

Memo

To: Town of Beaufort Board of Adjustment
From: Kate Allen, Town Planner
Date: February 14, 2019
Re: Variance Request for 1406 Front Street

Variance Request

Applicant: Andrew Gibson

Property Owner: Andrew Gibson

Property Address: 1406 Front Street

PIN: 730507587653000

Property Zoning District: R-8A Residential Single Family Waterfront District

Flood Zone: AE-8

Existing use: Vacant

Lot Dimensions: 49.95' (Wide)

109.64' (Deep)

5,476.32 ft² (Existing Lot of Record)

Request: Applicant is requesting a variance in order to measure future building height from the Regulatory Flood Protection Elevation rather than the average adjacent grade as required per the Town of Beaufort Land Development Ordinance.

Property Information: The Applicant has supplied the Board with a Survey/Site Plan and the reason for the variance request. See attached information from Applicant. The previous structure was damaged as a result of Hurricane Florence and has since been demolished.

Facts:

- The subject property is a vacant, nonconforming lot of record
- The subject property was an existing lot of record prior to the adoption of the Town's Land Development Ordinance
- Subject property is currently zoned R-8A Residential
- Subject property is 5,476.32 ft² which is nonconforming to the 8,000 ft² requirement of the R-8A Residential Zoning District.
- Subject property has 49.95 feet of road frontage, nonconforming to the 60 ft. lot width requirement of the R-8 Zoning District
- Subject property is located within an AE-8 Special Flood Hazard Area
- The R-8A Residential District has a maximum building height of 35 feet

- The Town of Beaufort Flood Damage Prevention Ordinance defines the Regulatory Flood Protection Elevation as BFE plus one foot of freeboard
- The Town of Beaufort Land Development Ordinance requires a building height to be measured from the adjacent naturally occurring grade to the highest point of the structure

Attachments:

1. Excerpts from the Town of Beaufort Land Development Ordinance
 - A. Section 4: Definitions
 - B. Section 6: Height and Area Exceptions and Supplements
 - C. Section 7-D: R-8A Residential Single-Family Waterfront District
 - D. Section 11: Nonconformities
 - E. Section 21: Board of Adjustment
2. Excerpts from the Town of Beaufort Flood Damage Prevention Ordinance
 - A. Definitions
 - B. §151.40 General Standards & §151.41 Specific Standards
3. Maps
 - A. Aerial
 - B. Zoning
 - C. Special Flood Hazard Area
 - D. Topography
4. Vicinity Map & Notified Property Owners
5. Applicant Materials
 - A. Application
 - B. Narrative
 - C. Survey
6. Additional Property Information
 - A. Carteret County Tax Parcel Card
 - B. Deed
 - C. Site Photos

Brewery which sells to consumers at the *Brewery*, to wholesalers, to retailers, and to exporters, fewer than 310,000 gallons of malt beverages produced by the brewery per year.

Buffer Yard. A unit of required yard which is a combination of land and physical barriers such as fencing and plant materials which separate various land uses.

Buildable Area. The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, and setbacks) have been met.

Building. A structure or part thereof. See *STRUCTURE*.

Building Coverage. The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Building, Detached. A building having no party or common wall with another building except an accessory building.

Building Height. The vertical distance measured from the naturally occurring grade adjacent to a structure to a level plane formed by the highest point (peak) of the structure. In cases where the natural grade varies at corners of a structure, the *Building Height* shall be determined by using the average natural grade at the corners of the structure. The highest point of the structure is generally the ridge of the roof for pitched roof structures and the top surface of a flat roof for flat roof structures but shall also include the highest surface of parapet walls and other structural features.

Building Inspector/Inspector. The individual appointed by the BOC to administer and enforce all sections of the North Carolina State Building Codes pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings.

Building, Principal. A building which is constructed for the principal use of the lot where the building is located. See *MAIN BUILDING*.

Building Setback Line, Front. A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line when measured perpendicularly thereto; or, on a flag lot, a line establishing the minimum allowable distance between the nearest portion of any building and the interior lot line most parallel to and nearest the street from which access is obtained.

Building Setback Line, Rear. A line establishing the minimum allowable distance between the nearest portion of any building and the rear boundary line of a lot when measured perpendicularly thereto.

Building Setback Line, Side. A line establishing the minimum allowable distance between the nearest portion of any building and the side boundary line of a lot when measured perpendicularly thereto.

SECTION 6 Height and Area Exceptions and Supplements

The following requirements or regulations qualify or supplement, as the case may be, the zone regulations or requirements appearing elsewhere in this Ordinance.

A) *Allowed Projections into Required Yards.*

Certain architectural features, fences, walls, and hedges may project into required yards as follows as long as the corner lot visibility provisions as specified in subsection D of this section shall be observed;

- 1) Cornices, eaves, and sills – not more than two feet (2') into any required yard;
- 2) Balconies, bay windows, and chimneys – not more than three feet (3') into any required yard;
- 3) Planted buffer strips, hedges, fences, or walls, not exceeding four feet (4') in height, shall be exempt from the front yard and front building setback line requirements of this Ordinance;
- 4) Planted buffer strips, hedges, fences, or walls, not exceeding six feet (6') in height, erected in side and rear yards shall be exempt from the yard and building setback requirements of this Ordinance; and,
- 5) Open or enclosed fire escapes, outside stairways, balconies, and other necessary unenclosed projections, protruding into a minimum yard not more than thirty-two inches (32") may be permitted where such projections are so placed as not to obstruct the light and ventilation.
- 6) Paved driveways and walkways at grade as long as all impervious surface limits are met.
- 7) Trees, shrubs, and vegetation.
- 8) Every part of a required yard shall be open from its lowest point to the sky unobstructed except as permitted in sections A- 1 through A-7 of this subsection.
- 9) When adjacent lots of record are under single control by a lease agreement or a combination of ownership and lease agreement, temporary structures such as manufactured homes, manufactured offices, utility buildings, accessory buildings, etc., may extend across any common lot line(s) of the adjacent lots of record under such lease agreement. The location of such structures shall not conflict with any off-street parking requirements, on-site traffic circulation, or other applicable regulatory codes. Upon the expiration of the lease agreement, such structure must be removed to conform to the standard side or rear yard setbacks of the district within sixty days of expiration of the lease agreement.

