



BOARD OF COMMISSIONERS STAFF REPORT

To: Board of Commissioners
From: Kate Allen, Town Planner
Date: November 13, 2018 **Meeting Date:** December 10, 2018
Case No.: 18-15

THE REQUEST: Special Use Permit for Accessory Dwelling Unit(s) at 1527 Front Street

BACKGROUND:

Location: 1527 Front Street
Owner: Southern Living Homes, LLC
Applicant: Romelda E. Barnes
Requested Action: Provide Recommendation to Board of Commissioners
CAMA Land Use: Medium Density Residential
PINs: 730507685821000
Size: 11,540 sq ft or 0.265 acres
Existing Land Use: Single Family Residential
Adjoining Land Use & Zoning: North – Residential; Zoned RS-5
South – Residential; Zoned R8-A
East – Residential; Zoned RS-5
West – Residential; Zoned RS-5

SPECIAL INFORMATION:

Accessory Dwelling Units are listed as a Special Use in the RS-5 District, thus require a Special Use Permit. Special Use Permits follow the quasi-judicial process. Guidelines and required findings for Special Use Permits are included in this packet.

The RS-5 District also has a maximum impervious surface coverage of 50%. The applicant is proposing 5,770 square feet of impervious surface coverage (47.57%). If approved, an as-built survey will be required prior to the issuance of a Certificate of Occupancy.

Public Utilities:

Water: Available
Sanitary Sewer: Available

OPTIONS:

1. Approve the Request;
2. Deny the Request; or
3. Table the Request



STAFF COMMENTS:

Case No. 18-15 was presented to the Planning Board for review on November 8, 2018. The Planning Board found the requirements for the requested Special Use Permit as outlined in the Town Land Development Ordinance have been met.

Special Use Permit Required Findings (Town of Beaufort Land Development Ordinance)

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.

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

Medium Density Residential Classification. The Medium/High Density Residential classification encompasses approximately 0.8 square miles (483 acres) or about 10 percent of the total planning jurisdiction. The majority of the properties classified as Medium Density Residential are generally located immediately surrounding the Beaufort downtown area as well as north and east of the downtown area.



The Medium Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or two-family developments. The residential density within this classification is generally 3 to 5 dwelling units per acre. Minimum lot sizes vary from 8,000 to 10,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within Medium Density Residential-designated areas are generally compatible with the R-8, Medium Density Residential, 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.

The Town's goals and policies support the use of land in Medium Density-classified areas for single-family and two-family dwellings where adequate public utilities and streets are available or can be upgraded to support the higher residential densities encouraged in this classification.

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.

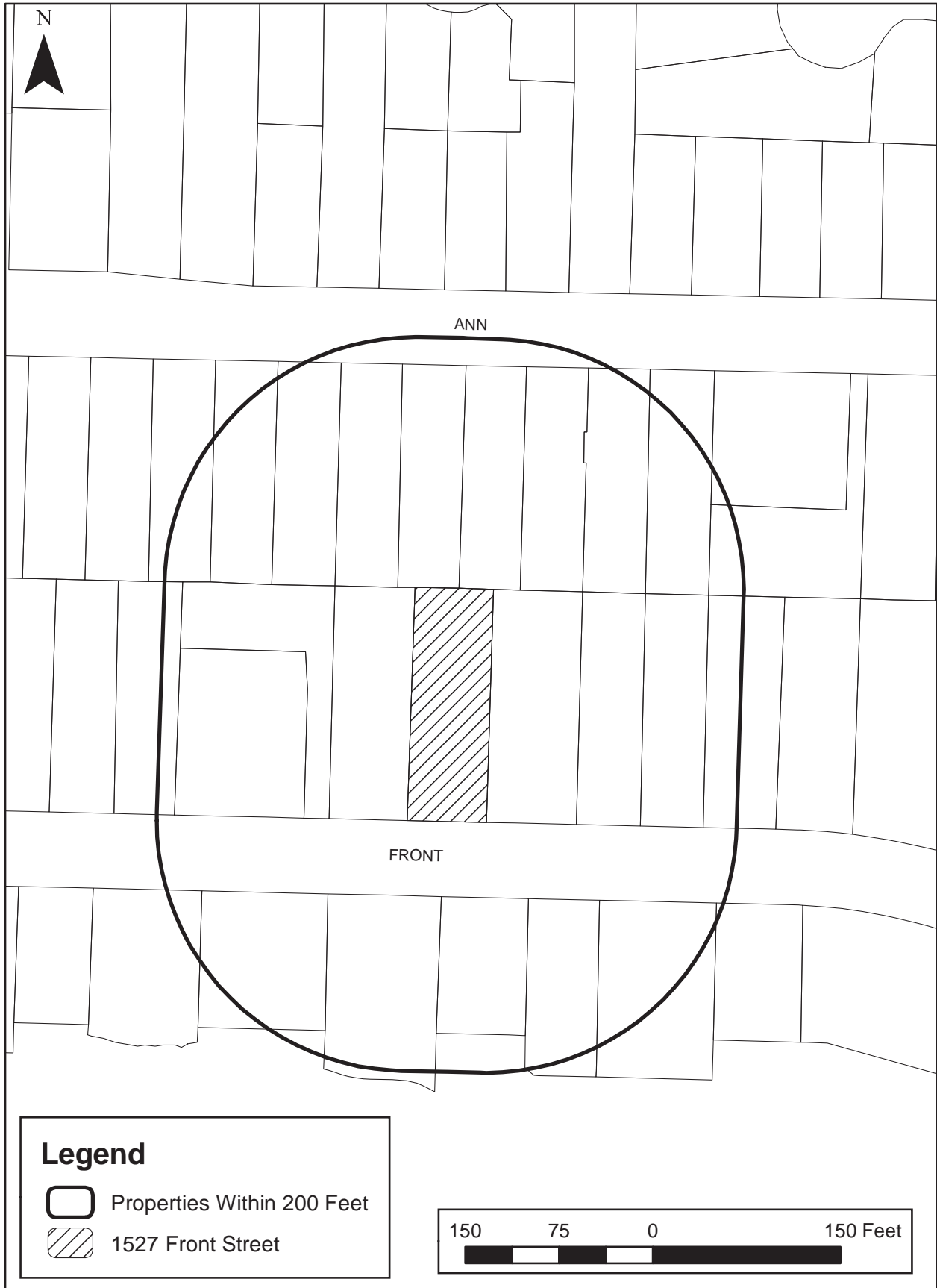
It should be noted, however, that the Land Use Plan is one of a variety of guides in making a public policy decision. The Plan should be viewed as a tool to aid in decision making and not as the final decision (*Core Land Use Plan*, Section V: Tools for Managing Development, pg. 102).

