



1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428  
910 458 8492

## VIOLATION COMPLAINT FORM

In accordance with Section 19.6 of the Carolina Beach Zoning Ordinance the following information is required from all complainants who request the Town to investigate and resolve issues associated with potential zoning violations. Furthermore, by completing and signing this form you acknowledge that the information provided becomes public record and may be distributed to any individual requesting this information.

Complainant's Name Oceana Owners Association, Inc

Contact Information: Address 440 Oceana Way  
Carolina Bch, NC 28428  
Telephone Number 704-572-2666  
Email Address OlinFurr@yahoo.com

Location and/or Address of alleged violation:

Street Address 401 Marina St. CB, NC 28428  
Name of Violator (if known) CBYC, LLC and Jeremy Hardison

If the above is unknown, please describe the location or draw the location on the back of this form with street or road names and any other identifiable feature.

Below, please describe the nature of the alleged violation as you have witnessed it.

The 56 space non conforming parking lot behind  
Oceana Private gate. Parking lot is owned by  
CBYC, LLC. Jeremy Hardison has allowed a blatant  
zoning violation concerning permit # COM21-061  
I have attached ample documents + pictures to prove my  
point. List Incl:

1. 4 emails
2. 8 Pages of testimony
3. 10 Pages of drawings + pictures
4. my complaint written out

Olin Furr President Oceana Owners Association, Inc  
Signature of Complainant

Date 10/6/23



**October 6,2023**

**PERMIT #COM 21-061**

**Mr. Hardison I have waited since July to get a response on a very important issue with this permit. You said on 7/18 and 7/25 you would check it out and go verify my complaint but I have not heard from you. A red flag went flying when you posted a zoning notice for a new CUP at CBYC, LLC at 401 Marina street and at the parking lot inside of Oceana. The original CUP is far from finished and has lots of issues and you are already entertaining a new one. I now know why you didn't respond after 3 months! In an email between you and Ed Parvin on 10/2/23 you responded to his question about the nonconforming parking lot and the addition of parking spaces that have been added. Your response Quote" The parking facility is existing, and the extent of the facility has not increased in size just the volume of the number**



of parking spaces within the boundary of the facility.”  
End quote. I had to pick my jaw up off the floor.  
Complete dereliction of your duty as the director not to uphold the ordinances of our Town. You talk out of both sides of your mouth. I have included many pages of documentation to prove my point. Under Oath on 1/14/20 you had intense conversations in front of Town council, Town Atty. and the other Attorneys that questioned you for quite some time about this CUP and all of its implications. You stated very specifically and often as others did that this is a 56 space parking lot in Oceana. On the drawing attached to the application you allowed CBYC to extend the existing out of compliant spaces by moving the cement bumper into the grass and using gravel to fill the gap. By the way it is very unsightly. We disagreed with your premise but after you explained your position we moved on. You were questioned by council and attorneys concerned about increasing parking inside of Oceana and you said there would be no increase emphatically. But Mr. Potter got you to answer the question that leaves no doubt about the truth to this non conforming parking lot when he asked you that by adding to the spaces in order to bring them into compliance you were violating the ordinance and you said, “I would argue that if there was additional information that those parking spaces were encroaching into a right of way that

**making those spaces more conforming or to bring them up to conformity and you are only increasing more land if you're adding parking. They are not adding any parking." End quote. Mr Cooke also under oath said no spaces would be increased beyond the 56. This Town does not deserve a planning director like you! You are a trouble maker. I do not take it lightly when someone in your position distorts, misleads taxpayers for the sake of your pet projects. You should be ashamed! I am requesting that you instruct CBYC or your town staff to remove the cement bumpers and gravel on the three parking spaces that have been added to this non conforming 56 space parking lot immediately.**

**I hope you understand Oceana will pursue this to the end.**

**Olin Furr**



**Subject** Parking lot in Oceana

**From** olin furr <olintfurr@yahoo.com>

**To:** Jeremy Hardison  
<jeremy.hardison@carolinabeach.org>,  
James Sanderford  
<jksanderfordhoa@gmail.com>, John  
Hearn <john.hearn.home@gmail.com>

**Date** Jul 17 at 2:55 PM


Jeremy,

I was reviewing progress at CBYC concerning the CUP and noticed the drawings for the paved parking lot in Oceana are not accurate. CBYC expanded the parking spaces as noted on the plans but also added 2 additional parking spaces. One existing space is unusable due to a transformer. So it is a net increase of one space. The issue is the length of 3 spaces. Two are 17' long and one is 15' long.


Thanks

Sent from Yahoo Mail for iPad

**Subject** RE: Parking lot in Oceana

**From**  Jeremy Hardison  
<jeremy.hardison@carolinabeach.org>

**To:**  olin furr <olintfurr@yahoo.com>,  
James Sanderford  
<jksanderfordhoa@gmail.com>, John  
Hearn  
<john.hearn.home@gmail.com>

**Date**  Jul 18 at 12:26 PM

Thanks Olin,

I will check it out.

Jeremy Hardison  
Planning & Development Director  
1121 N. Lake Park Blvd.  
Carolina Beach NC 28428  
[910 458 2991](tel:9104582991)


[View more](#)



**Subject** RE: Parking lot in Oceana

**From**  Jeremy Hardison  
<jeremy.hardison@carolinabeach.org>

**To:**  olin furr <olintfurr@yahoo.com>,  
James Sanderford  
<jksanderfordhoa@gmail.com>, John  
Hearn  
<john.hearn.home@gmail.com>

**Date**  Jul 25 at 11:32 AM

Thanks Olin,

I will go out and verify.

Jeremy Hardison  
Planning & Development Director  
1121 N. Lake Park Blvd.  
Carolina Beach NC 28428  
910 458 2991

[View more](#)

## Nonconforming parking lots

Jeremy Hardison <jeremy.hardison@carolinabeach.org>

Mon 10/02/2023 4:09 PM

To: Ed Parvin <ed.parvin@carolinabeach.org>

Ed,

The parking facility is existing, and the extent of the facility has not increased in size just the volume of the number of parking spaces within the boundary of the facility.

a. *No increase in the extent of nonconformity.* Except as specifically provided in this section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

(b) *Nonconformity may extend throughout a completed building.* Subject to subsection (e) of this section, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) *Physical alteration or addition of new structures.* Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:

- (1) An increase in the total amount of space devoted to a nonconforming use;
- (2) Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations; or
- (3) The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.

(d) *Nonconformity may not be increased to cover more land.* A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

(e) *Increase in volume, intensity, or frequency of nonconforming use may be allowed.* The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and in no violations of other subsections.

