

Incorporated 1927

# Town of Lake Lure

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P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

## **Minutes of the Regular meeting of the Board of Adjustment**

**Tuesday, August 28, 2012  
1:00 p.m.**

Chairman Webber called the meeting to order at 1:03 p.m.

### **ROLL CALL**

**Present:** Stephen Webber, Chairman  
Betty Johnson  
John Kilby  
Vicki Smith  
Bob Cameron, Council Liaison

**Also Present:** Mike Egan, Community Development Attorney  
Sheila Spicer, Zoning Administrator, Recording Secretary

**Absent:** Michael Gray, Alternate  
Lance Johnson, Alternate  
Patricia Maringer  
Melvin Owensby, Alternate

### **APPROVAL OF THE AGENDA**

Ms. Johnson made a motion to approve the agenda as presented. Ms. Smith seconded the motion and all were in favor.

### **APPROVAL OF THE MINUTES**

Mr. Kilby made a motion seconded by Ms. Johnson to approve the minutes of the July 25, 2012 meeting as presented. The motion passed unanimously.

### **NEW BUSINESS**

#### **(A) Training Discussion**

Chairman Webber mentioned that he and Mr. Kilby discussed future training topics with

Mr. Egan prior to the meeting and had decided training on residential vacation rentals would be appropriate. He suggested staff present information on vacation rental operating permit procedures in September, Mr. Kilby present information from a rental owner's perspective in October, and Mr. Egan discuss the legal aspects in November.

Mr. Egan continued discussing ethical considerations with the Board. He summarized the following types of conflicts of interest that should result in a member being recused for a hearing:

- Having a fixed opinion
- Having undisclosed ex parte communications
- Having a close familial, business, or other associational relationship
- Having a financial interest in the outcome of the case
- Other considerations that would prevent an impartial decision

Mr. Egan then went over various hypothetical scenarios with the Board to determine which ones should or should not result in a Board member's recusal. There was a brief discussion on whether or not a member has to disclose personal reasons for wanting to recuse oneself from a hearing. Mr. Egan stated the member needs to at least relate the reason back to one of the general reasons discussed.

## **HEARINGS**

**(A) A request by Lake Lure Village Resort to amend the condition for ZV-2012002 and CU-2012001 that limited the maximum height of the structure to 11 feet from the average finished grade. The property (Tax PIN 1645305) is located on Village Boulevard, Lake Lure, NC 28746.**

Chairman Webber pointed out to the applicants there were only four Board members present, and therefore a unanimous vote would be required for the request to be approved. He asked if they wanted to continue the hearing to the next meeting or proceed with only four Board members seated. The applicants chose to proceed.

Ms. Spicer, Mike Beauregard, and William Bush were sworn in. Mr. Beauregard and Mr. Bush stated they were both on Lake Lure Village Resort's Property Owners Association Board of Directors.

There were no ex parte communications or conflicts of interest reported. There were no challenges to any of the Board members seated for the hearing.

Ms. Spicer gave an overview of the request. She reminded the Board they had granted zoning variance number ZV-2012002 and conditional use permit number CU-2012001 to Lake Lure Village Resort at their June 26, 2012 meeting with the condition that no portion of the proposed gazebo could exceed 11 feet in height as measured from the average finished grade. She stated Mr. Bush had notified her that the structure would be 14 feet in height from the average finished grade; therefore, the Resort is requesting an

amendment to the condition to allow the additional height.

Mr. Beauregard reported that the reason for the height discrepancy was due to a misunderstanding between him and Mr. Bush. He stated Mr. Bush had contacted him prior to the June hearing and asked what the height of the structure was. Mr. Beauregard testified he gave the height of just the structure, not the height from the finished grade, which resulted in Mr. Bush testifying at the June hearing that the height of the structure from finished grade would be 11 feet. Ms. Johnson asked if there are any neighboring property owners in close proximity to the proposed location of the gazebo. Mr. Beauregard responded there are not.

There was no further testimony, so Chairman Webber closed the public hearing.

During deliberations, the Board found that the request to amend the condition would not change any of the findings the Board made during the original variance and conditional use permit hearings. They also found that the additional height of the structure would not have any adverse impacts on neighboring property owners.

**Mr. Kilby made a motion seconded by Ms. Johnson to amend the condition for ZV-2012002 and CU-2012001 to approve the height of the structure as depicted on the application submitted for the current hearing. The motion passed unanimously.**

#### **OLD BUSINESS**

None

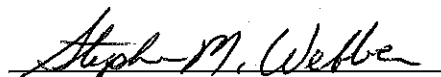
#### **ADJOURNMENT**

**Mr. Kilby made a motion seconded by Ms. Smith to adjourn the meeting. All were in favor.**

The meeting was adjourned at 1:44 p.m. The next regular meeting is scheduled for Tuesday, September 25, 2012 at 1:00 p.m.

**ATTEST:**

  
Sheila Spicer, Recording Secretary

  
Stephen M. Webber, Chairman