Attachments:



- List of Property Owners within 200 feet
- Vicinity Map
- Zoning Map
- CAMA Future Land Use Map
- Aerial Map
- RS-5 Residential Single-Family District pages from LDO
- Section 20 - Special Use Permits pages from LDO
- Application as Submitted

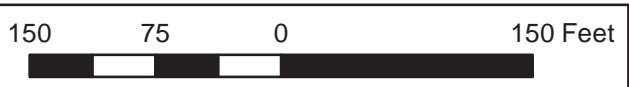
OWNER FIRST	OWNER LAST	MAIL ADDRESS	MAIL_CITY	MAIL_STATE	MAIL_ZI5	PhysicalAd
CYNTHIA E ETVIR BENJAMIN	ALLAN	PO BOX 977	MILTON	WV	25541	1515 FRONT ST
JERRY M & WANDA S	BOWMAN	1314 CANTERBURY TR	ASHEBORO	NC	27205	1531 FRONT ST
JEAN DAVIS	BURROWS	1516 ANN ST	BEAUFORT	NC	28516	1516 ANN ST
BRYAN M & KAREN	CARITHERS	1524 ANN ST	BEAUFORT	NC	28516	1524 ANN ST
HEIDI M ETVIR DOUGLAS A	CAWMAN	12 TUDOR LN	BEL AIR	MD	21015	1522 ANN ST
RICHARD SCOTT	CROCKER	227 NORTWICK RD	ROLESVILLE	NC	27571	1526 ANN ST
BOBBY H & SANDRA	CROOM	1530 FRONT ST	BEAUFORT	NC	28516	1530 FRONT ST
DENNIS & NANCY C	DUFFY	1517 FRONT ST	BEAUFORT	NC	28516	1517 FRONT ST
MARCUS R & MARY WOLF	FORBES	318 WILLWAY DR	MANAKIN SABOT	VA	23103	1533 FRONT ST
BAXTER P JR & JANE	FREEZE	407 CASCADE DR	HIGH POINT	NC	27265	1534 FRONT ST
SEBASTIAN	GORGONE	323 THREE MILE HARBOR RD	EAST HAMPTON	NY	11937	1528 ANN ST
SOUTHERN LIVING	HOMES LLC	1093 NC HIGHWAY 903 N	LITTLETON	NC	27850	1527 FRONT ST
J D S	INVESTMENT PROPS LLC	9100 STORRINGTON WAY	RALEIGH	NC	27615	1518 ANN ST
THOMAS LLOYD JR	KIRTLEY L/T	1536 ANN ST	BEAUFORT	NC	28516	1536 ANN ST
ROBERT-LISE	LLC	2111 WOODLAND AVE	RALEIGH	NC	27608	1529 FRONT ST
WILLIAM A III	MARLOWE	3700 COMPUTER DR #280	RALEIGH	NC	27609	1526 FRONT ST
JOHN ROBERT	MATTOCKS	5303 TRENT WOODS DR	NEW BERN	NC	28562	1525 FRONT ST
REBECCA S TR	OAKLEY	3823 WATERVIEW RD	HIGH POINT	NC	27265	1524 FRONT ST
CHARLES A ETAL HUNG	PRICE TRUST	318 YERBA BUENA AVE	LOS ALTOS	CA	94022	1516 FRONT ST
JOY SIMPSON	RAVE	1532 FRONT ST	BEAUFORT	NC	28516	1532 FRONT ST
JOHN TAYLOR	STANLEY	805 WOODLAND DR	GREENSBORO	NC	27408	1520 ANN ST
WILLIAM C ETAL	SULLIVAN	1523 FRONT ST	BEAUFORT	NC	28516	1523 FRONT ST
LYNN ETVIR WILLIAM KANE	SUTTON	212 FERNHAM PL	LEWISVILLE	NC	27023	1530 ANN ST
JOHN S & KIMBERLY T	TOWLES	3140 ETON RD	RALEIGH	NC	27608	1535 FRONT ST
BARRY C & JESSICA	WEED	1534 ANN ST	BEAUFORT	NC	28516	1534 ANN ST
MAURICE M	WILLIS	PO BOX 266	BEAUFORT	NC	28516	1532 ANN ST
TONY C & ELIZABETH	WOODALL	507 HERTFORD ST	RALEIGH	NC	27609	1522 FRONT ST
ROMELDA E	BARNES	11 CANVASBACK PT	ROCKY MT	NC	27804	APPLICANT

Vicinity Map



Legend

-  Properties Within 200 Feet
-  1527 Front Street



Vicinity Map



Future Land Use Map



Vicinity Map with Imagery



RS-5 Residential Single-Family 5 Development District.

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

1) Minimum Lot Size.

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

2) Residential Density.

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

3) Minimum Lot Width.

All lots in the RS-5 district shall have a minimum lot width of fifty feet (50') at the minimum building line.

4) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-17 Interior Lot Requirements

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

Table 7-18 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	10 feet	15 feet	5 feet	35 feet

Table 7-19 Double Frontage Lot Requirements

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

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

5) Accessory Building Setback Requirements.

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

6) Permitted Uses.

