



Town of Beaufort, NC

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

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

Call to Order

1. Call to Order

Roll Call

1. Roll Call

Agenda Approval

1. Agenda Approval for the August 24, 2020 Meeting

Minutes Approval

1. Minutes Approval from the July 27, 2020 Meeting
2. Minutes Approval from the February 24, 2020 Meeting

Administration of Oaths

New Business

1. Variance Request for 111 Moore Street

Public Comment

Commission / Board Comments

Staff Comments

Adjourn



Town of Beaufort, NC

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Town of Beaufort Board of Adjustment Regular Meeting 6:00 PM Monday, July 27, 2020 - Held Electronically via Zoom due to COVID-19 Minutes

Call to Order

1. Call to Order

Chair Davis called the July 27, 2020 meeting to order.

Roll Call

2. Roll Call

Present for the meeting were Chuck Davis, Pete Evans, Robert Terwilliger, Wendi Oliver and Virginia Cuthrell. Steve Weeks had let Secretary Winn know that he may not be available for this meeting.

Also present for the meeting were Kyle Garner, Planning Director and Jill Quattlebaum, Town Attorney.

Agenda Approval

3. Agenda Approval for the July 27, 2020 Meeting

Vice Chairman Terwilliger made the motion to approve the Agenda as presented, Board Member Evans made the second. Chair Davis asked for all in favor to say "I". At this point Town Attorney Quattlebaum explained the recent Legislation, stating that each member before they speak needs to identify themselves and all voting must be by "roll call" vote. After a roll call vote the motion carried unanimously.

Minutes Approval

4. Minutes Approval from the February 24, 2020 Meeting

Chair Davis asked if everyone had read the minutes from the February 24, 2020 meeting and wanted to know if there were any corrections to the minutes. Board Member Oliver stated that she had one correction/change to the minutes.

Secretary Winn requested the changes in email format.

Chair Davis asked for any other changes to the minutes. Chair Davis asked for a motion to approve the minutes as presented. Vice Chair Terwilliger stated that he thought we needed

to wait until the changes were made to the minutes. Town Attorney Quattlebaum stated that since the request was to send the changes by email that you could hold them until the next meeting.

Chair Davis stated that the minutes would be held open until the next meeting.

Old Business

5. Case 20-02, 800 Ann Street, Request for Variance, Tabled Item from February 24, 2020
Chair Davis stated this was a tabled item from the February 24, 2020 meeting in order for Mr. Garner to go and put flags out so the Board could see how close the porches would be to each sidewalk. He asked if everyone had the chance to go and look. Everyone but Board Member Oliver stated they had gone by to look. Chair Davis asked if anyone needed this hearing reopened to add anything.

Mr. Wells asked if he could make a comment. He stated that the flags were 10 feet out, not 9 feet out on the Ann Street side. He stated that he remeasured and put them at 9 feet. Chair Davis asked him when that had been done and Mr. Wells stated that afternoon.

Town Attorney Quattlebaum stated that if they were going to take any statements or evidence that the meeting would have to be reopened. Chair Davis then reopened the hearing after advice from the attorney and Secretary Winn sworn in applicants.

Town Attorney Quattlebaum stated that Mr. Wells would have to repeat what he had stated earlier because he was now technically under oath. Mr. Wells repeated what he had said earlier concerning the flags.

Mr. Garner stated that Secretary Winn was going to need to swear him in and the oath was administered. Mr. Garner asked the Board to refer to the packet and for them to look at the foundation plans and those dimensions. Mr. Garner stated the porch on the West side was 12' x 20', so he missed it by a foot. Mr. Wells stated that porch was good, it was the porch on the Ann Street side that was in question. Board Member Evans brought up the survey that was completed by Jimmy Phillips, the NW corner is 9.68 feet and the NE corner is 10.11 feet, and it seems that the overhang would be in the Town's right of way. Mr. Garner stated that was correct. Mr. Wells stated that they are asking for 9 feet but said they could live with 8 feet if that would make a difference and that they would also be willing to recess the steps into the porch if it would make a difference. Board Member Evans had a question concerning the encroachment. He stated the original request was for 16.4 feet, so if by motion it was reduced to 8 feet that would make the encroachment 15.4 feet, correct? Mr. Garner stated that was correct.

Board Member Oliver had a question about opening a new discussion based on what had been talked about. Mr. Garner stated that notices had been sent out to everyone and the meeting had been reopened so protocol had been followed. Chair Davis asked if anyone had anything other questions or comments.

Board Member Evans stated he had comments. This property was rezoned from R8 to RS5 in November 2009. Board Member Evans said that the way this structure sits on the property is not due to the Wells having made any modifications to it. He said it is customary in that section of Town to have porches on the houses. Several of us had questions about unnecessary hardship on this. He stated he felt that a variance would be necessary. He stated that it would add to the aesthetics of the property.

Vice Chair Terwilliger stated his concern was that the Board was tasked with ensuring that the Guidelines that are developed by the Town of Beaufort with regards to buildings and structures in the Town are followed, unless there is a reason that we should grant a variance. He stated that a variance should be granted only if the owner is unfairly

disadvantaged to enjoy or use the property they have. It talks nothing about the way it fits in or looks. He said that he would want to do it also but he can't find a good reason to say yes.

Mr. Wells addressed this issue and stated that he measured houses around him and where they come out. He stated that all they are asking is to line up to the other houses. He stated that they tried to include in the packet where the hardship comes from. In the Historic District, in the National Register, they all play up porches. Mr. Wells stated in 2015 a Variance was granted to 215 Ann Street to do the same thing that they are asking. He feels that their request has the same merit as 215.

Chair Davis asked if the Board if anyone was in a position to make a motion and he would close the hearing if they were. Board Member Evans asked Board Members Oliver and Cuthrell if they had any thoughts. Board Member Oliver stated that she was having a hard time with it ending up in Town property. She stated she was having a hard time saying yes due to the Guidelines. Board Member Cuthrell stated she continues to be in favor and she agrees that it is a hardship. Ms. Wells stated that the National Registry continues to mention the porch-scape in Beaufort and the uniqueness. When we bought the property we thought we could build one. We feel we should be able to make reasonable use of our property and build a porch. She stated that they stand out because they are one of the few who doesn't have a porch.