(f) *Repairs and maintenance are encouraged.* Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

Jeremy Hardison  
Planning & Development Director  
Town of Carolina Beach



it quick.

Ms. Fox: And just as a reminder this is a quasi-judicial hearing so, Council, you should use a restroom separate and apart from the rest of the building and not speak with anybody about this matter.

Mayor Pierce: Don't talk to anybody. We'll go to the back. OK, guys, we're gonna go ahead and get started with our staff presentation. Yeah, go ahead.

Quasi-Judicial  
Hearing 1/14/20

Mr. Hardison: Mayor, Town Council, good evening. This is a conditional-use permit for Carolina Beach Yacht Club and Marina, which is located at 401 Marina Street, formerly Joyner Marina and before then it was Oceana Marina. I wanna just go over some of the issues that we've heard and hopefully answer some questions. I'm gonna start off just by looking at what's existing there. So regardless of what would happen tonight, what's existing is existing. They're operating today. They can operate tomorrow. But they're 69 boat slips within this marina. There is one building with a residential unit above with a marina store and an office. There is a fuel dock, and there is

an existing off-site 56-space parking lot, which is the triangle area. That is owned by the applicant. So I wanted to just give kind of a brief history of this area to kinda see how we got here. And different elements of the marina were developed at different times and this area, it's currently there's three entities that you've heard tonight. There's the Carolina Beach Marina and Yacht Club, the applicant, the Spinnaker Point, which is a 72-unit multi-family consisting of four buildings, and the Oceana subdivision, which is a 49-lot subdivision. And but this at one time was all owned by one entity. In 1982 the entity came to Town Council, was granted a conditional-use permit for 372 multi-family units, which mirrored what Spinnaker Point is today. They were, it was approved with their excavating the land for the boat slips, they were approved for parking, tennis courts, swimming pool. As you can see, they had the beach access. There was a marina store associated with it, and certainly after the CUP they went to build and in 1985 they completed four of the buildings, which consist of the 72 units, the tennis courts, the swimming pool, the beach walkway, and the boat slips. But after 1985, the development stalled. There were multiple ideas and plans that were developed for the rest of the area. The original ideas was abandoned until 1994, when a subdivision plat was approved by Town Council for the 49-units Oceana subdivision, or 49 sub lot. At that time, that's when the reference triangle parking lot was created from this plat for this parking, and there was also an easement that was grated to access to the boat slips, where the owners or people leasing the slips would park here and they could access to the marina. At that time, there, with this approval there were gates that were erected, and that was, from testimony from the minutes, is because Spinnaker Point was promised when they were developed to be a gated community. As part of that also subdivision plat, there were slips that divided the section of the slips approximately in half that some went with the marina and some of 'em went with the lot of Oceana Marina. So brings us to the conditional-use permit for the expansion of the marina by adding an eating and drinking establishment. This is not considered a restaurant. It is, by definition, a bar from the zoning ordinance, which does require the CUP. The zoning district of the marina is in the Marina MB-1, the Marina Business District. The parking lot

that services the boat slips is in a, the residential gated community of Oceana and Spinnaker Point. The proposed addition for you to consider tonight is a 40-by-120 barge that they would like to bring in and dock, that's behind the fuel, existing fuel docks. This will be registered as a vessel. They want, would like to put a 40-by-16 building on there that would consist of a concession stand, an office, a retail area. It would have a horseshoe service area for outdoor seating. They'd like to provide hot dogs, sandwiches, and beer and wine, according to their application. They'd also like to expand the fuel docks by 180-by-12 foot to the north. That's shown here. The existing building would be utilized as an office and storage area with remaining, remaining the residential unit above. They are going to be providing additional parking spaces, proximity at the, at the entrance of their parking lot and around the Georgia Avenue bend. It's just an aerial of the existing site. With the additional parking spaces, the 13 parking spaces are gonna be adjacent to what is known as the Georgia Avenue, where it does bend. Georgia Avenue bends and then it terminates into the subdivision of Marina Street. That is a private gated right-of-way, a 30-foot right-of-way. Georgia Avenue, it does open up to a 40-foot right-of-way in that area. The property of where Georgia Avenue was extended is actually owned by the applicant. The Town does have an access easement, 30 foot of that property, which terminates into the Town property, which is the well site that connects back up to Florida Avenue. This was prior to the development of the, of Oceana or of the Spinnaker Point. It was a dirt road. In the early 90s it was improved. Here's the existing condition of the road, and the proposed parking will be to the north. Just adjacent uses, there is a single-family on Georgia Avenue to the south, the Town well to the south, and this was put in in in 1983 and just staff had concerned about adequate water in that area, adding 372 units originally, so the developer donated land and the Town did put in a well to provide water. To the northeast, see a single-family is the Oceana subdivision along the adjacent to the marina. East is Spinnaker Point, and the north is as you can see here is the Oceana gate and the beginning access to Carolina Beach Yacht Club. So the applicant must make, there are seven specific standards that make provisions for. One is ingress and egress. There is just an existing drive to get to the marina



off of Georgia Avenue. The existing approved parking lot inside the gate of Oceana subdivision along, with the would provide the parking for the boat slips, and there's also 13 newly designed parking spaces as mentioned between Florida and Georgia Avenue. The parking area that was brought up earlier of with the parking spaces, this is the triangle area inside the gated community pictures of. When I went out there I observed the bold yellow line with letters that says no parking here. Looks like that at one time there were where the stripe there was parking spaces, so I asked the applicant, I said if you do not have a right to park in that area, then you would need to accommodate to make sure you have room for a standard parking space. And on the application you see here in the bold area is where the applicant has adjusted those parking spaces to meet standard parking size. Parking regulations is based off the existing boat slips, the proposed retail, the eating and drinking establishment, and the existing uses on site, which come to 94 parking spaces.

Mayor Pierce: Jeremy, can you go back to that? How, so you figure, so the proposed retail space, is that in the existing building, or are you talking about just on the barge?

Mr. Hardison: That is on the barge:

Mayor Pierce: OK, and so does, you based it on the square footage?

Mr. Hardison: Correct.

Mayor Pierce: How many spaces they would need?

Mr. Hardison: Correct. That's how the parking is calculated.

Mayor Pro Tem Healy: So is that 2.9, is that how many people can be in the bar?

Mr. Hardison: That is based on square footage, so you would round up to the parking. That's just for 110 square feet or 200 square feet for outdoor area.

Mayor Pierce: But you have accounted for the spaces needed for the existing building?

