



## **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 Tuesday, January 18, 2022 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting**

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#### **Call to Order**

#### **Roll Call**

#### **Agenda Approval**

#### **Minutes Approval**

- [1.](#) December 20, 2021 Planning Board Minutes

#### **Public Hearing**

- [1.](#) Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5

#### **New Business**

- [1.](#) Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street

#### **Public Comment**

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

#### **Staff Comments**

#### **Adjourn**



**Town of Beaufort, NC**

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**Town of Beaufort Planning Board Regular Meeting  
6:00 PM Monday, December 20, 2021 - Held Virtually Via Zoom due to the COVID-19  
Pandemic  
Minutes**

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**Call to Order**

Chair Neve called the December 20, 2021 Planning Board meeting to order at 6:00pm.

**Roll Call**

Chair Neve asked Secretary Anderson to conduct a roll call.

In attendance: Chairman Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, and Member Willis.

Secretary Anderson declared a quorum present.

Also present for the meeting were Kyle Garner, **Commissioner Marianna Hollinshed, Commissioner Ann Carter, Carteret County Planning and Inspections Director Gene Foxworth, John Flowers, Vic Fasolino, John Lampros,** Samantha Burdick, and Laurel Anderson.

**Agenda Approval**

*Vice Chair Merrill made the motion to approve the agenda as presented and Member Meelheim made the second. Secretary Anderson took a roll call vote that was unanimous.*

*Voting yea: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, and Member Willis.*

**Minutes Approval**

*Member Merrill made the motion to approve the minutes as presented and Member LoPiccolo made the second. Secretary Anderson took a roll call vote that was unanimous.*

*Voting yea: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, and Member Willis.*

**New Business**

- 1. Case No 22-01. 806 Cedar St. Mixed Use – Site Plan

Chair Neve opened Case No. 22-01 and Kyle Garner presented on behalf of staff. He explained that this had been the first application and site plan for the 806 Cedar St. Mixed Use District and had been approved in December 2019 with an expiration of 18 months if work had not begun. Due to COVID issues the site plan had expired, and Mr. Fasolino was asking to reapply with no changes to the plan. The staff was requesting re-approval so the Board of Commissioners could discuss the matter in their January 10, 2022 meeting. Chair Neve then asked if there were any questions from the board:

Member Merrill asked if the site plan would be good for another 18 months if approved, and Mr. Garner verified that it would.

Member LoPiccolo asked if there had been any previous objections to the site plan. Mr. Garner stated that there had been none but the issue of the adjacent property owners using Mr. Fasolino’s driveway to access their property had been satisfactorily resolved.

Chair Neve asked the applicant if he had anything to add and Mr. Fasolino had no additions.

Chair Neve asked for any objections and there being none, asked for a motion.

*Member Bowler made the motion to approve Case 22-01 and Member Meelheim made the second. Secretary Anderson took a roll call vote that was unanimous.*

*Voting yea: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, and Member Willis.*

**Public Comments**

None.

**Commission / Board Comments**

Member Vreugdenhil asked if staff anticipated having meetings in January 2022.

**Staff Comments**

Mr. Garner thanked the Planning Board members for their time and effort during the year. He responded to Member Vreugdenhil’s comment, reminding the Board that the next meeting will take place Tuesday, January 18 as the 17<sup>th</sup> is a holiday. There will be several items on that meeting agenda.

**Adjourn**

*Member LoPiccolo made the motion to adjourn and Member Vreugdenhil seconded the motion. Secretary Anderson took a roll call that was unanimous.*

*Voting yea: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, and Member Willis.*

Chair Neve then declared the meeting adjourned.

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Chair

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Board Secretary





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**Town of Beaufort Planning Board Regular Meeting  
6:00 PM Tuesday, January 18, 2022 – Virtual Meeting via Zoom**

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**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5

**BRIEF SUMMARY:**

In July 2019 the Board of Commissioners rezoned the adjacent property from R-8 to RS-5 which also included a CAMA Map Amendment from Medium Density to High Density Residential (See Updated Map). The owner now wishes to rezone their property to be consistent with the surrounding and a Land Use Map Amendment to be congruous with the adjacent property.

**REQUESTED ACTION:**

Conduct Public Hearing  
Recommendation to Board of Commissioners

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A



Attachment - A

# Staff Report

**To:** Planning Board  
**From:** Kyle Garner, AICP

**Date:** 12/30/2021  
**Meeting Date:** 1/18/2022

## Case Number 22-02

**Summary of Request:** Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5

### Background

**Location(s) & PIN** 73061951688200  
**Owners** Terry Allen  
**Applicant** Terry Allen  
**Current Zoning** R-8  
**Lot(s) Size & Conformity Status** Conforming  
**Existing Land Use** Single Family Residential

**Adjoining Land Use & Zoning**  
**North** Single Family zoned – R-8 & RS-5  
**South** Across Live Oak by Single Family zoned – RS-5  
**East** Single Family zoned – R-8  
**West** Single Family zoned – RS-5

**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 for Discussion.  
Provide recommendation to the Board of Commissioners to:

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

## Staff Comments

In July 2019 the Board of Commissioners rezoned the adjacent property from R-8 to RS-5 which also included a CAMA Map Amendment from Medium Density to High Density Residential (See Updated Map).

### *CAMA Core Land Use Plan*

Generally, growth and land development is anticipated to occur in all future land use categories except for the Conservation/Open Space classification. The type and density/intensity of projected development varies within each Future Land Use Map classification. Future Land Use projections are delineated in Figure 8, Future Land Use Map. The Future Land Use Map classifications are considered part of the Land Use Plan’s policy.

## **Future Land Use Map Classifications**

### **Residential Classifications**

**Current: Medium Density Residential** 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, R-8A Single-family Medium Density Residential Waterfront; R8-MH Residential Manufactured Home Park/Recreational Vehicle Park; and H-BD, Historic Business 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.

**Proposed: 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.

## Use of the Future Land Use Plan Map to Guide Development

In preparing the Future Land Use Map, consideration was given to land development objectives and policies, land suitability, and the ability to provide the infrastructure to support growth and development. The Future Land Use Map depicts the general location of projected patterns of future land uses. The Future Land Use Map is a plan or guideline for the future.

The ultimate use and development of a particular parcel of land will be determined by property owners' desires, overall market conditions, implementation tools employed by the Town to regulate land use and development (such as the Town's zoning ordinance, subdivision regulations, flood hazard regulations), the absence of specific natural constraints to development, and the availability of the necessary infrastructure (water, sewer, roads, etc.) to support development. Consequently, even though the Future Land Use Map may indicate a specific projected use in a particular location, many factors come into play to determine if the projected use is appropriate and the land can be developed as projected. Also, formal amendments to the zoning ordinance and subdivision ordinance will be required to specifically authorize the type of mixed use development envisioned in this Land Use Plan.

Achieving the projected patterns of land use indicated by the Future Land Use Map will be greatly impacted by timing. Much of the projected land use indicated on the Future Land Use Map will not come to fruition without market demand. Therefore, market and economic conditions must be conducive for growth and development. While the Land Use Plan attempts to provide a general expectation of growth based upon projected population change, it simply cannot predict the economic future. The demand for houses, businesses, industries, etc. will fluctuate widely with economic conditions.

The timing of the provision of infrastructure improvements, particularly water and sewer services and roads, will also have a tremendous impact on growth and development. Development will occur where infrastructure is available or can be made available to sustain that development. Consequently, achieving the Future Land Use Map land use projections will depend in large part upon if and when infrastructure is provided. The provision of public infrastructure depends upon the capability to provide the service and demand for the service. Economic climate will be a major factor in both the capability to make infrastructure available and the level of service demand (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 100).

### Guide for Land Use Decision Making

The Land Use Plan, as adopted by the elected officials of the Town of Beaufort and as may be amended from time to time, will serve as the primary guide upon which to make land use policy decisions. Every land use policy decision, such as a rezoning request or approval of a conditional or special use permit, will be measured for consistency with the goals, policies, and recommendations of the Plan. The elected officials, Planning Board, Board of Adjustment, and Town staff should utilize the Land Use Plan as the basic policy guide in the administration of the zoning ordinance, subdivision regulations, and other land development regulatory tools. Persons involved in the land development business as well as the general public can also utilize the Land Use Plan to guide private decisions regarding land use and land development. The policy statements and recommendations of the Land Use Plan can also be of assistance to the elected officials in making long-range decisions regarding such matters as the provision of municipal services, thoroughfare planning, stormwater planning and management, implementation of economic development strategies, recreational facility planning, and preparation of capital and operating budgets.

It should be noted, however, that the Land Use Plan is one of a variety of guides in making a public policy decision. The Plan should be viewed as a tool to aid in decision making and not as the final decision (*Core Land Use Plan*, Section V: Tools for Managing Development, pg. 102).

- Attachments:**
- Attachment B - Vicinity Map with 100' Notification Buffer
  - Attachment C – Current Zoning Map
  - Attachment D - CAMA Future Land Use Map
  - Attachment E – CAMA – Proposed FLU Map
  - Attachment F - Owners Within 100'
  - Attachment G - Owners Application & Information
  - Attachment H - CAMA Consistency Statement

Vicinity Map - Case # 22-02 - 1113 Live Oak  
Rezoning From R-8 to RS-5



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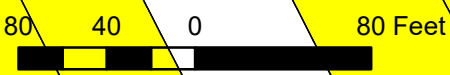
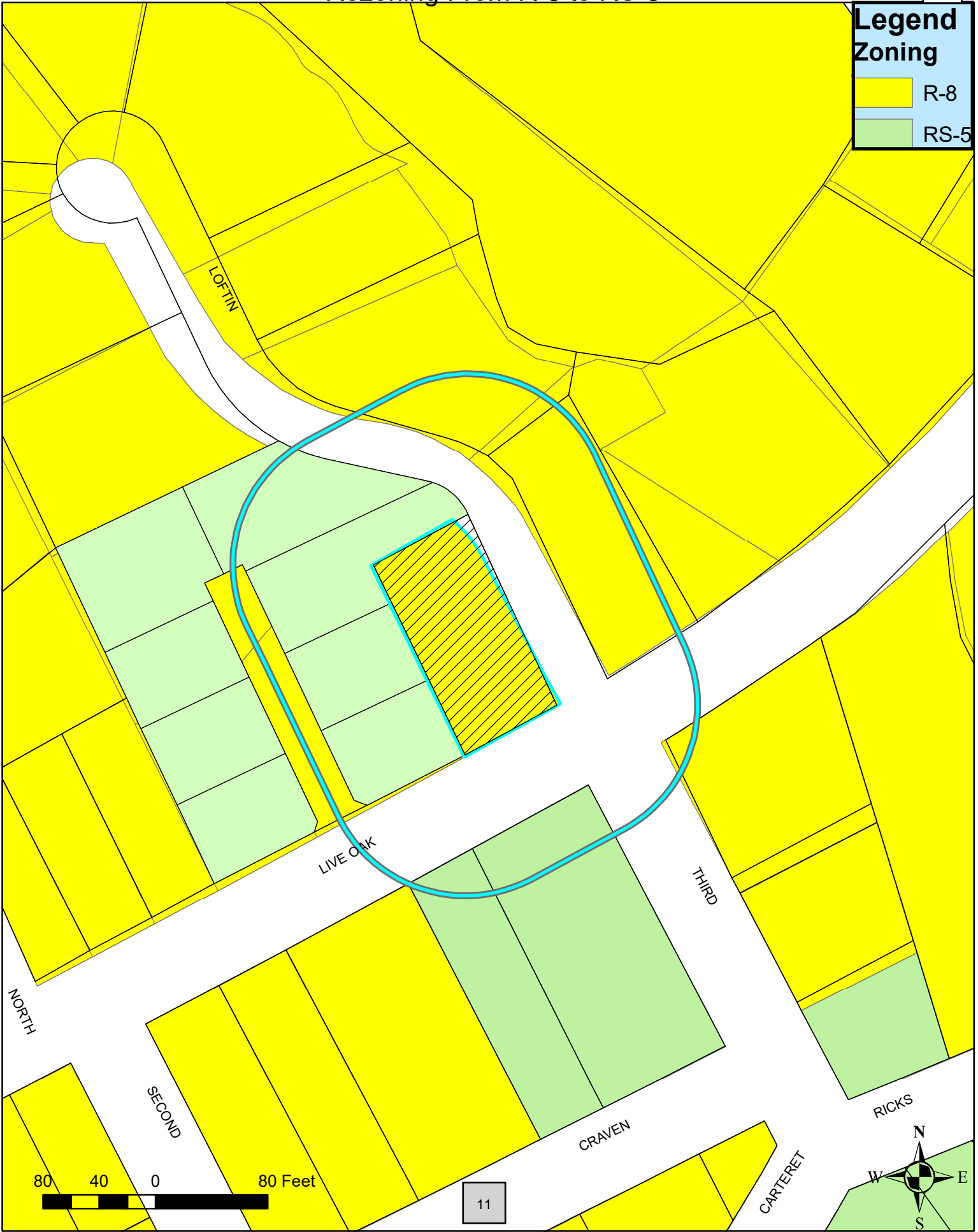


Zoning Map - Case # 22-02 - 1113 Live Oak  
Rezoning From R-8 to RS-5

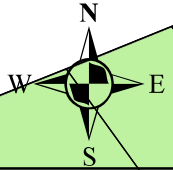
1.

**Legend**  
**Zoning**

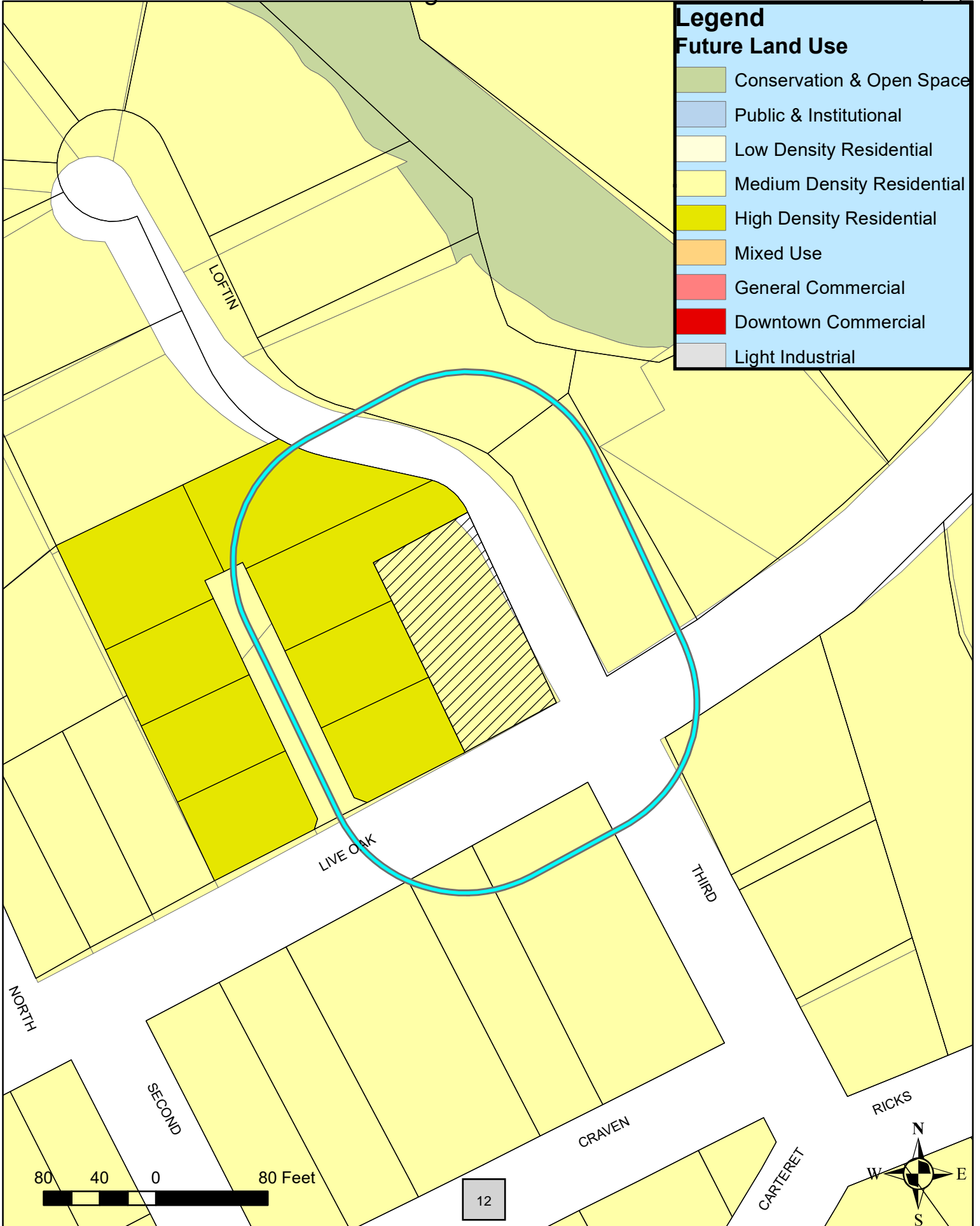
	R-8
	RS-5



11



# CAMA Map - Case # 22-02 - 1113 Live Oak Rezoning From R-8 to RS-5



### Legend

#### Future Land Use

- Conservation & Open Space
- Public & Institutional
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- General Commercial
- Downtown Commercial
- Light Industrial





<u>OWNER</u>	<u>MAIL_HQ1</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>MAIL_ST/MAIL_ZI</u>	<u>MAIL_ADD2</u>
ALLEN,TERRY LEE	2719	OWENS DRIVE	FAYETTEVILLE	NC 28306	
LOFTIN,GILES GLEN TRUSTEE	102	LOFTIN LANE	BEAUFORT	NC 28516	C/O LINDA SUE LOFTIN
MULLINS,CHARLES L ETUX SANDRA	2719	CLARENDON-CHADBOURN	CHADBOURN	NC 28431	
NEW VISION TRU WALTER D BRADY	805	FRONT STREET	BEAUFORT	NC 28516	



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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: Terry Allen  
Applicant Address: 1113 Live Oak St  
Phone Number: (910) 624-8840 Email: Terry@eliteairteam.com

Property Owner Name: Terry Allen  
Address of Property Owner: 1113 Live Oak St.  
Phone Number: (910) 624-8840 Email: terry@eliteairteam.com

**PROPERTY INFORMATION**

Property Address: 1113 Live Oak St.  
15-Digit PIN: 730619516882000 Lot/Block Number: 590014

Size of Property (in square feet or acres): .258

Current Zoning: R-8 Requested Zoning: RS-5

Current Use of Property:  Residential  Vacant  Commercial  Other: \_\_\_\_\_

[Signature] 12-16-2021  
Applicant Signature Date of Applicant's Signature

\_\_\_\_\_  
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: \_\_\_\_\_

Terry L. Allen  
1113 Live Oak Street  
Beaufort, NC. 28516  
(910) 624-8345

Dec 16, 2021

Planning and Inspections Department  
701 Front Street  
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The request is to rezone my property located at 1113 Live Oak Street. (Pin # 730619516882000) zoned R 8 to RS 5.

The reason for this request is to add a detached garage to properly store equipment. There are several property in the area that are zoned RS 5 ( 106 Craven Ave., 101 First St., 105 Third St., 1110, 1111,1107 Live Oak St., 101 Loftin Ln., 100 102 104 106 108 110 112 &114 Ricks Ave and eight (8) lots in Live Oak Commons which is adjacent to this property.

Thank you in advance for your consideration concerning this request.

Sincerely:



Terry L. Allen

Terry L. Allen  
1113 Live Oak St.  
Beaufort, NC.  
(910) 624-8840

December 16, 2021

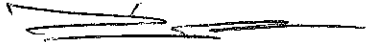
Planning and Inspections Department  
701 Front Street  
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The property located at 1113 Live Oak St.. (Pin # 730619516882000) is my primary residence and is not for sale.

Thank you for your consideration to zone the property RS 5.

Sincerely:



Terry L. Allen



FILE # 1582176

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.