Chair Davis stated that they had heard from everybody and asked if anyone was in a position to make a motion. Board Member Evans stated he would. Chair Davis closed the hearing. Board Member Evans stated that he moves to approve the request with respect to the encroachment on Ann Street that it be a 15.4 foot encroachment and that it reduces it to 8 feet and the 8 feet would include the porch, steps and overhang so that nothing extends beyond that 8 feet and also approve the request on the side porch as requested, which is 6.32 feet on the Marsh Street side. The amount of impervious surface would increase from 50% to 54.25%. Town Attorney stated that a Finding of Fact with the elements is needed. Board Member Cuthrell made a second.

Board Member Evans stated that he would now go through each of the four Findings of Fact:

1. 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 could be made of the property. It would require a Variance to make any modifications to add the porches and without a Variance the applicants could not in fact make the modifications to the property. Chair Davis completed a roll call vote with Vice Chair Terwilliger, Board Member Oliver and Chair Davis voting No and Board Member Evans and Board Member Cuthrell voting Yes.
2. The hardship results from conditions that are peculiar to the property such as location, size and topography. This property is a non-conforming property on a conforming lot. It is peculiar in the sense they way the house was constructed, well before the present applicants purchased it. It is peculiar in the sense that they cannot modify to add porches without a Variance, due to the structure on the property. Chair Davis conducted a roll call vote with Vice Chair Terwilliger, Board Member Oliver and Chair Davis voting No and Board Member Evans and Board Member Cuthrell voting Yes.
3. Hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge of circumstances exists that may justify the granting of a Variance shall not be regarded as a self created hardship. The owners did not create this hardship. The property was there as you see when they purchased it. Chair Davis conducted a roll call vote with all five members voting Yes.

4. 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. Chair Davis conducted a roll call vote with Vice Chair Terwilliger, Board Member Oliver and Chair Davis voting No and Board Member Evans and Board Member Cuthrell voting Yes.

Chair Davis stated that they had their Findings of Fact, we have a Motion on the board and a second, he asked if everyone was ready to vote and after a roll call vote it was Vice Chair Terwilliger, Board Member Oliver and Chair Davis voting No, to not approve the Variance and Board Member Evans and Board Member Cuthrell voting Yes, to approve the Variance. The Variance was denied.

Chair Davis asked Town Attorney Quattlebaum if everything met what was needed and she stated yes, per the Land Development Ordinance (LDO), if all four of those factors are not met by a 4/5 majority of the Board, then Variance cannot be granted.

Commission / Board Comments

Chair Davis opened Commission/Board comments and there were no comments.

Staff Comments

Mr. Garner thanked everyone for participating electronically, virtually is a little different. Congratulations to Ms. Quattlebaum and her partner. Mr. Garner stated that the Board would have one item for the next month.

Chair Davis had a question concerning swearing or affirming and he wanted to know if the phrase "so help me God" has been taken out. Mr. Garner and Ms. Quattlebaum explained the difference in swearing and affirming. Chair Davis wanted to confirm whether or not the phrase had been removed and Mr. Garner stated that it did used to be there.

Board Member Evans wanted to know how long they expected this to go on, until Phase 3 or is it beyond Phase 3, in terms of lock down. He wanted to know that if in Phase 3 the meetings would continue to be held virtually. Mr. Garner stated that they have been offered a venue to meet live and that he was trying to convince people in his organization to do it. He stated that it was hard to do it for one and not do it for the four others. Mr. Garner stated for right now, this is where we are. Board Member Cuthrell stated she works at the hospital and they have larger staffs and One Harbor has offered their place as a meeting spot. She also stated that they use two rooms at the hospital.

Adjourn

Vice Chair Terwilliger made the motion to Adjourn, Board Member Evans made the second and the vote carried unanimously.

Charles Davis, Chairman

Denice Winn, Secretary to the Board



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

Call to Order

Chair Davis called the meeting to order and requested that everyone stand for the Pledge of Allegiance.

Roll Call

Chair Davis asked Secretary Winn to call the roll. Present for the meeting were, Pete Evans, Charles Davis, Wendi Oliver, Robert Terwilliger and Steve Weeks. Secretary Winn declared a quorum. Also present was the newest Board Member, Virginia Cuthrell.

Agenda Approval

Chair Davis asked if everyone had looked at the Agenda for the meeting. He then asked for a motion to approve the Agenda. Board Member Terwilliger made the motion, Board Member Evans made a second and the motion carried unanimously.

Minutes Approval

Chair Davis stated that they had an updated copy of the minutes and said everything looked pretty good. He asked if anyone had any questions. With no questions or changes Chair Davis asked for a motion to approve the minutes from the November 25, 2019 meeting. Board Member Terwilliger made the motions, Board Member Evans made a second and the motion carried unanimously.

Administration of Oaths

Secretary Winn, swore in Virginia Cuthrell as the newest Board Member.

Chair Davis asked for nominations for Chair for the Board. Board Member Evans nominated Chuck Davis, Board Member Weeks made a second and the motion carried unanimously for Chuck Davis to be Chairman.

Chair Davis asked for nominations for Vice Chair for the Board. Board Member Evans nominated Bob Terwilliger, Board Member Weeks made a second and the motion carried unanimously.

Board Member Evans made a motion to designate Dee Winn as Board Secretary, Vice Chair Terwilliger made a second and the motion carried unanimously.

New Business

Chair Davis stated that the new business is a Variance Request for 800 Ann Street. Chair Davis asked for Secretary Winn to swear in all who were going to be testifying.

Kyle Garner, Director for Planning and Inspections for the Town of Beaufort, presented the staff report for Case #20-01, Variance Request for 800 Ann Street. Mr. Garner stated that he would like to submit into evidence the Power Point and well as the Staff Report that was submitted prior to the meeting.

Mr. Garner presented to the Board the applicants request for the Variance in order to build a porch on the north and west sides of their house. Mr. Garner stated that letters were sent to home owners within a 100 feet of the property, a legal advertisement was run for two times in the Carteret County News Times and a sign was posted at the subject property. Mr. Garner stated that the applicant actually had three Variance requests. The first to ask for a 16.4 encroachment from the setback to Ann Street, a 6.32 foot encroachment from Marsh Street and also a variance from the 50% impervious surface requirement in RS5 zoning to an increase of 54.25. Mr. Garner stated that the property owners are Charles and Julia Wells.

