

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

**Tuesday, June 23, 2015
1:00 p.m.**

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

ROLL CALL

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

Absent: David Butts

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

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

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

HEARINGS

- (A) VROP-2015004, a vacation rental operating permit request from Marie Young with Snodgrass Properties LLC to operate a residential vacation rental at 110 Haynaers Point, Lake Lure, North Carolina (Tax PIN 223136)

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. Maringer seconded the motion. Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby, and Chairman Webber voted in favor.

The board members felt that all requirements, standards, and concerns had been addressed and met. The permit was granted with no conditions.

(B) VROP-2015005, a vacation rental operating permit request from Gary Brandenburg to operate a residential vacation rental at 997 Proctor Road, Lake Lure, North Carolina (Tax PIN 1629765)

Ms. Spicer was sworn in. Ms. Spicer explained that she received an email from Melissa Messer, authorized agent for Mr. Brandenburg, requesting a continuance to next month's meeting. Chairman Webber stated the email would be 'Applicant Exhibit A'. It was pointed out and discussed that a chain was up across the road which prevented access to the property.

Mr. Owensby made a motion to continue the case to July 28, 2015. Ms. Maringer seconded the motion. Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby, and Chairman Webber voted in favor.

(C) ZV-2015001, a request from Bruce Ahart with BTSA Corp. for a variance from Section 92.049(A) of the Zoning Regulations for the minimum distance from a building associated with a gasoline filling station to the street right-of-way line. The property (Tax PIN 1641355) is located at 143 Whitney Blvd., Lake Lure, NC 28746

(D) CU-2015001, a conditional use permit request from Bruce Ahart with BTSA Corp. to operate a convenience store with accessory sale of motor vehicle fuels and lubricants in the CN-Commercial Neighborhood zoning district. The property (Tax PIN 1641355) is located at 143 Whitney Blvd., Lake Lure, NC 28746

Chairman Webber explained that both cases include the same property owner and property and could be discussed at the same time. He noted that two separate motions would be made at the end of the hearing.

Ms. Spicer and Mr. Ahart were sworn in. Chairman Webber disclosed that he and Mr. Owensby visited the property. There were no other ex parte communications or conflicts of interest reported. Mr. Ahart did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated that Mr. Ahart is requesting a variance and a conditional use permit to operate a convenience store with accessory sale of fuel. She stated they currently have a permit to operate the convenience store without the sale of fuel. She explained that in 1996 the property had a permit to operate the store with fuel, but the permit has since expired, in accordance with the regulations. She stated the survey

With regard to application number CU-2015001 for a conditional use permit to operate a convenience store with accessory sale of motor vehicle fuels and lubricants in the CN-Commercial Neighborhood zoning district, Mr. Kilby moved the Board to find that the application is complete and that the proposed use, if located and developed 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 conditional use permit in accordance with and only to the extent represented in the application and plans. Mr. Owensby seconded the motion. Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby, and Chairman Webber voted in favor.

The board members felt that all requirements and findings had been met and the application was complete.

(E) VROP-2015006, a vacation rental operating permit request from Rumbling Bald Resort, agent for Boyd & Vicki Campbell, to operate a residential vacation rental at 307 Watership Road, Lake Lure, North Carolina (Tax PIN 229953)

Ms. Spicer and Mr. Lundy, with Rumbling Bald Resort, were sworn in. Chairman Webber disclosed that he and Mr. Owensby visited the property. There were no other ex parte communications or conflicts of interest reported. Mr. Lundy did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated the property owners are requesting a four-bedroom vacation rental. She pointed out that the Board's packet includes an application, an agent authorization letter authorizing Rumbling Bald Resort to act as their agent, a parking plan that is drawn on a GIS aerial photo and a copy of a survey, a management agreement but there is a standard rental agreement on file with the town's contract addendum, and verification from Jeanette Bosgra with the Rutherford County Finance that the property has been registered with the Tourism Development Authority, and certification that all property owners within 100' were notified.

Ms. Spicer reported that the application was sent for review to the Development Review Committee on June 8, 2015 and there were no responses from any of the members. She stated that she received no response from neighboring property owners.

Ms. Maringer stated she did not see house numbers displayed on the front of the property. Chairman Webber mentioned there was a house number on the corner of the property but not on the front of the house. Ms. Spicer stated there were also numbers on the mailbox.

Mr. Kilby agreed with guaranteeing public safety; however, he stated he did not know what the building code standards and regulations are for steps. Chairman Webber stated he does not feel these are grade-level steps but the railroad ties are. He mentioned the railroad ties are rotten. Mr. Kilby reiterated he did not know what the county building code is for steps. Ms. Maringer asked Ms. Spicer if she does a final inspection and Ms. Spicer stated yes, but she does not inspect according to the county building code.

Mr. Kilby asked Mr. Lundy what action would be taken in regards to the safety concerns. He stated it is his intention to speak to the owner to repair and replace the rotten railroad ties. He mentioned he is not aware of the railing and it would be repaired. He confirmed this would be addressed immediately.

Mr. Kilby mentioned changing the amendment to allow Mr. Lundy to inspect the safety issues and Chairman Webber stated he would be comfortable with that.

Chairman Webber made an amendment to the previous condition that Mr. Lundy be allowed to check out the county requirements and do a final inspection. Once those repairs were completed, Mr. Lundy would take a picture to send to Ms. Spicer to add to his file. He added that a deadline of thirty (30) days be given to get this completed. Mr. Lundy agreed that would be adequate.

Mr. Owensby seconded the amended condition. Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby and Chairman Webber voted in favor of the amended amendment.

Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby and Chairman Webber voted in favor of the main motion with the condition.

The board members felt that all requirements and findings had been met.

(F) VROP-2015007, a vacation rental operating permit request from Rumbling Bald Resort, agent for Michael & Shaun Beckish, to operate a residential vacation rental at 204 Highland Heights, Lake Lure, North Carolina (Tax PIN 1631128)

Ms. Spicer and Mr. Lundy, with Rumbling Bald Resort, were sworn in. Chairman Webber disclosed that he and Mr. Owensby visited the property. There were no other ex parte communications or conflicts of interest reported. Mr. Lundy did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated the property owners are requesting a three-bedroom vacation rental. She pointed out that the Board's packet includes an application, parking plan, an agent authorization letter authorizing Rumbling Bald Resort to act as their agent, a standard rental agreement with a Town contract addendum was not included but Ms. Spicer stated she has this on file with the Town's contract addendum, and

Spicer stated she has asked Mr. Egan to draft a change to the application and she is awaiting that.

OLD BUSINESS

None

ADJOURNMENT

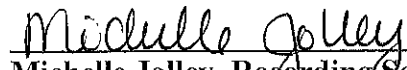
Ms. Maringer made a motion seconded by Mr. Erickson to adjourn the meeting. All voted in favor.

The meeting was adjourned at 2:20 p.m. The next regular meeting is scheduled for Tuesday, July 28, 2015 at 1:00 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary