Minutes of the Regular Meeting of the
Board of Adjustment

Tuesday, July 27, 2017
1:00 p.m.

Chairman Kilby called the meeting to order at 1:03 p.m.

ROLL CALL

Present:	**John Kilby, Chair** **Mark Hoek** **Melvin Owensby** **David Lusk, Seated Alternate** **Rick Stockdale, Seated Alternate** **Stephen Webber, Council Liaison**
Absent:	**David Butts** **Ronald Erickson** **Lyn Weaver, Alternate**
Also Present:	**Brad Burton, Code Enforcement Coordinator** **Michelle Jolley, Recording Secretary**

APPROVAL OF THE AGENDA

Mr. Lusk made a motion to approve the agenda as presented. Mr. Stockdale 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 June 27, 2017 regular meeting as presented.

HEARINGS

(A) VROP-2017008, a vacation rental operating permit request from Dr. William Holland, owner; to operate a residential vacation rental at 2105 Buffalo Creek Road, Lake Lure, North Carolina (Tax PIN 0230593)

Mr. Burton explained that the agenda listed the property address as 2150 Buffalo Creek Road and the correct address is 2105 Buffalo Creek Road; however, he noted the case was advertised with the correct address.

Mr. Burton and Dr. Holland 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. Dr. Holland did not wish to challenge the Board for cause.

Mr. Burton presented the case. He stated that Dr. William Holland, property owner, is requesting a vacation rental operating permit (VROP) to operate a 3-bedroom residential vacation rental (RVR) at 2105 Buffalo Creek Road, Lake Lure, North Carolina. The property is located in the R-3 Residential zoning district, and there is an existing single-family dwelling on the lot.

This request was sent to the Development Review Committee for review on July 17, 2017; Other than Chief Humphries who stated he had no comment, he received no comments or concerns from anyone. Pursuant to §92.046(B)(2) of the Zoning Regulations, Zoning and Planning Board review was not required due to the fact that there were no proposed changes to the appearance of the building or premises.

Mr. Burton disclosed that he received a phone call from Mr. Camarda, adjoining property owner, asking about the VROP process. Mr. Carmada stated he could not attend the meeting and Mr. Burton explained he could email him with any concerns he may have. However, he did not receive an email from Mr. Carmada. He received no other calls from anyone regarding this request.

Mr. Hoek pointed out the property card lists the home as having two bedrooms. Mr. Burton noted Dr. Holland would address that during his presentation along with photographs for the Board.

Dr. Holland stated he lives about an hour and a half away and he would be the 24/7 contact person for the property. He pointed out there are two bedrooms and two baths downstairs, and an upstairs loft area which has plenty of space to be used as a bedroom. He presented pictures of the three bedrooms to the Board. He stated he is asking for a maximum occupancy of six. Mr. Burton pointed out that the property card states two bedrooms but Dr. Holland's application is for a three bedrooms. He mentioned that his only concern was emergency egress from the bedroom loft area. Dr. Holland pointed out that the stairwell is located just outside side the door of the loft which leads down to the main level of the house. He stated there are casement windows in the loft. Mr. Owensby asked if he would still be allowed a maximum occupancy of six if just two bedrooms were approved. Mr. Burton stated yes. Mr. Lusk suggested amending the original application from three bedrooms to two. Chairman Kilby pointed out that Dr. Holland would be allowed a maximum occupancy of eight with a two bedroom home. Dr. Holland stated he would like to amend his original application to two bedrooms, maximum occupancy of eight. Dr. Holland noted he has plenty of parking and has recently had it paved.

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

With regard to application number VROP-2017008 for a vacation rental operating permit to operate a residential vacation rental in the R-3 zoning district, Mr. Lusk 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 with an amendment to change the original application from a three bedroom rental with a maximum occupancy of six to a two bedroom with a maximum occupancy of eight.

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. Hoek seconded the motion. Mr. Hoek, Mr. Owensby, Mr. Lusk, Mr. Stockdale, and Chairman Kilby voted in favor.

The Board felt that the application was complete and all requirements were met, with the amendment to the original application.

NEW BUSINESS

None

OLD BUSINESS

Chairman Kilby explained that the Town has bylaws that list the requirements for attendance of the meetings.

ADJOURNMENT

Mr. Lusk made a motion seconded by Mr. Hoek to adjourn the meeting. All voted in favor. The meeting was adjourned at 1:26 p.m. The next regular meeting is scheduled for Tuesday, August 22, 2017 at 1:00 p.m.

ATTEST:

John Kilby

John Kilby, Chairman

Michelle Jolley

Michelle Jolley, Recording Secretary