

Investigate-Research-Develop-Recommend
North Carolina General Statute 160A-387

Sunset Beach Board of Adjustment
Approval of Minutes from May 3, 2012
Continuation of Tabled Hearing from April 19, 2012
BOA Case #1-2012

Members Present

Leon August-Vice Chairman
Sybil Kesterson-ETJ Member
Carol Santavicca
Al Seibert
Tom Vincenz-Alternate

Members Absent

Bill McDonald-Chairman

Staff

Sandy Wood
Cindy Nelson

Others Present

Landin Holland-Land Planner
Rich Cerrato-Mayor
Karen Joseph-Council Woman
Carol Scott-Council Woman
Shane and Robin Hollar-Applicants
Bob Tone-Alternate ETJ Member

1. Call to order-9:05 am
2. Roll Call-Quorum Present
3. Agenda Comments-None
4. Approval of Minutes-None
5. Old Business
 - a. Application for a Special Use Permit at 102 Sunset Blvd. The Request is for the Construction of a Dock for the Purpose of Water Sport Rentals.
6. New business-None

Leon August the Boards Vice Chairman presided over the hearing as the Chairman Bill McDonald was not able to be present.

Leon made a motion to untable discussion from the last meeting. Al made a motion to bring Case #2012-1 off the table. Second by Tom. Motion carried unanimously.

Note: The same Board of Adjustment members are in attendance as the last meeting.

Leon: the purpose of this meeting is to continue the tabled meeting from April 19, 2012, he further clarified to those in attendance the duties and responsibilities of the Board of Adjustment and further read a statement provided by the town attorney, Mike Isenberg, which stated that letters or emails are not to be admitted into evidence and those wishing to speak should be present and sworn in.

At that time, additional persons in attendance that were not at the last meeting came forward to be sworn in.

Landin read a letter from the Twin Lakes property owner stating their approval to operate a jet ski rental business at the property known as 102 Sunset Blvd, Sunset Beach, NC. He then proceeded to explain to all those in attendance an overhead slide view of the area with the potential parking possibility. These items have been entered into the minutes as fact.

Twin Lakes has a dedicated 62 parking spaces. Shared parking with the Old Bridge Preservation site is 24 spaces. Total available spaces are 86. Proposed Personal Watercraft Rental is 12 spaces. With a required total for parking spaces are 98 spaces. Shane interjected that he now has leased parking space a couple miles off site to park the trailers after putting the skis in the water. Landin said the town does not have an ordinance that prohibits off-site parking so the Board can take this into consideration. Because Twin Lakes predates the zoning ordinance for parking, the parking area was not properly designed so we can only determine whether or not parking is there.

Carol clarified; there is a requirement in our current code for parking for the restaurant, however, the restaurant predates the zoning code, and so we cannot require the restaurant to have a certain amount of spaces.

Landin: no, but we can make some determination of what is available so that the demand does not cause spill over into the right of way.

Carol: how about DENR and the commercial use of the boat ramp and parking.

Landin: there is no restriction because it is a public area. Also, as far as liability concerns, the town attorney said the town can defer to the state requirement cap and a condition can be imposed.

Al: why did construction stop on the boat ramp?

Sandy: the water was not deep enough and they had to go back to CAMA and DENR and plans had to redone to allow them to go out further and go 3 feet deeper into the water so boats could get in and out. The ramp is now projected to be completed by the end of June 2012.

Some discussion ensued on parking the number of parking spaces presented.

Al: please submit the parking slide presentation into evidence. He said that it is hard to determine what is going to be needed because we have not had to deal with this situation yet.

Leon asked if there were any other questions or comments at this time.

Robin Hollar addressed the Board: please take into consideration our hours of operation, our day will end before the restaurant gets busy at night. Also, the fact that this is a family based business and our concern is safety and fun for families. A family that is going to rent from us will generally come in one large vehicle. Another consideration is that our customers will utilize the other businesses in that area as well as the park.

Al: we can assume when the park is designed there will be parking and also there will be parking for trailers.

Landin: there is potentially parking for the abandoned right of way from the old bridge.

Leon opened the meeting to the public for comment:

Coley Dooley, 109 W. Canal: Coley said last year he counted 15 to 20 cars parked at the boat ramp site and even more on the weekends. He further stated that jet skis will cause noise problems at the park, and being so close to the boat ramp there will be accidents. His major concerns are noise and parking.

Richard Cerrato, Mayor of Sunset Beach, 517 Twisted Oak: stated that he had received several calls from citizens in opposition of this application. Citizen concerns are noise from the jet skis that will destroy the tranquil environment of the park, pollution from the fuel, and parking concerns. He further asked why the minutes from the last meeting were not posted on the website.