FOR REGISTRATION REGISTER OF DEEDS  
Karen S. Hardesty  
Carteret County, NC  
July 21, 2017 02:47:15 PM  
IMM DEED 3 P  
FEE: \$26.00  
NC REVENUE STAMP: \$222.00  
FILE # 1582176

Karen S. Hardesty, Register of Deeds  
*[Signature]*  
Asst. Deputy, Register of Deeds

### NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$222.00

Parcel Identifier No. 7306.1951.6882

✓ *Rt Whaley*  
Mail/Box to: Debra Whaley

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

Brief description for the Index:

THIS DEED made this 11<sup>th</sup> day of July, 2017, by and between

GRANTOR	GRANTEE
<p><b>Dan A. Kolenick and wife, Ann M. Kolenick</b></p> <p><u>1318 Brittons Bridge Road</u> <u>Chadds Ford, PA 19317</u></p>	<p><b>Terry Lee Allen</b></p> <p><u>2719 Owen Dr.</u> <u>Fayetteville, NC 28306</u></p>

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

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

**See Attached Exhibit A**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1303, page 222.

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

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

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

**BOOK 1582 PAGE 176**

③

# Carteret County

## Property Data

Parcel Number: 730619516882000

Inquiry Date: 3/22/2021

DISCLAIMER: For confirmation of the number of buildings on each parcel, please contact the Carteret County Tax Office.

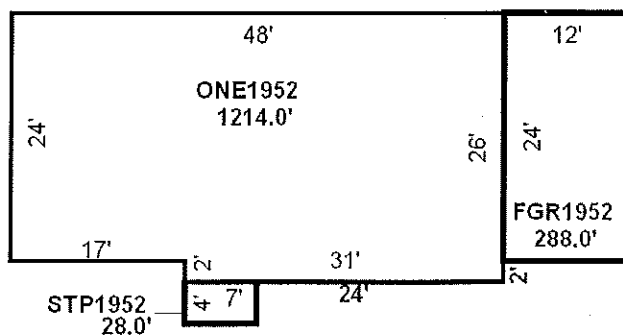
### Property Info

**PARCEL NUMBER:** 730619516882000  
**OWNER:** ALLEN, TERRY LEE  
**PHYSICAL ADDRESS** 1113 LIVE OAK ST  
 BEAUFORT  
**MAILING ADDRESS:** 2719 OWENS DRIVE  
 FAYETTEVILLE NC 28306  
**LEGAL DESCRIPTION:** LOT US 70 TOWN OF BEAUFORT  
**DEED REF:** 1582-176  
**PLAT REFERENCE:** 30-500  
**NEIGHBORHOOD:** 590014  
  
**SALE DATE:** 07/21/2017  
**SALE PRICE:** \$111,000  
**ACREAGE:** 0.258  
**LAND VALUE:** \$50,400  
**EXTRA FEATURE VALUE:** \$1,141

### Building Info

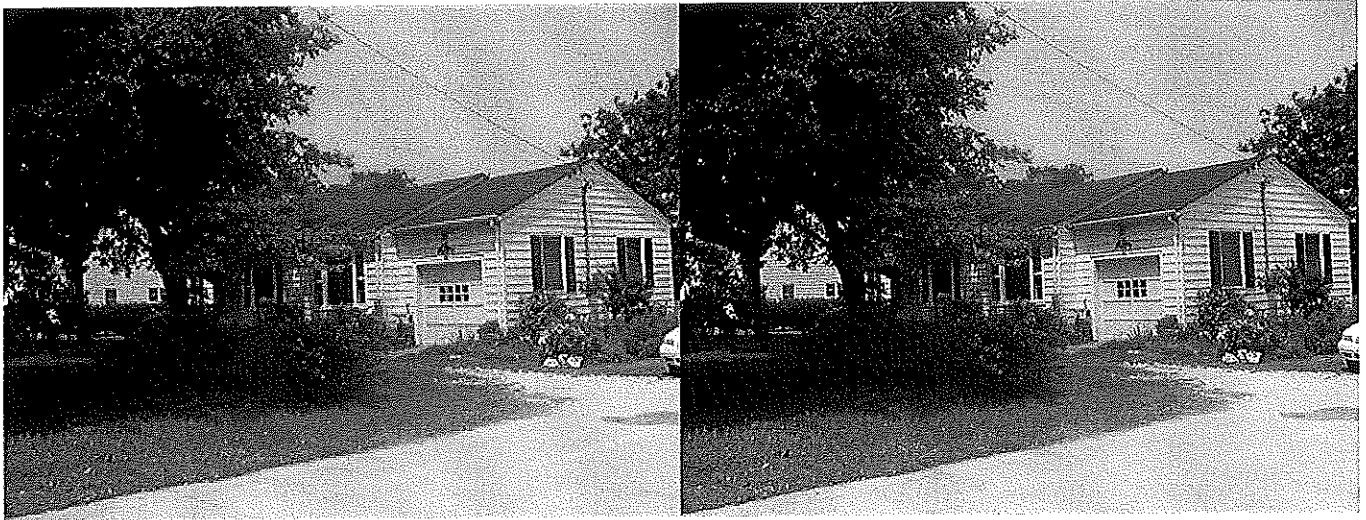
**BATHS:** 1  
**BEDROOMS:** 3  
**CONDITION:** N/A  
  
**EXTERIOR WALLS:** 31 ALUMINUM  
  
**FLOOR FINISH:** 12 HARDWOOD  
 08 VINYL  
**FOUNDATION:** 01 BRICK  
**HEAT:** 10 HEATPUMP  
**ROOF COVER:** 03 COMP SHNGL  
  
**ROOF STRUCTURE:** 03 GABLE  
**SQUARE FOOTAGE:** 1530  
**YEAR BUILT:** 1952  
**BUILDING VALUE:** \$63,069  
**PARCEL VALUE:** \$114,610

### Sketches





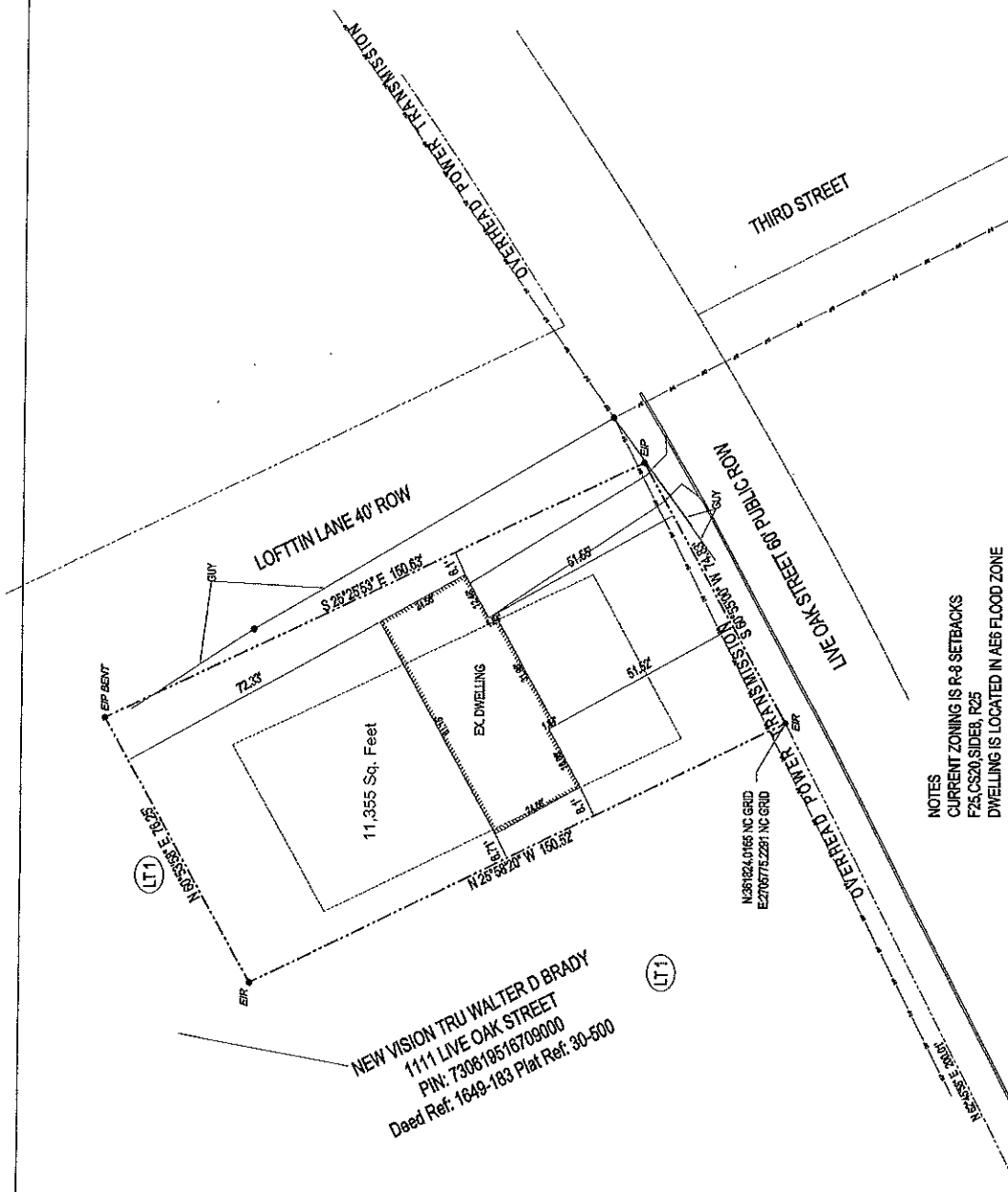
**Photos**





AS SHOWN SURVEY

- LEGEND**
- EP-EXISTING IRON PIPE
  - ER-EXISTING IRON ROD
  - EC-EXISTING CONCRETE MONUMENT
  - EA-EXISTING AXLE
  - EN-EXISTING NAIL
  - EPK-EXISTING PK NAIL
  - POINT-NOTHING EXISTING OR SET
  - NGSS-NORTH CAROLINA GEODETIC SURVEY
  - NGS-NATIONAL GEODETIC SURVEY
  - R/W-MONUMENT
  - SIP-SET IRON PIPE
  - SIR-SET IRON ROD
  - SCA-SET CONCRETE MONUMENT
  - EA-SET AXLE
  - SN-SET NAIL
  - SPK-SET PK NAIL
  - OP-OVERHEAD POWER
  - NOT HELD-NOT CONSIDERED PART OF SURVEY
  - HP-NORMAL HIGH WATER LINE
  - AEC-AREA OF ENVIRONMENTAL CONCERN
  - NA-NORTH AMERICAN VERTICAL DATUM
  - NAD-NORTH AMERICAN HORIZONTAL DATUM
  - PP-POWER POLE
  - UT-UNDERGROUND TELEPHONE
  - UW-UNDERGROUND WATER
  - DL-DRILL HOLE



RETRACEMENT AND PHYSICAL SURVEY FOR  
**TERRY LEE ALLEN**  
 1113 LIVE OAK ST  
 TOWN OF BEAUFORT, BEAUFORT TOWNSHIP  
 CARTERET COUNTY, N.C.  
 SCALE 1"=30'

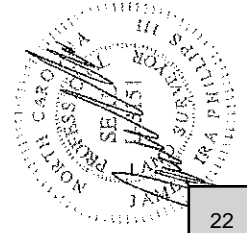
PRESENT OWNER'S NAME  
 DEED REF. BOOK PAGE 1802/178  
 MAP REF. BOOK PAGE NONE  
 PARCEL NUMBER: 2001601602000  
 SHEET: 04-1  
 JOB NUMBER  
 DATE OF FIELD SURVEY: 09-28-2021  
 SURVEY BY: JP  
 DRAWN BY: JP  
 CHECKED BY: JP  
 DATE OF APPROVAL: 09-28-2021



**NOTES**  
 CURRENT ZONING IS R-8 SETBACKS  
 F25, CS2A, S18B, R25  
 DWELLING IS LOCATED IN A65 FLOOD ZONE

**SURVEYORS CERTIFICATION**  
 I, JAMES I. PHILLIPS III, CERTIFY THAT THIS PLAT 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 28TH DAY OF APRIL A.D. 2021.