Mr. Garner stated that in November 2009 this property was rezoned from R8 to RS5 as part of the creation of the new RS5 zoning district and the lot area was made conforming however the other non-conformity was created as the impervious surface of the lot is greater than 50% per ordinance. RS5 is for a single family residential structure with setbacks of 20 feet from the front, 15 feet from the rear, 5 feet from the side and a maximum of 50% impervious ratio. The lot dimensions per survey are a width of 55.51 and 55.49, the depth of 99.24 and 99.27 with a total square footage of the lot being 5508.7. Impervious surface allowed for this property is 2754.35 square feet and what is currently there is 2988.66 square feet or 54.25%. What is being proposed is 2983.81 square feet or 54.16%. The lot is a conforming lot of record and the structure is a non-conforming lot due to it doesn't meet the front and rear setbacks. Mr. Garner stated that this property is not located within a special flood hazard area. Mr. Garner went through the packet and stated what was included for the Board Members to review and photos of the property are also included. Mr. Garner stated that three emails were received from adjacent property owners, two in support and one in that is not in support of the variance. Mr. Garner submitted these as evidence as part of the record as well. Chair Davis asked Mr. Garner if that was all that staff had received and Mr. Garner stated yes.

Chair Davis asked Mr. Garner if this property was in the historical district and Mr. Garner stated that it is not in the local but that it is in the National Register. Chair Davis also asked for Mr. Garner to clarify that the impervious surface area is decreasing. Mr. Garner stated yes, that it is currently at 2988.66 at 54.25 and the applicant is proposing to reduce the area to 54.16%. Chair Davis asked if Mr. Garner had verified the numbers and Mr. Garner stated he had double and triple checked.

Board Member Evans wanted to disclose for a matter of record that in 2013, on behalf of Ann Street Church he executed a lease on the property to serve as a parsonage for the pastor of the church. He stated that he did not have contact with the owners and everything went through a property management company. He stated that the home served as the parsonage until the pastor left. He also stated that during that time frame he had met the owners on several occasions during a social setting. He stated that none of that would have any bearing on how he would look at this and that he had spoken with the Town's attorney concerning this. Mr. Garner wanted to clarify for the record that Board Member Evans was stating that he had not had any ex parte communication concerning this matter. Board Member Evans stated that was correct.

Chair Davis asked for someone who represented the applicant to speak on their behalf. Applicants Charles and Julia Wells came forward. Mr. and Mrs. Wells stated that they had nothing to add other than it is something that they want and that it can add value and an aesthetic look to the home. Board Member Evans asked them where their HVAC unit(s) were located and the owners stated that they had moved them to the opposite side of the house.

At this point Chair Davis asked if there were any further questions. With none, he stated that as y Chairman I forgot to open the meeting, so he stated that he was opening it a little late. Chair Davis asked if there was any further discussion from anyone and being none, he said it was time for the board to deliberate.

The board then discussed the chance to look at the emails that had been received from neighbors and the visibility issues that may come from extending the porches for traffic. Board Member Evans stated that in order to grant a variance four conditions must be met, with the first of those conditions being an unnecessary hardship. Board Member Evans questioned whether this was an unnecessary hardship for the homeowners.

Paula Stancil, neighbor, was sworn in at this point to speak on behalf of the Wells. Ms. Stancil stated she lives catty-corner across from the Wells. She stated that they do not live there full time. She said they are trying to make their house more valuable to them and to Beaufort. She said she has done the double decker bus for several years and people always ask about the house and where it came from because she said they think it looks out of place. She also stated that she felt they didn't hear from anyone because everyone lives out of town. She said there are only a few in the area that live there full time.

Vice Chair Terwilliger stated that the challenge that the board has is that there are set laws that were determined by the Town and that we have to live by those laws when looking at these types of situations. He stated that unless there is an overwhelming, compelling reason to grant the variance that the board doesn't have a lot of latitude to grant it in these types of situations. Board Member Evans stated that he agreed. Board Member Evans also stated that he didn't think this was discussed but the front door opens to the elements and a stoop or covering over the door would stop or lessen the potential problems of people standing in the rain. He stated he is also having difficulty coming up with an unnecessary hardship.

Board Member Cuthrell stated that she was new to the board but could understand about having small children and being in the rain/snow trying to get in a house. She also stated that the plans were very much in line with what was around there.

Chair Davis asked how close the front porch was going to be from the sidewalk. Mr. Wells stated that the porch was going to come out nine feet from the house and that would give about two feet from the edge of the porch to the sidewalk. Mr. Wells explained that there would be two steps coming off of the porch to a pad leading to the sidewalk. He also explained how they had reduced the front porch in width to fit between the front windows and that nine feet in width worked due to allowing for railings and posts, if it were eight feet that would make it tight.

With nothing further Chair Davis closed the hearing.

Board Member Weeks stated that his difficulty is finding the unnecessary hardship for this variance. He stated that getting in and out of the weather may not be adequate for an unnecessary hardship. Board Member Evans brought up the second condition for a hardship being "conditions that are peculiar" and wondered if this was peculiar. Vice Chair Terwilliger stated that the challenge to him is, to grant the variance there has to be an overwhelmingly obvious reason why the board is doing it. He stated that he understood about the visual aspect but there are rules that have to be followed. Chair Davis stated that this is in the Guidelines.

Mr. Wells spoke up and said that they are flexible and if they had to prioritize they would like the porch on the Marsh Street side and were open to a canopy over the front door on the Ann Street side.

Mr. Garner stated that if the Wells do not object the staff would like to go out and flag the property so the board could see and get an idea of where the porches would potentially come out, the Wells stated that they did not object and Mr. Garner said that he would like for this to be on the record as well that staff will be placing flags or stakes on the property.

Vice Chair Terwilliger made a suggestion that the matter be tabled for 30 days and come back to make a decision at the next scheduled meeting. Chair Davis asked for a motion to table the decision until the next

meeting, Vice Chair Terwilliger made the motion, Board Member Evans made a second and the motion passed unanimously.