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

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

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

Table 7-20 Residential Zoning Districts Table of Uses

Land Development Ordinance Uses		RS-5
Residential Uses		
Group Living	Assisted Living	
	Dormitory	
	Group Home	
	Nursing Home	
Household Living	Accessory Dwelling Unit	S
	Dwelling, Duplex/Townhome	
	Dwelling, Multi-Family	
	Dwelling, Single-Family	P
	Manufactured Home	
	Manufactured Home Park	
	Recreational Vehicle Park	
	Mixed Use	
Aviation	Airport/Landing Strip	
Cemeteries/Graveyards	Cemetery/Graveyard	S
Cultural Facilities	Library	
	Museum	
Day Care	Day Care Center	
	Day Care/Child Care Home	
Government Services	Government/Non-Profit Owned/ Operated Facilities & Services	P
	Public Safety Station	P
	Public Utility Facility	P
Hospitals	Hospital	
Parks and Athletic Fields, Public Use	Athletic Field, Public	
	Community Garden	P
	Neighborhood Recreation Center, Public	P
	Outdoor Amphitheater, Public	S
	Park, Public	P
	Resource Conservation Area	P
Religious Uses	Religious Institution	S
Educational Uses	Preschool	S
	School, K-12	
	School, Post-Secondary	S
Non-Governmental Facilities	Transportation Facility	S
	Utility Facility	
	Utility Minor	P
Agricultural Uses	Agritourism	
	Aquaculture	
	Farming, General	
	Forestry	
	Produce Stand/Farmers' Market	

Permitted Use

Special Use

Table 7-20 Residential Zoning Districts Table of Uses

Land Development Ordinance Uses		RS-5
Animal Services	Kennel, Indoor Operation Only	
	Kennel, Indoor/Outdoor Operation	
Assembly	Club, Lodge, or Hall	S
Financial Institutions	Financial Institution	
Food and Beverage Services	Microbrewery	
	Restaurant, with Drive-Thru Service	
	Restaurant, with Indoor Operation	
	Restaurant, with Outdoor Operation	
	Tavern/Bar/Pub with Indoor Operation	
	Tavern/Bar/Pub with Outdoor Operation	
Offices	Office, Business, Professional, or Medical	
Public Accommodations	Bed & Breakfast	S
	Hotel or Motel	
Indoor Recreation & Entertainment, Privately Owned	Adult Entertainment	
	Amusement Establishment	
	Commercial Indoor Recreation Facility	
	Neighborhood Recreation Center Indoor/Outdoor, Private	P
	Pool Hall or Billiard Hall	
	Theater, Large	
	Theater, Small	
Outdoor Recreation & Entertainment, Privately Owned	Athletic Field, Private	
	Commercial Outdoor Amphitheater	
	Commercial, Outdoor Recreation Facility	
	Golf Course, Privately-Owned	S
	Golf Driving Range	S
	Motor Vehicle Raceway	
Retail Sales and Services	Adult-Oriented Retail Establishment	
	Convenience Store	
	Mortuaries/Funeral Homes/Crematoriums	
	Liquor Store	
	Personal Service Establishment	
	Retail Store	
Vehicle Storage Facilities	Dry Boat Storage	
	Marina	S
	Parking Lot	
	Parking Structure	
Vehicles and Equipment Facilities	Boat Sales/Rentals	
	Car Wash	
	Gas/Service Station	
	Heavy Equipment Sales/Rentals	
	Heavy Vehicle Repair	
	Moped/Golf Cart Sales/Rentals	
	Motor Vehicle Sales/Rentals	
	Towing & Vehicle Storage	
	Vehicle Service	

Permitted Use

Special Use

Table 7-20 Residential Zoning Districts Table of Uses

Land Development Ordinance Uses		RS-5
Industrial Service Uses	General Industrial Service	
Manufacturing and Production Uses	Manufacturing, Heavy	
	Manufacturing, Light	
	Resource Extraction	
Telecommunication Facilities	Antenna Co-Location on Existing Tower	P
	Concealed (Stealth) Antennae & Towers	S
	Other Building-Mounted Antennae & Towers	
	Other Freestanding Towers	
Warehouse and Freight Movement Uses	Commercial Waterfront Facility	
	Hazardous Material Storage	
	Mini-Storage	
	Outdoor Storage	
	Warehousing & Distribution Establishment	
	Wholesale Establishment	
Waste-Related Uses	Recycling and Salvage Operation	
Accessory Uses	Carport	P
	Dock	P
	Garage, Private Detached	P
	Home Occupation	P
	Outdoor Retail Display/Sales	
	Satellite Dish Antenna	S
	Shed	P
	Signs, Commercial Free-Standing	
	Swimming Pool (Personal Use)	P
	Temporary Construction Trailer	P
	Vehicle Charging Station	P

Permitted Use

Special Use

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,

- 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) *Public Hearing Notification Requirements.*

The Town shall schedule a public hearing 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 public hearing 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 public hearing 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 public hearing 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 public hearing 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.

Land Development Ordinance for the Town of Beaufort

- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the public hearing for the proposed special use application. 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);



APPLICATION FOR A SPECIAL USE PERMIT

Instructions:

Please complete the form below including all required attachments, a **\$200.00 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 Town Hall at (252) 728-2141 if there are any questions.

APPLICANT INFORMATION

Applicant Name: Romelda E. Barnes

Applicant Address: 11 Canvasback Point, Rocky Mount, NC 27804

Phone Number: 252-883-6136 Email: Romy149@aol.com

Property Owner Name: Southern Living Homes, LLC

Address of Property Owner: 1093 NC Hwy 903 N, Littleton, NC 27850

Phone Number: 252-883-6136 Email: Romy149@aol.com

PROPERTY INFORMATION

Property Address: 1527 Front St, Beaufort, NC 28516

15-Digit PIN: 730507685821000 Lot/Block #: Lot 56, 57 & Part of 58 Ocean Breeze Park

Size of Property (in square feet or acres): 11,540 SF Current Zoning: RS-5

Current Use of Property: Residential Requested Use: Residential

Special Use Permit requested for Accessory Dwelling Unit

An application fee of **\$200.00**, 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 for information required to accompany this application. If any document(s) greater in size than 11"x17" will be submitted, please submit at least **14 copies** of the document(s).

The town's website address is www.beaufortnc.org.

Applicant Signature _____

Date of Signature _____

Property Owner Signature (if different than above) _____

Date of Signature _____

OFFICE USE ONLY

Revised

Date: _____

Reviewed for Completeness By: _____

Received by: _____

Date Deemed Complete and Accepted: _____

**Special Use Permit Narrative
for an Accessory Dwelling Unit for:**

Romelda E. Barnes
Southern Living Homes, LLC
1527 Front St.
Beaufort, NC 28516

ID: 730507685821000
Lot 56, 57 & Part of 58
Ocean Breeze Park
Zone RS-5

I am applying for a Special Use Permit for an Accessory Dwelling. My proposed plan is to remove the existing garage, replace it with another garage with a small living space and to also add another small cottage on my property. These buildings will be for my private use and my desire is that my family will enjoy them as peaceful retreats when they come to visit.

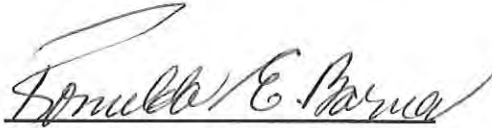
The proposed plan adheres to the land use specifications in regards to impervious/pervious percentages and site coverage percentages. The architectural design has been developed to compliment my existing house and the surrounding neighborhood.

The garage will feature a standing seam metal A-roof and two standing seam metal shed roof dormers. The A-roof covered upper deck will feature exposed rafters and ends, exposed beams and brackets. The windows will be double hung. There will be parking for two cars underneath and three more outside. It will have two sleeping areas, two bathrooms and a kitchenette/lounge area.

The cottage will also feature a standing seam metal A-roof and two standing seam metal shed roof dormers. The open loft design has a sleeping area, a bathroom and a small kitchenette/lounge area.

Connecting the garage and cottage will be a concrete pad with an open beam pergola and a four foot concrete walkway connecting them both to the main house. The concrete area left uncovered by the removal of the existing garage will be cut out and replaced with turf stone.

10-1-18
Date


Romelda E. Barnes

ADDENDUM

Special Use Permit Narrative for an Accessory Dwelling Unit for:

Romelda E. Barnes
Southern Living Homes, LLC
1527 Front St.
Beaufort, NC 28516

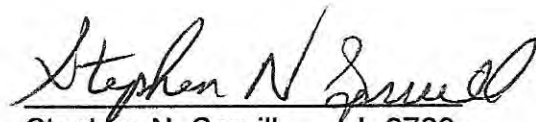
ID: 730507685821000
Lot 56, 57 & Part of 58, Ocean Breeze Park
Zone RS-5

As requested in an email to the property owner dated 10/15/18
by Kate Allen, Town Planner, Town of Beaufort

Concerning the Required Findings for the granting of a special use request as set forth in Section 20 items E), 1) a)-g) of the Town's Land Development Ordinance this request is an allowable special use in the RS-5 zoning district, is in compliance with Town's land use plan, and the application has been completed to the best of our ability. The extension of the driveway depth is the only change concerning item d) and will not impact traffic control or circulation in adjoining public streets. We believe the quality of the proposed improvements can only serve to enhance the value of adjoining properties and will be compatible with adjoining uses and development trends in the immediate area. We can see no reason why this requested special use would have a negative impact on the health, safety and welfare of the public at large or the surrounding community.

10-17-18

Date



Stephen N. Spruill L-2723
Spruill & Associates, Inc.
2747 East Tenth Street
Greenville, NC 27858
(252) 757-1200 Firm No. C-978



SPECIAL USE PERMIT APPLICATION DRAWINGS FOR:

ROMELDA E. BARNES
 SOUTHERN LIVING HOMES, LLC
 1527 FRONT STREET
 BEAUFORT, NORTH CAROLINA 28516

INDEX OF DRAWINGS

- C1 COVER SHEET
- SP1 EXISTING SITE PLAN
- SP2 PROPOSED SITE PLAN
- B1 FLOOR PLAN - NEW GARAGE
- B1.1 ELEVATIONS - NEW GARAGE
- B2 FLOOR PLAN & ELEVATIONS - NEW COTTAGE

REVISIONS	BY

PROJECT:
ROMELDA E. BARNES
 1527 FRONT STREET
 BEAUFORT, NC 28516

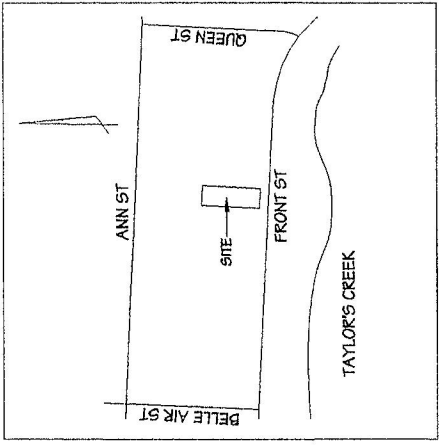
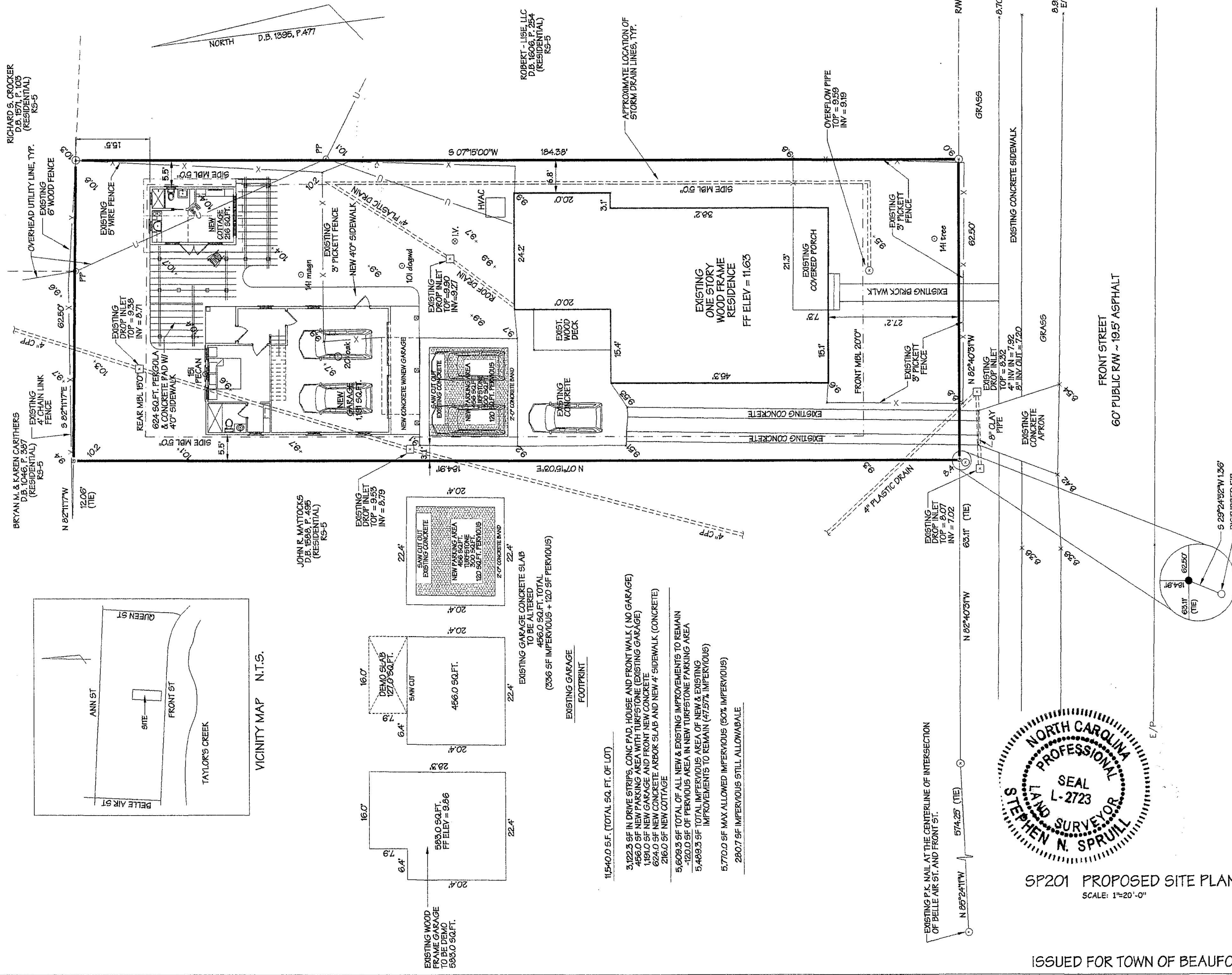

 906 Moye Boulevard
 Greenville, N.C. 27834
 Fax: (252) 756-5753

J. MORGAN
 DESIGN ASSOCIATES, INC.
 252-756-4289

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 2. Contractor is responsible for construction and conforming to all N.C. State Building Codes.
 3. Plans indicate location only; engineering aspects should incorporate actual site conditions. Caution must be taken in making any changes to this plan. Only a qualified designer, architect, contractor, or structural engineer should make any changes. Any changes made on drawings or drawings in one area of the building could result in major problems in another area.

DATE: 09.17.2018
 DRAWN BY: JBC
 SCALE: AS NOTED
 JOB NO:

SHEET:
C1



RICHARD S. CROCKER
D.B. 1971, P. 103
(RESIDENTIAL)
RS-5

ROBERT - LISE, LLC
D.B. 1806, P. 254
(RESIDENTIAL)
RS-5

JOHN R. MATTOCKS
D.B. 1528, P. 495
(RESIDENTIAL)
RS-5

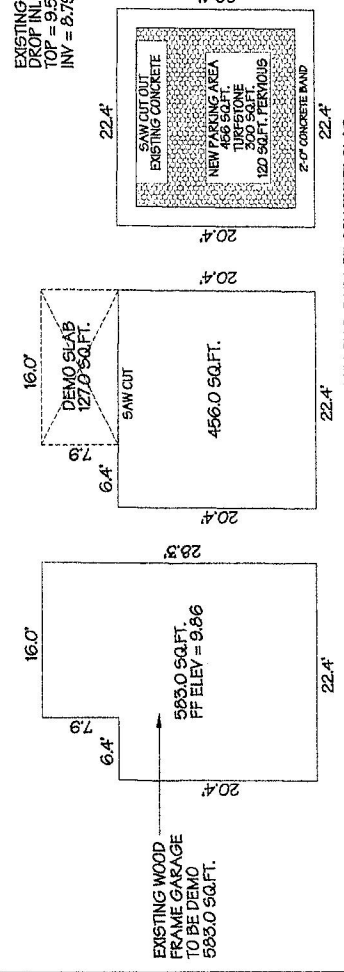
BRYAN M. & KAREN CARITHERS
D.B. 1046, P. 397
(RESIDENTIAL)
RS-5

11,540.0 SF. (TOTAL SQ. FT. OF LOT)

3,122.3 SF IN DRIVE STRIPS, CONC PAD, HOUSE AND FRONT WALK (NO GARAGE)
456.0 SF NEW PARKING AREA WITH TURFSTONE (EXISTING GARAGE)
1,191.0 SF NEW GARAGE AND FRONT NEW CONCRETE
624.0 SF NEW CONCRETE ARBOR SLAB AND NEW 4' SIDEWALK (CONCRETE)
216.0 SF NEW COTTAGE

5,609.3 SF TOTAL OF ALL NEW & EXISTING IMPROVEMENTS TO REMAIN
-120.0 SF OF PERVIOUS AREA IN NEW TURFSTONE PARKING AREA
5,489.3 SF TOTAL IMPVIOUS AREA OF NEW & EXISTING IMPROVEMENTS TO REMAIN (47.57% IMPVIOUS)

5,770.0 SF MAX ALLOWED IMPVIOUS (50% IMPVIOUS)
280.7 SF IMPVIOUS STILL ALLOWABLE.



NOTES

- ELEVATIONS HEREON ARE BASED ON THE FINISHED FLOOR ELEVATION OF THE EXISTING HOME AS SHOWN ON THAT SURVEY FOR STEVE & DINAH BROCK, DATED 7-11-97, AS PREPARED BY POWELL SURVEYING COMPANY.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION REPORT AND IS SUBJECT TO ANY AND ALL TITLE MATTERS OF RECORD WHICH MAY AFFECT THIS PROPERTY.
- AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 3720750500, DATED 7-16-03, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- THE TOWN OF BEAUFORT ZONING DESIGNATION FOR THIS PROPERTY IS RS-5, FRONT MBL=20', REAR MBL=15', SIDE MBL = 5'.
- THIS PROPERTY IS LOCATED IN THE CAMA COKE LAND USE PLAN OF THE TOWN OF BEAUFORT.

LEGEND

- EXISTING IRON PIPE (EIP)
- IRON PIPE SET
- EXISTING P.K. NAIL
- R/W RIGHT OF WAY
- OVERHEAD UTILITY LINE
- PP ○ POWER POLE
- 10.0 - SPOT ELEVATION
- I.V. ○ IRRIGATION VALVE
- TREE

SITE DATA

FIN: 730507686821000
ADDRESS: 1527 FRONT ST., BEAUFORT, NC 28516
OWNER: SOUTHERN LIVING HOMES, LLC
EXISTING & PROPOSED USE: RESIDENTIAL

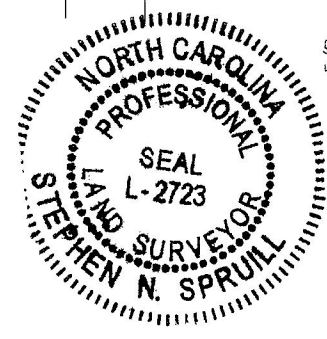
AREA OF EXISTING STRUCTURES: 2,722.1 SF
(AREA OF EXISTING WALK, DRIVE & PARKING PAD: 883.2 SF)
(TOTAL EXISTING IMPVIOUS AREA: 3,705.3 SF) (32.11%)

AREA OF EXISTING GARAGE TO BE REMOVED: 588.0 SF
AREA OF EXISTING GARAGE SLAB TO REMAIN: 456.0 SF
(120 SF PERVIOUS, 336 SF IMPVIOUS)

AREA OF PROPOSED STRUCTURES: 1,407.0 SF
AREA OF PROPOSED WALK & ARBOR: 624.0 SF

TOTAL NEW AREA OF ALL STRUCTURES & CONC: 5,609.3 SF
CURRENT ZONING: RS-5
(5,489.3 SF (47.57%) IMPVIOUS AREA)

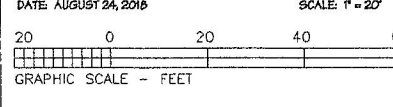
TOTAL LOT AREA: 11,540.0 SF
NUMBER OF LOTS/PARCELS: 1 (2-1/2 SUBDIVISION LOTS)
MINIMUM LOT SIZE: 5,000 SF
MINIMUM LOT WIDTH: 50'
MAXIMUM IMPVIOUS AREA: 50% OF LOT SIZE
SPECIAL USE PERMIT SOUGHT: ACCESSORY DWELLING UNIT



SP201 PROPOSED SITE PLAN
SCALE: 1"=20'-0"

EXISTING SURVEY FOR
ROMELDA E. BARNES

DEED BOOK 1085, PAGE 477
LOTS 56, 57 AND A PORTION OF LOT 58
OCEAN BREEZE PARK
TOWN OF BEAUFORT - BEAUFORT TOWNSHIP
CARTERET COUNTY - NORTH CAROLINA



DATE: AUGUST 24, 2018 SCALE: 1" = 20'

REVISED: OCTOBER 17, 2018; ADDED NOTE NO. 6.

Spruill & Associates Inc.
2747 East Tenth Street
Greenville, North Carolina 27838
(252) 757-1300 Firm No. C-975
(JOB NO. 180.94)

I CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET AND THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION (DEED REFERENCE SHOWN IN TITLE BLOCK); THAT ALL BOUNDARIES HAVE BEEN SURVEYED; THAT THE RATIO OF PRECISION IS 1: 18,265 AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) THIS 17 DAY OF OCTOBER, 2018.

Stephen N. Spruill
STEPHEN N. SPRUILL L-2723

REVISIONS	BY

PROJECT:
ROMELDA E. BARNES
1527 FRONT STREET
BEAUFORT, NC 28516

906 Moye Boulevard
Greenville, N.C. 27834
Fax: (252) 756-5753

J. MORGAN
DESIGN ASSOCIATES, INC.
252-756-4289

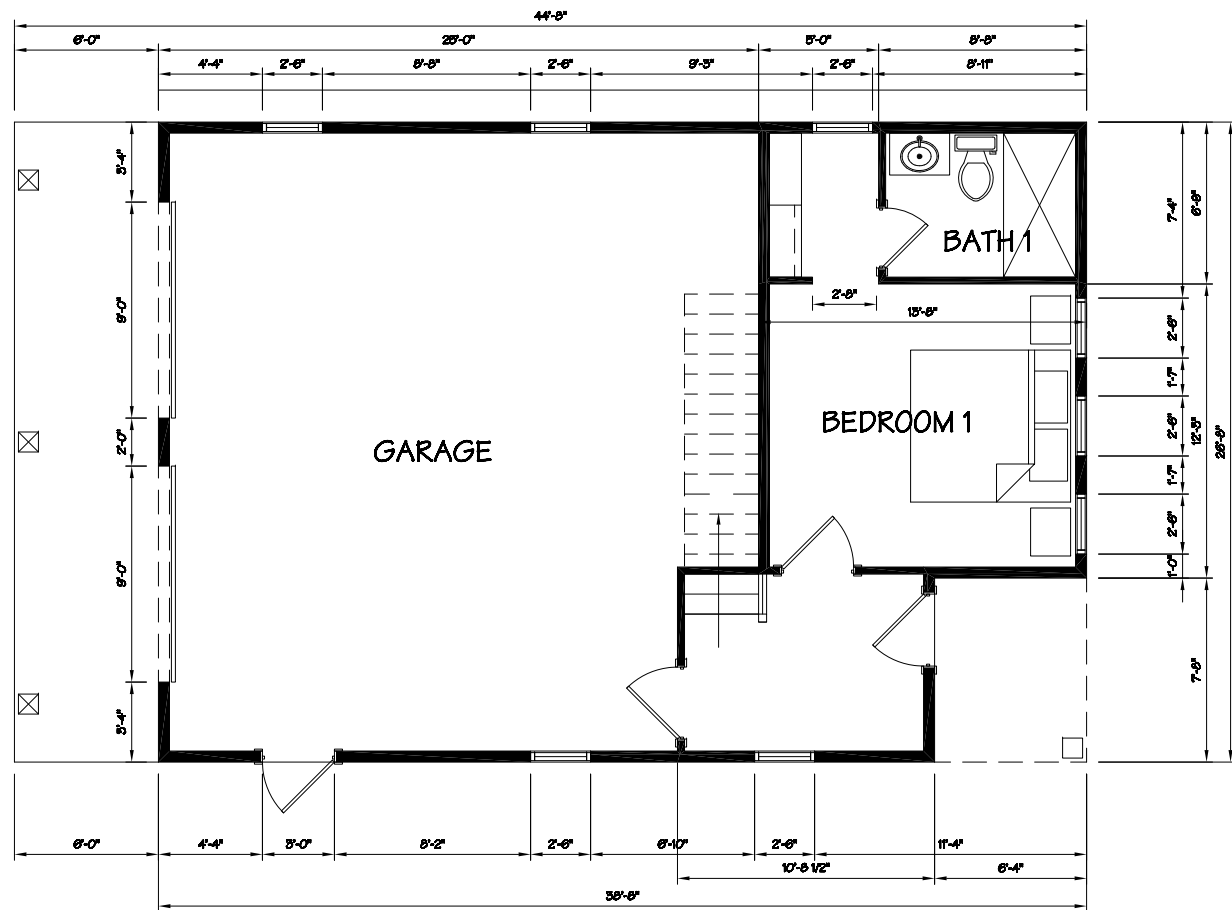
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2. Contractor is responsible for construction and confirming to all N.C. State Building Codes.
3. Plans indicate location only; engineering aspects should incorporate actual site conditions. Customer must engage a professional engineer to verify and certify that the proposed construction meets all applicable codes and regulations. An error or change in one area of the building could lead to major problems in another area.

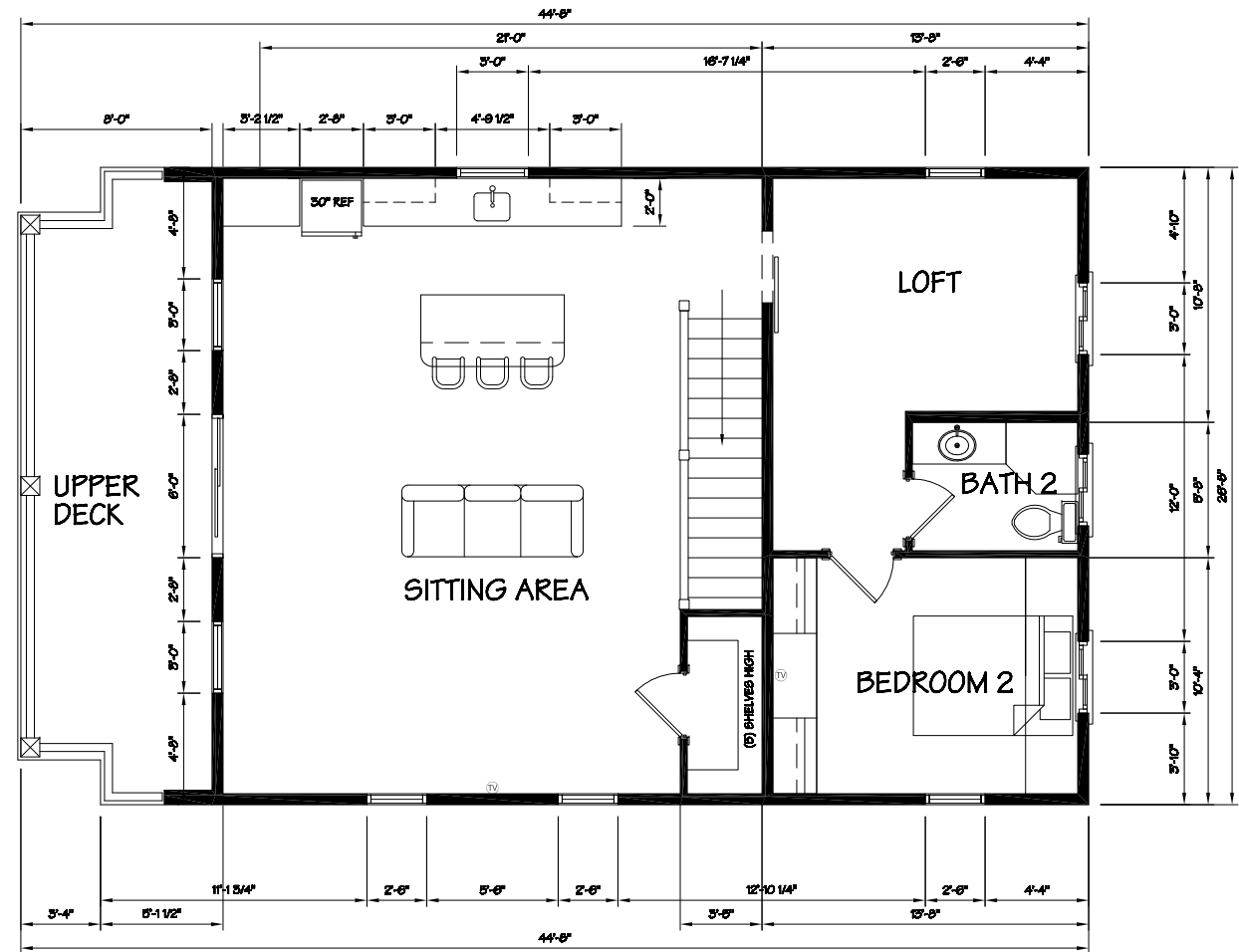
DATE: 09.17.2018	DRAWN BY: JBC
TITLE: AS NOTED	FILE NO:

SHEET:
SP2

ISSUED FOR TOWN OF BEAUFORT REVIEW BOARD 09.17.2018



B101 GARAGE LEVEL
SCALE: 1/8"=1'-0"



B102 SECOND FLOOR
SCALE: 1/4"=1'-0"

NEW GARAGE

ISSUED FOR TOWN OF BEAUFORT REVIEW BOARD 09.17.2018

REVISIONS	BY

PROJECT:
ROMELDA E. BARNES
1527 FRONT STREET
BEAUFORT, NC 28516

906 Moye Boulevard
Greenville, N.C. 27834
Fax: (252) 756-5753

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DATE: 09.17.2018
SCALE: AS NOTED
DRAWN BY: JBC