JAMES I. PHILLIPS III RLS NO. L-3161  
 \*THIS IS AN EXISTING PARCEL OF LAND\*



JAMES I. PHILLIPS III  
 S. III.  
 PLS  
 1019  
 20210428 11:45  
 1019  
 20210428 11:45



**TOWN OF BEAUFORT  
PLANNING BOARD**

**RZ22-02**

**RESOLUTION ADVISING THAT PROPOSED AMENDMENTS  
TO THE ZONING ORDINANCE AND COMPREHENSIVE FUTURE LAND USE PLAN  
ARE IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; ARE/ARE  
NOT REASONABLE; AND ARE/ARE 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. §160A-383 requires the Town of Beaufort Planning Board (“Board”) to advise the Town of Beaufort Board of Commissioners by written statement describing whether the proposed amendments to the Town’s Land Development Ordinance (“Ordinance”) and Core Land Use Plan are consistent with all officially adopted plans;

WHEREAS, the 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 amendments to the Ordinance **are/are not** in accordance with all officially adopted Town plans for the reasons stated in the Staff Report for Rezoning Case 22-02 attached hereto and incorporated herein by reference, and therefore recommends **adoption/denial** by the Board of Commissioners. Specifically the Planning Board finds that the proposed amendments **are/are not** in furtherance of the Town plans, ordinances and regulations; and better clarify all the Ordinance regulations.

This Resolution is effective upon its adoption this 18th day of January, 2022.

**TOWN OF BEAUFORT  
PLANNING BOARD**

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

ATTEST:

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





**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 Tuesday, January 18, 2021 – Virtual Meeting via Zoom**

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**AGENDA CATEGORY:** New Business  
**SUBJECT:** Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street

**BRIEF SUMMARY:**

The applicant wishes to apply for a Special Use Permit for an Accessory Dwelling Unit for 308 Ann Street in a rear structure on the property to also house a garage.

**REQUESTED ACTION:**

Recommendation to Board of Commissioners

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A

# PLANNING BOARD STAFF REPORT

**To:** Planning Board Members  
**From:** Kyle Garner, AICP, Planning Director  
**Date:** December 29, 2021  
**Case No.:** 22-01

**THE REQUEST:** Special Use Permit for Accessory Dwelling Unit

**BACKGROUND:**

Location: 308 Ann Street  
Owner: Scott Davidson  
Applicant: Sarah Afflerbach – Go Architecture  
Requested Action: Provide Recommendation to Board of Commissioners  
CAMA Land Use: Public & Institutional  
PIN: 730617103546000  
Size: .184 Acres  
Existing Land Use: Vacant Lot – Former First Baptist Parsonage  
Adjoining Land Use & Zoning: North - Single-Family Residences; Zoned R-8  
South – First Baptist Parking Lot – Zoned TR (Transitional)  
West – Single Family Residences - Zoned R-8  
East – Single-Family Residences; Zoned TR

**SPECIAL INFORMATION:** This property has been granted a Certificate of Appropriateness from the Historic Commission to construct a single-family dwelling with detached garage. Prior to the new dwelling the site was the Former First Baptist parsonage.

**Public Utilities:** Water Existing Service  
Sanitary Sewer Existing Service

**ACTION:**

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



**STAFF COMMENTS:**

- This application is for a Special Use Permit for an Accessory Dwelling Unit per the TR Zoning District.
- The property owner has been through the Historic Commission to obtain a Certificate of Appropriateness.
- Accessory Dwelling Units are not uncommon in the historic district as there are at 3 within one block of this property.
- The request is consistent with the current Land Use Plan – (*See Application*)

**SECTION 20 Special Use Permit (*Town of Beaufort Land Development Ordinance*)**

**E) Required Findings**

1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:

- a) The proposed use is an allowable special use in the zoning district it is being located within;
- b) The application is complete;
- c) The location and character of the use will be in conformity with the Town’s land use plan and other comprehensive planning elements;
- d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
- e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
- f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
- g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.



**Exhibits:**

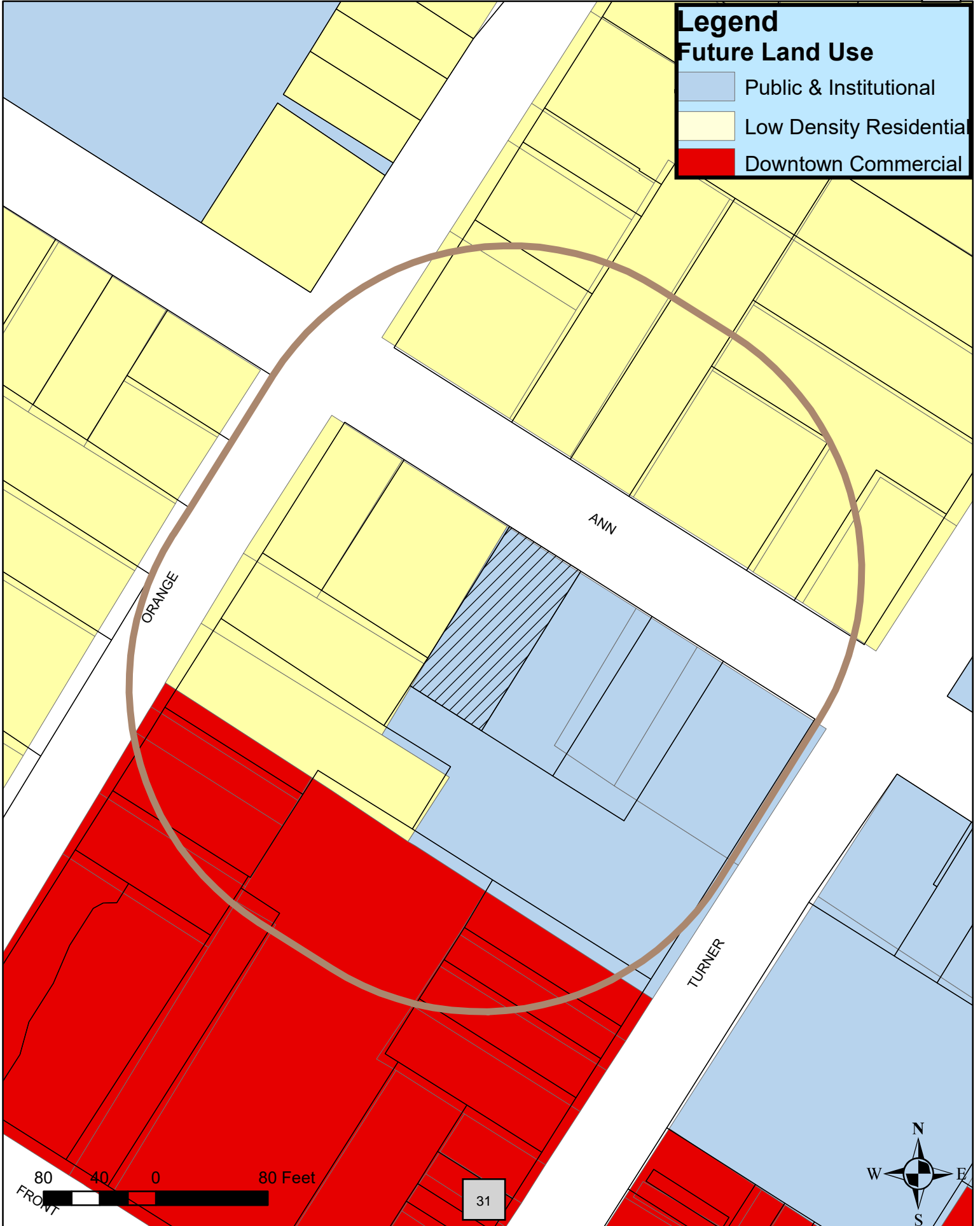
- B- Vicinity Map
- C - Zoning Map
- D - CAMA Land Use Map
- E – List of Property Owners within 200 feet
- F - Application to include Site Plan
- G - Section 20 Special Use Permit Information





29





<u>OWNER</u>	<u>MAIL_HOU!</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>STATE</u>	<u>ZIP</u>	<u>MAIL_ADD2</u>
AB CAUSEWAY LLC	5206	HOLLY COURT	MOREHEAD CITY	NC	28557	
ADAIR,GEOFFREY GLENN	1344	PINE VALLEY DRIVE	NEW BERN	NC	28562	
BEAUFORT HISTORICAL ASSOCIATIO	150	TURNER STREET	BEAUFORT	NC	28516	
BEAUFORT INVESTMENTS LLP	608	ANN STREET	BEAUFORT	NC	28516	
COLLINS,RICHARD A JR	2533	LAUREL CHERRY STREET	RALEIGH	NC	27612	
DAVIDSON,ARIAIL SCOTT			ASPEN	CO	81612	PO BOX 5141
FIRST BAPTIST CHURCH BEAUFORT	403	ANN STREET	BEAUFORT	NC	28516	
GOELLNER,ALBERT J ETUX RUTH	118	ORANGE ST	BEAUFORT	NC	28516	
GROTHER,SANDRA F	125	WHIMBREL WAY	BEAUFORT	NC	28516	
HARRIS,STEPHEN W JR ETUX MARGE	2816	CHELSEA CIRCLE	DURHAM	NC	27707	
HUCKABEE,IAN DOUGLAS ETUX TRAC	313	ANN STREET	BEAUFORT	NC	28516	
MOSIER,DAVID W JR ETAL	305	ANN STREET	BEAUFORT	NC	28516	
MOSIER,WILLIAM H ETUX LAURA R	305	ANN STREET	BEAUFORT	NC	28516	
MOUNTCASTLE,RICHARD ETUX AMAND	12121	CASTLE RIDGE ROAD	RALEIGH	NC	27614	
NEWTON,FRANCES S TRUSTEE	301	ANN STREET	BEAUFORT	NC	28516	
NIXON-MOORE,MARY ELLEN	307	FRONT STREET	BEAUFORT	NC	28516	
OLD CAUSEWAY THOROUGHFARE LLC	4737F	ARENDELL STREET	MOREHEAD CITY	NC	28557	
SIMPSON,ANN KINDELL	3100	MORROW FARM LANE	CHAPEL HILL	NC	27516	
STATE OF NORTH CAROLINA	1321	MAIL SERVICE CENTER	RALEIGH	NC	27699	
STEPHENSON,CATHERINE POTTER	116	ORANGE ST	BEAUFORT	NC	28516	
TAYLOR,NELSON W III ETUX PATRI	311	ANN ST	BEAUFORT	NC	28516	
THE '04 THOMAS O HOLLINSHED TR	100	S RIDGE STREET	SOUTHERN PINES	NC	28387	
WILLIS,BEN M	2737	SPIEGEL DR	VIRGINIA BEACH	VA	23454	



## **APPLICATION FOR A SPECIAL USE PERMIT**

### **Instructions:**

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

### **APPLICANT INFORMATION**

Applicant Name: GO Architectural Design, PLLC

Applicant Address: 1202A Pollock Street

Phone Number: (252) 633-0322 Email: sarah@goarchdesign.com

Property Owner Name: Scott Davidson

Address of Property Owner: 308 Ann Street, Beaufort, NC 28516

Phone Number: (970) 948-4800 Email: scott@christiesaspenre.com

### **PROPERTY INFORMATION**

Property Address: 308 Ann Street, Beaufort, NC 28516

15-Digit PIN: 730617103546000 Lot/Block #: LI 10 W0FB1A F0R1 TOWN0FB1A FOR IPA R 8AG 13

Size of Property (in square feet or acres): 0.184 Current Zoning: TR

Current Use of Property: Previously Single Family Requested Use: Residential Single Family

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

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

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

Sarah Afflerbach  
Applicant Signature

12.8.21  
Date of Applicant's Signature

Scott Davidson  
Property Owner Signature (if different than above)

12/8/21  
Date of Owner's Signature

#### **OFFICE USE ONLY**

Revised 8/2020

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

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

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

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



308 Ann Street - SUP

December 08, 2021

Kyle Garner  
701 Front St.  
Beaufort, NC 28516

**RE: 308 Ann Street, Beaufort, NC**

Dear Kyle,

Thank you for your help taking this project through the Historic Preservation Commission. We understand that having a habitable accessory dwelling unit in our zoning area requires a Special Use Permit and we would like to apply for this permit.

The owner is looking toward the future in anticipation of needing a caretaker and would like to provide this habitable accessory dwelling unit for such a use. We also understand that there are other properties in the area that have similar structures with similar uses.

Attached are the pertinent Land Development Ordinance sections, site survey with the new structures located, plans and elevations of the structure, and photos of the streetscape. Please let us know if you need anything else to get this project on the schedule for a Special Use Permit.

Thanks again for your help.

Sincerely,

Sarah Afflerbach, AIA, LEED AP



## Land Development Ordinance

### Definitions – page 16

**Accessory Dwelling Units/Structures.** Accessory Dwelling Units/Structures are commonly understood to be a separate additional living unit or structure, including kitchen, sleeping, and bathroom facilities, attached to or detached from the primary residential unit, on a single-family lot. They shall be subordinate in size, location, and appearance to the primary residential unit and may or may not have separate means of ingress or egress.

### H) TR Transitional District. – page 63

Purpose: This intent of this district is to serve as a transition between residential and more intensive districts. This includes residential and commercial uses with a low noise and traffic impact which would generally be considered compatible with a residential area which may or may not have buffering requirements as documented in section 19 of this Ordinance. Uses in this district which require potable water or sanitary sewer must be connected to municipal water and municipal sewer.

### B) Transitional District (TR). – page 99, 100

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

Accessory Dwelling Unit

### E) Required Findings. – page 190

1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:

a) The proposed use is an allowable special use in the zoning district it is being located within;

[308 Ann Street is located in the TR District and this is an allowable use with a Special Use Permit.](#)

b) The application is complete;

[We have reviewed our application with the City staff and believe it is complete.](#)

c) The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements;

[The Town of Beaufort NC CAMA Core Land Use Plan \(map below\) shows on page 90 that 308 Ann Street is located in the Public & Institutional Use area. Page 94 of the Core Land Use Plan, Item D. states that for Public and Institutional designated areas may also include R-8 Medium Density Residential zoning districts which per the Town of Beaufort, NC Land Development Ordinance, page 82 allows for Accessory Dwelling Units provided they have a Special Use Permit which is what we are seeking.](#)

d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;

[We are proposing a residential driveway similar to the surrounding houses and properties.](#)

e) The proposed special use will not substantially injure the value of adjoining or abutting properties;

The owner has obtained an appraisal for the designed project by a licensed appraiser and the accessory dwelling unit shows an added value to the overall project.

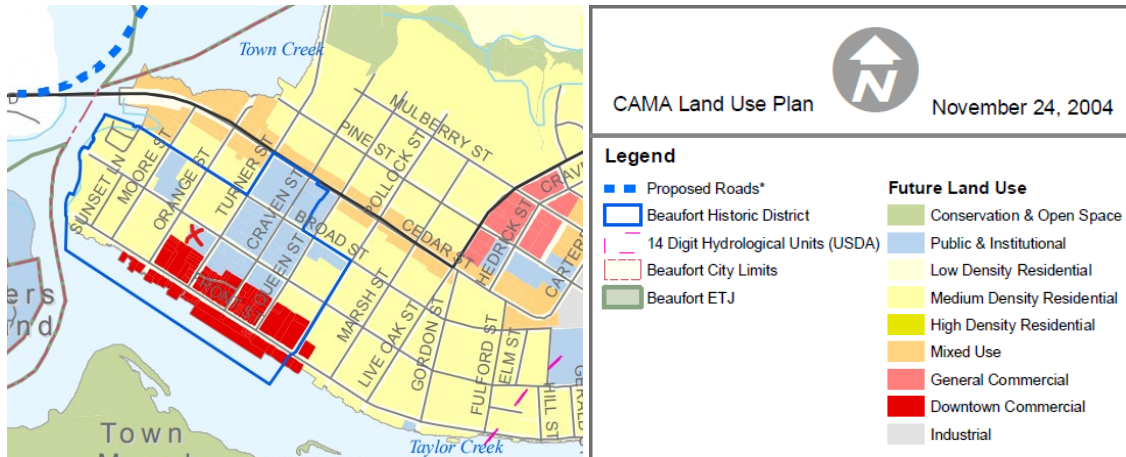
f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,

It is our understanding that there are similar accessory dwelling unit structures in the immediate vicinity, and this has not caused any harm to the neighborhood.

g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

The proposed use is allowed per the Town of Beaufort, NC Land Development Ordinance, and the CAMA Core Land Use plan.

**CAMA Core Land Use Plan  
308 Ann Street – Public & Institutional**





Photos of Streetscape, Site and Adjacent Homes:  
308 Ann Street, Beaufort, NC 28516



308 Ann Street – Existing Site



Street view West on Ann Street





Street view West on Ann Street



Street view West on Ann Street

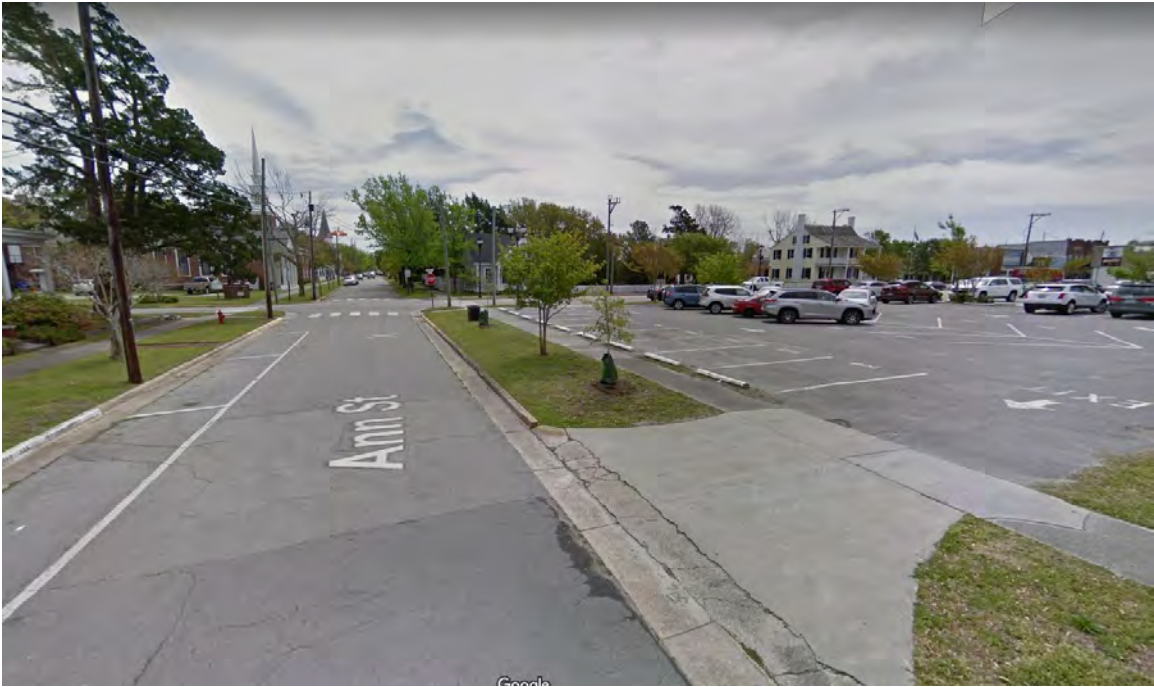




Street view East on Ann Street



Street view East on Ann Street



Street view East on Ann Street



# DAVIDSON - CUSTOM HOME



SCALE: 3/16" = 1'-0"