Public Comment

Chair Davis opened public discussion but there was none.

Commission / Board Comments

Chair Davis opened board comments and the board as a whole welcomed Virginia Cuthrell.

Staff Comments

Mr. Garner stated he would also like to welcome Virginia to the board and that he feels she is going to be a great asset to the board considering she grew up in Beaufort and knows the area.

Mr. Garner stated the only other item that he has is something that he has been working with the staff attorneys on concerning the changes to the N.C. General Statutes. The staff attorneys are working on a presentation to present to all of the boards. There are changes that are going to affect opening of board meetings and statements that will need to be made concerning ex parte communications. Mr. Garner stated that there are a number of things that are already being done so those boxes can be checked off.

Board Member Evans asked if the changes for this board would include the 4/5th's majority. Mr. Garner stated that none of that had changed. The one thing that may change is the ETJ representation based on population but that staff is waiting on the new census to come out for that.

Board Member Weeks asked Mr. Garner about getting copies of the update from the UNC School of Government for everyone.

Adjourn

Chair Davis asked for a motion to adjourn, Board Member Evans made the motion, Board Member Weeks made a second and the motion carried unanimously.

Charles Davis, Chair

Denice Winn, Board Secretary

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**Town of Beaufort Board of Adjustment Regular Meeting
6:00 P.M. August 24, 2020 – Via Zoom**

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

BRIEF SUMMARY:

Applicant is requesting two variances to allow for:

- A 21' encroachment from Moore Street;
- A 23' encroachment into rear property line.

REQUESTED ACTION:

Conduct Evidentiary Hearing
Decision on Request

EXPECTED LENGTH OF PRESENTATION:

15 Minutes (Presentation From Staff)

SUBMITTED BY:

Kyle Garner, AICP Planning Director

BUDGET AMENDMENT REQUIRED:

N/A

Memo

To: Beaufort Board of Adjustment

From: Kyle Garner, AICP, Planning Director

Date: August 5, 2020

Re: Front & Rear yard variance request for 111 Moore Street

Variance Request

Applicant: Mr. John N. Duncan III	Property Owner: Same
Property Address: 111 Moore Street	PIN: 730617005991000
Property Zoning District: R-8 (Residential)	Flood Zone: Shaded X

Historic District: The property is located within the Beaufort Historic District and the applicant is aware that a Certificate of Appropriateness (COA) from the Commission will be need before any construction.

Lot Dimensions: 26' (Wide) X 107' (Moore St). = 4,478ft² (Existing Nonconforming)

Existing use: Vacant Lot

Request:

- ◆ Reduction of front setback on Moore Street to from 25 feet to 4 feet (21 foot reduction) & reduction of rear setback from 25' to 2' (23 foot reduction).

Description of Project:

This property is a lot of record prior to the implementation of the R-8 zoning and the setback requirements (Per Deeds Submitted by the Applicant). Due to the size, shape, and location of this existing lot, the imposed requirements of R-8 zoning have made the construction of a structure without a variance impossible. The requested variances will allow for a structure to be built on this lot (once a COA is issued) that aligns itself with other structures on adjacent Moore Street properties. The applicant understands that the issuance of a variance does not imply that a COA will be issued by the Historic Preservation Commission.

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

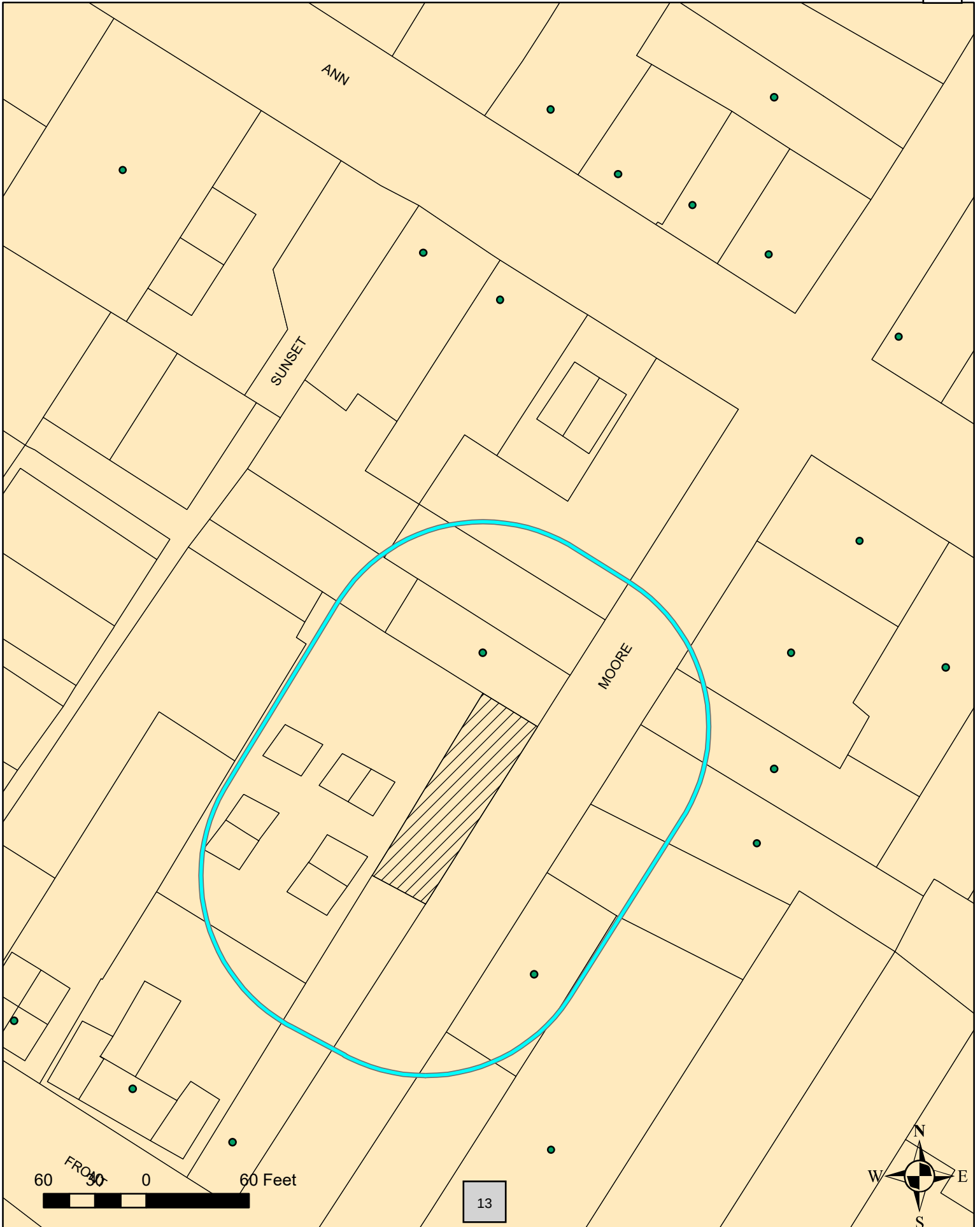
District and Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width (ft.)	Minimum Yards (ft.) Including Corner Lots			Maximum Building Height (ft)
			Front	Side	Rear	
R-8	8,000 sq. ft.	60 ft.	25ft. 20ft.	8ft.	25ft.	35ft.

