEY BY: JPB DRAWN BY: JPB CHECKED BY: JPB	
JAMES I. PHILLIPS LAND SURVEYING PO BOX 2103, 379 Arrington Rd., Beaufort, N.C. 28516 252-728-5848 phone	







FRONT ELEVATION

SCALE: 1/4"=1'-0"

NAME: BRAD WINTERMUTE

DRAWN: GLS

PROJECT: ADDITION

CHECKED:

SHEET: OF:

DATE:

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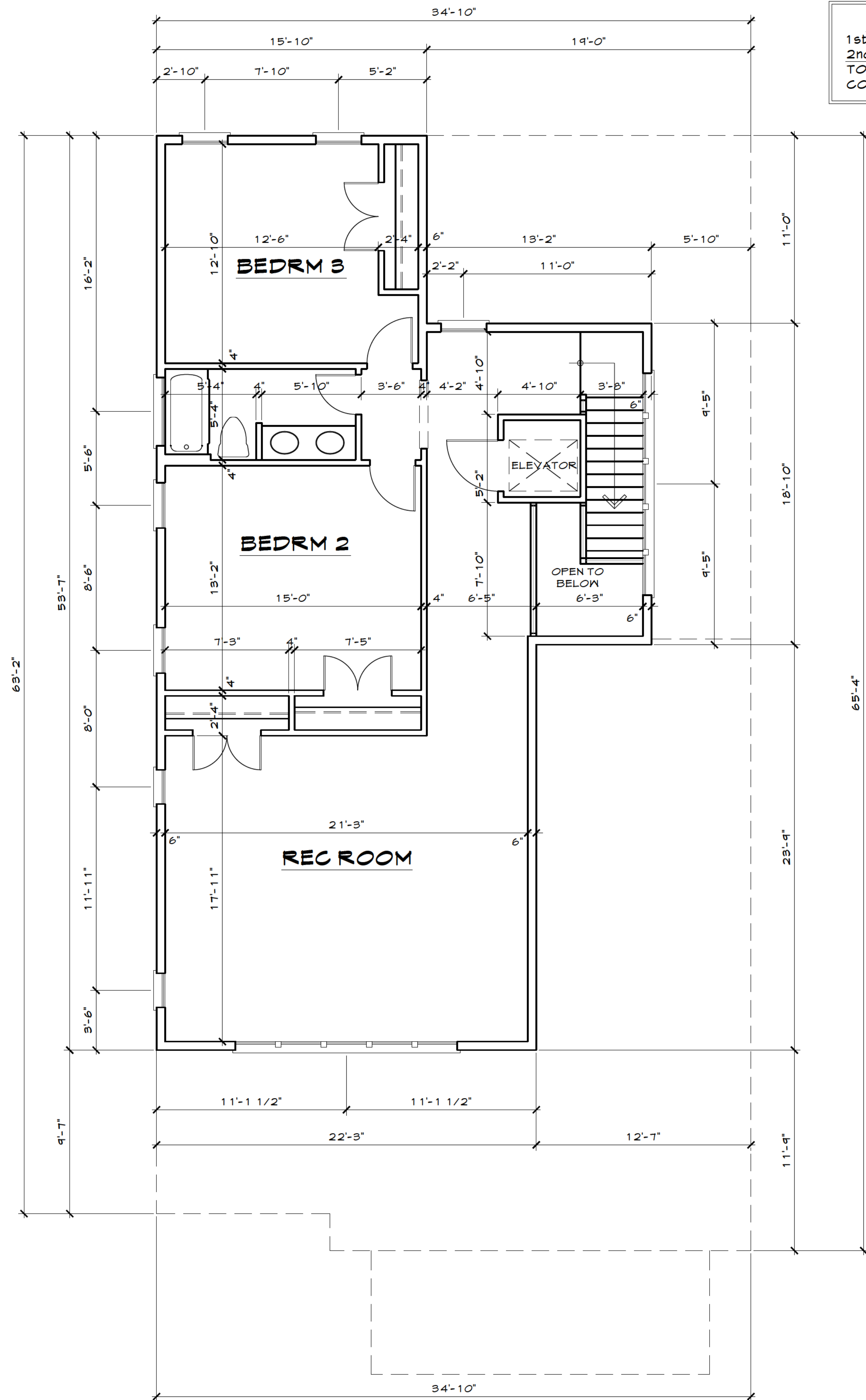
WESTPARK DESIGNS

