



Application for Appeal

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TOWN OF CAROLINA BEACH, N.C.

Permit Number: 25A-02

Each application must be printed or typewritten and have all information answered. **It is strongly recommended that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation who is the applicant/owner of record.

Fee: to be submitted with application in accordance with the Town's annually adopted Rates and Fee Schedule

This petition will be scheduled for the next possible regular Board of Adjustment meeting. Meetings are scheduled for the third Monday of the month. The applicant or a representative should be present at the meeting to answer any questions the Board may have. Board of Adjustment meetings are held on the second (3rd) Monday of each month at 6:00 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and postings are required by the General Statutes of North Carolina. **Application Deadline: 25 days prior to next scheduled meeting.**

Applicant Name: Oceana Owners Association, Inc

Applicant Mailing Address:
440 Oceana Way Carolina Bch NC 28428
Street Address City State Zip

Applicant Phone Number: mobile/work/home (circle one): _____ mobile/work/home (circle one): 704-572-2666

Applicant Email Address: OlinTfurr@yahoo.com

Property Owner Name: CBYC, LLC

Property Owner Mailing Address:
401 Marina St. Carolina Bch NC 28428
Street Address City State Zip

Section(s) of ordinance being appealed:

40-71 40-72 40-150 40-150 (g) 1, 2, 4
40-150 (b) 40-150 (d) 40-150 (d)(2) 40-2

Please give a brief description of the interpretation:

SEE Attached explanation - 40-548 definitions - ch 10 Harbor + Maring regulations
Sec 40-71, Sec 40-72, Jeremy's reason as historical rather than ordinance based
Sec 40-150, Pictures of traffic congestion created by Planning + zoning and
Sec 40-2 (g) Purpose of zoning

Applicant Signature:

Oceana Owners Association, Inc by Olin Furr President

Date: 2 / 9 / 24

Applicant Printed Name:

Oceana Owners Association, Inc Olin Furr President



2/7/24

Appeal of Town Determination from complaint dated
12/21/23

Oceana Owners Association, Inc is appealing the decision by
Jeremy Hardison dated 1/11/24.

I am asking this board to look intently at what Jeremy is
determining here. Look at it from a practical application of
the entire zoning ordinances and definitions. The residents of
Ga. Ave. and Oceana have experienced the results of this
decision, and it is a traffic nightmare and only creates
congestion during the boating season. We all know that is not
the intent of our zoning ordinances. I have attached each
definition and ordinance to back up our position.

Sec. 40-548 Definitions:

Marina means a boat basin with facilities for berthing,
securing or storing various types of watercraft.

Marina, Commercial, means any **marina** which caters to the
general public, provides goods and services for sale. (if you

rent slips to the general public and offer goods for sale you qualify). Note: this only pertains to the Commercial Marina entity that operates the marina and no one else. (CBYC only)

Water oriented businesses means any boat that can be rented for off-site use or offers off-site activities: charter boats, boat rentals, dive boats, dinner cruises, boat taxi, etc... Note: **Any Boat** that can be rented is a water-oriented business and must have a conditional use permit because they each come with different parking needs as Sec. 40-72 states. A Commercial Marina is a separate Conditional Use permit.

Chapter 10- Harbor And Marina Regulations

Marina means boat slips that incorporate the following:

- (1) Parking shall be provided in accordance with the requirements of chapter 40, zoning. (40-150)
- (2) Separate male and female restroom facilities shall be provided for the exclusive use of the commercial marina patrons.
- (3) Properly screened and adequately sized solid waste disposal facilities shall be provided for the exclusive use of commercial marina patrons.
- (4) A separate, incorporated property owners association shall be established to provide for the maintenance of all common property and facilities.
- (5) Water
- (6) Electricity

(7) Sewer Pump Out.

SEC. 10-4 General Regulations

The following regulations shall apply to shoreline areas:

(13) Commercial activities

b. Commercial business allowances shall be reviewed in accordance with the allowances granted by Chapter 40, zoning , and as specifically permitted in this chapter.