B) *Vacant Lot Exceptions.*

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 exists 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.

C) Board Action.

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres and not subdivided into the customary streets and lots, and where the existing or contemplated street and layout makes it impractical to apply the requirements of this Ordinance to the individual buildings in such housing project(s), the application of such requirements for such housing project(s) may be adjusted by the Board of Adjustment (BOA) in a manner which will be in harmony with the characteristics of the neighborhood, will substantially insure the same kind of occupancy, when the density of land use will be no higher than allowed by this Ordinance, and a standard of open space will be at least as high as required by this Ordinance in the district in which such proposed project is to be located. In no case shall the BOA authorize a use, a building height, or a building area prohibited in the district where the housing project is to be located, provided; however, the BOA shall not exercise the authority permitted by this subsection unless or until the Board of Commissioners (BOC) has approved such housing project(s) after receiving a recommendation from the planning board.

D) Height Restrictions.

- 1) Height restrictions will be determined by the specific zoning district whether inside the Town corporate limits or within the ETJ area.
- 2) Fixtures and architectural features which are not capable of occupation, such as chimneys, cupolas, domes, elevator shafts, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices and antennae, and which extend no more than ten feet (10') above the highest point on the structure, shall be allowed if the base of such architectural feature or fixture has a square footage which is ten percent (10%) or less than the square footage of the highest habitable floor on the structure.
- 3) Any nonconforming residential structure in a specific zoning district which exceeds the height limitation for its specific zoning district and is damaged or destroyed by fire, flood, wind, or act of God, may be rebuilt to the dimension of such building or structure as it existed prior to the damage or destruction and according to the North Carolina State Building Codes.
- 4) Any building or structure in existence on the effective date of this Ordinance may be raised the minimum amount necessary to bring the structure into compliance with the prescriptive minimum flood elevation as determined by the National Flood Insurance program regulations, notwithstanding raising such building or structure will increase its overall height above the building height limitations established herein.

E) Exemptions.

In addition to those fixtures and architectural features allowed to extend above the maximum height limits provide in subsection D-2 of this section, the following are also exempted from the building height limit established in this Ordinance:

- 1) School gymnasiums,
- 2) The Carteret County Courthouse,
- 3) Public utility poles and towers (except towers may be subject to other limits or procedures in this Ordinance),
- 4) Municipal and public water towers,
- 5) Permitted communication towers,
- 6) Bell towers, steeples, and spires on structures used for religious purposes, elevator shafts, chimneys, and similar structural appendages not intended for occupancy or storage;
- 7) Flagpoles.

F) ***Canopies.***

A canopy in a conforming nonresidential land use which is totally or partially supported by a structural pillar (upright support), such as but not limited to a canopy over gasoline pumps, may extend to the street right-of-way line or property line of a nonresidential use or nonresidential zone, provided such pillar is located at least ten feet (10') from a property line and the canopy is open on all four sides. Any side of a canopy may be enclosed provided the enclosed side meets the required building setback lines established herein.

D) R-8A Residential Single-Family Waterfront District.

This residential district is established to provide a medium density district area in which the principal use of the land is for single-family residences together with customary accessory buildings, structures and docks in conformity with sections 2-F and 2-H of this Ordinance. This district is identified on the Town’s zoning map and is confined to the existing residential portions on the south side of Front Street. 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 R-8A district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the R-8A district shall have a minimum lot width of sixty feet (60’) at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

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

This district does not have corner lots or double frontage lots as do other residential zoning districts. This district also has CAMA requirements which must be followed.

Table 7-12 Interior Lot Requirements

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

4) Accessory Building Setback Requirements.

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

5) Permitted Uses.

- | | |
|--|--------------------------------|
| Carport | Park, Public |
| Community Garden | Public Utility Facility |
| Dock | Resource Conservation Area |
| Dwelling, Single-Family | Shed |
| Garage, Private Detached | Swimming Pool (Personal Use) |
| Government/Non-Profit Owned/
Operated Facilities & Services | Temporary Construction Trailer |
| Home Occupation | Utility Minor |
| | Vehicle Charging Station |

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

Accessory Dwelling Unit	Preschool
Athletic Field, Private	Public Safety Station
Bed & Breakfast	Religious Institution
Cemetery/Graveyard	Satellite Dish Antenna
Club, Lodge, or Hall	School, Post-Secondary
Day Care/Child Care Home	Utility Facility
Outdoor Amphitheater, Public	

SECTION 11 Nonconformities

A) *Intent.*

Nonconforming situations may continue subject to certain limitations, until they are removed, discontinued, or made conforming. Nonconforming situations shall not be enlarged, expanded, extended, enhanced, or used as grounds for adding other prohibited structures or prohibited uses. Nonconforming uses are declared to be incompatible with permitted uses within the various zoning districts.

B) *Application.*

This Ordinance shall affect all land, structures, and uses of land and structures and shall apply as follows:

1) New Uses and Construction.

After the effective date of this Ordinance, all new uses, structures, and development shall comply with this Ordinance, including their specific zoning district regulations.

2) Conforming Uses and Structures.

Land, structures, and uses of land or structures which comply with this Ordinance including the zoning district regulations, may be continued provided any structural changes, additions, or changes in use must conform fully to this Ordinance.

3) Nonconforming Uses and Structures.

Nonconforming situations may be continued only subject to the limitations stated herein, and should eventually be discontinued under the provisions of this Ordinance.

C) *Continued Use of Nonconforming Property.*

Nonconforming properties may be continued in use as set forth below:

1) Nonconforming Lots of Record.

In any zoning district permitting residential dwellings by right, a residential dwelling and customary accessory building may be erected on any single nonconforming lot lawfully recorded before the adoption of this Ordinance or amendment hereto provided this single lot is not adjacent to another lot of record under the same ownership and, if combined, would allow for the meeting of all area and setback requirements established within this Ordinance. This provision shall apply if the single lot fails to meet the minimum lot size or width requirement of the zoning district. Yard space and other dimensional requirements of the zoning district shall continue to apply, however, variances of such requirements shall be obtained by action of the Board of Adjustment (BOA) except no petition for a variance is necessary if other yard spaces are met and the following setbacks are met:

Table 11-1 Minimum Nonconforming Lot Requirements

<i>Width – Lot of Record</i>	<i>Side Setback</i>	<i>Front Setback</i>
30-49 feet	5 feet	15 feet
50-59 feet	6 feet	15 feet
60-69 feet	7 feet	20 feet

2) Adjoining Lots.

When two or more lots with continuous frontage are in single ownership at any time after the adoption of this Ordinance and such lots are individually less than the

minimum area or width required in a district, such lots shall be considered as a single lot or several lots of required area and width (if sufficient land exists) and shall be combined to the extent necessary to achieve a lot or lots of the area and width required in the district. Such lots shall comply with all yard space and other dimensional requirements of the district.

D) *Nonconforming Structure.*

A lawful structure which existed at the time of adoption or amendment of this Ordinance, or was grandfathered under the previous zoning ordinance, but which does not comply with this Ordinance by other restrictions relating to the structure, may be continued so long as it remains otherwise lawful, subject to the following limitations:

1) Enlargements, Alterations.

Nonconforming structures shall not be enlarged and shall not be altered in any way which increases their nonconformity, but may be altered to minimize their nonconformity.

2) Moving.

If nonconforming structures are moved off the lot or moved within the lot for any reason, they shall thereafter conform to the regulations of the Ordinance.

3) Repairs and Maintenance.

Ordinary maintenance, repairs, and alterations of a nonconforming structure are permitted provided they do not increase the area or the nonconformity. Normal maintenance, repairs, and alterations shall be considered work not exceeding fifty percent (50%) of the structure's replacement cost within any twelve-month consecutive period.

4) Deteriorated and Dilapidated Structures.

If any nonconforming structure becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by an authorized official to be unsafe or unlawful by reason of its physical condition, the structure shall not be restored, repaired, or rebuilt except in conformity with this Ordinance. This shall not prevent strengthening or restoring to a basically safe condition of any unsafe building or part thereof directed by the authorized official charged with protecting public health or safety.

5) Substantially Damaged Structures.

If a nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at the time of the damage, it may be reconstructed only in conformity with this Ordinance.

6) Residential Exception.

When a single-family residential nonconforming structure is damaged by fire, flood, wind, or act of God, the structure may be repaired and restored to its pre-event dimensions on the pre-event footprint provided the structure meets all applicable building codes.

E) *Nonconforming Uses.*

A use of land and/or structure which was lawful prior to the adoption of this Ordinance but which does not comply with the use regulations of this Ordinance, may be continued so long as it remains otherwise subject to the following provisions:

1) Extensions, Enlargements.

No nonconforming use of land or structures shall be enlarged, expanded, increased, or extended beyond the floor space and land area occupied or be carried on in a more intensive manner than existed at the time of the adoption of this Ordinance, except a nonconforming use may be extended within a structure to any parts already clearly arranged and designed for such use.

2) Relocation on Lot.

No nonconforming use of land shall be relocated or significantly rearranged in whole or in part on the same lot unless it thereafter conforms to this Ordinance.

3) Discontinuance.

If active operation of a nonconforming use is discontinued for any reason for a continuous period of one hundred eighty days or superseded at any time by a permitted use, any subsequent use of the land shall conform fully to this Ordinance.

4) Changes of Use.

A nonconforming use of land (only) shall not be changed to any use other than a use permitted in the zoning district. A nonconforming use of a structure and premises may be changed to another nonconforming use if:

- a) No significant structural alterations are made; and,
- b) The approved new use is more in character with the uses normally permitted in the zoning district than the previous nonconforming use.

5) Deteriorated and Dilapidated Structures.

If a structure or part thereof occupied by a nonconforming use is damaged, destroyed, or becomes deteriorated to an extent greater than fifty percent (50%) of its replacement cost at the time of damage or discovery of deterioration, the structure may not be repaired for or to a nonconforming use.

6) Uses Permitted as Special Exceptions.

Any use which is permitted as a special exception in a district shall not be considered a nonconforming use but shall, without the necessity of further action, be considered a conforming use. This provision shall not diminish the right of the Board of Commissioners (BOC) to impose conditions on such use in a proceeding initiated by any interested part and considered in the manner of a special exception.

7) Residential Exceptions.

Nonconforming single-family detached residential uses shall comply with all requirements of this section. However, an existing nonconforming single-family detached residential use may be enlarged, expanded, and/or altered provided no enlargement, expansion, or alteration will:

- a) Result in the structure exceeding building height limits in the zoning district;
- b) Reduce the building site area required in the zoning district; and,
- c) Encroach into any required front yard, side yard, and rear yard setback areas. If approved, such use shall be considered a special exception and may be accompanied by appropriate conditions and safeguards as required by this Ordinance.

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

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.

D) 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

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

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.

that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot as designated in the Flood Insurance Study report.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

POST-FIRM. Construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

PRE-FIRM. Construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

PRIMARY FRONTAL DUNE. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

RECREATIONAL VEHICLE (RV). A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

recreational, camping, travel or seasonal use.

REFERENCE LEVEL. The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO or AH, the reference level is the top of the lowest floor. Within special flood hazard areas designated as zones VE or V1-V30, the reference level is the bottom of the lowest horizontal structural member.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to 2 feet above the highest adjacent grade. Two feet is minimum but a state standard, >2 feet is OPTIONAL.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS. Flood-related damages sustained by a structure on 2 separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RETROFITTING. Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook and the like.

SALVAGE YARD. Property used for the storage, collection and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 1% or greater

chance of being flooded in any given year as determined herein.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. As in G.S. § 130A-290(a)(36).

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any 1 year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. (Last sentence is OPTIONAL)

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any 1 year period whereby the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any correction of existing violations of state or community health, sanitary or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required § 151.26 is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 03-018, passed 7-7-2003)

§ 151.06 LANDS TO WHICH ORDINANCE APPLIES.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of Town of Beaufort and within the jurisdiction of any other community whose governing body agrees, by resolution, to the applicability.

(Ord. 03-018, passed 7-7-2003)

§ 151.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its

(3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.

(4) The use complies with all other applicable federal, state and local laws.

(5) The Town of Beaufort (community) has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

(Ord. 03-018, passed 7-7-2003)

FLOOD HAZARD REDUCTION

§ 151.40 GENERAL STANDARDS.

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of new construction as contained in this chapter.

(I) Non-conforming structures or other development may not be enlarged, replaced or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased and provided that the repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according hereto.

(Ord. 03-018, passed 7-7-2003)

§ 151.41 SPECIFIC STANDARDS.

In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, as set forth in § 151.40, the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and AI-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the