Facts:

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

BOA Case 20-02 111 Moore Street - Variance Request

1.





SECTION 21 Board of Adjustment

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

A) **Organization of the Board of Adjustment.**

1) Board Membership.

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

2) Term Limits.

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

3) Removal from Board.

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

4) ETJ Members Rights.

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

5) Notification of Absences.

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

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

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

C) ***Quorum.***1) Quorum Requirements.

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

2) Withdrawal from Meeting.

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

D) ***Deciding Cases.***1) Voting.

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

2) Failure to Vote.

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

3) Conflicts.

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

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

4) Voting Procedures Due to Conflict.

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

5) Roll Call Vote.

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

E) ***Board of Adjustment Officers.***1) Election of Officers.

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

2) Rules of Order.

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

3) Chairpersons Rights.

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

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

- 1) The BOA shall hear and decide:

Land Development Ordinance for the Town of Beaufort

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

G) Public Notice of Hearings of the Board.

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

NOTICE

This property is subject to a Zoning Hearing.

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

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

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

H) Appeals.

1) Appeal Procedures.

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

Land Development Ordinance for the Town of Beaufort

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

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

2) Stay of the Appeal.

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

3) Modifications to Appeals.

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

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 this Ordinance: to preserve the property rights of others. No change in permitted uses may be authorized by variance.

1) Application Submittal.

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

2) Findings for the Variance.

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

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

Land Development Ordinance for the Town of Beaufort

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

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

J) *Interpretations.*

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

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

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

L) *Board Action on Appeals and Variances.*

1) Appeals.

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

2) Granting a Variance.

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

Land Development Ordinance for the Town of Beaufort

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

3) Denying a Variance.

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

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

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

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

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

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

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



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

Instructions:

Please complete the application below, include all the required attachments, and the **application fee of \$200.00** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed but **will be** returned to the applicant. Please contact Town Hall at 252-728-2141 with any questions.

APPLICANT INFORMATION

Applicant Name: John N. Duncan, III
 Applicant Address: 115 Moore Street, Beaufort, NC 28516
 Phone Number: 252-241-3411 Email: john@beaufortrealtync.com

Property Owner Name: John & Joseph, LLC
 Address of Property Owner: 325 Front Street, Beaufort, NC 28516
 Phone Number: 252-241-3411 Email: john@beaufortrealtync.com

PROPERTY INFORMATION

Property Address: 111 Moore Street, Beaufort, NC 28516
 15-Digit PIN: 730617005991000 Lot/Block Number: PART L31
 Size of Property (in square feet or acres): .104 acres
 Current Zoning: R8 Is the property in the Historic District? Yes
 Current Use of Property: ☒ Residential ☐ Vacant ☐ Commercial ☐ Other: _____
 Applicant Signature: [Signature] Date of Signature: 7/28/20
 Property Owner Signature (if different than above): [Signature] Date of Signature: 7/28/20

An application fee of \$200, either in cash, money order, or check made payable to the "Town of Beaufort" must accompany this application. The complete application, payment, and supporting material must be received by Town Staff at least 15 working days prior to a regularly scheduled Planning Board meeting date.

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

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

OFFICE USE ONLY

Revised

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

REQUIRED ATTACHMENTS FOR A VARIANCE TO THE BEAUFORT ZONING REGULATIONS

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

- ☐ 1. A statement explaining the following:
 - The **specific requirements** of the Town of Beaufort that the applicant is asking to be varied (for example: the number of required parking spaces, any yard setbacks, height of a structure etc.) Please reference the exact chapter and section of the Land Development Ordinance (LDO) in question.
 - The **EXACT amount** of variance that is being requested. For example, the reduction of a placement of a structure by 5 feet within a setback area; a reduction of parking spaces by 7; or an increase in the amount of permitted signage by 16 square feet, etc.
 - The **reason for requesting the Variance**, including an explanation of why the Variance should be considered based on the criteria outlined in Section 21-I (1) of the LDO and any other relevant Sections of the Ordinance that may specifically pertain to the project (see attached excerpts of the code).
- ☐ 2. A site plan of the property drawn to scale and includes:
 - A North Arrow;
 - All property lines and accurate property line dimensions;
 - The adjacent streets and names;
 - The location of all easements (if applicable);
 - The location of all existing structures (if applicable);
 - The proposed location of new or expanded structures;
 - The current and proposed building setbacks from all property lines; and,
 - All parking areas, landscaping, and any other requirements of the zoning regulations.
- ☐ 3. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requesting the variance (notification of adjacent property owners by the Town is required by North Carolina law).
- ☐ 4. Any additional materials such as photographs of the surrounding properties, elevations of proposed structures or information that the applicant would like to present to the Board of Adjustment relevant to the requested variance.
5. Plans or other documents submitted for the Variance should be in an electronic/digital method as well as one paper copy.

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

Section 21. Board of Adjustment

I) *Variances.*

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

1) Application Submittal.

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

2) Findings for the Variance.

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

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

K) *Burden of Proof for Variances.*

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

L) *Board Action on Variances.*

2) Granting a Variance.