1019 BROAD STREET
BEAUFORT, NORTH CAROLINA 28516
919-412-7074

Z:\Work\Custom Plans\Wintermute Addition.dwg, 2/11/2026 10:28:02 AM

SECOND FLOOR PLAN

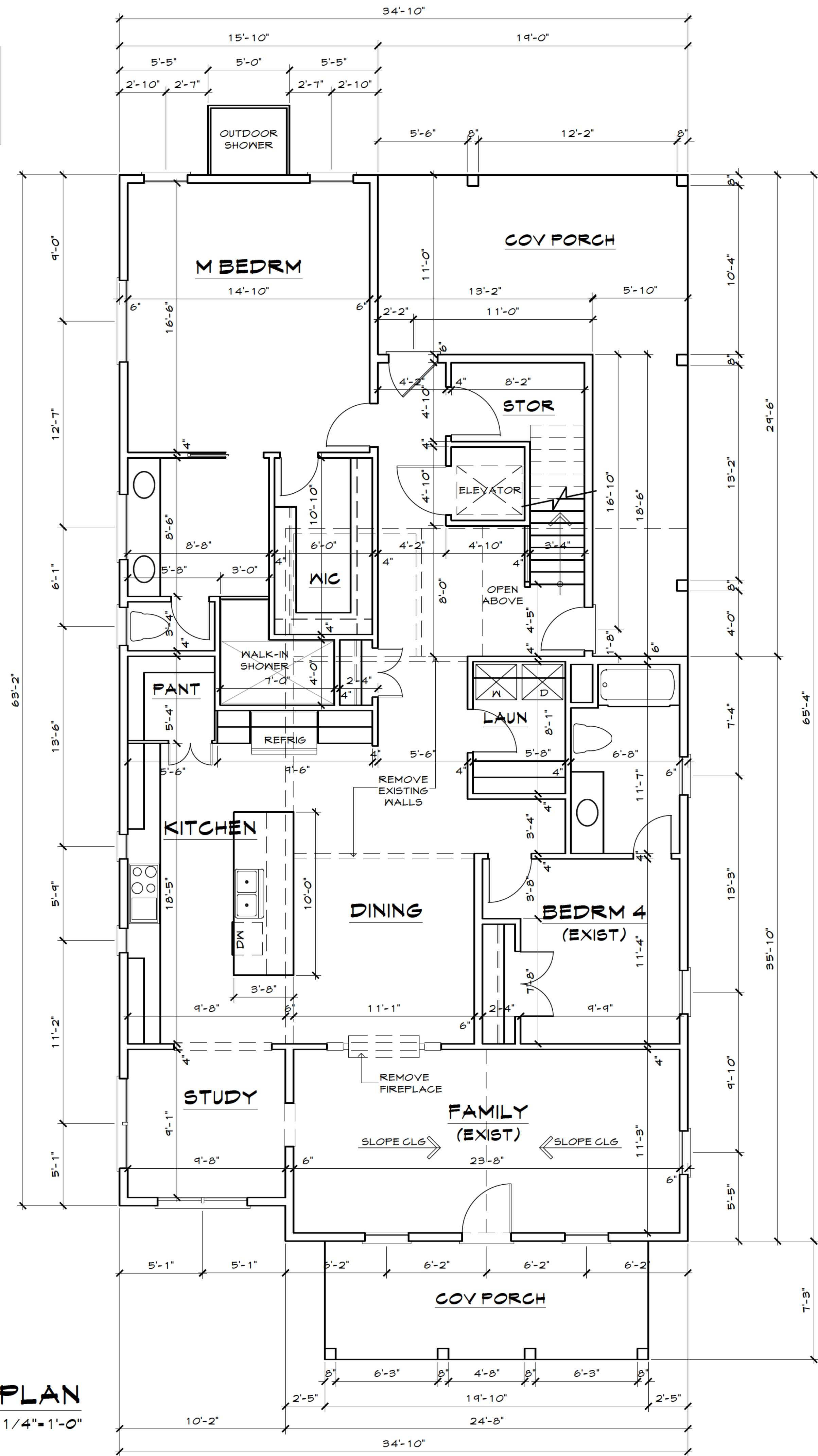
SCALE: 1/4"=1'-0"