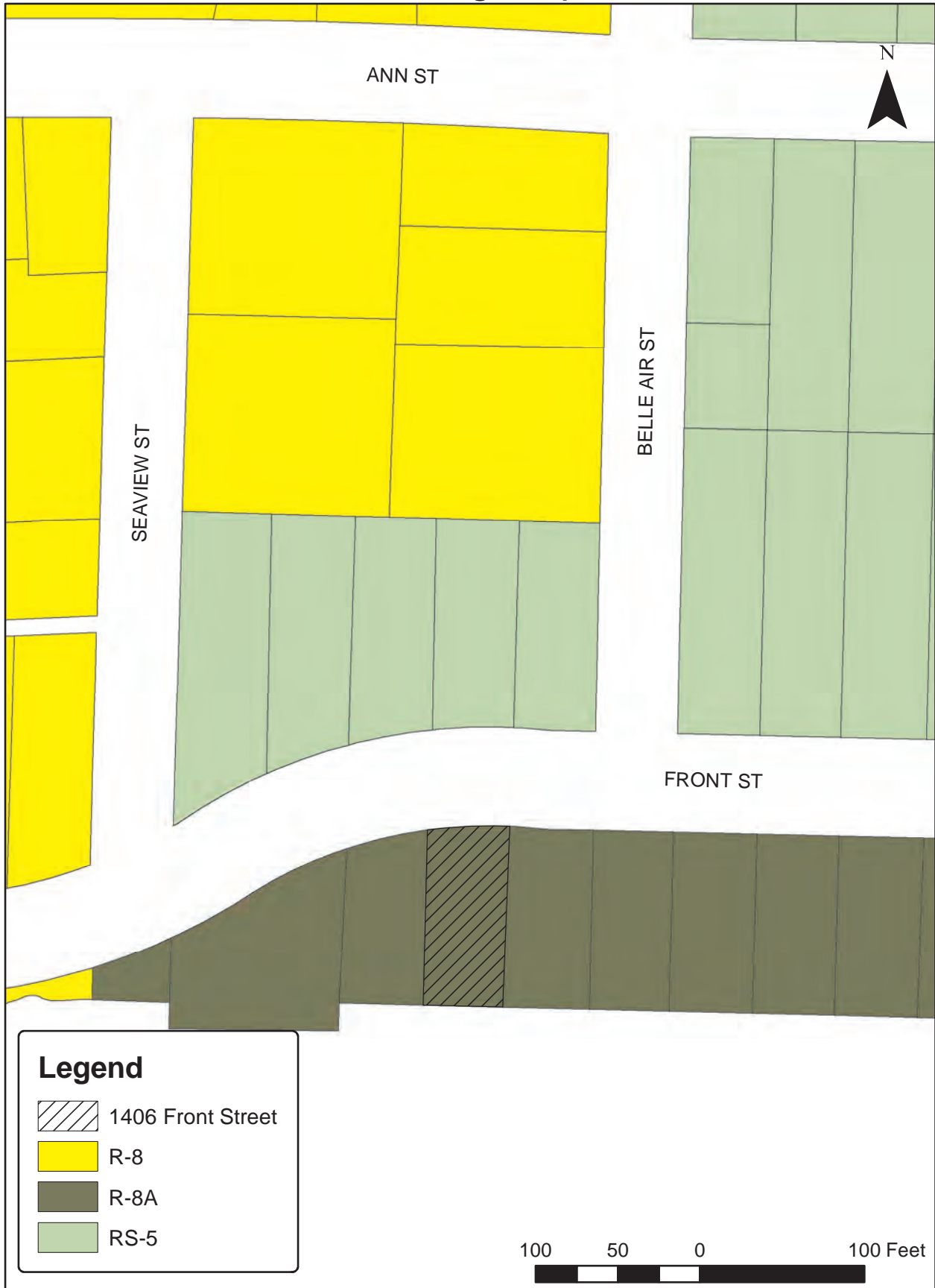
1406 Front Street Aerial



Case No. 19-01

Variance Request

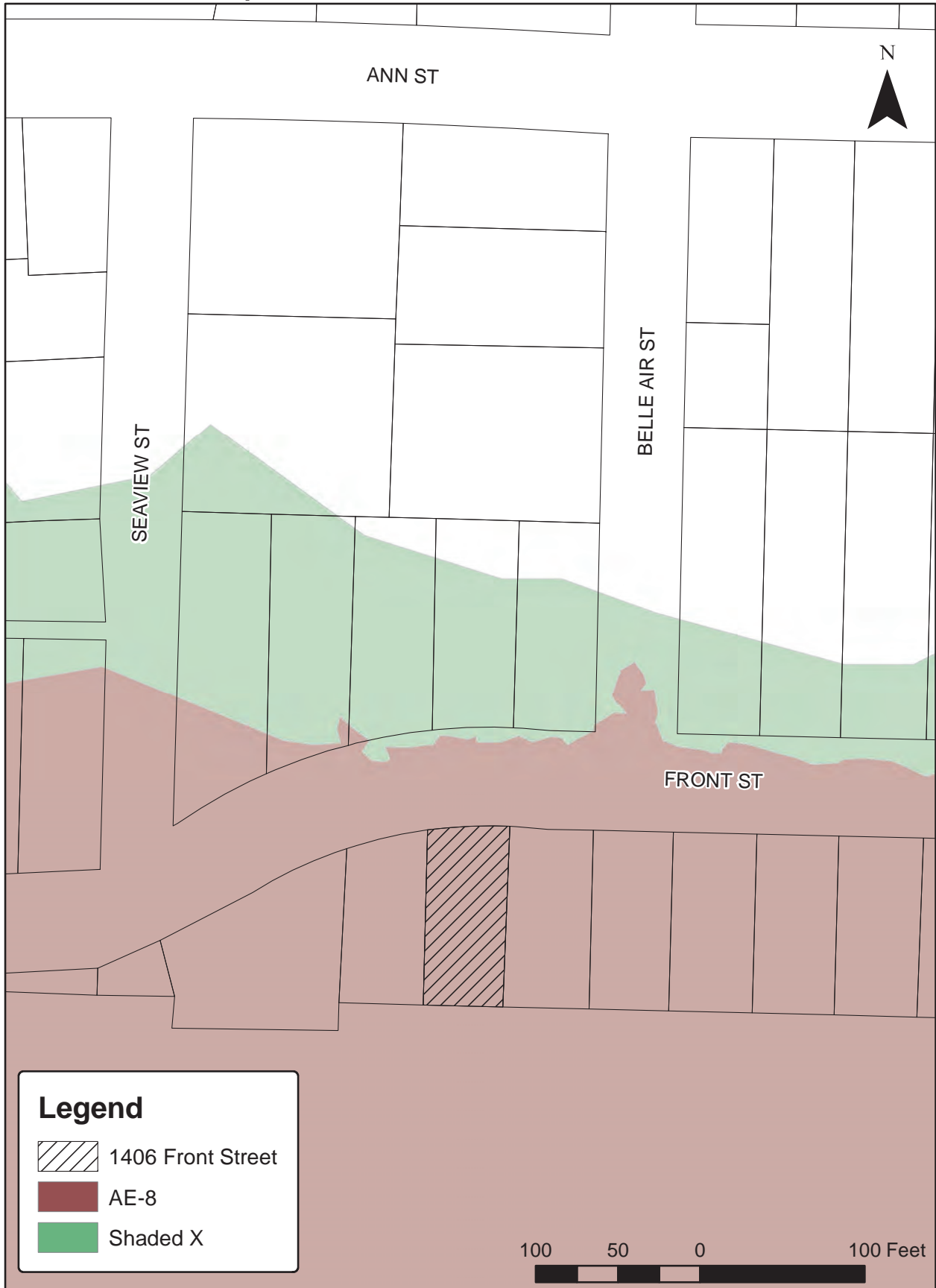
