Town of Lake Lure

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Incorporated 1927

Minutes of the Regular meeting of the
Board of Adjustment

Tuesday, January 22, 2013
1:00 p.m.

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

ROLL CALL

Present: **Stephen Webber, Chairman**
Michael Gray, Alternate (entered late)
John Kilby
Patricia Maringer
Melvin Owensby, Seated Alternate
Vicki Smith
Bob Cameron, Council Liaison

Also Present: Sheila Spicer, Zoning Administrator, Recording Secretary

Absent: **Betty Johnson**
Lance Johnson, Alternate

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Mr. Kilby made a motion seconded by Mr. Owensby to approve the minutes of the December 18, 2012 meeting as presented. The motion passed unanimously.

HEARINGS

(A) VROP-2012019, a vacation rental operating permit request from Robert Taylor, agent for Charles & Carol Ann Bonar, to operate a residential vacation rental at 206 Big Rock Lane, Lake Lure, North Carolina (Tax PIN 1637744)

Ms. Spicer and Mr. Taylor were sworn in.

There were no ex parte communications or conflicts of interest reported. Chairman Webber mentioned he is friends with Mr. Taylor but has not had any discussions with him about this case. Mr. Taylor did not challenge any of the Board members seated for the hearing.

Ms. Spicer presented an overview of the case. She stated the property owners are requesting a vacation rental operating permit to operate a 4-bedroom residential vacation rental in the R-3 Resort Residential zoning district. She pointed out the Board's packet includes a parking plan, standard rental agreement, and verification that the property has been registered with the Rutherford County Tourism Development Authority. She also stated the septic operation permit issued by Rutherford County Environmental Health was included as well as a letter from the property owners authorizing Mr. Taylor to act as their agent in the case. Ms. Spicer reported that the Development Review Committee (DRC) reviewed this request on December 13, 2012, and the minutes to that meeting are also included in the Board's packet. She reported there had been no response from the neighboring property owners to the hearing notifications.

Mr. Taylor stated he had no further information to present, and the Board members had no questions. Chairman Webber closed the public hearing. The Board members indicated they had no issues to discuss during deliberations.

With regard to application number VROP-2012019 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Ms. Maringer moved the Board to find that the application is complete and that the proposed use, if operated according to the application and any conditions attached hereto, meets the following standards: (1) it will not materially endanger the public health or safety; (2) it will not substantially injure the value of adjoining or abutting property; (3) it will meet all standards and requirements specified in the regulations of the Town; (4) it will be in harmony with the neighborhood character and in general conformity with applicable elements of the Comprehensive Plan; and (5) satisfactory provision and arrangement has been made for those matters specified in §92.046(D) of the Zoning Regulations of the Town of Lake Lure.

Accordingly, she further moved the Board to grant the requested vacation rental operating permit in accordance with and only to the extent represented in the application and plans. Mr. Owensby seconded the motion. The motion passed unanimously.

In support of their decision, the Board members stated the application was complete and all of the findings for granting the permit had been met. Chairman Webber also pointed out that the site seems well suited for the use proposed.

NEW BUSINESS

(A) Regular Election of Officers

Chairman Webber reminded the Board members that only regular members can be elected to serve as chair or vice-chair, but all members may vote.

Mr. Kilby nominated Chairman Webber to continue serving as chairman. There were no other nominations. The Board unanimously voted for Chairman Webber to continue serving as chairman.

Ms. Smith nominated Mr. Kilby to serve as vice-chair and Ms. Maringer nominated Ms. Smith. Ms. Maringer and Mr. Kilby voted for Ms. Smith to serve as vice-chair. Chairman Webber, Mr. Gray, Mr. Owensby and Ms. Smith voted for Mr. Kilby to serve as vice-chair. Mr. Kilby was elected vice-chair by a majority vote.

(B) Review of Bylaws

The Board briefly discussed the proposed amendments to their bylaws distributed by Chairman Webber at the last meeting.

The amendments to the Board of Adjustment Bylaws were adopted by a unanimous vote.

OLD BUSINESS

None

Mr. Kilby asked if the Board has ever had any discussions about the way street ownership and maintenance is determined and handled and asked if there could be a training session on that topic. Upon questioning, Ms. Spicer explained that some streets in Town are owned and maintained by the State of North Carolina, some are owned and maintained by the Town, and some are privately owned and maintained. She stated the Town will only take over ownership and maintenance of a street upon a finding that it meets Town standards and after adoption of a resolution. She also explained the Town receives Powell Bill funds from the State to be used for maintaining Town streets, and the official Powell Bill Map showing all Town maintained streets is posted at Town Hall. Mr. Kilby stated that had answered his questions, so he did not feel any further training was needed.

Chairman Webber asked Ms. Spicer if the condition for VROP-2012017 that a survey must be presented to her had been met. Ms. Spicer reported she had received the survey and issued the permit. She mentioned that the survey indicated a portion of the upper parking area was on the adjacent property, but she reminded that the Board's condition only stipulated that the parking for the residential vacation rental must be confined within the property boundaries.

Mr. Gray asked if the Board could have a new policy that all members must RSVP before each meeting, so that members will know on the day of meeting if there will be a quorum just in case something comes up at the last minute and attendance will be difficult. He stated he left an important meeting and drove more than an hour to attend the meeting, which had only lasted a short time. After a brief discussion, Chairman Webber asked that each member contact him as soon as they receive the meeting agenda to let him know if they plan to attend the meeting.

ADJOURNMENT

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

The meeting was adjourned at 1:28 p.m. The next regular meeting is scheduled for Tuesday, February 26, 2013 at 1:00 p.m.

ATTEST:

Stephen M. Webber

Stephen M. Webber, Chairman

Sheila Spicer

Sheila Spicer, Recording Secretary