Minutes of the Regular Meeting of the
Board of Adjustment

Tuesday, March 27, 2018
1:00 p.m.

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

ROLL CALL

Present: **Mark Hoek, Chairman**
Bill Bay
Neil Gurney, Alternate
Wyn Hardy, Alternate
David Lusk
Melvin Owensby
Lyn Weaver
Stephen Webber, Council Liaison

Absent: **Al Joyner, Alternate**

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

APPROVAL OF THE AGENDA

The Board unanimously agreed to approve the Agenda.

APPROVAL OF THE MINUTES

Mr. Bay noted that "Chairman Kilby" should be changed to "Chairman Hoek" in the first sentence.

Mr. Lusk made a motion seconded by Mr. Bay to approve the minutes of the February 27, 2018 regular meeting as amended. All voted in favor.

HEARINGS

(A) ZP-2018001, a request by Lewis Bentley, agent for Largo Properties LLC; for a dimensional variance from the Town's lakefront setback requirement (35 feet) to 24 feet, a reduction of 11 feet for new construction. The property is located at 1020 Memorial Highway, Lake Lure, NC 28746

Mr. Burton, Mr. Lewis Bentley and Mr. Mark Hammond 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. Bentley and Mr. Hammond did not wish to challenge the Board for cause.

Mr. Burton presented the case stating that Lewis Bentley, agent for Largo Properties LLC; is requesting a dimensional variance from the Town's lakefront setback requirement (35 feet) to 24 feet, a reduction of 11 feet for the construction of a new platform to support a walk-in freezer and is zoned Commercial General (CG). This is the Larkins on the Lake commercial restaurant site. He noted that the platform to support the freezer, as proposed, shall not be attached to the existing Larkin's restaurant building.

Mr. Bentley provided a summary stating that they are most concerned with the safety of their drivers and employees due to the very steep downward slope of the ramp. He mentioned that there are no other practical options available for the location of the requested platform for the walk-in freezer as the lake is on one side of the building and the highway is on the other.

Mr. Burton pointed out that Mr. Bentley would need a setback variance of 11'3" instead of 11' as originally requested and advertised, which was just brought to his attention. Mr. Bentley and Mr. Hammond stated they felt confident that their engineer could construct the platform to meet the 11' or less setback requirement, to comply with what was originally requested and advertised.

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

With regard to Case Number ZV-2018001, Mr. Lusk moved the Board to find that the applicants have demonstrated that unnecessary hardship would result from carrying out the strict letter of § 92.040 of the Zoning Regulations and, further, have demonstrated compliance with the standards for granting a variance contained in § 92.088 of such Regulations. Accordingly, he moved the Board to grant the requested variance in accordance and only to the extent represented by the application. Mr. Owensby seconded the motion. All voted in favor.

NEW BUSINESS

None

OLD BUSINESS

Mr. Burton reported to the Board the vacation rental operating permit requests he has received and reported how the administrative vacation rental process has been working. Commissioner Webber conveyed to the Boad that Council approved a refund of the appeal fee to any appellant who wins their appeal.

ADJOURNMENT

Mr. Owensby made a motion seconded by Ms. Weaver to adjourn the meeting. All voted in favor. The meeting was adjourned at 1:53 p.m. The next regular meeting is scheduled for Tuesday, April 24, 2018 at 1:00 p.m.

ATTEST:

Mark Hoek

Mark Hoek, Chairman

Michelle Jolley

Michelle Jolley, Recording Secretary