### KEYS & SYMBOLS

**DOOR & WINDOW SIZE KEY**  
2060 = 2'-0" WIDE X 6'-0" HIGH

DRAWING NUMBER  
SHEET NUMBER

ROOM NAME  
BEDROOM  
10' C.G. WOOD

CEILING HEIGHT AND SQUARE FOOTAGE

DRAWING NUMBER  
1  
A-101  
SHEET NUMBER

### FIRST FLOOR PLAN

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

0'-0" GRADE ELEVATION HEIGHT

### ELECTRICAL ELEGEND

- ⦿ RECEPTACLE
- ⦿<sub>F</sub> FLOOR RECEPTACLE
- ⦿<sub>GF</sub> GFCI RECEPTACLE
- ⦿<sub>WP</sub> WATER PROOF RECEPTACLE
- ⚡ SWITCH
- ⚡<sub>3</sub> 3 WAY SWITCH
- ✕ FAN / LIGHT
- ⚡ SECURITY LIGHT
- ⦿ CEILING MOUNT
- ▶ WALL SCONCE
- ⦿ CEILING PENDANT
- ⦿ FAN / LIGHT
- 6" RECESSED CAN
- ⦿ DIRECTIONAL PIN LIGHT
- ▭ FLUORESCENT
- ▬ UNDER-COUNTER
- ◁ CABLE
- ▭ GARAGE DOOR OPENER W/ LIGHT

### SHEET SCHEDULE

G-101	TITLE SHEET
C-101	SITE PLAN
A-101	FIRST FLOOR PLAN
A-102	SECOND FLOOR PLAN
A-201	ROOF PLAN
A-203	ELEVATIONS
A-202	ELEVATIONS
A-203	ELEVATIONS
A-204	COTTAGE ELEVATIONS
A-205	COLOR CHOICES

### SQUARE FOOTAGE

<b>HEATED / COOLED</b>	
FIRST FLOOR PLAN	1,573 SF
SECOND FLOOR PLAN	1,373 SF
<b>TOTAL</b>	<b>2,949SF</b>
<b>DEPENDANCY</b>	
	447 SF
<b>NON HEATED</b>	
GARAGE	305 SF
FRONT PORCH	413 SF
SCREENED PORCH	241 SF
1ST FL REAR DECK	337 SF
2ND FL REAR DECK	337 SF
<b>TOTAL</b>	<b>1,633 SF</b>

1202-A Pollock Street  
New Bern, NC 28560  
252-633-0322  
www.goarchdesign.com

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**DAVIDSON CUSTOM HOUSE**  
308 ANN STREET, NEW BERN, NC 28516

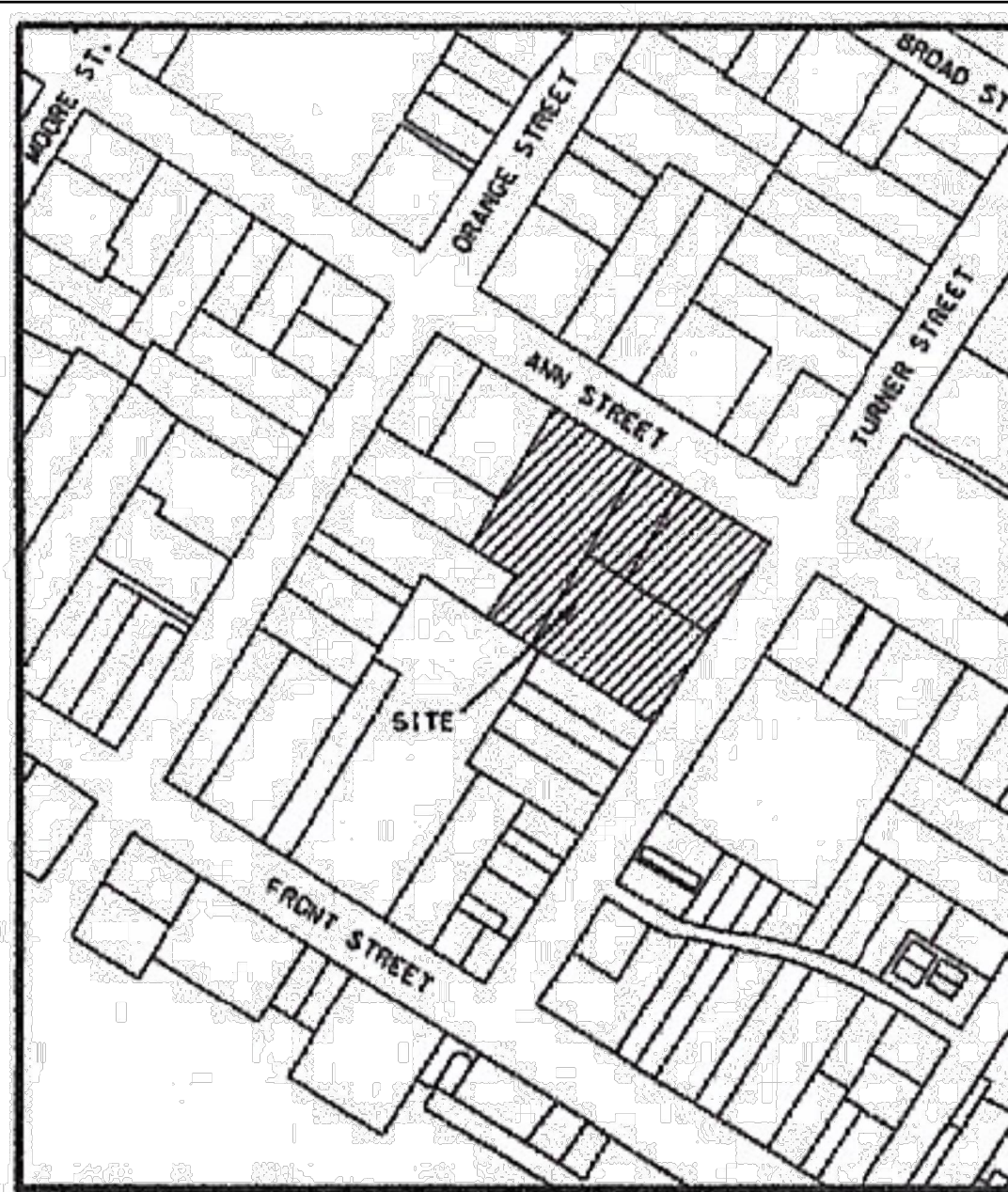
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## G-101

TITLE SHEET

11.22.2021  
DAVIDSON - 308 ANN ST





VICINITY MAP N.T.S.

COVERAGE	
LOT SIZE 60'X134'	8,040 SF
HOUSE FOOTPRINT	2,627 SF
DEPENDENCY FOOTPRINT	752 SF
TOTAL	3,379 SF
LOT COVERAGE	42%

**312 ANN STREET**  
 8,040 SQUARE FEET  
 VACANT LOT EXCEPT FOR  
 EXISTING WOOD FENCE  
 ALONG NE & SE LOT LINES

N/F MARIANNA HOLLINSHED  
 D.B. 932 PG. 446  
 NCPIN 730617102745000

N/F ALBERT GOELLNER  
 D.B. 821 PG. 247  
 NCPIN 730617101688000

N/F CATHERINE STEPHENSON  
 D.B. 786 PG. 662  
 NCPIN 730617101653000

**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF BEAUFORT, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND ESTABLISH MINIMUM BUILDING SETBACK LINES AS NOTED.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**TOWN APPROVAL**

THIS IS AN EXEMPT SUBDIVISION PURSUANT TO THE TOWN OF BEAUFORT SUBDIVISION ORDINANCE ARTICLE V SECTION 1A: COMBINATION OR RECOMBINATION OF PREVIOUSLY PLATTED LOTS.

*Mike Sam, Planning Director* 6/30/2020  
 DATE: PLANNING DIRECTOR

**REVIEW OFFICER CERTIFICATION**

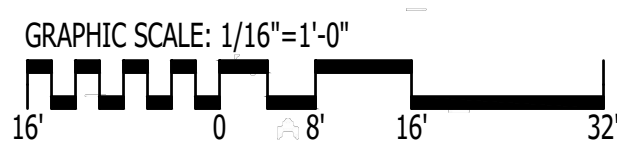
COUNTY OF CARTERET

I *Regan Retchiff*, REVIEW OFFICER OF CARTERET COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Regan Retchiff* 10/30/2020  
 REVIEW OFFICER DATE