1406 Front Street Zoning Map



Case No. 19-01

Variance Request

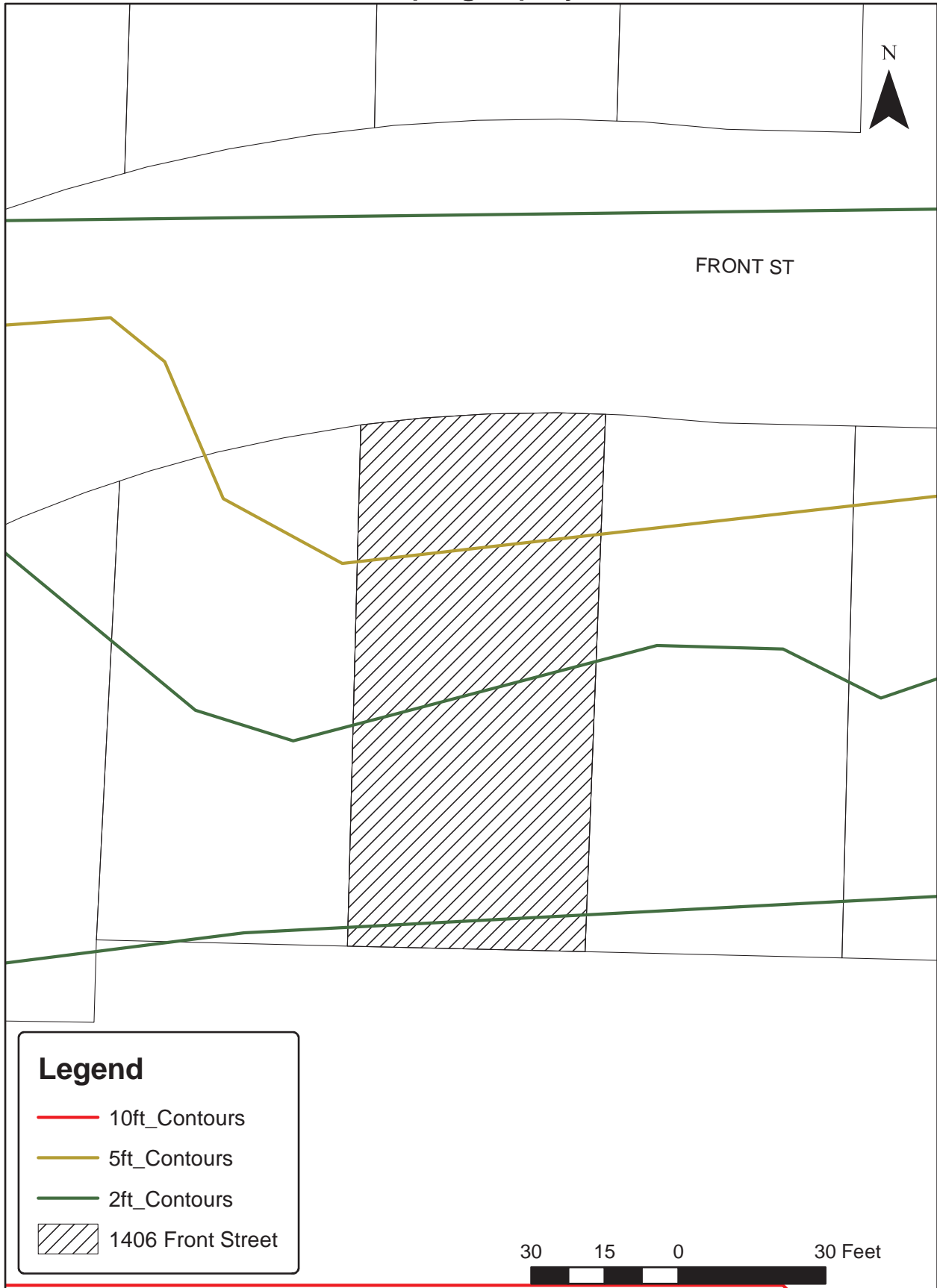
1406 Front Street Special Flood Hazard Areas



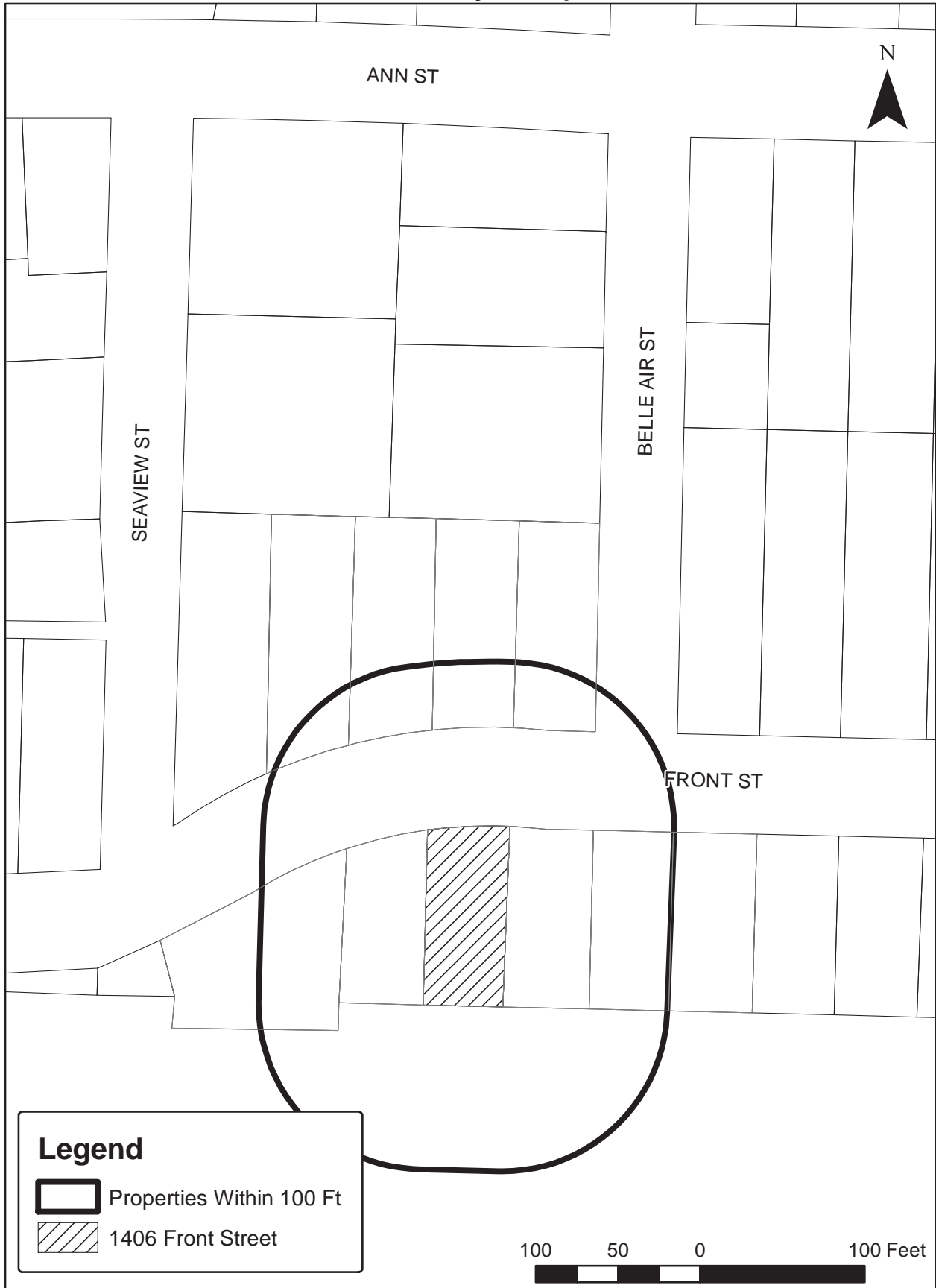
Case No. 19-01

Variance Request

1406 Front Street Topography



1406 Front Street Vicinity Map



Property Owners Within 100 Feet - Mailed Notice

DOUGLAS L BYRD TRUSTEE
4909 DEER GARDEN COURT
RALEIGH NC 27606

ANDREW LEGRAND GIBSON
7097 WALTER GIBSON RD
RED SPRINGS NC 28377

JAMES K & SHARON B WILEY
3126 SUSSEX ROAD
RALEIGH NC 27607

SARAH SMITH HERRING
1405 FRONT ST
BEAUFORT NC 28516-2311

HARRY C III & MARGARE COOKE
701 WHITE HORSE DRIVE
GREENVILLE NC 27834

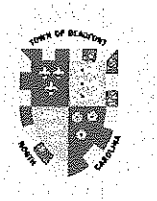
M L & CYNTHIA BARNES
3616 HATHAWAY ROAD
DURHAM NC 27707

JOHN & LUCIA MARSHALL
296 ISLINGTON ROAD
AUBURNDALE MA 2466

NEFF ARTHUR MORRISON
1159 NC HIGHWAY 101
BEAUFORT NC 28516

PAUL C III & GINA H BENNETT
531 OAKLAWN AVENUE
WINSTON SALEM NC 27104

GUNKHOLE INVESTMENTS LLC
436 DRUMMOND DR
RALEIGH NC 27609



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: Andrew Gibson
Applicant Address: 1406 Front Street, Beaufort NC
Phone Number: 910-850-1725 Email: Usecotton@aol.com

Property Owner Name: Andrew Gibson
Address of Property Owner: 7097 Walter Gibson Road, Red Springs NC 28377
Phone Number: 910-850-1725 Email: Usecotton@aol.com

PROPERTY INFORMATION

Property Address: 1406 Front Street
15-Digit PIN: 730507587653000 Lot/Block Number: 4
Size of Property (in square feet or acres): .125 acres
Current Zoning: R8A Is the property in the Historic District? No
Current Use of Property: Residential Vacant Commercial Other:

Applicant Signature: [Signature] Date of Signature: 1/20/19

Property Owner Signature (if different than above) _____ Date of Signature _____

An application fee of \$200, 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 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. 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.com.

OFFICE USE ONLY Revised
Date: 1/31/19 Reviewed for Completeness By: _____
Received by: KA Date Deemed Complete and Accepted: _____

To Whom it may concern:

My name is Andrew Gibson. I recently acquired a home belonging to my parents for over 30 years that was located at 1406 Front Street. The pin number for that parcel is 730507587653000.

The home suffered serious damage as did my boat dock during Hurricane Florence. We have demoed the home and are attempting to rebuild.

Due to the peculiarities of my lot's shape, slope, and location I am having difficulty getting a roof with decent pitch on my house plan. I am requesting a modest variance from the Zoning Ordinance to allow for this. The current zone of this property is R8A which has a 35 ft height restriction. By definition, inside the zoning ordinance the height is measured from the average grade of the lot. This applies to all zones in the zoning ordinance. Most zones do not have a Base Flood Elevation line that encroaches the lot. In the case of my lot, the whole lot is completely covered by the 8 foot BFE as determined by FEMA. Additionally, I am required to build my new house to the regulatory level which is another 1 foot above the BFE line. However; I am not allowed to measure roof height to the same level. I am requesting to be allowed to measure elevation from the regulatory line and not down to the average grade of the lot.

My plan is to build a much more storm resistant home that will add value to the community and not detract from any neighbors use and enjoyment of their land.

Your consideration is appreciated!

Andrew L Gibson

Carteret County

Property Data

Parcel Number: 730507587653000

Inquiry Date: 2/15/2019

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

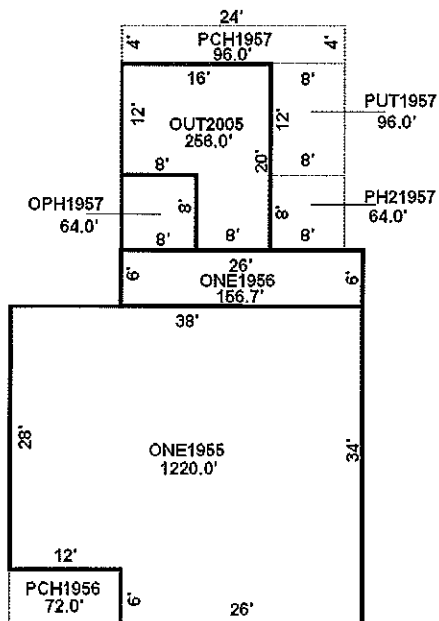
Property Info

PARCEL NUMBER: 730507587653000
OWNER: GIBSON,ANDREW LEGRAND
PHYSICAL ADDRESS 1406 FRONT ST
 BEAUFORT
MAILING ADDRESS: 7097 WALTER GIBSON RD
 RED SPRINGS NC 28377
LEGAL DESCRIPTION: L4 B6 OCEAN BREEZE PARK TOWN OF
 BEAUFORT
DEED REF: 1604-51
PLAT REFERENCE: 1-226
NEIGHBORHOOD:
 590019
SALE DATE: 03/29/2018
SALE PRICE: \$0
ACREAGE: 0.126
LAND VALUE: \$470,312
EXTRA FEATURE VALUE: \$22,489

