



**Minutes of the Regular Meeting of the
Board of Adjustment**

**Tuesday, March 24, 2015
1:00 p.m.**

Chairman Webber called the meeting to order at 1:05 p.m.

ROLL CALL

Present: Stephen Webber, Chair
David Butts
Ronald Erickson, Alternate
Mark Hoek, Alternate
John Kilby
Patricia Maringer
Norman McGlohon, Alternate
Melvin Owensby
Bob Cameron, Council Liaison

Absent: N/A

Also Present: Sheila Spicer, Zoning Administrator
Michelle Jolley, Recording Clerk

APPROVAL OF THE AGENDA

Chairman Webber proposed moving the hearing to the end of the agenda since the applicant or the agent were not present.

Mr. Owensby made a motion to approve the agenda as amended. Mr. Butts seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Ms. Maringer made a motion seconded by Mr. Owensby to approve the minutes of the February 24, 2015 meeting as presented. All voted in favor.

NEW BUSINESS

Ms. Spicer noted she sent an email to all Board members about a training the School of Government is hosting on May 21. She mentioned she would resend the email in case anyone did not receive it. She stated the Town has agreed to pay the fee for staff and board members to attend. She mentioned that the training would be a great refresher on the laws and it would be the first training session since the new regulations took effect. She stated the town staff that would be attending are herself, Clint Calhoun, and Michelle Jolley.

Ms. Spicer stated she spoke with Vicky Wade with the School of Government and asked if Lake Lure could host a training session. Ms. Wade stated to her that they only have one location they use to host training sessions in Western North Carolina. She added that Lake Lure could hold a session on their own but they would have to bear all costs.

Ms. Spicer stated that the School of Government have plans to put together webinars for training and they would be \$125 for each training session. She stated they also offer live video conferences with a School of Government staff member.

Mr. McGlohon mentioned he had plans on May 21 that he could not break and stated he would attend a training session at a later time.

OLD BUSINESS

Chairman Webber requested to discuss the last variance request that came before the Lake Structure Appeals Board. He mentioned that the Board attempted to fix the applicant's problems, which is not their responsibility. He stated that the Board's responsibility is to measure the facts and evidence submitted and determine that all requirements are met.

Mr. Kilby felt that the applicant's may not be getting all the information they need during the application process with staff before their request comes to the Board. He felt that the property owners should be educated more on the Town's rules and regulations and stated he believes on-site visits would be beneficial. Ms. Spicer agreed that site visits are sometimes beneficial but stated she could not comment for Mr. Calhoun on his case. However, she mentioned that Mr. Calhoun did a site visit with that case before it came before the Board and the property owners chose to have their contractor meet with him. She stated she felt that that case was unique. She conveyed to the Board that she can typically gather more information from a survey and from the computer than she can from an on-site visit. Discussion ensued.

Ms. Spicer mentioned that staff training could be beneficial for better understanding on what authority town staff has. Commissioner Cameron made a recommendation that he get together with Ms. Spicer to find a training session for staff and forward the request to Town Council. Ms. Spicer added that a webinar training session would work well.

HEARINGS

(A) VROP-2015003, a vacation rental operating permit request from Veronica and Cary Benson to operate a residential vacation rental at 188 Gottlieb Getaway, Lake Lure, North Carolina (Tax PIN 1634073)

Ms. Spicer and Ryan Rogalski, agent for the Benson's, were sworn in. There were no ex parte communications or conflicts of interest reported. Mr. Rogalski did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated the property owners are requesting a five-bedroom vacation rental. She pointed out that the Board's packet includes an application, parking plan, a standard rental agreement with a Town contract addendum, verification from Jeanette Bosgra with the Rutherford County Finance that the property has been registered with the Tourism Development Authority, certification from Ty Crawford Plumbing that the connection to the Town's sewer system is operational and free of detectable leaks, and a letter from Jean Brown stating that the property will be managed by Lake Country Vacation Rentals.

Ms. Spicer reported that the application was sent for review to the Development Review Committee on March 10, 2015 and the only response she received was from Linda Ward, Customer Service Supervisor, stating that this property is on Town water and sewer and is current and up-to-date.

Ms. Spicer noted that she did not notice any trash enclosures on the property or an address sign.

Ms. Maringer stated that the agent authorization letter was only signed by Veronica Benson. She pointed out that the property is listed under Benson Realty and there was no documentation showing who the owners are of Benson Realty. Mr. Rogalski stated he did not know who the owners of Benson Realty are. Chairman Webber pointed out that the address shown on the property card for the realty and the address shown on the application list the same street, city, state, and zip code and because of this he would be willing to make the assumption that the Bensons are the owners of Benson Realty. Ms. Spicer added that it was her understanding that both the husband and wife did not need to sign the agent authorization letter; only one signature would suffice. Chairman Webber agreed.

Ms. Maringer pointed out that the parking plan submitted shows parking on the adjacent property, owned by Charles and Diane Talbert, and there is no turnaround. Mr. Rogalski stated he did not have an alternate parking plan. Chairman Webber mentioned there is a two car garage and a concrete pad; however, the concrete pad is partially on the neighboring property. He stated parking is required to be inside the property boundary, unless there is an agreement with the neighbor. He stated he would vote in approval but add a condition that parking be required to stay within the property lines unless a written agreement is supplied that gives permission to have parking on the neighboring property.

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

During deliberations Chairman Webber recommended that a condition be added that written agreement must be supplied to allow parking on the concrete pad which is partially on the neighboring property.

Brief discussion regarding parking. Chairman Webber reopened the hearing.

Ms. Spicer pointed out that the regulations state that designated parking cannot be changed without amending an application and the Talbert's may already have a parking plan in effect, since they are a vacation rental. She asked for a brief recess to look over the Talbert's parking plan.

After the recess Ms. Spicer stated that a portion of the concrete pad is in fact on the Talbert's property and part of their designated parking plan. However, the Benson's property has adequate parking for the proposed use in the two-car garage and the parking area on the hillside above the house. Chairman Webber recommended adding a condition that parking shall not be on the Talbert's property. Discussion ensued.

Chairman Webber made the following motion:

With regard to application number VROP-2015003 for a vacation rental operating permit to operate a residential vacation rental in the R-1 zoning district, Chairman Webber 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 and subject to the following conditions:

That the approval does not include the parking area shown on the Talbert property. Ms. Maringer seconded the motion and the condition. Mr. Butts, Mr. Kilby, Ms. Maringer, Mr. Owensby and Chairman Webber voted in favor.

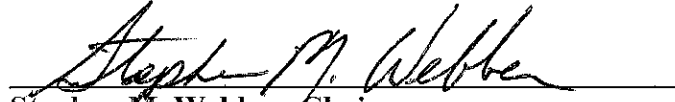
The board members felt that all requirements and findings had been met. The permit was granted with one condition.

ADJOURNMENT

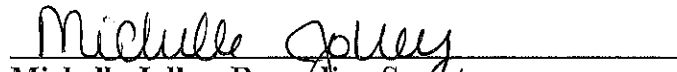
Mr. Kilby made a motion seconded by Mr. Butts to adjourn the meeting. All voted in favor.

The meeting was adjourned at 2:08 p.m. The next regular meeting is scheduled for Tuesday, April 28, 2015 at 1:00 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary