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

3) Denying a Variance.

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

Specific Requirements Applicant is asking to be Varied:

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

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

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

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

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

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



FILE # 1625321

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

1.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

Parcel Identifier No. 7306.1700.5991

✓ Mail/Box to: **Kirkman, Whitford, Brady, Berryman & Gordon, P.A.**This instrument was prepared by: **Kirkman, Whitford, Brady, Berryman & Gordon, P.A.**Brief description for the Index: **Part Lot 31 Old Town**THIS DEED made this 11 day of December, 2018, by and between

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

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

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

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

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

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

②

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

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

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

Any and all restrictions, covenants and easements of record.

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

(Entity Name)

Suzanne Coppola (SEAL)
Suzanne Coppola

By: _____

Paul Coppola (SEAL)
Paul Coppola

Title: _____

By: _____

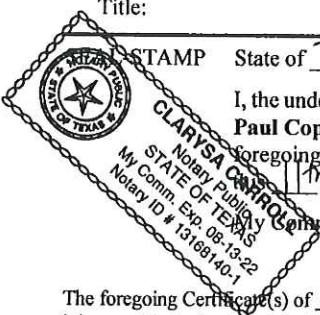
(SEAL)

Title: _____

By: _____

(SEAL)

Title: _____



STAMP State of TEXAS - County of HARRIS

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

Commission Expires: 08-13-22

Clarysa Carroll
, Notary Public

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

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



FILE # 1614342

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

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

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

DEED OF CORRECTION

STATE OF NORTH CAROLINA
 COUNTY OF CARTERET

PARCEL ID NUMBER: 730617005991
 STAMPS: \$0.00

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

WITNESSETH:

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

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

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

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

②

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

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

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

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

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

Jean L. Humber (SEAL)
Jean L. Humber

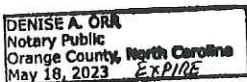
STATE OF NORTH CAROLINA
COUNTY OF ORANGE

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

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

Denise A Orp
Notary Public

My Commission Expires:
18 May 2023





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

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

FILE # 1600197

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

Rt. Wheatly

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

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

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

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

Brief description for the Index: 111 Moore Street

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

GRANTOR

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

GRANTEE

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

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

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

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

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

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

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

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

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

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

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

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

Jean L. Humber (SEAL)
Jean L. Humber

State of NC
County of ORANGE

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

My Commission Expires:

18 May 2018
(Affix Seal)

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

Denise A Orr
DENISE A ORR Notary Public

BOOK 1600 PAGE 197

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

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

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

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

WARRANTY DEED

Parcel # 7306.17.00.5729
Parcel # 7306.17.00.5991

Excise Tax \$ None

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

WITNESSETH THAT:

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

NORTH CAROLINA

CARTERET COUNTY

BEAUFORT TOWNSHIP

TRACT ONE:

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

TRACT TWO:

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

BOOK 1279 PAGE 207 (2)

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

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

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

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

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

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

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

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

Ann K. Humber
Ann K. Humber, Trustee

STATE OF VIRGINIA
COUNTY OF Fairfax

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

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

My commission expires:
31 December 2008

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

BOOK 1279 PAGE 201

Prepared: Sam B. Underwood, Jr.

1.

NORTH CAROLINA
CARTERET COUNTY

Box 75
Greenville, N.C.

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

W I T N E S S E T H:

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

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

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

Book 36 Page 183

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

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

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

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

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

Ruth Blackwelder Davis (SEAL)

NORTH CAROLINA

Rowan COUNTY

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

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

Chlen O Smith
Notary Public

My commission expires: 10-12-74

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

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

This the _____ day of December, 1973.

Register of Deeds

NORTH CAROLINA, CARTERET COUNTY

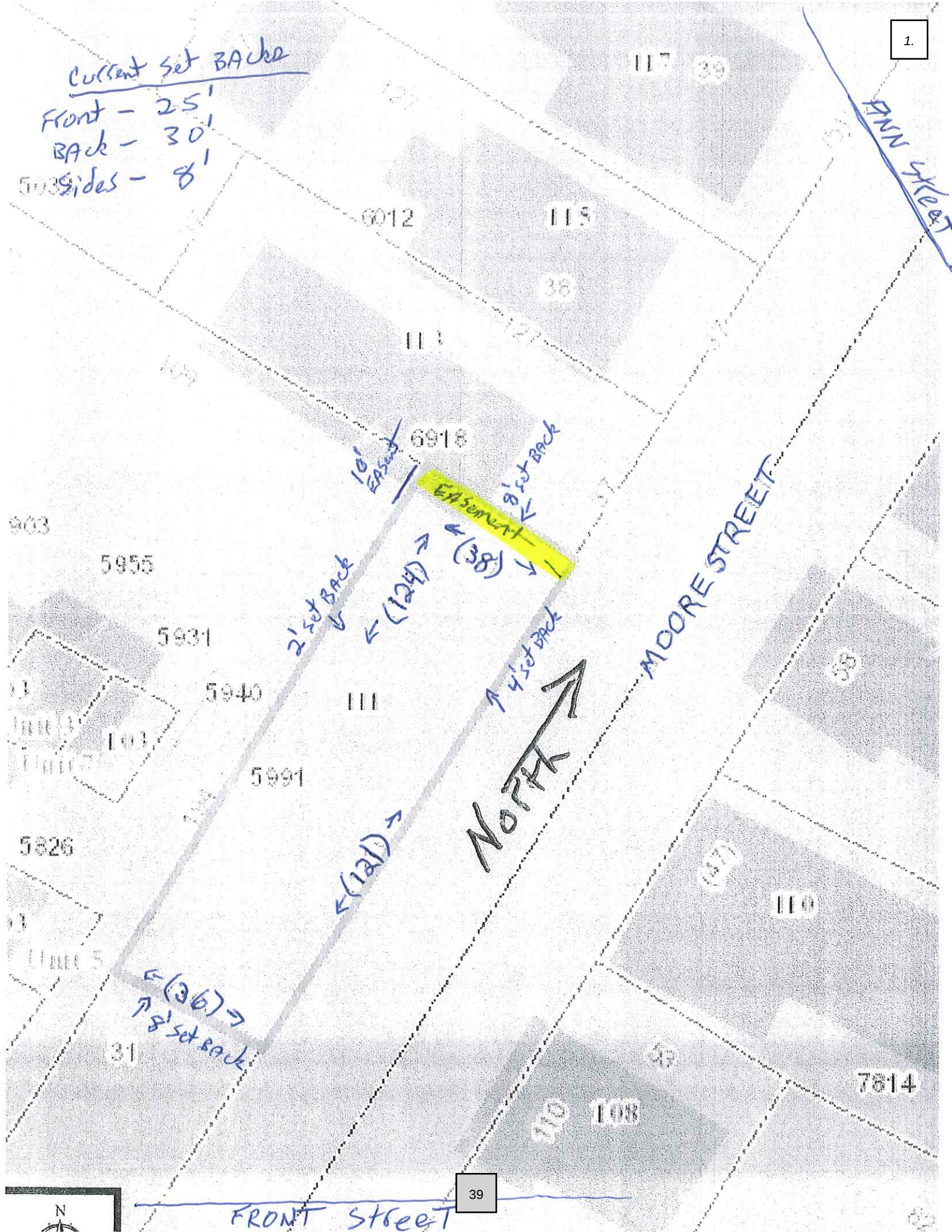
The foregoing certificate(s) of Chlen O Smith is (are) certified to be correct. This Instrument was presented for registration and recorded in this office in Book 363 Page 183.