Building Info

BATHS: 3.5
BEDROOMS: 3
CONDITION: N/A
EXTERIOR WALLS: 26 VINYL
 .
FLOOR FINISH: 14 CARPET
 08 VINYL
FOUNDATION: 02 CONC
 BLOCK
HEAT: 10
 HEATPUMP
ROOF COVER: 03 COMP
 SHNGL
 .
ROOF STRUCTURE: 03 GABLE
SQUARE FOOTAGE: 2025
YEAR BUILT: 1957
BUILDING VALUE: \$130,053
PARCEL VALUE: \$622,854

Sketches



Sketch by Apex IV™

Photos





FILE # 1604051

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County, NC
March 29, 2018 01:37:09 PM
IWW DEED 6 P
FEE \$26.00
FILE # 1604051

NORTH CAROLINA WARRANTY DEED

✓ Mail after recording to: Andrew L. Gibson, 7097 Walter Gibson Road, Red Springs, NC 28377

This instrument prepared by Andrew Gibson

PIN Number: 730507587653000

THIS DEED made this the 4th day of March, in the year 2018, by and between:

GRANTORS

Julia G Spring
Keith M Spring
Andrew L Gibson
Tracy Davis-Gibson
Shirley T Gibson Estate
Andrew L Gibson Executor

GRANTEE

Andrew L Gibson

6

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, have remised and released, and by these presents do remise, release, and forever quitclaim unto the grantee, his successors and assigns, all right, title, claim, or interest of the grantees, that certain lot or parcel of land situated in Beaufort Township, Carteret County, North Carolina, and more particularly described as follows:

Being all of Lot No. Four (4), in Block No. Six(6), "Property of Beaufort Housing Corporation" according to map made February 1945, records in Map Book 1, Page 226, Carteret County Registry, together with all buildings and improvements located thereon; being the same land as that conveyed to grantors herein by deed dated January 21, 1953, from C.R. Wheatly Jr., and wife, Alice A Wheatly, appearing of record in Book 146 at Page 135, Office of the Register of Deeds of Carteret County.

(for title reference, see also deed by Beaufort Housing Corporation to S.H. Basnight and wife, dated October 27, 1945, and recorded in Book 107, Page 252; and deed from Basnight and wife to Wheatly and wife, bearing date of September 2, 1947, appearing in Book 117 at Page 10 all references to Carteret County Registry. See also deed recorded in Book 485, Page 201, Carteret County Registry.)

Grantors acquired the property hereinabove described by will of Shirley T Gibson. Ms Gibson acquired this property by instrument recorded in Deed Book 487 at page 387 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.

Title to the property hereinabove described is subject to the following exceptions:

ANY AND ALL OF PUBLIC RECORD

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its

duly authorized officers by authority of its Board of Directors, the day and year first above written.

Julia B Spring (Seal)
Julia B. Spring

Keith M. Spring (Seal)
Keith M. Spring

Andrew L. Gibson (Seal)
Andrew L. Gibson

Tracy Davis-Gibson (Seal)
Tracy Davis-Gibson

Andrew L Gibson (Seal)
Andrew L Gibson Executor for Shirley T Gibson Estate

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, of said State and County aforesaid, do hereby certify that Julia Spring, Keith Spring, Andrew Gibson, Tracy Davis-Gibson

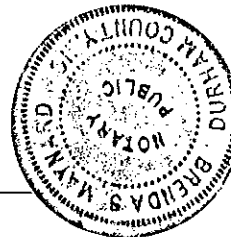
grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s) or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a license or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 9th day of March, in the year 2018.

Brenda S. Maynard
Notary Public Official Signature

(seal or stamp) Brenda S. Maynard
Notary Printed or Typed Name

My commission expires: Sept. 10, 2018



STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, of said State and County aforesaid, do hereby certify that Julia C. Spring

grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s) or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a license or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 9th day of March, in the year 2018.

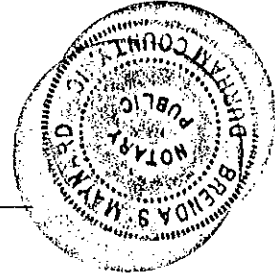
Brenda S. Magyard

Notary Public Official Signature

(seal or stamp) Brenda S. Magyard

Notary Printed or Typed Name

My commission expires: Sept. 10, 2018



STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, of said State and County aforesaid, do hereby certify that Keith M. Spring

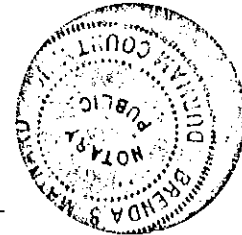
grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s) or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a license or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 9th day of March, in the year 2018.

Brenda S. Magyard

Notary Public Official Signature

(seal or stamp) Brenda S. Magyard



Notary Printed or Typed Name

My commission expires: Sept. 10, 2018

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, of said State and County aforesaid, do hereby certify that Andrew L. Gibson

grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s) or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a license or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 9th day of March, in the year 2017.

Brenda S. Maynard

Notary Public Official Signature

(seal or stamp) Brenda S. Maynard

Notary Printed or Typed Name

My commission expires: Sept. 10, 2018



STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public, of said State and County aforesaid, do hereby certify that Tracy Davis-Gibson

grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s) or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a license or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official seal or stamp, this 9th day of March, in the year 2018.

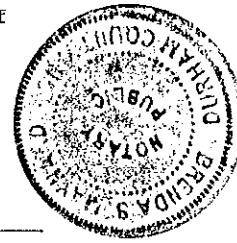
Brenda S. Maynard

Notary Public Official Signature

(seal or stamp) Brenda S Maynard

Notary Printed or Typed Name

My commission expires: Sept. 10, 2018



19-01 Variance Request - Site Photos - 1406 Front Street and Surrounding Properties



Subject Property



NW View From Subject Property



Neighboring Property, NE



Neighboring Property, N



NE View From Subject Property