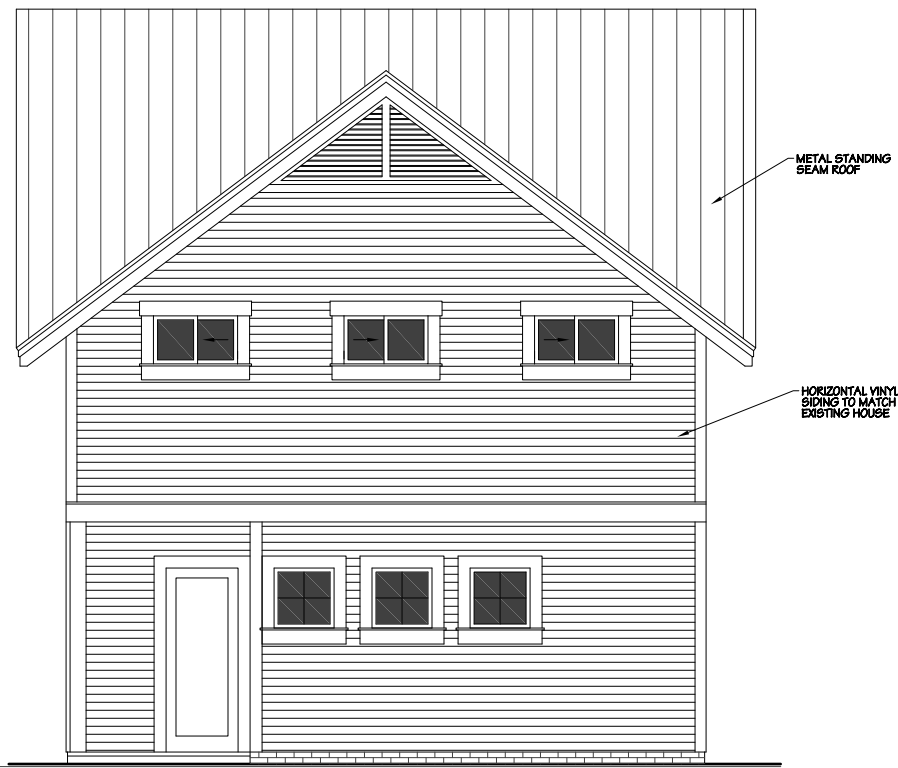
SHEET:
B1



B1.101 FRONT ELEVATION
SCALE: 1/8"=1'-0"



B1.102 RIGHT SIDE ELEVATION
SCALE: 1/8"=1'-0"



B1.103 REAR ELEVATION
SCALE: 1/8"=1'-0"



B1.104 LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

REVISIONS BY

PROJECT:
ROMELDA E. BARNES
1527 FRONT STREET
BEAUFORT, NC 28516

906 Moye Boulevard
Greenville, N.C. 27834
Fax: (252) 756-5753

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252-756-4289

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DATE: 09.17.2018
SCALE: AS NOTED
DRAWN BY: JBC
JOB NO:

SHEET:
B1.1

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.



FILE # 1395477

Joy Lawrence, Register of Deeds
By: RWA Harris
Asst. Deputy, Register of Deeds

FOR REGISTRATION REGISTER OF DEEDS
Joy Lawrence
Carteret County, NC
January 03, 2012 11:16:36 AM
COUNTER DEED 2 P
FEE: \$26.00
FILE # 1395477

Rtn Fields & Cooper, PLLC
P.O. Drawer
Nashville, NC 27856

Prepared by: Michael D. Gaynor
Fields & Cooper, PLLC
Post Office Box 757
Nashville, NC 27856

Excise Tax:

Tax Parcel(s): 7305.07.68.5821

NORTH CAROLINA

GENERAL WARRANTY DEED
(Title Not Examined by Preparer)

CARTERET COUNTY

THIS DEED, made this 22nd day of November, 2011, by and between **Carson B. Barnes and wife, Romelda E. Barnes**, whose address 11 Canvasback Point, Rocky Mount, NC 27804 (hereinafter sometimes collectively referred to as "Grantors"), and **Southern Living Homes, LLC**, whose address is 1093 NC Highway 903 N., Littleton, NC 27850 (herein referred to as "Grantee"). All provisions of this Deed apply in the plural sense where there is more than one Grantor or Grantee and all persons, firms, corporations, associations, partnerships, individuals, males or females shall be deemed fully included, and the masculine gender shall be construed to mean feminine or neuter, singular or plural, where such construction is necessary to make any provision of this Deed applicable to any person, persons, firms, corporations, association, thing or act at any time.

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 Carteret County, North Carolina, and more particularly described as follows:

File No. 11-0233A

Beginning at an iron rod in the northern right of way line of Front Street, said rod being located S 85 11 05 E 637.31 feet from a nail at the intersection of the centerlines of Bell Air Street and Front Street. From said point and place of beginning run thence N 07 15 00 E 185.00 feet to an iron rod; run thence S 82 45 00 E 62.50 feet to an iron pipe; run thence S 07 15 00 W 185.00 feet to an iron pipe in the northern right of way line of Front Street; run thence with the northern right of way line of Front Street N 82 45 00 W 62.50 feet to the point and place of beginning, and being all of Lot 56 and 57 and the eastern half of Lot 58, Ocean Breeze Park as shown on that survey entitled "William E. Fallon" dated September 3,

BOOK 1395 PAGE 477

NEED

MB2, P. 98

MB.1, P. 226

2

2003, prepared by James Ira Phillips III, R.L.S., referenced to said survey being made for greater certainty of description.

Being the identical property conveyed by deed dated September 3, 2003 from William F. Henderson, Trustee to William E. Fallon, said deed being recorded in Book 1016, Page 73, Carteret County Registry. Being the identical property conveyed by deed dated May 17, 2011 from William E. Fallon, unmarried, to Southern Living Homes, LLC, said deed being recorded in Book 1376, Page 25, Carteret County Registry.

Being the identical property conveyed to Carson B. Barnes by deed, dated August 10, 2011, and recorded in Deed Book 1383, Page 54, Carteret County Registry.

For Further Reference, see Tax ID# 7305.07.68.5821

The hereinabove described property does not include 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 Grantor covenants with Grantee, that Grantor is seized of the premises 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 except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: subject to all restrictions, rights of way, easements and permits of record, if any.

In Witness Whereof, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Carson B. Barnes (SEAL)
Carson B. Barnes

Rómelda E. Barnes (SEAL)
Rómelda E. Barnes

State of North Carolina

Nash County

I, J. Renée Adams, a Notary Public of the County and State aforesaid, certify that personally appeared before me this day Carson B. Barnes and Romelda E. Barnes and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 22nd day of November, 2011 ^{file}
~~January, 2012.~~

J. RENEE ADAMS
NOTARY PUBLIC
Nash County, NC

J. Renée Adams
Notary Public
My Commission Expires: 10/7/2013

BOOK 1395 PAGE 477