

Incorporated 1927

Town of Lake Lure

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Minutes of the Regular meeting of the Board of Adjustment

Tuesday, March 26, 2013
1:00 p.m.

Chairman Webber called the meeting to order at 1:02 p.m.

ROLL CALL

Present: Stephen Webber, Chairman
Lance Johnson, Seated Alternate
John Kilby
Betty Johnson
Patricia Maringer
Vicki Smith (entered late)
Bob Cameron, Council Liaison

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

Absent: Michael Gray, Alternate
Melvin Owensby, Alternate

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Chairman Webber requested the draft minutes from the February 26, 2013 meeting be amended to change "public hearing" to "hearing" in the second to the last paragraph on page two and the first sentence on page five.

Mr. Johnson made a motion seconded by Ms. Maringer to approve the minutes of the February 26, 2013 meeting as amended. The motion passed unanimously.

HEARINGS

- (A) **VROP-2013002, a vacation rental operating permit request from Tracy McGlohon, agent for James & Coleen Hester, to operate a residential vacation rental at 292 West Lake Drive North, Lake Lure, North Carolina (Tax PIN 1647246)**

Ms. Spicer and Ms. McGlohon were sworn in.

There were no ex parte communications or conflicts of interest reported. Ms. McGlohon 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 (VROP) to operate a 5-bedroom residential vacation rental (RVR) 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 a letter has been provided by the property owners authorizing Ms. McGlohon to act as their agent. She mentioned she contacted Carolina Water Systems (CWS) on March 1, 2013 and verified they provide both water and sewer service to the property. Ms. Spicer reported the Development Review Committee (DRC) reviewed this request on March 7, 2013, and the minutes to that meeting are also included in the Board's packet. She stated there had been no response to the hearing notices from neighboring property owners.

Ms. McGlohon addressed the Board and confirmed the dwelling has five bedrooms, and there are four parking places as stated on the application.

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

With regard to application number VROP-2013002 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Mr. Johnson 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, he 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. Ms. Johnson seconded the motion. The motion passed unanimously.

In support of granting the permit, the Board pointed out that the application is complete, and the request meets all of the requirements, findings, and intent of the regulations.

(B) VROP-2013003, a vacation rental operating permit request from Dutch Beukema, agent for Robert & Tannya Mendelson, to operate a residential vacation rental at 135 Crow Road, Lake Lure, North Carolina (Tax PIN 231363)

Ms. Spicer and Mr. Beukema were sworn in.

There were no ex parte communications or conflicts of interest reported. Mr. Beukema did not challenge any of the Board members seated for the hearing.

Ms. Spicer reported there had been no response from neighboring property owners to the hearing notices. She then gave an overview of the case. She stated the property owners are requesting a vacation rental operating permit (VROP) to operate a 3-bedroom residential vacation rental (RVR) 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 a letter has been provided by the property owners authorizing Mr. Beukema to act as their agent. She mentioned there is a septic operation permit for the property issued by Rutherford-Polk-McDowell District Health Department included in the packet; however, it indicates the septic system is only rated for three bedrooms. Ms. Spicer reported the Development Review Committee (DRC) reviewed this request on March 7, 2013, and the minutes to that meeting are also included in the Board's packet.

Mr. Beukema addressed the Board and testified that the property owner is in the process of obtaining a permit from the health department to expand the septic system to a 3-bedroom system. Ms. Maringer asked if CWS sewer service is available. Mr. Beukema responded it is not. Ms. Maringer asked if the property owner has applied for the septic permit. Mr. Beukema stated the property owner told him he has applied.

Ms. Johnson asked for clarification on the proposed parking area. Mr. Beukema stated the parking area extends all the way to the fence on the property. Ms. Maringer asked if there are other lots along Crow Road; Mr. Beukema responded there are other lots on both sides of the road, but the Mendelson's property is at the end of the road at the cul-de-sac right-of-way. Chairman Webber pointed out that the survey in the packet for the parking plan indicates the property boundary extends to the center of the cul-de-sac.

Chairman Webber mentioned he did not see any trash receptacles when he visited the property. Mr. Beukema stated they are kept inside the dwelling so they are not accessible to the bears.

Regarding the fact that the request is for three bedrooms but the septic system is only

approved for two, Chairman Webber advised Mr. Beukema that he will most likely recommend only approving the VROP as a 2-bedroom RVR with a condition that the permit can be upgraded to a 3-bedroom RVR if the septic system is upgraded and approved by the health department.

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

The Board briefly deliberated the case.

With regard to application number VROP-2013003 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Mr. Kilby 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, he 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. Ms. Johnson seconded the motion. Ms. Maringer made a motion to add a condition that the permit is only approved for two bedrooms until proof is submitted to the zoning administer that the septic system has been upgraded, at which time the permit will be upgraded to three bedrooms. Mr. Kilby seconded the motion. Both motions passed unanimously.

NEW BUSINESS

Chairman Webber mentioned the North Carolina Division of Community Assistance and the School of Government will hold a board of adjustment training workshop on May 1, 2013 at Biltmore Park in Asheville. He asked that any members that have not previously attended a training workshop contact Ms. Spicer by March 29, 2013 if they plan to attend. He also asked Ms. Spicer to contact those Board members that are absent.

Chairman Webber reported that Town Council had forwarded the Board's request from last month to amend the Zoning Regulations regarding the VROP approval process to the Zoning and Planning Board (ZPB) to study the issue and provide a recommendation. He stated he attended the ZPB meeting on March 19, 2013 and volunteered to prepare a draft amendment for them to consider. He distributed the draft he prepared to the Board members for them to review. He mentioned that, while he has worked with town staff, Mr. Egan, and Commissioner Cameron on the draft, it still needs work and further research. The Board briefly discussed the proposed amendments and thanked Chairman Webber for the work he has put into it.

OLD BUSINESS

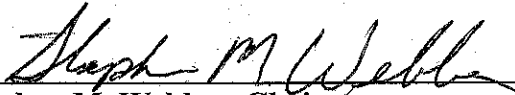
None

ADJOURNMENT

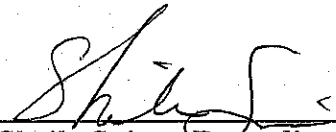
Mr. Johnson made a motion seconded by Mr. Kilby to adjourn the meeting. All were in favor.

The meeting was adjourned at 1:45 p.m. The next regular meeting is scheduled for Tuesday, April 23, 2013 at 1:00 p.m.

ATTEST:



Stephen M. Webber, Chairman



Sheila Spicer, Recording Secretary