



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

**Tuesday, June 28, 2016
1:00 p.m.**

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

ROLL CALL

Present: John Kilby, Chair
David Butts
Ronald Erickson
Mark Hoek
Melvin Owensby
Lyn Weaver, Alternate
Stephen Webber, Council Liaison

Absent: David Lusk, Alternate
Sheila Spicer, Zoning Administrator
Rick Stockdale, Alternate

Also Present: Shannon Baldwin, Community Development Director
Michelle Jolley, Recording Secretary

APPROVAL OF THE AGENDA

Chairman Kilby explained that he was notified by Ms. Jolley via an email on June 27, 2016. The email was forwarded from Richard Lundy regarding 4 (C) VROP-2016011. Mr. Lundy conveyed that the property owner, Patricia Trobaugh, has sold the property and therefore requested withdrawing their request for a vacation rental operating permit.

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

APPROVAL OF THE MINUTES

Mr. Owensby made a motion seconded by Mr. Hoek to approve the minutes of the May 24, 2016 meeting as presented.

Mr. Hoek made a motion seconded by Mr. Owensby to approve the minutes of the June 3, 2016 special meeting as presented.

HEARINGS

(A) VROP-2016009, a vacation rental operating permit request from Joe & Leann Rivard to operate a residential vacation rental at 221 Sea Wish Way, Lake Lure, North Carolina (Tax PIN 1620845)

Mr. Baldwin and Jeannine Burrell, authorized agent, were sworn in. There were no ex-parte communications or conflicts of interest to disclose. The Board felt they could reach a fair and unbiased decision. Ms. Burrell did not wish to challenge the Board for cause.

Mr. Baldwin presented the case. He stated that Joe and Leann Rivard are requesting a vacation rental operating permit (VROP) to operate a 4-bedroom vacation rental. The property is located in the R-1 Residential zoning district. This request was sent to the Development Review Committee for review on June 9, 2016 and there were no concerns raised. The packet includes the application, agent authorization letter, parking plan, site plan, standard rental agreement with the Town's contract addendum, verification from Jeanette Bosgra with Rutherford County Tourism Development Authority that the property has been added to their list of rentals, and a copy of the notifications sent to neighboring property owners. Also included with the packet is a receipt from Pro Service Septic & Plumbing that states the on-site septic system has been inspected and is in good working order.

Mr. Erickson pointed out that the tax records show the home as 3-bedrooms and the application is for 4-bedrooms. Ms. Burrell stated this is a new home for the property owners and the home had 4-bedrooms at the time they purchased it. She referred to the plumber's certificate included in the packet dated February 18, 2016 certifying that there is adequate septic. Mr. Butts explained the proposed maximum occupancy is eight and that is within the regulation requirements. However, since the County records indicate the property has 3-bedrooms, the Board cannot approve as a 4-bedroom rental. Mr. Owensby asked about trash receptacles. Ms. Burrell stated that trash bins have been built and placed at the road. She added that there is a trash receptacle inside the garage as well. Chairman Kilby noted that the number of bedrooms requested has to coincide with the number of bedrooms listed on the tax records, which is three. He explained that the maximum occupancy allowed would be ten, and the application currently is for a maximum occupancy of eight. He stated that Ms. Burrell could request amending the original application to a maximum occupancy of ten if she chooses. She stated she would be satisfied with leaving the maximum occupancy at eight. He stated that she could only ask for a 3-bedroom rental at this time and noted she would have to amend her original application. Mr. Butts explained that if she later chose to ask for a 4-bedroom rental, they would need to provide documents from the County showing that the home is a 4-bedroom home. Ms. Burrell requested to amend the original application to a 3-bedroom vacation rental.

Mr. Baldwin mentioned he did not see a designated parking area in the parking plan. Chairman Kilby noted that the parking area is highlighted on the plan but is very faint. Mr. Baldwin pointed out he visited the property and stated there is ample parking there.

There was no further testimony, so Mr. Hoek made the following motion:

With regard to application number VROP-2016009 for a vacation rental operating permit to operate a residential vacation rental in the R-1 zoning district, Mr. Hoek 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, as amended. Mr. Butts seconded the motion. Mr. Butts, Mr. Erickson, Mr. Hoek, Mr. Owensby, and Chairman Kilby voted in favor.

The Board felt that the amended application was complete and all requirements were met. The Board felt that parking and trash receptacles was satisfactory.

(B) VROP-2016010, a vacation rental operating permit request from Daniel & Angelique Breneman to operate a residential vacation rental at 171 E Wilderness Road, Lake Lure, North Carolina (Tax PIN 220543)

Mr. Baldwin, and Daniel Breneman were sworn in. Mr. Hoek disclosed he met with the neighbor while visiting the site. There were no other ex-parte communications or conflicts of interest to disclose. The Board felt they could reach a fair and unbiased decision. Mr. Breneman did not wish to challenge the Board for cause.

Mr. Baldwin presented the case. He stated that Daniel and Angelique Breneman are requesting a VROP to operate a 1-bedroom vacation rental. The property is located in the R-3 Resort Residential zoning district. The request was sent to the Development Review Committee on June 9, 2016 and there were no concerns raised. The packet includes the application, parking plan, septic improvement permit from the Rutherford County Health Department, site plan, standard rental agreement, verification from Jeanette Bosgra with Rutherford County Tourism Development Authority that the property has been registered for payment of occupancy taxes, and a copy of the notifications sent to neighboring property owners.

Mr. Butts pointed out that the Town's contract addendum was not included in the packet. Mr. Baldwin stated he has the Town's contract addendum in the file and would submit as exhibit A, if needed. Chairman Kilby conveyed the exhibit A would be part of the official packet and it would not need to be submitted to the Board. Mr. Butts added that the Town's contract addendum is a requirement as part of the application.

Mr. Breneman explained that he is requesting a vacation rental for a 1-bedroom home and the septic was approved for 5-bedrooms. He conveyed they would like to rent the 1-bedroom to couples on weekends. He explained that the bedroom was at one point not attached to the home. However, he stated it is now attached to the home and must be entered through a door leading from the garage. Mr. Butts stated that this is allowed in accordance with the regulations. Mr. Hoek mentioned that the County records list the owner as Fred Williams. Mr. Breneman stated that he bought the property from Fred Williams.

There was no further testimony, so Mr. Butts made the following motion:

With regard to application number VROP-2016010 for a vacation rental operating permit to operate a residential vacation rental in the R-1 zoning district, Mr. Butts 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. Mr. Erickson seconded the motion. Mr. Butts, Mr. Erickson, Mr. Hoek, Mr. Owensby, and Chairman Kilby voted in favor.

The Board felt that the application was complete and all requirements were met.

NEW BUSINESS

(A) Liaison Report

Commissioner Webber stated there was nothing new to report.

OLD BUSINESS

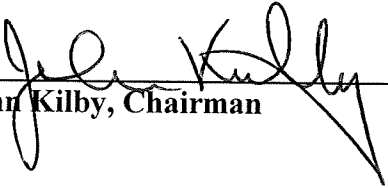
None

ADJOURNMENT

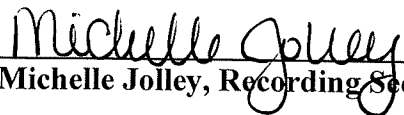
Mr. Owensby made a motion seconded by Mr. Butts to adjourn the meeting. All voted in favor.

The meeting was adjourned at 1:37 p.m. The next regular meeting is scheduled for Tuesday, July 26, 2016 at 1:00 p.m.

ATTEST:



John Kilby, Chairman



Michelle Jolley, Recording Secretary