Mr. Hardison: Correct. Yes, the existing uses and proposed uses.

Council Member Barbee: So Jeremy, can you connect the dots? I'm, I'm, I'm back on the issue of if this permit is or this CUP is for putting the barge in place and the people going to the barge don't have access to the parking lot, I'm just trying, going by what I heard here, why is extending those park, how is that connected? I missed something on how the.

Council Member Garza: Get in more boat slips.

Council Member Barbee: How the additional, what is driving the need for additional parking inside the gate. That's really my question.

Mr. Hardison: They are not providing anymore parking spaces than what's already there. There was just a land dispute on if half of that space was actually owned by the association versus the applicant.

Mayor Pierce: So.

Council Member Barbee: So are those parking spaces required as a condition of this CUP?

Mr. Hardison: They are of the, correct, yes, of the marina 'cause there is a 69-slip marina, so you have to have a space for every slip; 56 of those spaces are provided inside the marina gate; 13 of 'em are provided outside of the gate onto, to meet the parking requirement.

Council Member Barbee: I, I gotcha. Yeah.



Mayor Pierce: So they don't have to access that parking lot?

Mr. Hardison: Correct.

Mayor Pierce: You're saying they're providing that parking outside of the community, outside of Oceana and that parking lot?

Mr. Hardison: For the, the use of the eating and drinking establishment.

Mayor Pierce: The barge.

Council Member Barbee: But the Town is trying to fix another problem not specific to the barge in that there's not sufficient parking for the existing.

Mr. Hardison: This problem exists regardless of the conditional-use permit.

Mayor Pierce: Right.

Mr. Hardison: If it was in front of you or not.

Council Member Barbee: OK, so it is a separate issue, but your.

Mr. Hardison: Correct.

Council Member Barbee: Solving them together? OK, thank you.

Mr. Hardison: Trash and recycling containers will service the site. It is required to be screened on all three sides. The new building will connect to the existing utilities. No upgrades are required. No landscaping is required from this proposal. At this point, no additional signage is part of the application. There's no new upland structures that are proposed. It's just the barge and the extension of the fuel dock. There are four general conditions they must satisfy before you. The use will not materially endanger the public health or safety. The use will meet all required conditions and specs of the code. That the use will not substantially injure the value of adjoining or abutting property. And that the location and character of the use if developed according to the plan and as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town planning policies. This area is in the Marina Business District. The district is there to establish around the water's edge for maritime uses, water-dependent uses, water-oriented. It also provides for certain residential areas other than non-water-dependent uses as well to align closely with water-oriented uses with the marina. And in, in the Land Use Plan this area's classified as Marina Mixed Use, which does include commercial uses for intensity water-oriented restaurant and services. Can I answer any questions that you may have?

Council Member Barbee: Does general, really a zoning question for you, but where the new proposed parking places are on, I guess that's Georgia. Is that what that is? Is there any sort of land, for that, the way the current zoning ordinance read is there no sort of landscape buffer that's required. I'm thinking about the gentleman across the street. Is there any sort of landscape buffer required there?

Mr. Hardison: It's definitely a unique situation where there's a road on the adjoining property, and normally landscaping would go about the property line. Since this is his, the applicant's property and that they could just about those parking spaces up.

Council Member Barbee: So what you're saying is if they only own to the street and the Town own the street, they would probably have to have landscape buffer, but since the street itself is where their landscape buffer would go.

Mr. Hardison: On the perimeter of the property. Correct.

Mr. Hardison: Correct.

Mr. Richardson: And as we sit here tonight has Town staff made its opinion known in its report that it believes that the marina's application satisfies the seven specific criteria under the Town code as well as the four general requirements for granting by the Council body of the conditional-use application that's been applied for?

Mr. Hardison: Correct, from a the site plan requirements and the conditional-use permit submittals.

Mr. Richardson: Turning your attention because this was a key point in the motion to dismiss on standing issues. Behind you I'm flagging in red the triangular parking lot. Do you agree that that parking lot is located behind the private gate of the Oceana subdivision?

Mr. Hardison: It is.

Mr. Richardson: Do you agree that that parking lot was the subject of the Board of Adjustment hearing we had a few months ago in front of the Board of Adjustment?

Mr. Hardison: Correct.

Mr. Richardson: Do you agree that the applicant, the marina, as part of this application, is not increasing the number of parking spaces in that parking lot?

Mr. Hardison: They are not.

Mr. Richardson: Is the applicant, as part of its application tonight, trying to get approval for every member of the public to be able to access that parking lot inside of the Oceana subdivision?

Mr. Hardison: The Town hasn't or doesn't get involved on who grants access or who gives out the code.

Mr. Richardson: But in the application, is there anywhere where Mr. Cook, on behalf of the applicant, has said that he's trying to get unfettered access to that parking lot for members of the public?

Mr. Hardison: I have not heard that.

Mr. Richardson: And in fact, in order to support, there's 69 boat slips in the marina. Is that correct?

Mr. Hardison: Correct.

Mr. Richardson: And those 69 boat slips have been there for over 25 years, correct?

Mr. Hardison: Yes.

Mr. Richardson: And in order to support the boat slip owners and/or their renters' use of the boat slips, they must have the ability to park in the 56 spaces in that parking lot in the Oceana, correct?

Mr. Hardison: Correct.

Mr. Richardson: Just as they've been doing for over 25 years, correct?

Mr. Hardison: That's correct.



Mr. Richardson: And just so we're clear, with the parking lot inside of the Oceana with the 56 spaces, plus the 13 proposed spaces on the marina's own property, does the marina's application satisfy the Town's code of ordinances for parking?

Mr. Hardison: Correct.

Mr. Richardson: In this Town's, in the staff's review of the marina's application, did you also review the Town's governing Land Use, CAMA Land Use Plan?

Mr. Hardison: Correct.

Mr. Richardson: Did you find the marina's application to be consistent with the Town's CAMA Land Use Plan?

Mr. Hardison: It was consistent with the desired uses in that classification area.

Mr. Richardson: I have no further questions of Mr. Hardison at this time. Again, we would move into the record the staff's presentation that we've just gone through as Exhibit 1 for the applicant. I'll, I'll I'm sure Mr. Potter has some questions. I'm gonna sit down. I'll leave my stuff up here.

Mr. Potter: Mr. Hardison, I'm gonna be brief 'cause I'll just recall you on direct, but just a couple follow-up questions to Mr. Richardson's. Mr. Hardison, it's fair to say that Town staff viewed the applicant's CUP application as holistic for all of the property that's part of this project. Is that correct?