Carol Scott, 1214 E. Main St: parking is a major concern. 12 parking spaces are deficient and this should not be ignored. Public parking cannot be relied on as they are designated for the park and parking for that is already in short supply.

Carol Santavicca: what are our responsibilities and limitations as Board of Adjustment?

Landin: your job is to make a determination based on the Findings of Fact. You are here today to hear both sides of the argument and make a vote based on those facts.

Carol Santavicca: where will the proposed pier be in relationship to the boat ramp?

Sandy demonstrated on the slide picture how the pier would extend into the waterway adjacent to the boat ramp. CAMA will determine how far away they will have to be from each other.

Bob Bobinski, 155 Edgewater Circle: one thing that has not been mentioned is Mavericks Coffee Shop which is growing in popularity, it is located right across the street, and more parking will be needed for them as well.

Bryan Krepejs, 406 35th Street: jet skis are not allowed in the marsh. Jet skis are noisy and disrespectful. If you go to the Ocean Isle Beach after the season starts, its total congestion. They have 25 spaces and they leave their boat and trailer there all day. Parking is a minimum. Adding more congestion with jet skis will be worse here at the boat ramp.

Landin commented; this meeting was advertised in the paper. Minutes have not been prepared and/or posted because this is a continuance to a prior meeting. However, a citizen could come and listen to the tape if they wanted.

Judith Gerdes, 436 Egret Drive: I am very opposed to jet skis in Sunset beach. This will ruin the serenity of the park.

Applicant comments: Shane Hollar explained that jet skis today are much quieter than they used to be. Robin further explained that safety is first with their customers, they are given a map, and they are not going to travel under the bridge and will be traveling in the opposite direction. We do not recommend that people go into the marsh areas or the ocean.

Al: has a set of rules been created for use of the boat ramp.

Sandy: No

Al: so, any citizen can bring their boat, trailer, or Jet Ski and park and launch from it the boat ramp. And, we cannot stop any of this.

Sandy: yes, that is correct. It is a public ramp.

Robin: if you go to the NC Wildlife website and view the area boat ramps, most of them are free and open to the public 24 hours.

Tom: that waterway area is posted as a no wake zone by the state?

Shane Hollar: the state will post no wake zone signs 50 yards in each direction, and it could be farther than that with the bridge there and also with the ramp being extended.

Carol: who enforces the now wake zone?

Robin: Wildlife commission.

Public hearing closed.

No deliberation from the Board.

Landin said the chairman will now read the seven Findings of Fact and then each Board member will cast their vote in favor or against the application.

1. The use requested is listed among the special uses in the district for which application is made and the use meets all required conditions and specifications.

Sybil-yes

Carol-yes

Leon-yes

Al-yes

Tom-yes

2. The requested use will be in harmony with the area in which it is located, and in general conformity with the character of the surrounding or adjoining districts, and will not adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property if developed according to the submitted plans.

Sybil-yes
Carol-yes
Leon-yes
Al-yes
Tom-yes

Carol and Al were in agreement that there is no separation between this application and the boat ramp, and that wave runners and boats are allowed on the waterway.

3. The use will not substantially injure the value of adjoining or abutting property.

Sybil-yes
Carol-yes
Leon-yes
Al-yes
Tom-yes

4. The requested use will be in conformity with the current land use plan.

Sybil-yes
Carol-yes
Leon-yes
Al-yes
Tom-yes

5. Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided.

Sybil-yes
Carol-yes
Leon-Yes
Al-yes
Tom-yes

6. Adequate measures have been or will be taken to provide ingress and egress designed so as to minimize traffic congestion in the public streets.

Sybil-yes
Carol-yes
Leon-Yes
Al-yes
Tom-yes

7. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Sybil-yes

Carol-yes

Leon-yes

Al-yes

Tom-yes

4/5 of the vote is in favor of granting the special use.

Applicants will be mailed a letter stating the Findings of Fact have been met and the Special Use has been approved.

Any deviation of the conditions for the Special Use must be brought back to the Board of Adjustment

Conditions as set by the Board of Adjustment:

1. Listed as a Special Use in Zoning Sections 151.212 (A) (C) and the development must be in strict accordance with any plans submitted.
2. Parking-cannot make an ordinance based determination as the restaurant predates the zoning regulations and so the burden is upon the property owner to provide adequate parking for the restaurant and the water craft rental company.
3. Liability insurance cap will be set at \$300,000.00 or whatever the state standard is at the time of approval, and that the town will be held harmless in relation to any liability claims stemming from the water craft rental business.

Leon entertained a motion to adjourn. Moved by Sybil. Second by Carol. Motion carried unanimously. Board of Adjustment Hearing Adjourned at 10:30 am.

Leon August

Leon August-Vice Chairman

Cindy Nelson

Cindy Nelson-Secretary