This 4 day of April, 1974 at 4:30 O'clock P. M.

Hugh Satter
Register of Deeds (bm)

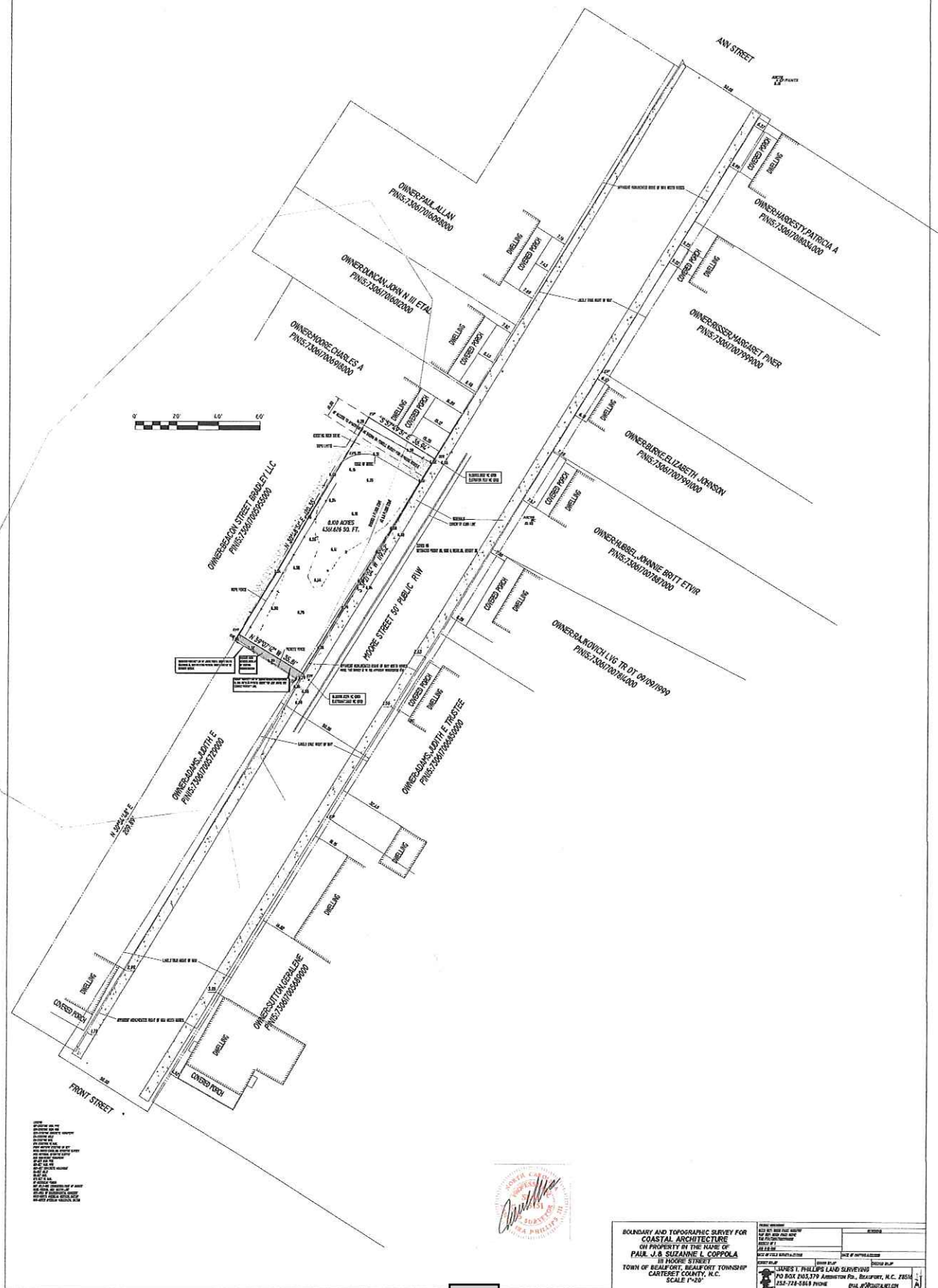
4:30 PM

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





July 9, 2020





House Approx on Prop line



APPROX 2' SET BACK 201 FRONT



111 MOORE ST. LOT