**REGISTER OF DEEDS CERTIFICATION**

FILED FOR REGISTRATION AT 4:32 PM 10:00 CLOCK



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**DAVIDSON CUSTOM HOUSE**  
 308 ANN STREET, NEW BERN, NC 28516

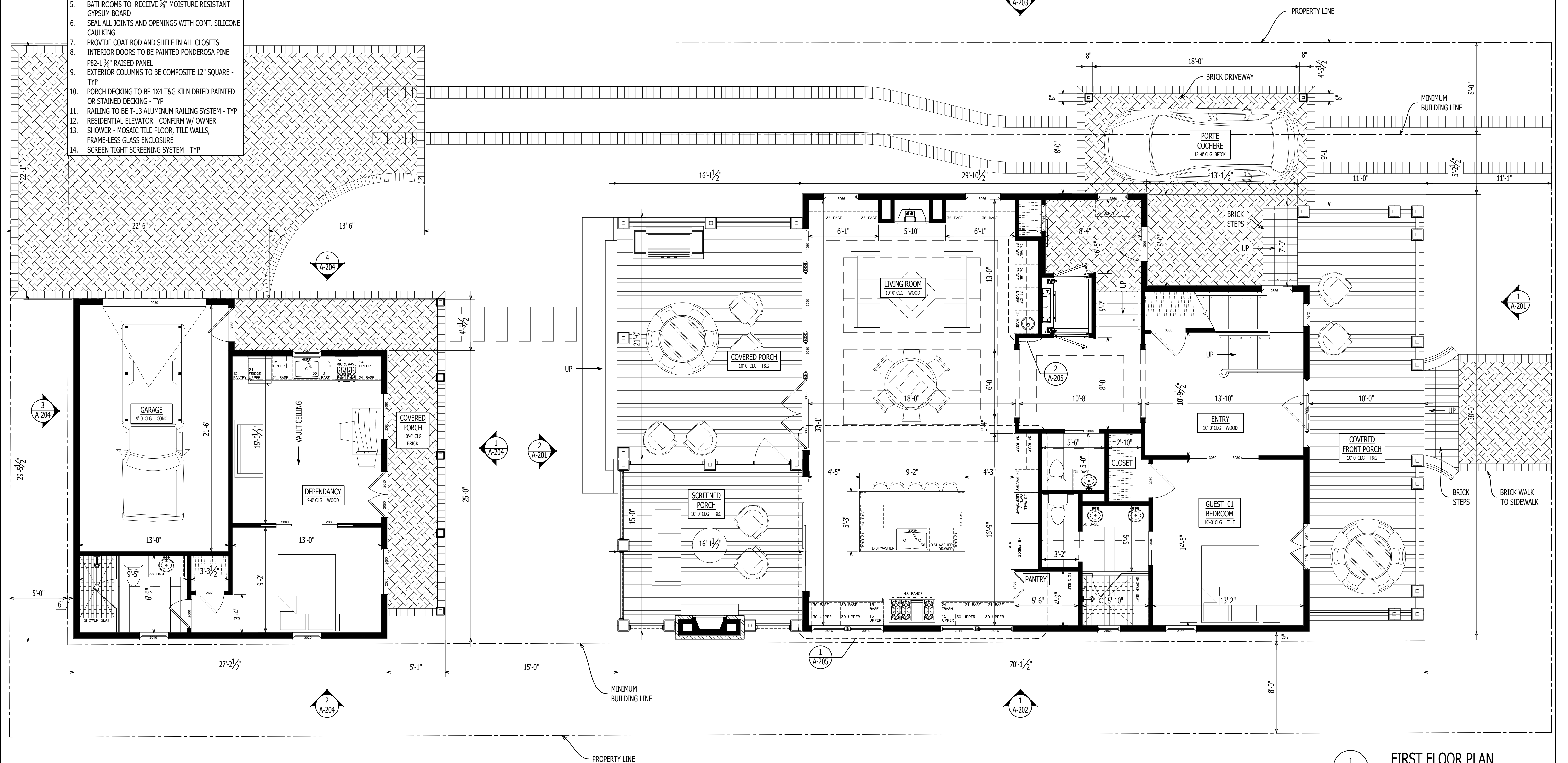
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**C-101**  
 SITE PLAN  
 11.22.2021  
 DAVIDSON - 308 ANN ST




**NOTES**

1. DIMENSIONS ARE TO FACE OF STUD - THIS SHEET
2. ALL EXTERIOR WALLS - 2X6 WOOD STUD @ 16" O.C.
3. ALL INTERIOR WALLS - 2X4 WOOD STUD @ 16" O.C.
4. 1/2" PAINTED GYPSUM BOARD ON ALL WALLS AND CEILING
5. BATHROOMS TO RECEIVE 3/8" MOISTURE RESISTANT GYPSUM BOARD
6. SEAL ALL JOINTS AND OPENINGS WITH CONT. SILICONE CAULKING
7. PROVIDE COAT ROD AND SHELF IN ALL CLOSETS
8. INTERIOR DOORS TO BE PAINTED PONDEROSA PINE P82-1 3/4" RAISED PANEL
9. EXTERIOR COLUMNS TO BE COMPOSITE 12" SQUARE - TYP
10. PORCH DECKING TO BE 1X4 T&G KILN DRIED PAINTED OR STAINED DECKING - TYP
11. RAILING TO BE T-13 ALUMINUM RAILING SYSTEM - TYP
12. RESIDENTIAL ELEVATOR - CONFIRM W/ OWNER
13. SHOWER - MOSAIC TILE FLOOR, TILE WALLS, FRAME-LESS GLASS ENCLOSURE
14. SCREEN TIGHT SCREENING SYSTEM - TYP



**1**  
A-101  
**FIRST FLOOR PLAN**  
Scale: 1/4" = 1'-0"  
GRAPHIC SCALE: 1/4" = 1'-0"



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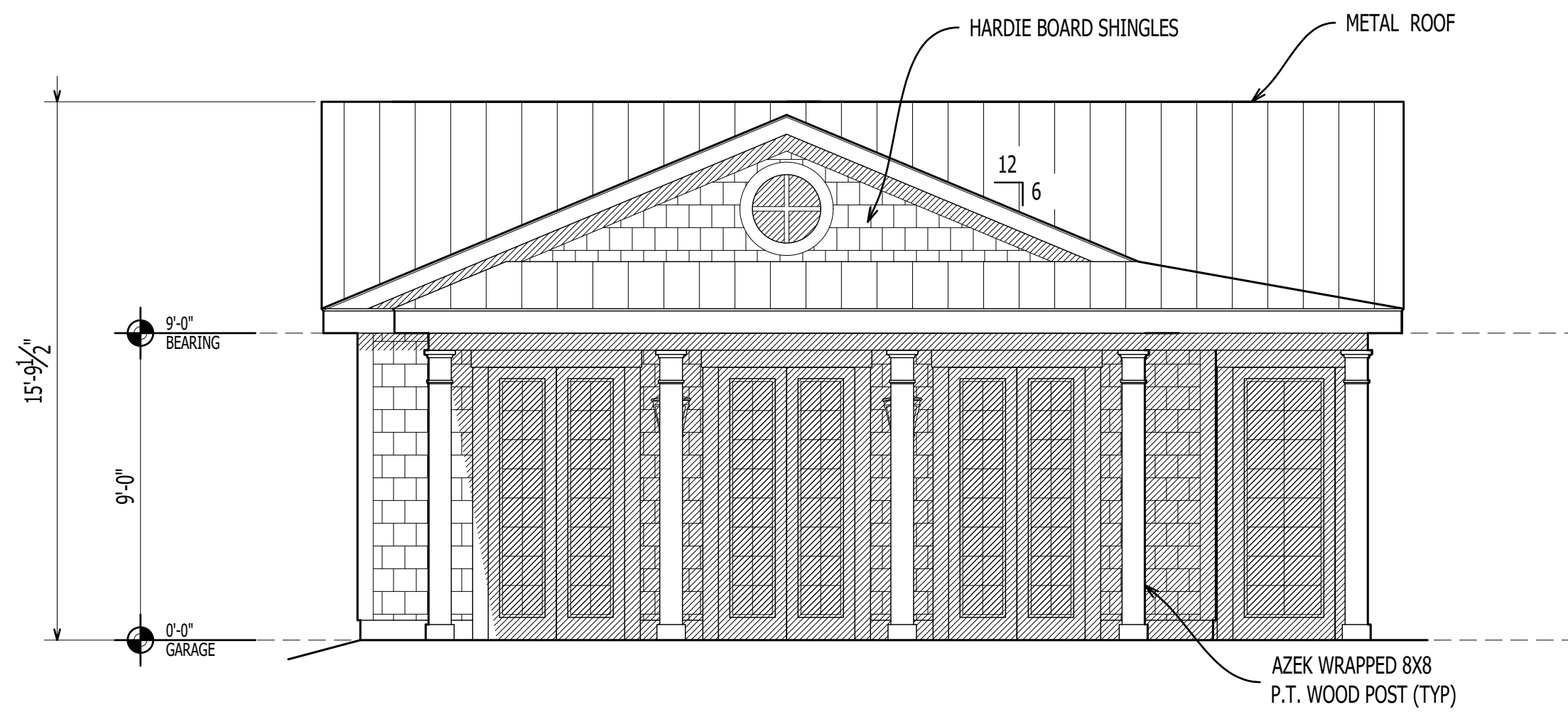
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**DAVIDSON CUSTOM HOUSE**  
308 ANN STREET, NEW BERN, NC 28516

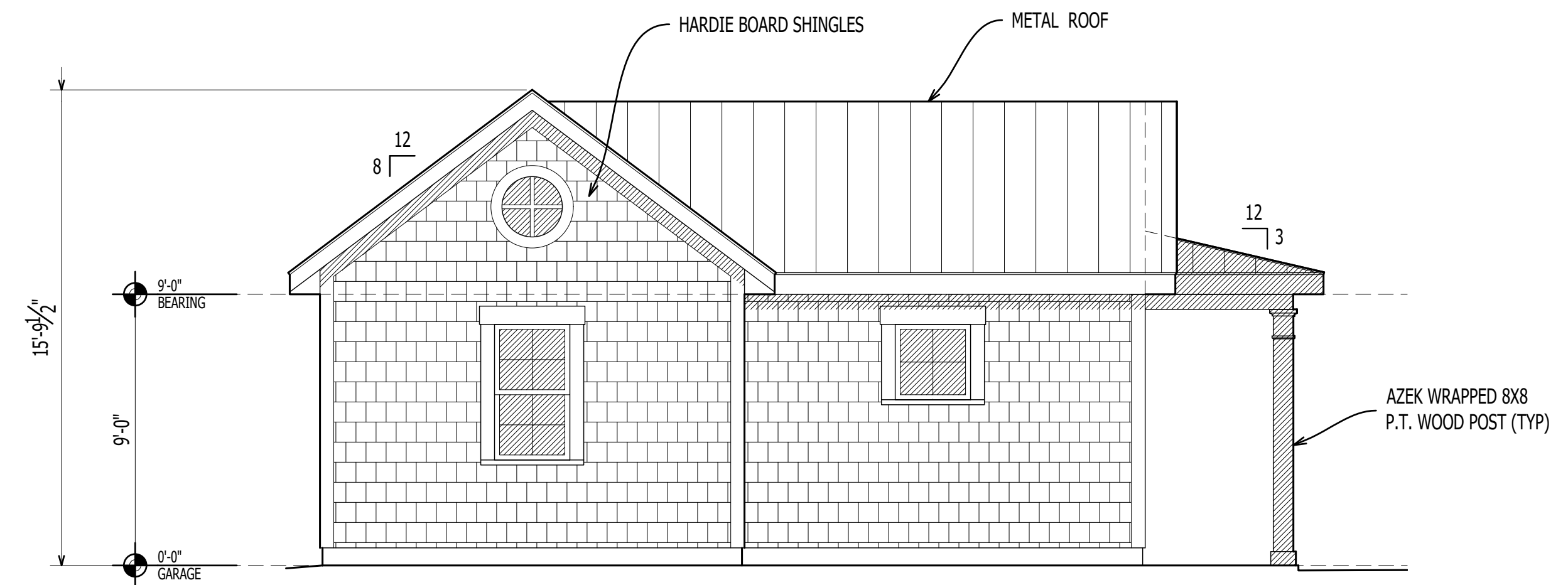
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**A-101**  
FIRST FLOOR PLAN  
11.22.2021  
DAVIDSON - 308 ANN ST

