



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

**Tuesday, April 25, 2017
1:00 p.m.**

Chairman Kilby called the meeting to order at 1:04 p.m.

ROLL CALL

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

Absent: Ronald Erickson
Rick Stockdale, Alternate

Also Present: Brad Burton, Code Enforcement Coordinator
Michelle Jolley, Recording Secretary

APPROVAL OF THE AGENDA

Mr. Burton proposed adding item (B) under 'New Business' to discuss a potential special meeting for May 9th on behalf of Rumbling Bald Resort for a Conditional Use Permit.

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

APPROVAL OF THE MINUTES

Mr. Hoek made a motion seconded by Ms. Weaver to approve the minutes of the March 28, 2017 meeting as presented.

HEARINGS

(A) VROP-2017004, a vacation rental operating permit request from Lee and Amanda Boyd, owners, to operate a residential vacation rental at 411 Tryon Bay Circle, Lake Lure, North Carolina (Tax PIN 0229977)

Mr. Burton and Mr. Lee Boyd 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. Mr. Boyd did not wish to challenge the Board for cause.

Mr. Burton presented the case. He stated that Lee and Amanda Boyd are requesting a vacation rental operating permit (VROP) to operate a 2-bedroom residential vacation rental (RVR) at 411 Tryon Bay Circle, Lake Lure, North Carolina. The property is located in the R-1 Residential zoning district, and there is an existing single-family dwelling on the lot. Residential vacation rentals are a permitted use in the R-1 district subject to special requirements contained in §92.042 of the Zoning Regulations. Section 92.042 (A)(2)(b) of the Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. This request was sent to the Development Review Committee for review on April 12, 2017 and no comments or concerns were raised. Mr. Burton noted he received no comments from anyone regarding this application.

Mr. Boyd stated they have tried to mitigate all safety concerns with the property and have not received any negative comments from neighboring property owners. He stated the parking area accommodates two compact cars. Ms. Weaver noted there is a cable separating the stairs from the parking area, requiring renters to step over the cable and felt this was a safety concern. Mr. Boyd stated he would be glad to change that design, if the Board would like him to do so. Chairman Kilby felt a taller post would alleviate this concern and the cable could still be used. Mr. Boyd stated he would make this change. Mr. Butts did not feel a condition would be needed. He mentioned his only concern was that renters would not stay in the designated parking area and off the road.

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

With regard to application number VROP-2017004 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. Ms. Weaver seconded the motion. Mr. Butts, Mr. Hoek, Mr. Owensby, Ms. Weaver, and Chairman Kilby voted in favor.

The Board felt that the application was complete and all requirements were met, with the recommendations made.

(B) VROP-2017005, a vacation rental operating permit request from Dale Freudenberger, agent for Carmel Mendoza, to operate a residential vacation rental at 160 Dockside Drive, Lake Lure, North Carolina (Tax PIN 0232096)

Mr. Burton and Mr. Freudenberger, agent for applicant, 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. Mr. Freudenberger did not wish to challenge the Board for cause.

Mr. Burton presented the case. He stated that Dale Freudenberger, agent on behalf of Carmel Mendoza, owner, is requesting a vacation rental operating permit (VROP) to operate a 2-bedroom residential vacation rental (RVR) at 160 Dockside Drive, Lake Lure, North Carolina. The property is located in the R-1 Residential zoning district, and there is an existing single-family dwelling on the lot. Residential vacation rentals are a permitted use in the R-1 district subject to special requirements contained in §92.042 of the Zoning Regulations. Section 92.042 (A)(2)(b) of the Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. This request was sent to the Development Review Committee for review on April 12, 2017. There were no comments or concerns received. He mentioned he has had no comments from anyone regarding this application.

Mr. Freudenberger pointed out that some renovations to the home need to be made. He stated he plans to prune around the parking area and secure the railings on the exterior building which are currently not secured. He also mentioned he would be fixing an exterior door and adding smoke detectors. He stated that a septic inspection was performed and everything was working properly.

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

With regard to application number VROP-2017005 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. Hoek, Mr. Owensby, Ms. Weaver, and Chairman Kilby voted in favor.

The Board felt that the application was complete and all requirements were met, with the home improvements discussed to satisfy safety concerns.

NEW BUSINESS

(A) Liaison Report

Commissioner Webber stated there was nothing new to report.

(B) Discuss Potential Special Meeting for May 9th

Mr. Burton explained there is a parcel of land on Whitney Blvd., owned by Rumbling Bald Resort and utilized by CWS, with a well that is failing to meet water quality code with the State. The lot is located in R-3 and thus requires a Conditional Use Permit. Rumbling Bald Resort wishes to expand the facility and legitimize the use. He stated he can advertise the meeting legally to hold a Special Meeting on May 9th. He explained they are in need of this permit to move forward and to manage public necessity and concern. Chairman Kilby pointed out that the regular meeting in May would still be held as well. Mr. Burton stated that to his knowledge, Rumbling Bald Resort has been served a Notice of Violation from the State and given a timeframe to mitigate the problem.

Mr. Butts moved to hold a Special Meeting on May 9th at 1:00 p.m. Mr. Owensby seconded. Mr. Butts, Mr. Hoek, Mr. Owensby, Ms. Weaver, and Chairman Kilby voted in favor.

OLD BUSINESS

Chairman Kilby pointed out that he submitted a request to the Town Manager to seek guidance, if needed, from Town Council in place of asking William Morgan, Town Attorney, to attend the meetings. He explained it would save the Town \$300 per meeting.

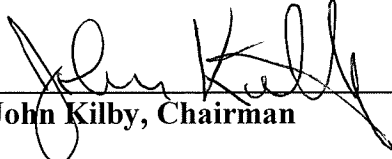
Training Session, "Conducting an Evidentiary Hearing", ensued while the meeting was still underway. Immediately following the training session, the meeting was adjourned.

ADJOURNMENT

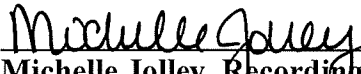
Mr. Hoek made a motion seconded by Mr. Owensby to adjourn the meeting. All voted in favor.

The meeting was adjourned at 1:43 p.m. The next regular meeting is scheduled for Tuesday, May 23, 2017 at 1:00 p.m.

ATTEST:



John Kilby, Chairman



Michelle Jolley, Recording Secretary