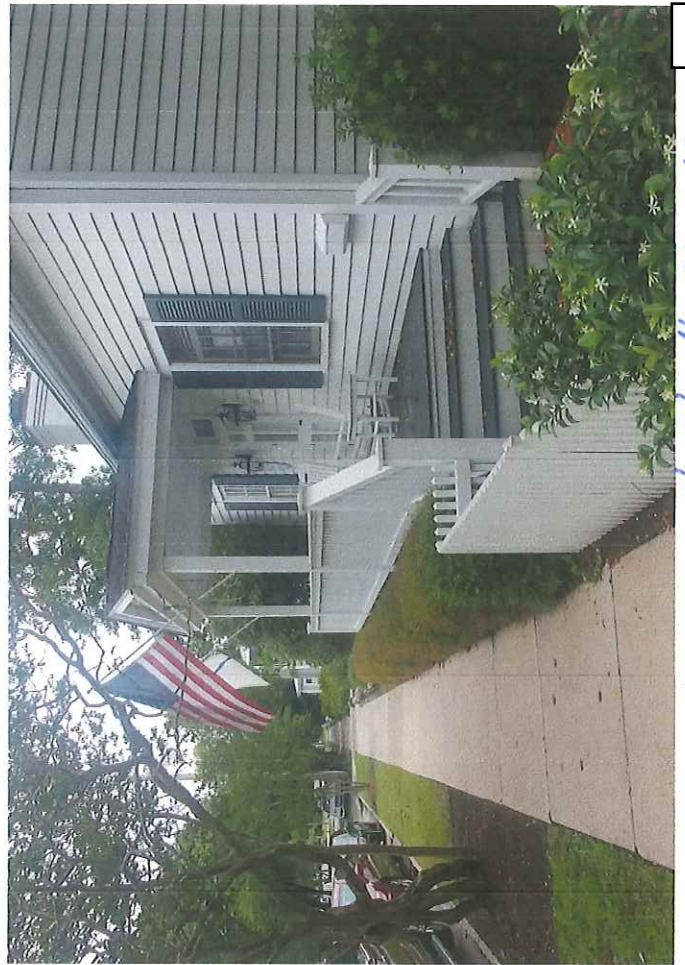


1' SET BACK

111 more lot



43



1.

108 more 1-2' off top line



44

112 MOORE



116 MOORE ST.

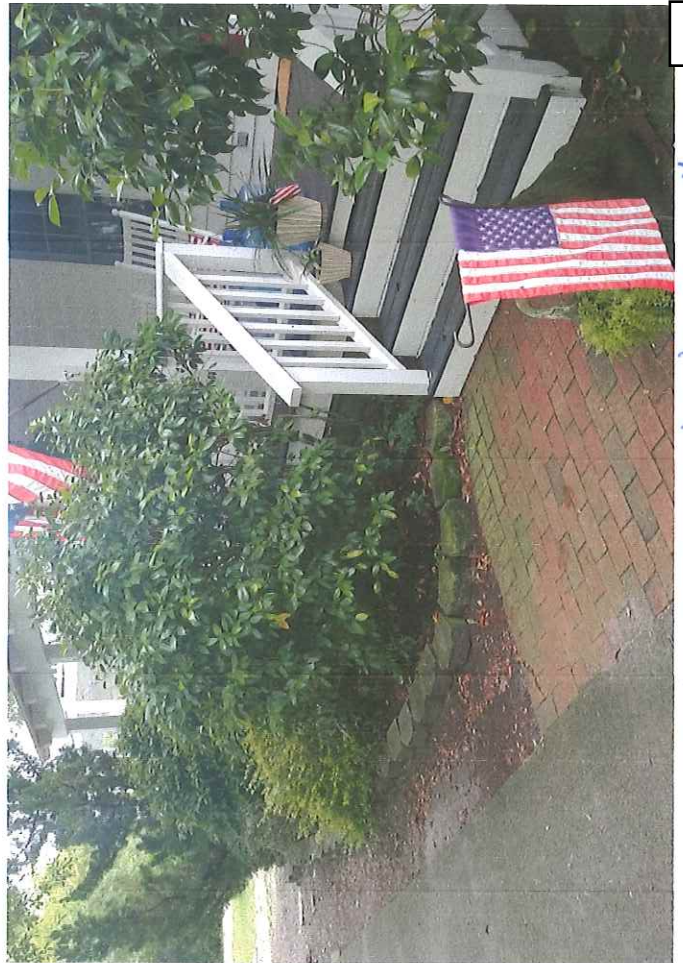


118 MOORE ST. 3'-4' Feet line



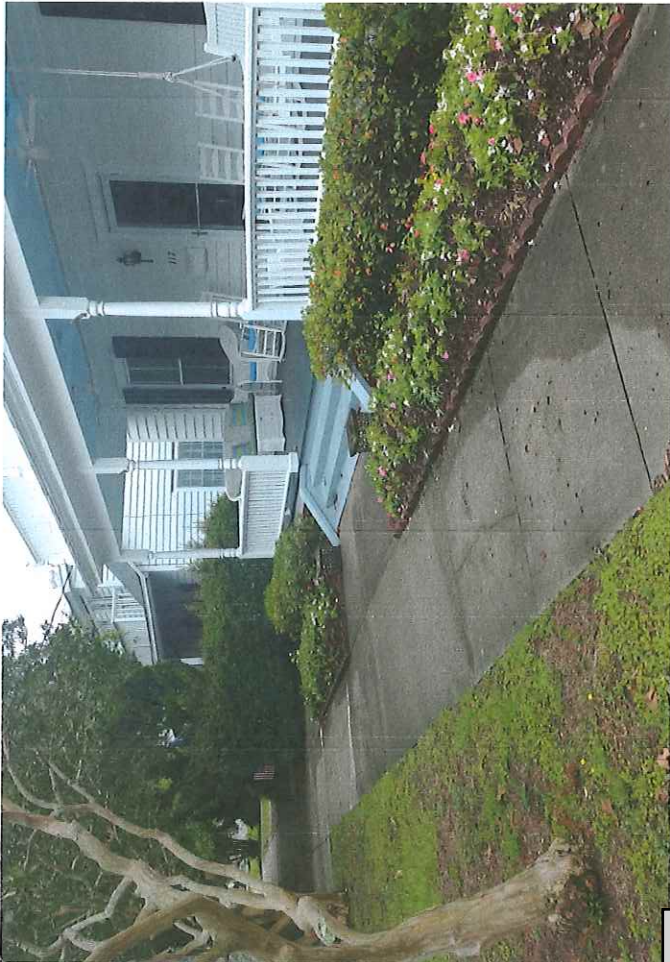
1.

114 MOORE 2'-3' Feet off



1.

115 more 3'-4' feet off line



45