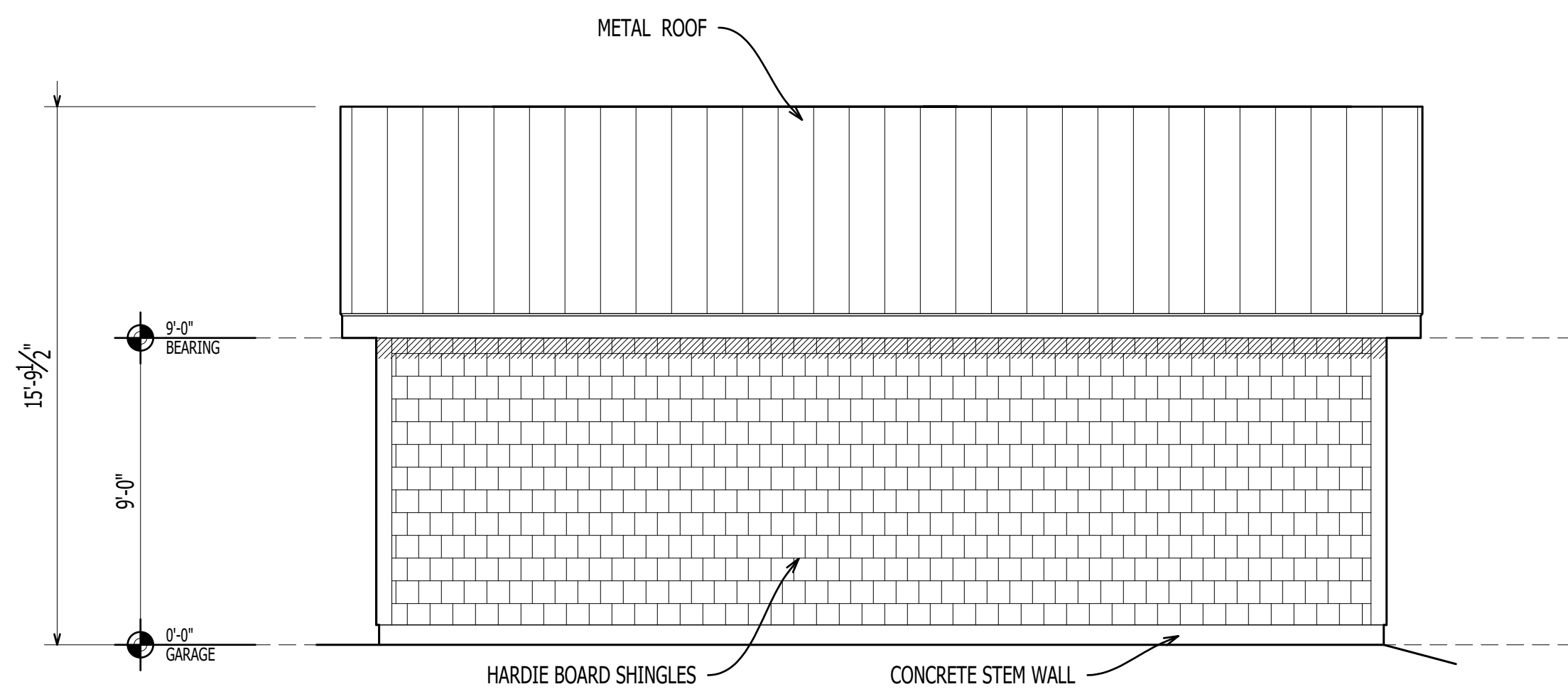




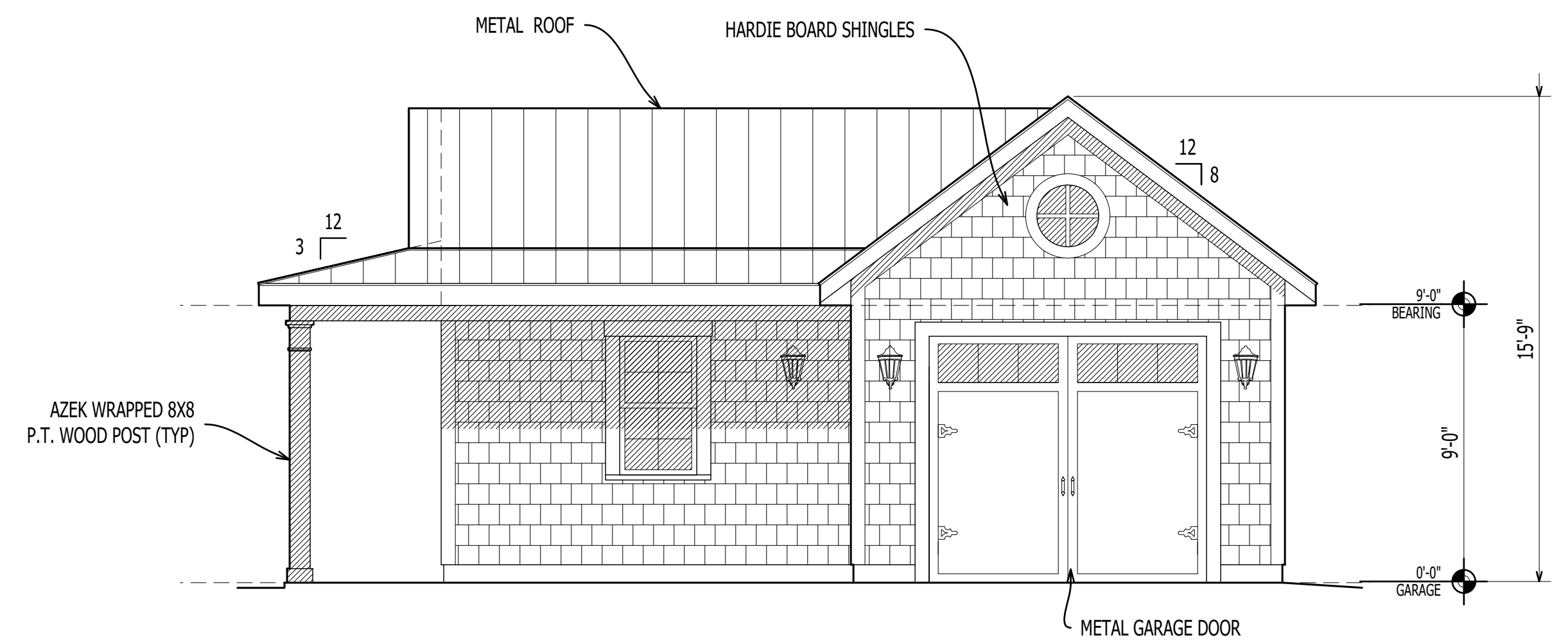
1 GARAGE ELEVATION  
A-204 Scale: 1/4" = 1'-0"



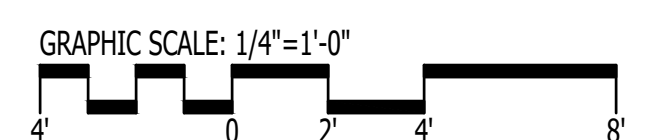
2 GARAGE ELEVATION  
A-204 Scale: 1/4" = 1'-0"



3 GARAGE ELEVATION  
A-204 Scale: 1/4" = 1'-0"



4 GARAGE ELEVATION  
A-204 Scale: 1/4" = 1'-0"



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**DAVIDSON CUSTOM HOUSE**  
308 ANN STREET, NEW BERN, NC 28516

THIS PLAN HAS BEEN PREPARED TO MEET TOP PROFESSIONAL STANDARDS AND PRACTICES. HOWEVER, BUILDING CODES AND ENVIRONMENTAL CONDITIONS VARY FOR DIFFERENT LOCATIONS. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THIS PLAN TO PERFORM THE FOLLOWING BEFORE BEGINNING CONSTRUCTION. VERIFY ALL DIMENSIONS PRIOR TO PROCEEDING WITH CONSTRUCTION. VERIFY COMPLIANCE WITH ALL LOCAL CODES. PLANS INDICATE LOCATIONS ONLY; ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE CONDITIONS. HVAC & PLUMBING LAYOUTS ARE NOT INCLUDED. THESE SHOULD BE OBTAINED FROM A LOCAL MECH. CONTRACTOR OR ENGINEER TO ENSURE COMPLIANCE WITH LOCAL CODE AND THAT EQUIPMENT IS SIZED CORRECTLY FOR YOUR PARTICULAR REGION AND CONDITIONS. VERIFY ALL STRUCTURAL ELEMENTS WITH LOCAL ENGINEER.

**A-204**

GARAGE ELEVATIONS

11.22.2021  
DAVIDSON - 308 ANN ST

## SECTION 20 Special Use Permits

### A) *General.*

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

### B) *Special Use Permit Application Procedures.*

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

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

**C) *Quasi-Judicial Proceeding Notification Requirements.***

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

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

**D) *Procedures on Special Use Applications.***

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

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

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

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

**E) Required Findings.**

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

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

F) **Special Use Guidelines.**

1) Adult Establishments.

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

2) Day Care Centers (Including Kindergarten).

- a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
- b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
- c) Plans are required and must show:
  - i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
  - ii) Proposed points of access and egress and pattern of circulation;
  - iii) Layout of parking spaces;
  - iv) Location and extent of open play area(s);
  - v) Day care center shall provide one hundred square feet (100 ft<sup>2</sup>) of play area space per pupil.

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

3) Radio or Television Transmitter.

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

4) Telecommunication Tower.

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

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

5) Marinas.

The requirements below are for marinas and for proper disposal of sewage from boats:

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

6) Office: Small Business.

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

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