AREA BREAKDOWN	
1st FLOOR	1936 sq ft
2nd FLOOR	1199 sq ft
TOTAL	3135 sq ft
COV PORCHES	460 sq ft

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



NAME: BRAD WINTERMUTE

PROJECT: ADDITION

SHEET: OF:

DRAWN: GLS

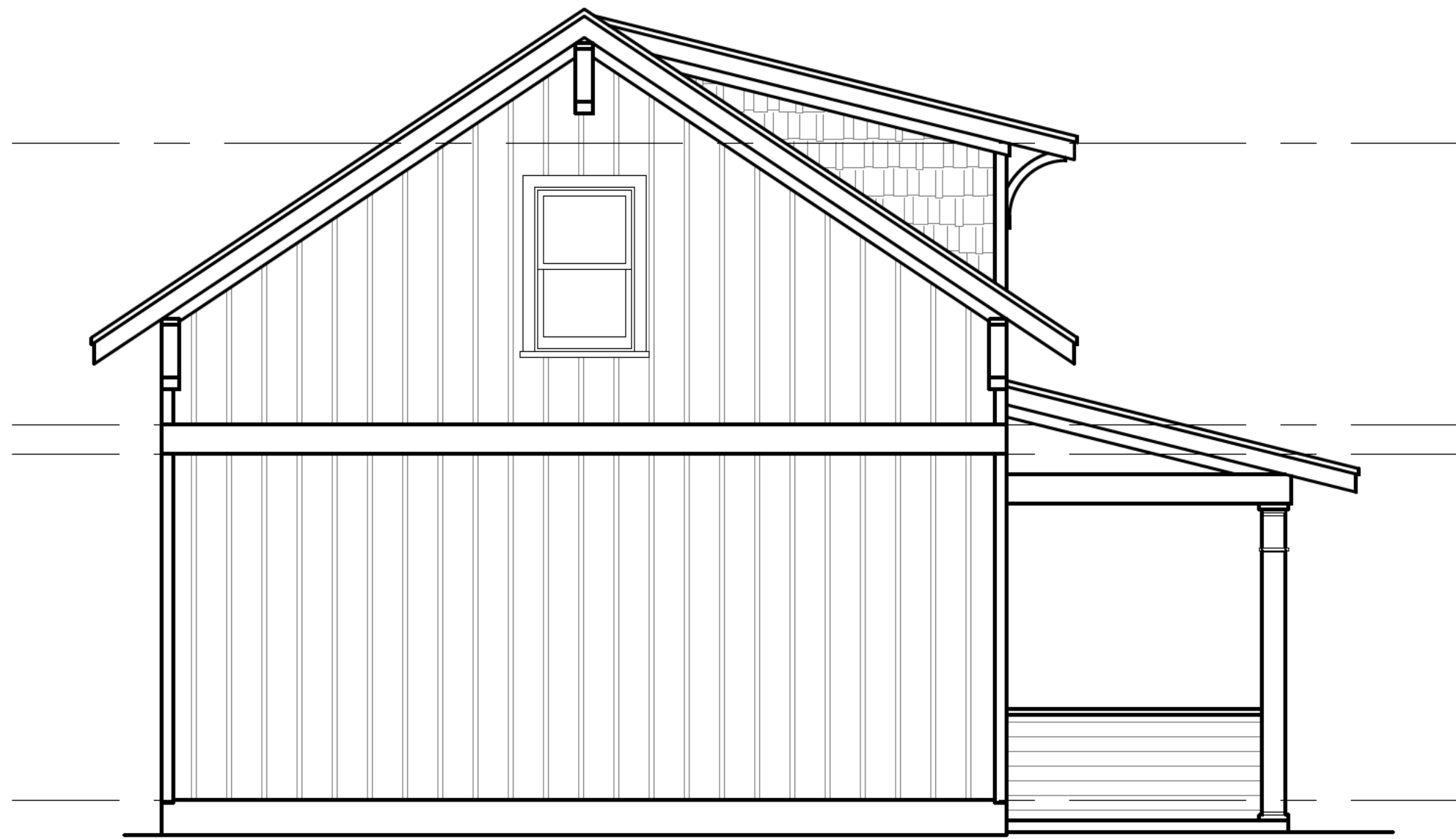
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DATE:

