



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

**Tuesday, December 15, 2020
1:00 p.m.**

The Chairman called the meeting to order at 1:06pm

ROLL CALL

Present:

**Melvin Owensby, Chairman
Neil Gurney
Kimberly Sayles- Alternate
Scott Doster- Alternate
Greg Gardner- Alternate
Betty Ross- Alternate
Al Joyner**

Absent:

**Bill Bay, Vice Chairman
Patrick Bryant, Council Liaison
Wyn Hardy**

**Also Present: Town Attorney, William Morgan
David Diorio, Council Liaison
Mitchell Anderson, Assistant Community Development Director
Sha'Linda Pruitt, Recording Secretary**

APPROVAL OF THE AGENDA

Chairman Owensby asked for a motion to approve the agenda. Mr. Gardner made a motion to approve the agenda and Mr. Gurney made the second. All voted in favor.

APPROVAL OF THE MINUTES

Chairman Owensby asked for a motion to accept the minutes as presented. Mr. Gurney made the motion to approve and Mr. Joyner made the second. All voted in favor.

APPROVAL OF 2021 MEETING SCHEDULE

Chairman Owensby asked for a motion to accept the minutes as presented. Mr. Gardner made the motion to approve and Mr. Gurney made the second. All voted in favor.

NEW BUSINESS

(a) Hearings

1. ZV-2020001, a variance request for the construction of a detached garage within the R-1 Residential Zoning District by Michael and Kathryn Collins at 146 Lake Blvd, Lake Lure, North Carolina (Parcel Number 1624988).

The participants present for this case are Michael & Kathryn Collins and Ken Gaylord. All parties are sworn in. Each persons wishing to testify introduced his or herself and identified their address which gives them standing in this case. The board agrees that those who have standing shall be heard

No board member identified having ex-part concerns. The applicant did not wish to challenge any board member.

Staff was allowed to proceed with the presentation from the meeting packet.

Michael and Kathryn Collins are requesting a variance for the construction of a detached garage adjacent to their current residence located at 146 Lake Blvd in Lake Lure, North Carolina (Parcel number 1624988). This property is located in the R-1 Residential Zoning District.

Additional Information for the Board:

- 1) The applicant is requesting a variance for a reduction of the required 35' front yard setback to 24', for a variance of 11'.
- 2) The applicant is requesting a variance for the 100' minimum lot width at building site requirement to be reduced to 68.5', for a variance of 31.5'.
- 3) The applicant has provided a complete application with to-scale plans. These documents are included in the meeting packet.

Mr. Gurney asked for greater clarity as to the location of the 68.5' in the plans. MR. Anderson pointed out the dimensions. Ms. Sayles pointed out that the neighboring lot is 100 lot width so in the future would the Collins also have to request a variance in the future. Mr. Anderson stated that if the Collins decide to do some construction that was based on a hardship to the lot that is adjacent to the lot in question that it would be within the Collins legal rights to pursue a variance too. There is a 35ft setback along the continuous front yard. The lot is classified as pre-existing non-conforming.

Mr. Joyner asked whether staff had received any feedback from neighbors? Mr. Anderson stated that he has not received any feedback.

Mr. Anderson reminded the board that it must wait 24 hours before rendering its decision.

The floor was opened to the applicant to present their case. Mr. Collins stated that him and his wife bought a house here and from the start the parking was an issue. Mr. Collins states that this variance is based on safety issues that would allow them to keep cars out of the way. Mr. Gaylord spoke as the architect for this project. Mr. Gaylord point out how difficult it is for Mr. Collin to even park a truck and get it out of the roadway based on the current construction. This is a steep sight to build on it has a tight curve that is hard to navigate for drivers which potentially could be hazardous. A three car garage would significantly. These plans are been designed to specifically deal with these challenges. We explored other options, but there is nowhere else a garage can be placed on this lot. The existing house is in the right of way which seems to have been established once this house was built.

The Chair opened the floor for the board to ask questions to the applicant.

Mr. Joyner asked about the slope of the lot. What would be required to move the garage further back down 11ft

Mr. Gaylord stated that the back of the house is roughly elevated by 25 ft at a 70% slope. And would present challenges if it were moved back by 11ft pushing the garage further down the hill. The taller the structure is the more that stability becomes a concern. Concrete retaining wall you can see how tall it is roughly 7 to 8ft tall and the earth wants to topple the wall over so if we push the garage back the wall would go to 14ft high. This would also increase cost dramatically. If we slope it down we would be inviting rain water to enter the garage.

Mr. Gurney asked with this garage obstruct the view of any nearing neighbors. Mr. Collins said that it would not.

The Chairman asked for closing arguments to be made.

Mr. Collins stated that this garage is primarily centered around safety. If the garage isn't approved something else will have to be put in place as a safety measure. We want it to keep our cars safe but also are concerned about the safety of other drivers who use the roadway.

Mr. Anderson stated that this is an excessively steep lot shape and a plan was submitted for the footers.

The board feels that allowing this would undo the burden that the Collins are facing.

The board made a motion to will hold the decision until after the 24 hour waiting period has been satisfied. The board agreed to meet on December 17, 2020 to render the outcome.

(b)

1. CU-2020002, a conditional use permit request for the construction of a garage apartment adjacent to a single family dwelling within the R-1 Residential Zoning District by James Sciandra at 141 Gentlewinds Lane, Lake Lure, North Carolina (Parcel Number 219240).

All parties are sworn in. Each persons wishing to testify introduced his or herself and identified their address which gives them standing in this case. The board agrees that those who have standing shall be heard

It was asked by Staff whether all individuals withstanding on this case if it is appropriate that we proceed in a meeting using this digital format. Any objections would delay the meeting until a time where we could proceed face to face. All parties agreed to proceed digitally via Zoom.