Mr. Hardison: Correct.

Mr. Potter: So you added the, all the parking spaces together to come up with 95 parking spaces that are required for the overall project. Is that correct?

Mr. Hardison: In order to accommodate the, the proposed additions for parking we had to consider the existing uses on site.

Mr. Potter: And we talked a little bit about this previously, or Mr. Richardson asked you, again looking, I know you can't see but you can probably imagine what I'm pointing at here, are these parking spaces within the Oceana subdivision. Do you see those?

Mr. Hardison: Correct.

Mr. Potter: OK, and we've talked a little bit about the Board of Adjustment hearing and your opinion as to that parking lot previously, is it your opinion that the parking lot within the Oceana subdivision that we're talking about here is a nonconforming use under the Carolina Beach Town ordinances?

Mr. Hardison: Correct.

Mr. Potter: OK, so currently as it sits it's nonconforming, in your opinion, previously and currently is that it's a permitted or a legal nonconforming use because it was previously approved by Town Council. Is that correct?

Mr. Hardison: That's correct.

Mr. Potter: OK, and you would agree, would you not that the applicant has agreed with my client and with you that the current parking spaces encroach onto Oceana property and need to be moved within the applicant's property. Is that correct?

Mr. Hardison: I saw lines that it would be very confusing to the public or to a boat owner on

where to park, so I would want that clarified to make sure that those spaces could meet a standard parking space.

Mr. Potter: And the applicant has agreed as part of this to modify their parking spaces, to move them into the open space adjacent to the current parking spaces. Is that correct?

Mr. Hardison: Correct. I'd say if there was an issue and that is actually the private drive of the right-of-way, then those spaces would need to accommodate a standard space.

Mr. Potter: Mr. Hardison, I, I don't know that you have the code committed to memory, but I'm gonna ask you if you are familiar with Section 40-425 of the Carolina Beach ordinances entitled extension or enlargement of nonconforming situations.

Mr. Hardison: I'm familiar with it.

Mr. Potter: Can I approach and show it to you?

Mr. Hardison: Yeah, certainly.

Mr. Potter: Mr. Hardison, in particular I'd direct your attention to 40-425d, and I, I'm gonna ask you this, if I read this correctly. Does 40-425d of the Carolina Beach code of ordinance state that a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

Mr. Hardison: That is, you want me to just confirm that's what it says?

Mr. Potter: That's what it says. Yes.

Mr. Hardison: Yes, sir.

Mr. Potter: And the applicant is proposing to cover more open land than they previously covered by moving these parking spaces into the open undeveloped land that's adjacent to them, are they not?

Mr. Richardson: Objection. Number one, this has been litigated at the Board of Adjustment. A ruling has been made. You're bound to the ruling. This isn't before this Council tonight on the board on the application for a conditional-use permit, and it's also not covering the land distinct in the footprint of the parking lot. On those bases, I will render my objection.

Mr. Potter: Just, just so, I guess.

Ms. Fox: Well, Mr. Potter, to the extent you're getting ready to re-litigate issues that have been taken up by the Board of Adjustment where an order's been entered, where you have a right of appeal, I would suggest that you steer clear of that.

Mr. Potter: And I would submit this was not part of that at all. That had to do with a zoning issue. This has to do with whether or not the paving is going to be extended to land, which it was not current previously on as part of this project.

Mr. Richardson: He's had the right of the affluent. They can appeal to the Superior Court, 'cause they challenged this very thing at the Board of Adjustment.

Mr. Potter: That's absolutely false, Grady.

Mr. Richardson: It is not false.

Mr. Potter: Did not say a word about that.

Mr. Richardson: He did. The whole night was about it.

Mr. Potter: Well, the good thing, great thing is there's a record, so.

Mr. Richardson: And 34 findings of fact.

Mr. Potter: Well, show me. Where are the findings of fact in the order, Grady, that have to do with the expansion of the parking lot?

Mr. Richardson: What I know is you challenged the parking lot. You lost. Your remedy.

Mr. Potter: Challenged the zoning of the parking lot.

Mr. Richardson: Your remedy, exactly. Your remedy.

Mr. Potter: This is not a zoning question.

Mr. Richardson: Your remedy is to the Superior Court on appeals.

Mr. Potter: Well, let him answer the question and then you, we can deal with that. Mr. Hardison, is the proposed plan submitted by the applicant, does it contemplate covering more land for the parking lot than it previously did?

Mr. Hardison: Yeah, and so, Ms. Attorney, is it to proceed?

Ms. Fox: Yes.

Mr. Hardison: I would argue that if there was additional information that those parking spaces were encroaching into a right-of-way that the making those spaces more conforming or to bring 'em up to conforming is not, this is increasing more land if you're adding parking. They are not adding any parking. They are just simply trying to conform to the parking standard of what a dimensional standard parking space is.

Mr. Potter: Irrespective of the language in the ordinance, are they expanding the parking lot to cover more land than it previously covered as part of this?

Mr. Hardison: They're not expanding the number of parking spaces or intensity of the use.

Mr. Potter: But are they covering more land, more dirt?

Mr. Hardison: You could say they're subtracting from where their parking spaces were, they're just moving, but I don't, I don't believe they're in violation of the nonconforming section. We're simply bringing the parking spaces to conform with dimensional requirements.

Mr. Potter: Mr. Hardison, you have that notepad, I mean, that notebook up there in front of you. You testified earlier that there were no landscape buffering requirements that this proposal does not meet. Is that correct?

Mr. Hardison: Correct.

Mr. Potter: That was not your opinion back in October, though, was it?

Mr. Hardison: For the Planning and Zoning?

Mr. Potter: That's correct.



Mr. Richardson: Mr. Cook, let's get one thing into the record on top of what Mr. Hardison has already testified about. For the parking lot inside of the Oceana, are you in any way as part of this application seeking to increase the number of parking spaces of beyond 56 spaces that have been there for 25 years or longer?

8  
The Applicant  
Statement under  
oath.

Mr. Cook: No, sir.

Mr. Richardson: In, is any part of your application on behalf of the marina seeking to have members of the public who have no ownership of boat slips, no rental right in boat slips to just gain access into the Oceana and use that 56-lot parking, parking lot inside of the Oceana?

Mr. Cook: No, sir. In fact, can I expand on that?

Mr. Richardson: Sure.

Mr. Cook: So, over the past six eight months we've had this issue come up. How are we gonna handle this? And so during the P&Z we, I wish we'd have brought 'em tonight, but we brought the stickers that our slip holders will get, and we informed the Oceana's president several months back that they had every right to tow anybody that does not have a sticker that's inside of that 56-lot parking lot, that we'll police it with our dock master and our dock hands. They'll go be cleaning up trash or anything that's inside of there on a, we do it on a weekly basis anyway, but we will go in there and if there's someone in there that doesn't have a sticker, we'll tow 'em. We've given Oceana permission. If you see someone in there that does not have a sticker, tow 'em.

Mr. Richardson: And do you stand by that as part of your application tonight?

Mr. Cook: Yeah, we've already made the stickers, and they're, we plan on sending them out as soon as this is over.

Mr. Richardson: As part of the marina that your acquisition, did you have to acquire financing to buy it?

Mr. Cook: We did.

Mr. Richardson: And what was the approximate amount of the financing?

Mr. Cook: First round was 2 million.

Mr. Richardson: And are, are you under kind of a construction advance loan where, based upon progress then you get a draw to finish out the improvements to the marina?

Mr. Cook: So we refinanced late 2019, and we secured a \$800,000 expansion loan to do the improvements to the marina.

Mr. Richardson: And if you get approval, you'll be able to begin implementing those improvements.

Mr. Cook: Yeah, we're under the gun to start as soon as possible.

Mr. Richardson: Behind you and I've got a hard copy is what I've marked in advance as Application Exhibit 2, does that appear to be a PowerPoint slide presentation that Ms. Carpenter and I have assembled on your behalf leading into tonight?

Mr. Cook: It is.

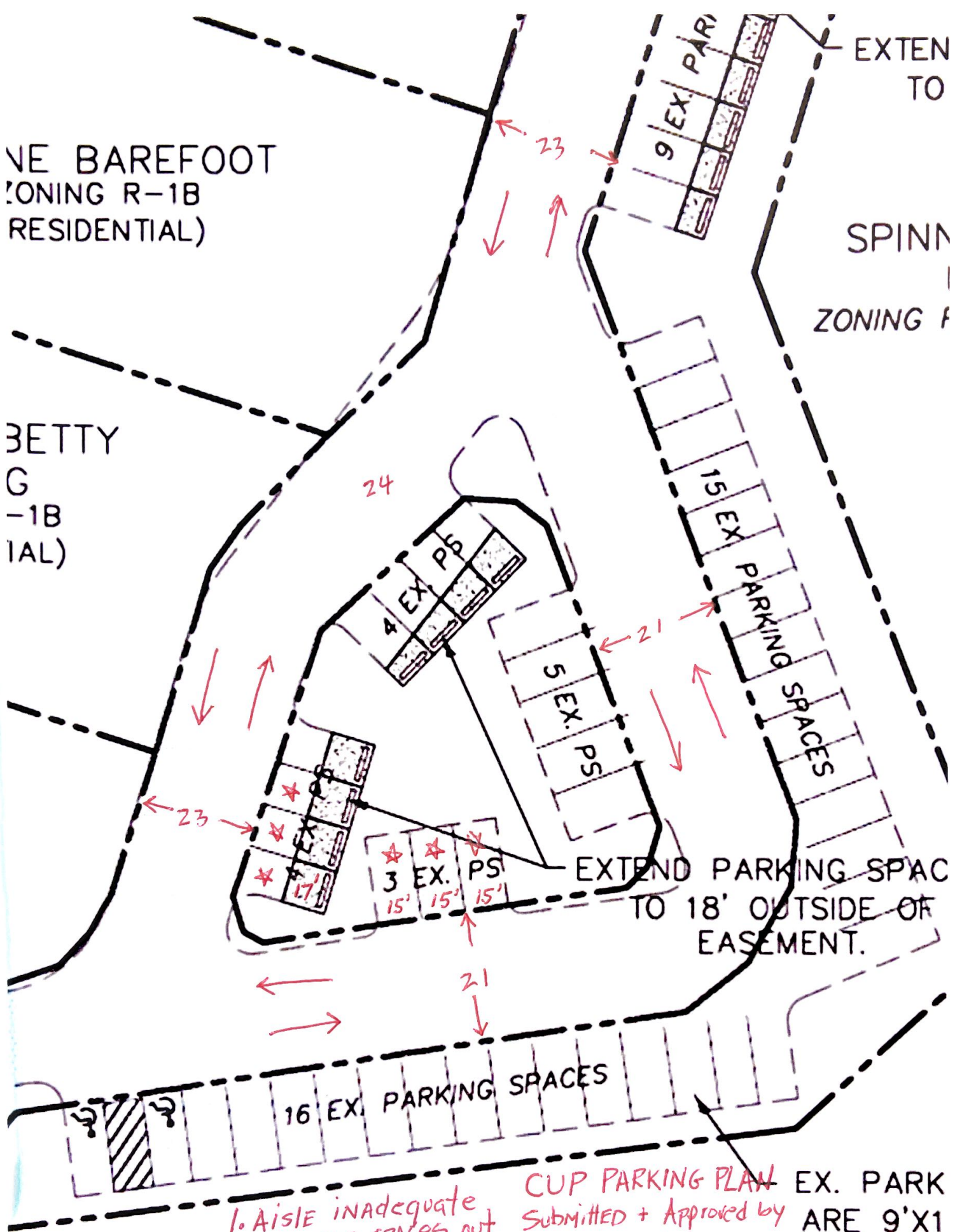
Mr. Richardson: Have you reviewed the PowerPoint slide presentation for its accuracy?

NE BAREFOOT  
ZONING R-1B  
(RESIDENTIAL)

BETTY  
G  
-1B  
(RESIDENTIAL)

EXTEN  
TO

SPINN  
ZONING F



EXTEND PARKING SPAC  
TO 18' OUTSIDE OF  
EASEMENT.

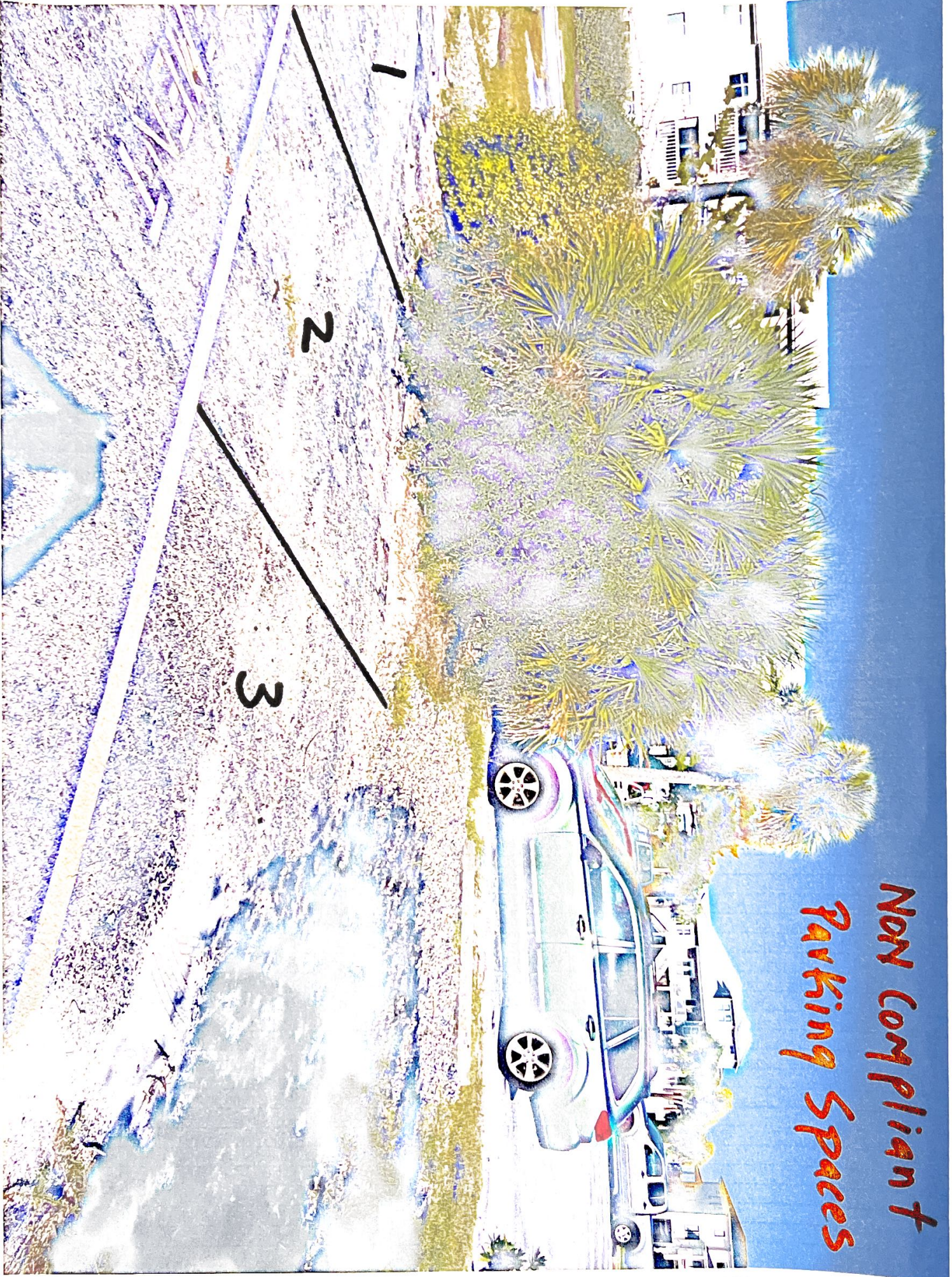
1. Aisle inadequate  
2. 6 PARKING SPACES out  
of spec.