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WESTPARK DESIGNS

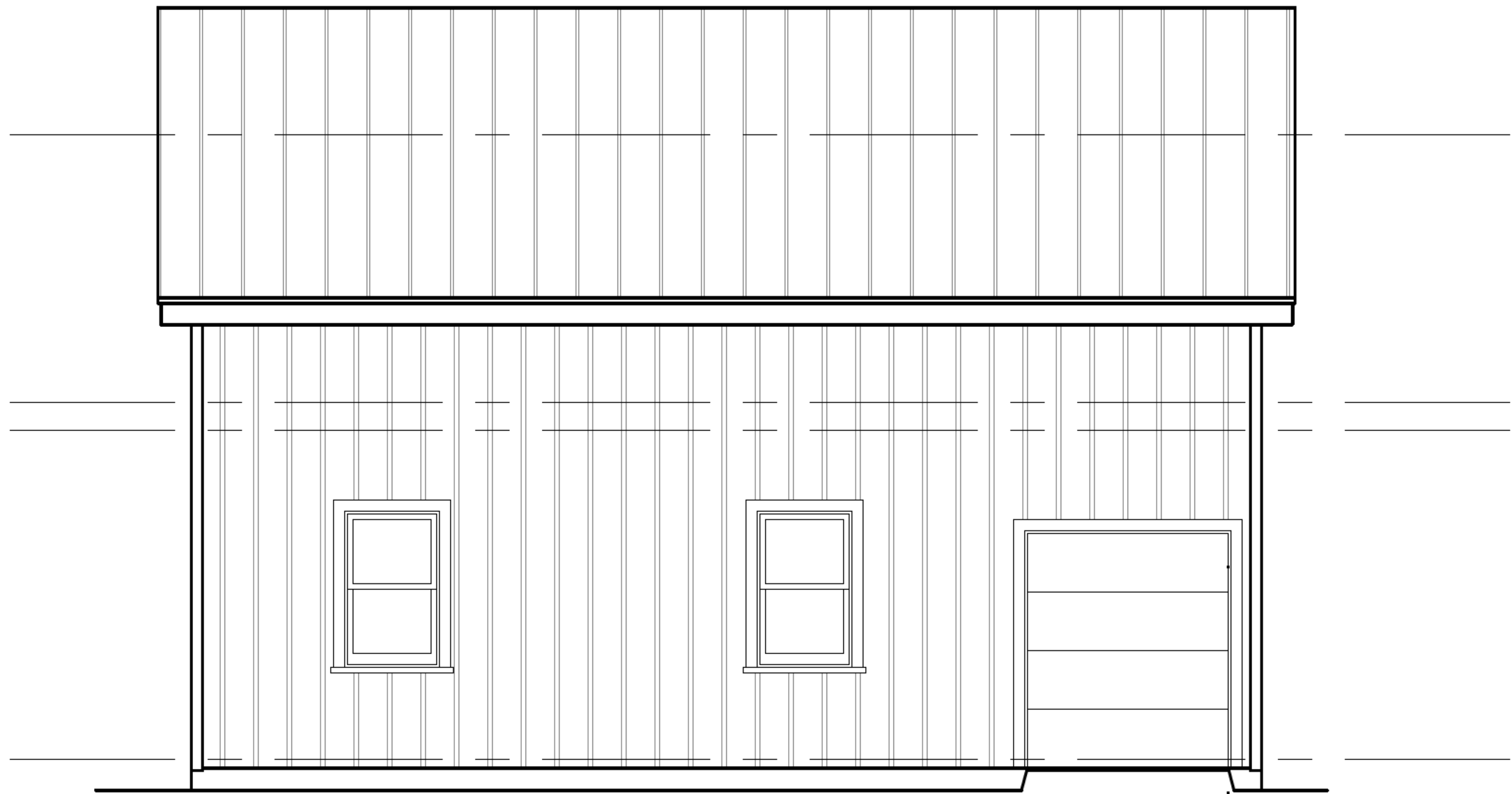
1019 BROAD STREET
BEAUFORT, NORTH CAROLINA 28516
919-412-7074



LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

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WRITTEN PERMISSION OF
WESTPARK DESIGNS, LLC

NAME: BRAD WINTERMUTE	DRAWN: GLS
PROJECT: ADDITION	CHECKED:
SHEET: OF:	DATE:



1019 BROAD STREET
BEAUFORT, NORTH CAROLINA 28516
919-412-7074



Town of Beaufort
 701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
 252-728-2142 • 252-728-3982 fax
www.beaufortnc.org

Notification Certification
BOA Case #26-01 1021 Ann Street Abutting Neighbors
Variance Request

BALES JANE BLACK TRUSTEE 1658 NOBLE CIR JENKINTOWN, PA 19046 - 1565	STEVENSON MICHAEL G ETUX KIMBE 210 EAST FOREST DRIVE RALEIGH, NC 27605
RUMFELT JAMES M PO BOX 520 SNOW CAMP, NC 27349	THE BRUCE D MANN & LYNNE T CHASE REV LIV TR 207 FULFORD ST BEAUFORT, NC 28516 - 2015
MACOMBER CHRISTINE S ETAL DANA 1022 ANN STREET BEAUFORT, NC 28516	BURNS STUART MCALLISTER & BURNS MICHELLE MAUREEN 113 OSBORNE CIR KENNETT SQ, PA 19348 - 1910
SPRINGLE BOBBIE ANN LOCKLEAR 205 ELM ST BEAUFORT, NC 28516 - 2013	WINTERMUTE DEBROAH L & WINTERMUTE BRADFORD E 42979 CEDAR SPRINGS CT BROADLANDS, VA 20148

I, *Michelle Eitner*, Town Planner for the Town of Beaufort do hereby certify the above subject property owners and abutting property owners were notified that a request for variance will be heard at the July 28, 2026 Board of Adjustment meeting at the Train Depot, 614 Broad Street, Beaufort, NC, at 4:00 p.m. Each of the above property owners was mailed a letter and vicinity map on July 10, 2026, regarding a request for a special use permit at 1021 Ann Street. A sign was posted on the subject property on July 10, 2026 regarding the same. Publication of evidentiary hearing advertisement for variances in the newspaper is not required.

Signed

Date

F) RS-5 Residential Single-Family 5 Development District.

This residential district classification is intended for existing or older neighborhoods characterized by single-family residences on relatively smaller lots and provides reduced setback requirements and a defined street orientation. The purpose of this district is to provide relief to existing lots of record which make them difficult to be developed as single-family residences. The RS-5 district has a fifty percent (50%) lot coverage restriction which must be maintained. No buildings, houses, or structures, excepting noncommercial docks or piers as specified in Section 2(H) of this Ordinance, will be erected on the south side of Front Street in this district. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the RS-5 district shall be a minimum of five thousand square feet (5,000 ft²).

2) Residential Density.

- a) All lots in the RS-5 district shall be limited to one single-family detached dwelling per lot.
- b) All lots in the RS-5 district shall not exceed an impervious surface area requirement of fifty percent (50%).

3) Minimum Lot Width.

All lots in the RS-5 district shall have a minimum lot width of fifty feet (50') 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 7-17 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	15 feet	5 feet	35 feet

Table 7-18 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>
RS-5	20 feet	10 feet	15 feet	5 feet	35 feet

Table 7-19 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	20 feet	5 feet	35 feet

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

5) Accessory Building Setback Requirements.

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

6) Permitted Uses.

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

7) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Accessory Dwelling Unit	Marina
Athletic Field, Private	Outdoor Amphitheater, Public
Bed & Breakfast	Preschool
Cemetery/Graveyard	Religious Institution
Club, Lodge, or Hall	Satellite Dish Antenna
Concealed (Stealth) Antennae & Towers	School, Post-Secondary
Golf Course, Privately Owned	Transportation Facility
Golf Driving Range	