

Town of Oriental – Board of Commissioners Meeting
And Public Hearings
November 7, 2006

The Oriental Town Board of Commissioners met on Tuesday November 7 at 7 pm at the First Baptist Church Fellowship Hall. Present were Mayor Pro Tem Johnson, Commissioners Bohmert, Herlands, Inger, and Venturi. Public attendance was standing room only.

Mayor pro tem Johnson opened the meeting and led the Pledge of Allegiance.

Commissioner Bohmert made a motion to approve the September 28, 2006 minutes. Second by Commissioner Herlands. Vote 5-0.

Commissioner Inger made a motion to approve the October 3, 2006 minutes. Second by Commissioner Herlands. Vote 5-0.

Commissioner Inger made a motion to approve the October 23, 2006 minutes. Second by Commissioner Herlands. Vote 5-0.

Commissioner Inger made a motion to approve the October 27, 2006 minutes. Second by Commissioner Bohmert. Vote 5-0 with Commissioner Herlands abstaining as he did not attend that meeting.

Mayor pro tem Johnson opened the first public hearing pertaining to the special use permit sought by Mr. Knute Bysheim for the Whittaker Creek Marina 12 unit condominium project. Mr. Bysheim and members of the audience who wished to speak were sworn in. Mr. Bysheim then gave a brief recap on his project.

The Commissioners then asked questions regarding the number of boat slips, existing buildings on the property and their square footage, number of parking spaces for the marina and for the Whittaker Creek Yacht Owners Assoc. (WCYOA), as well as the total acreage. It was determined at that point that one of the conditions to the SUP could be the project's compliance with the Subdivision Ordinance.

Mr. Ben Barnett, the Pamlico Fire Marshal, was then sworn in and asked questions about the project. It was then determined that another condition to the SUP could be the need to widen one of the roads by 10' to allow room for emergency vehicles.

Commissioner Venturi asked further questions about parking. Mr. Bysheim asserted that his property (boat slips and store) required 30 parking spaces which he stated he does have. The WCYOA, with 82 slips, needs 41 spaces which it does not have. While the condo project is technically separate from the existing businesses, there is great concern that the addition of the condominiums will increase the nonconforming parking situation that exists at that property.

Looking at the proposed parking lot, Mr. Bysheim admitted that his project, as platted, would violate GMO setback requirements where it bordered on the Kopeka property. Mr. Bysheim stated that he could correct the violation by narrowing certain parking spaces.

To make sure everyone understood all aspects of the project, members of the audience were invited to ask questions.

Mayor pro tem Johnson then proceeded with the seven elements. Mr. Bysheim was asked:

1. Is the requested SUP within the jurisdiction of the Board of Commissioners?
Response: Yes
Public response: None
2. Is the application complete?
Response: Yes
Public response: None
3. Does the development comply with the GMO?
Response: With the exception of the parking lot setback, yes.
Public response:
 - (1) Mr. George Smith (402 Whittaker Creek Road) presented evidence that the project does not comply with the GMO. He pointed out that there will be an increase in the nonconforming parking situation and that there is a change in use which will make the covenant agreement null and void.
 - (2) Judy Smith (402 Whittaker Creek Road) presented satellite photos that show the future condo property is used as an overflow parking area.
 - (3) Maureen Anderson (104 Skipper Circle) presented evidence that shows the future condo property once had ropes and poles installed near the creek to keep cars from going into the water. A brochure advertises a “private parking area” which presently does not exist.
 - (4) Linda Kapica (413 Whittaker Point Road) presented evidence that the parking is not in compliance.
 - (5) John Vince (president of the WCYOA) attempted to provide clarification on the parking situation.
 - (6) Neil Haggard (slip owner at WCYOA) also stated that the parking will become worse.
 - (7) Madeline Sutter (300 Whittaker Point Road) testified that cars from Whittaker Creek Marina park on her front yard (Town right-of-way).
4. Will the development materially endanger the public health or safety?
Response: No
Public response:
 - (1) Diane Paling (412 Whittaker Point Road) stated that the overflow parking creates a dangerous situation for cyclists and pedestrians.
 - (2) Maureen Anderson raised questions about the extra garbage cans and their location.
 - (3) George Hurley (614 Windward Drive) raised questions about sewer

capacity but this is a matter for Bay River.

(4) Roger Wormell (409 Whittaker Point Road) testified that on busy weekends the parking lot and road is full of cars and trucks with trailers.

5. Will the development substantially injure the value of adjoining or abutting property?

Response: No.

Public response:

(1) Linda Kapica stated that this is difficult to prove as no realtor is willing to come forth and testify. Being adjacent to the proposed condos she feels strongly that her property value will go down.

(2) Roger Wormell also stated that he feels the project will bring down the property values in the neighborhood.

(3) Chris Kapica (413 Whittaker Creek Point Road) presented a visual aid showing Mr. Bysheim's proposed condos compared to the existing home next to it stating that, because it is so large, no one will want to buy property next to it.

6. Will the development be in harmony with the existing development and uses within the area in which it is located?

Response: Yes

Public response:

(1) Diane Paling stated that "harmony" is subjective but the condo project is not in character with the rest of the neighborhood.

(2) Linda Kapica reiterated that the condos are not in harmony as they will tower over every other structure in the neighborhood.

(3) Chris Kapica referred back to his visual aid to show that the condos will not be in harmony with the rest of the area.

(4) Roger and Priscilla Wormell both stated that the proposed condos will be incompatible with the rest of the neighborhood.

7. Will the development be in general conformity with the any plans officially adopted by the Town Commissioners?

Response? Yes

Public response: None

So that the Commissioners could review the evidence presented, Commissioner Herlands made a motion to continue this public hearing until November 13th at 5:00 pm. Due to the late hour, the second public hearing pertaining to the Oriental Inn Condo project was also deferred until that date. Second by Commissioner Venturi. Vote 5-0.

As Mr. Brice needed to return to New York in the morning and could not return on the 13th, Mayor pro tem Johnson then opened public hearing #3 pertaining to the special use permit sought by Mr. Stephen Brice for the Sea Harbor nine unit condominium project. After being sworn in, Mr. Brice gave a short recap of the project.

The public was then invited to ask questions. There being none, Mayor pro tem Johnson proceeded with the seven elements.

1. Is the requested SUP within the jurisdiction of the Board of Commissioners?
Response: Yes
Public response: None
2. Is the application complete?
Response: Yes
Public response: None
3. Does the development comply with the GMO?
Response: Yes
Public response: None
4. Will the development materially endanger the public health or safety?
Response: No
Public response: None
5. Will the development substantially injure the value of adjoining or abutting property?
Response: No.
Public response: Elaine Creel asked a question but it was determined that she was not an abutting property owner so the Board did not consider her question.
6. Will the development be in harmony with the existing development and uses within the area in which it is located?
Response: Yes
Public response: None
7. Will the development be in general conformity with the any plans officially adopted by the Town Commissioners?
Response? Yes
Public response: None

Commissioner Bohmert made a motion to close the public hearing. Second by Commissioner Herlands. Vote 5-0.

Commissioner Herlands made a motion to approve the seven elements as related to this project. Second by Commissioner Bohmert. Vote 5-0.

Commissioner Herlands made a motion to impose two conditions to the approval of the special use permit:

(1) That no development can be commenced until the applicant files final building and site plans with the Town Administrator and receives the written concurrence from the Town Administrator that the final plans are consistent with the information, plans, and related material filed with the application prior to the Town Board's approval given this date. Any deviations between the final plans and the materials relied upon by the Town Board in granting this approval require further applications to and approvals from the Town of Oriental pursuant to GMO section 67.

(2) This application is subject to the further condition that the applicant shall complete the development strictly in accordance with the final plans approved by the Town Administrator. Any proposed deviations from those plans require, prior to their implementation, further applications to and approval from the Town of Oriental pursuant to GMO section 67.

Second by Commissioner Bohmert. Vote 5-0.

Commissioner Herlands made a motion to approve the special use permit for the Sea Harbor Condo project subject to complying with the two conditions. Second by Commissioner Venturi. Vote 5-0.

Commissioner Bohmert made a motion to continue this meeting until November 8th, 2006 at 5:15 pm at the Oriental Town Hall. Second by Commissioner Inger. Vote 5-0.

The meeting ended at 10:40 pm.

Mayor

Town Manager