CUP PARKING PLAN  
Submitted + Approved by  
Planning 1/14/20

EX. PARK  
ARE 9'X11  
TYPICAL



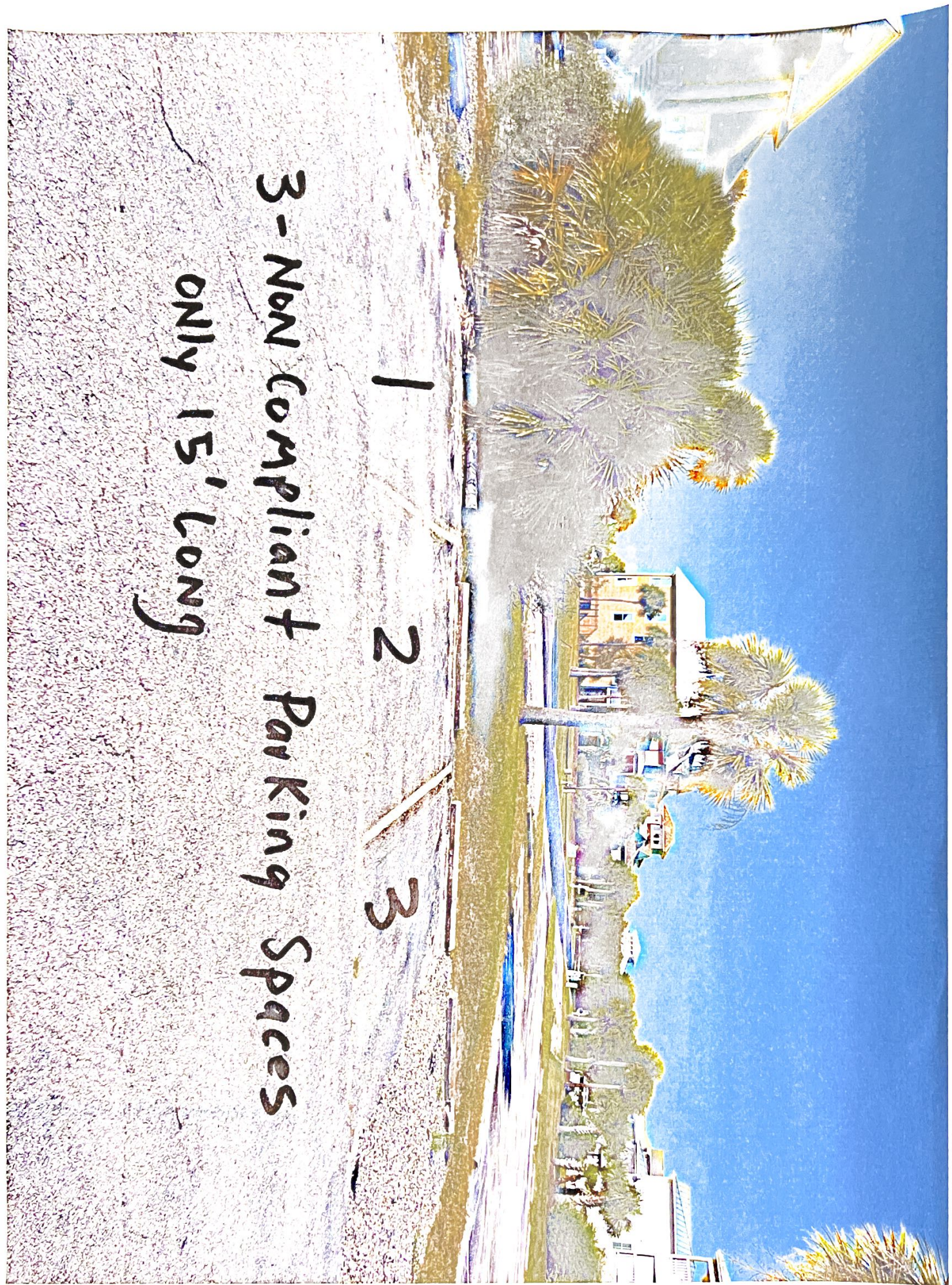
*Non Compliant  
Parking Spaces*



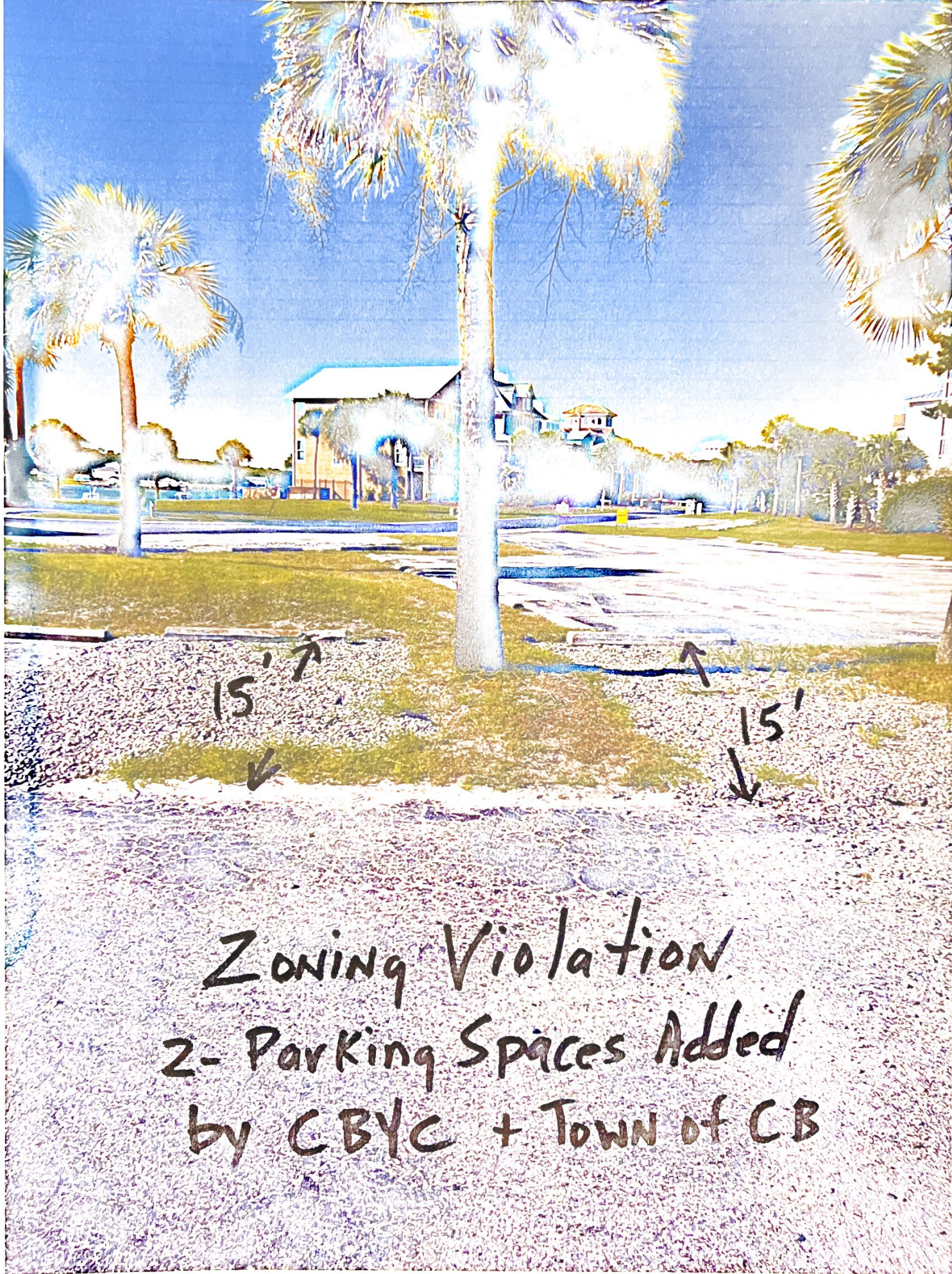


3- Non Compliant + Parking Spaces  
ONLY 15' Long

- 1
- 2
- 3



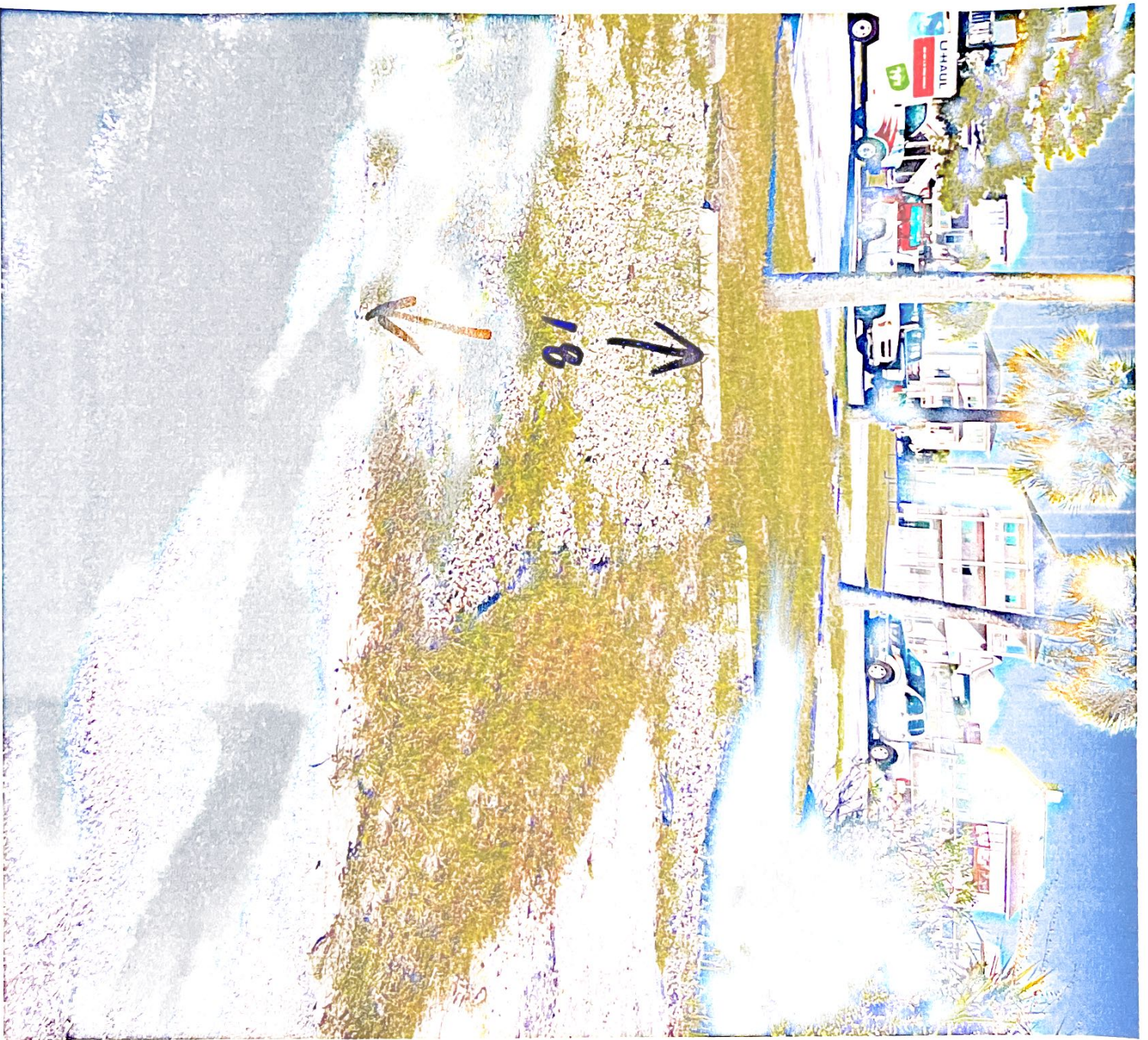




Zoning Violation  
2- Parking Spaces Added  
by CBYC + Town of CB



Zoning Violation  
Parking Space Added  
by CBYC + Town of CB





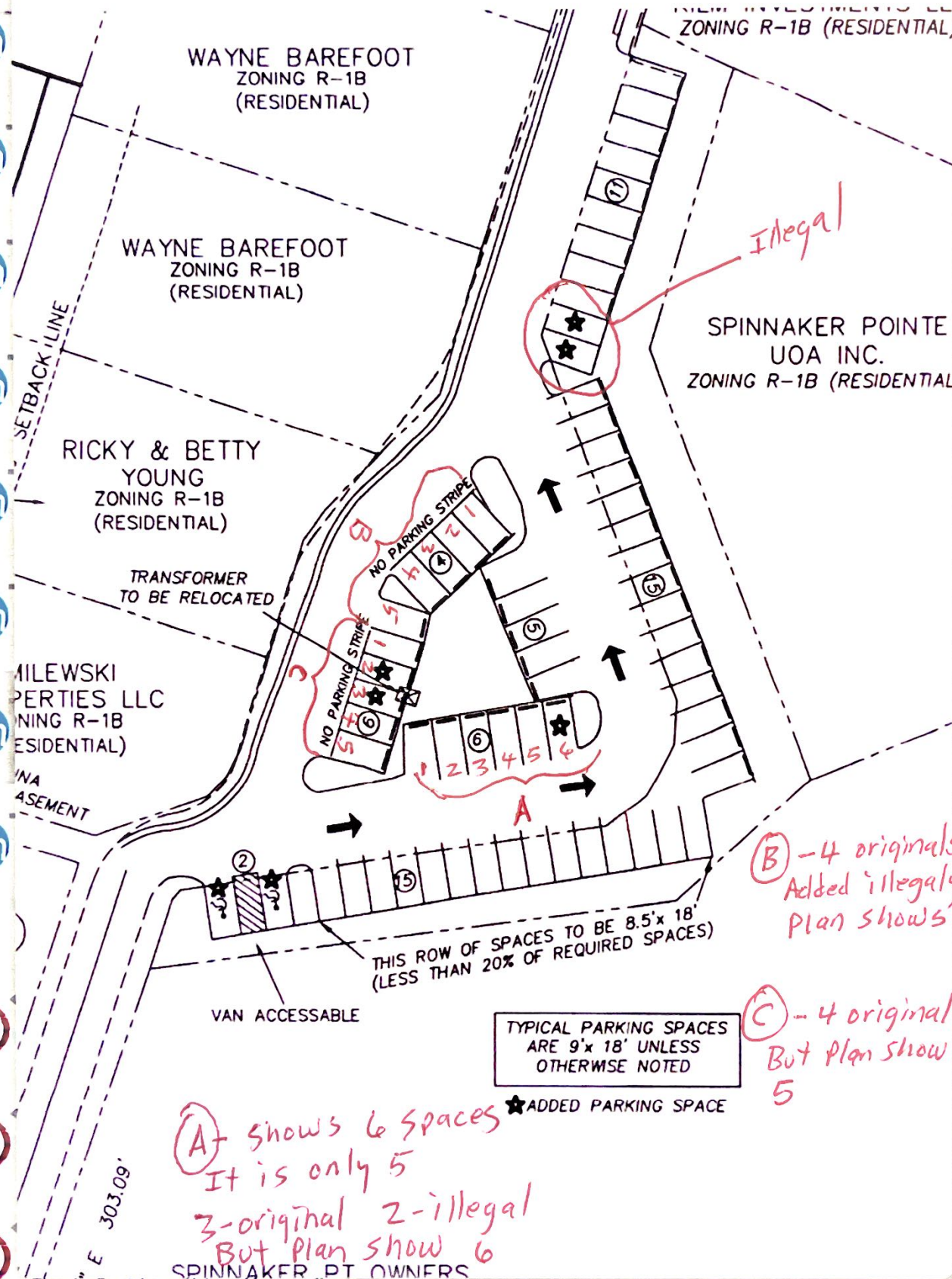




Hoa M...

site plan.pdf

9/28/23



Illegal

(B) - 4 originals + one Added illegally Plan shows 5

(C) - 4 originals But plan shows 5

(A) shows 6 spaces It is only 5  
3-original 2-illegal  
But plan show 6



A



1

2

3

4

5

original

Added

Added



(B)

Original



Added



@

- 1
- 2
- 3
- 4

original

