

**TOWN OF BEAUFORT  
BOARD OF ADJUSTMENT**

Monday, February 23, 2009, 6:00 p.m.  
Train Depot, 614 Broad Street, Beaufort, N.C.

The Town of Beaufort Board of Adjustment held their regularly scheduled meeting on Monday, February 23, 2009, at 6:00 p.m., in the Train Depot on 614 Broad Street, Beaufort, North Carolina. Chairman Charles Park presided and those in attendance were as follows:

**Members Present:**

Charles Park, Chair  
Janet Woodward  
Charles Davis  
Ralph Merrill  
Pete Evans, Alternate  
Julius McCabe, Alternate

**Others Present:**

Laura Babcock, Deputy Town Clerk  
Kyle Garner, Town Planner  
Treve Lumsden, Attorney to the Board  
of Adjustment

**I. CALL TO ORDER.**

*Chairman Park called the meeting to order at 6:05 p.m., and asked all in attendance to join him in the Pledge of Allegiance.*

**II. ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**

Chairman Park stated the Board of Adjustment Rules of Procedure calls for the appointment of a Chair and Vice Chair every year and that it was time once again to appoint those positions and to remember that the Chair and Vice Chair had to be residents of Beaufort. Chairman Park then called for nominations. Member Woodward nominated member Ralph Merrill as Chair and member Park seconded. Being no further nominations, Chairman Park called for a vote which was unanimous to elect member Ralph Merrill as Chairman.

Then Chairman Merrill asked for nominations for Vice Chair. Chairman Merrill nominated member Janet Woodward, with member Park seconding the motion. There being no other nominations, Chairman Merrill called for a vote which was unanimous for member Janet Woodward to be Vice Chair.

**III. APPROVAL OF AGENDA.**

Chairman Merrill asked for a motion for approval of the agenda. Member Woodward moved to approve the agenda as submitted and member Davis seconded. Motion passed unanimously.

**IV. APPROVAL OF THE MINUTES.**

Member Woodward moved that the Board approve the January 26, 2009, Minutes with recommended changes. Member Davis seconded the motion, which carried by unanimous vote.

**V. ITEMS OF CONSIDERATION.**

- 1. A Request from T.J. Davis Construction, on behalf of Many Ann Fitzgerald of 221 Gordon Street, for a variance of 23.16 feet from the 25-foot front yard**

**setback and 20.53 feet from the front street side setback of corner lot requirements to construct a single family residence. The request also included a 0.88-foot and 8-foot request from the side setback requirement for an attached carport.**

*Chairman Merrill opened the public hearing for the Request from T.J. Davis for the variance changes at 221 Gordon Street.*

Mr. Garner stated that the Board has been supplied a memo with the background information on this application and that based on the size of the lot, and it being unbuildable based on the building envelope using existing zoning requirements, that this lot did in fact, in staff's opinion, meet the criteria for a variance change and supported the request.

In response to a question from member McCabe, Mr. Garner further stated that there was currently a house on the property, however it was in such disrepair that it was considered unsalvageable and further stated that the new house would be on the original foundation except for a small area around the new carport.

Mr. T.J. Davis then testified that he was representing the applicant who was from Beaufort and wanted to rebuild on her family's property which she had just inherited. Mr. Davis went on to state that the existing house had fallen into disrepair and that a new structure would be safer.

*Being there were no further comments, Chairman Merrill closed the public hearing.*

#### **DELIBERATION.**

After limited discussion, Member Park moved that the Board approve the Request from T.J. Davis for 121 Gordon Street for a variance of 23.16 feet from the 25-foot front yard setback and 20.53 feet from the front street side setback of corner lot requirements to construct a single family residence. The request also included a 0.88-foot and 8-foot request from the side setback requirement for an attached carport based on the following findings of fact. Member Woodward seconded the vote.

1. *The proposed change will not constitute any change in the district boundaries shown on the zoning map;*
2. *The proposed change will not impair an adequate supply of light and air to adjacent property;*
3. *The proposed change will not materially increase the public danger of fire and safety; and*
4. *The proposed change will not adversely affect the use or physical attributes of property within the surrounding area or in any other respect impair the public health, safety, and general welfare.*
5. *That due to the uniqueness of the lot that no reasonable use of the property could be made without a variance being granted and;*
6. *That the property has been nonconforming for many years and was not self-imposed by the property owner.*

*The vote was unanimous.*

2. **A Request from Benjamin Loranger for a variance of 15 feet from the 30-foot rear yard setback requirements in an R8 zone to construct a detached garage for property located at 510 Mulberry Street.**

*Chairman Merrill opened the public hearing for the Request from Benjamin Loranger for 510 Mulberry Street.*

Mr. Garner stated that the Board has been supplied a memo with the background information on this application. Mr. Garner specifically referred to the attached maps which showed that Mr. Loranger could build a shed within 5 feet of the rear and side property line but that the storage shed would need to be less than 16 feet in height and that the reason for the request was that Mr. Loranger wanted a shed over 16 feet in height.

In response to a question from member Evans, Mr. Garner stated again that a shed would be permitted within 5 feet of a property line as long as it was 16 feet or less in height.

Mr. Loranger then testified that he needed the additional height for storage of items for his parasail business and that a 16 foot restriction would not allow him the best use of his property.

*Being there were no further comments, Chairman Merrill closed the public hearing.*

**DELIBERATION.**

After limited discussion, member Park moved to deny the variance request based on the fact that the applicant could have reasonable use of his property and was allowed a shed within five feet of the rear property line and meet applicable zoning setback requirements. Member Davis seconded the vote.

*The vote was unanimous to deny the request.*

**V. BOARD COMMENTS.**

There were no comments at this time.

**VI. ADJOURNMENT.**

*With there being no further business, member Davis moved the Board adjourn. Member Woodward seconded the motion, which carried by unanimous vote.*

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Chairman Ralph Merrill

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Michele Davis  
Town Clerk