Sec. 40-71 & 40-72 Table of Permissible uses:

(P) permitted by right- means that the Business in MB-1 (CBYC) has the right to engage in those activities but no one else.

(CZ) Conditional zoning must be obtained before the use may be created and its uses listed.

Lets' look at Jeremy's response to my complaint that states Freedom Boat Club is not approved under Commercial Marinas for CBYC's CUP. He states that all water-oriented businesses are allowed to operate under the CUP for CBYC without any further approvals. First you should know that the Town Ordinance does not say this anywhere and Jeremy knows it. He says it is a historical interpretation that staff has implemented in this situation. There is no history of this because CBYC is unique and there is no other marina like it. A Conditional Zoning Permit is required so the Zoning

Commission and Town Council can determine if what is proposed will not cause problems or be a detriment to the surrounding zoning districts. This is why all Water-Oriented Businesses require a Conditional Use Permit.

In the Table of Permissible uses under MB-1 there are 12 uses listed that require a Conditional Zoning Permit. Of those 12 that apply to this CUP, Bars and Taverns, Commercial Marinas, Parking and Loading and Water-Oriented businesses all apply for any approval for CBYC.

Water-Oriented Businesses each have different parking needs and are specifically separated in the table so the Town Council can determine if the parking supplied is adequate.

The Director of Planning is supposed to create uses not listed and require parking spaces based upon the maximum anticipated use. (40-150 (d) (2). **No where in this ordinance does it insinuate or say all water-oriented businesses are included in a commercial marina designation.**

Under Jeremy's approach to this issue, he is saying that any water-oriented business can operate from a slip in a commercial marina without any approval or consideration of its parking needs. If I rented a slip at CBYC and had a 50' tour/sunset cruise boat that could hold 40 customers that could generate 20 to 25 parking spaces needed including the crew and or employees. Jeremy says that the commercial marina must supply only one parking space for that use. Common sense tells us that this approach is incorrect and

wrong. In Sec. 40-150(d) under Parking space Schedule for Commercial Marina, it requires 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses.

Look at the definitions for Marina & Commercial Marina and you will notice that it is a boat basin for storing watercraft. It becomes commercial when the slip is rented to the boat owner for storage and the marina could also sell products and services. The parking requirement in sec. 40-150(d)

Commercial Marina is for that purpose, Storage not water-oriented businesses. That is why it only requires one parking space. It goes on to say plus all other on-site uses. This CUP has Residential Dwelling @ 1 space per 1000 sq.ft., Office @ 1 space per 200 sq.ft., Eating/Drinking establishment

@ 1 per 110 sq. ft. plus ½ of outdoor area., Retail sales area @ 1 space per 200 sq. ft. It does not include any water-oriented businesses that would create additional parking needs. Freedom Boat Club is a boat time share business that is renting 21 slips and it double stacks boats and has 40 boats, 29 employees and approximately 350-400 customers that come in multiple cars. This one water-oriented business has created havoc with overcrowded parking and many cars parking on the side of the street. He says this marina can add unlimited water-oriented businesses regardless of the increase in traffic or parking congestion.

Sec. 40-150(a) Purpose of Parking Ordinance

1. Provide off-street parking standards which will **alleviate traffic congestion** in the streets and promote safe and unrestricted traffic flow.
2. Provide for the **efficient storage of vehicles** while **minimizing the detrimental effects of off-street parking on adjacent properties.**

Jeremy's approach is **increasing** traffic congestion and restricting flow while **increasing** the detrimental effects of off-street parking on adjacent properties. This is zoning malpractice. Look at the pictures of last season and please explain how any board or committee could agree that Jeremy is not completely wrong to ignore his responsibility as director to fix this.

Look at Sec. 40-2(a), This is the purpose and vision policy for Zoning and Jeremy looks the other way.

Olin Furr

Oceana Owners Association, Inc.



Georgia Ave