No board member identified having ex-part concerns. The applicant did not wish to challenge any board member.

Staff was allowed to proceed with the presentation.

James Sciandra is requesting a Conditional Use Permit for the construction of a garage apartment created by the conversion of the current single family residence into a garage and garage apartment, located at 141 Gentlewinds Lane in Lake Lure, North Carolina (Parcel number 219240). This property is located in the R-1 Residential Zoning District.

Additional Information for the Board:

- 1) Town staff has reviewed the proposed structures and find that all planned structural placement and dimensions are in compliance with the Town's Zoning Regulations.
- 2) Mr. Sciandra has provided a complete application, to-scale plans, and proof of available sewer and water for the proposed project site. These documents are included in the meeting packet.
- 3) Pursuant to §92.046(B)(2), a conditional use request requires a review by the Development Review Committee, and the Zoning and Planning Board for comments. Comments received are included in the meeting packet.
- 4) Mr. Sciandra has proposed the construction of a new single family residence to be constructed on the parcel. This proposed single family dwelling would become the new primary structure. Mr. Sciandra must file the appropriate permit applications for review and approval to the Town prior to construction of this new single family dwelling.

Pursuant to §92.046(B)(1) this request requires review by the Development Review Committee for comments.

Conditional uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as conditional uses if the provisions of this and all other articles of this chapter have been met.

The Zoning and Planning has reviewed the Conditional Use Application for the proposed garage apartment at 141 Gentlewinds Lane. The information was compared to the Town's zoning regulations and the has found that the proposed garage apartment will comply with the Town's Zoning Regulations. No additional recommendations were provided by the Zoning and Planning Board.

The applicant was allowed to proceed with the presentation.

Mr. Sciandra stated his desires to construct a garage apartment by adding a garage to the existing 840 Sq Ft. cabin. The new garage apartment will have the primary use of a garage. The log cabin was built in the 1930's and remains relatively unchanged. Even the doors and hardware are original. Mr. Sciandra stated that he has done his absolute best to preserve the log cabin because he believes this cabin holds historical value for the town of Lake Lure as it appears to be one of the last original log cabins built directly on the lake. Mr. Sciandra stated that his hardship exist due to the small dwelling space in the principal living structure. Mr. Sciandra has a large family with 5 children. The historic log cabin is really a 2 bedroom. Mr. Sciandra has already attempted to maximize the space to sandwich in a 3rd bed. But still has concluded that 840 square foot is just not enough.

Mr. Sciandra pointed out that while this has been a learning experience but an exciting one.

Mr. Joyner asked for more context on the historical presence of the property?

Mr. Sciandra pointed out that he is the second owner to this property. The home remain in its original format with the same flooring and handles. The property is unaltered from its original state. The cabin is from the 1930s. The intent was to stay true to the original design. Staying within the elements of the cabin to exist as it has. Mr. Sciandra stated that he would be open to having it registered as a historic home to secure that the structure remains and can be officially recognized.

Mr. Joyner asked whether the application was meant to leave the original structure untouched?

Mr. Sciandra answered that the new garage will be attached to the principal structure without altering the original cabin's stature.

The Chairman opened the floor for testimony from other parties. Those testimonies were provided by Mr. Sciandra's neighbors Jim Keene, Caroline Mooney, Robert Jones, and John & Harriet Cordray. Each neighbor was allowed time to express concerns, grievances, and objections. The neighbors expressed how Mr. Sciandra's actions have already and will continue to change the fabric of our neighborhood

Mr. Morgan reminded the board that since this is a Quasi Judicial hearing that the parties are considered witnesses withstanding are allowed to ask questions of the applicant. The Chairman opened the floor for any questions to be asked to the applicant.

Harriet Cordray asked for clarification of how many rooms would be available once this construction is complete and whether those bedrooms would be a larger part of Mr. Sciandra plans for turn the new structure into a vacation rental.

Mr. Sciandra took a moment to address his neighbor's concerns and remind everyone that today's hearing it based solely on getting a conditional use permit for the existing cabin so no additional bedrooms will be added to that structure. We are adding a garage and will include bedrooms there which will bring the total to six bedrooms. Mr. Sciandra asked for the board to review him as fairly as previous applicants have been treated who were seeking the same conditional use permit due to his hardship. The majority of concerns from neighbors are center about Vacation Rentals and this is not the proper forum to litigate that subject matter.

While Mr. Sciandra's plight is appreciated the neighbors continued to express more concerns for the changes to the R1 residential district.

Mr. Sciandra's explained that the conditional use is outlined in the towns rules and regulations and if you meet the conditions you should be considered to have your request grant. The opposition to this construction surrounds Vacation Rentals and that is a measure that was put in place by the town so as a property owner he is allowed to participant in said program.

After all parties were allowed to provide testimony The Chairman asked for a motion to have a continuance. Mr. Gardner made a motion and Mr. Gurney gave a second to will hold the decision until after the 24 hour waiting period has been satisfied. The board agreed to meet on December 17, 2020 to render the outcome at 1pm.

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

**Tuesday, December 17, 2020
1:00 p.m.**

The Chairman called the meeting to order at 1:10pm

ROLL CALL

Present:

**Melvin Owensby, Chairman
Neil Gurney
Kimberly Sayles- Alternate
Scott Doster- Alternate
Greg Gardner- Alternate
Betty Ross- Alternate
Al Joyner**

Absent:

**Bill Bay, Vice Chairman
Patrick Bryant, Council Liaison
Wyn Hardy**

Also Present: Town Attorney, William Morgan
David Diorio, Council Liaison
Mitchell Anderson, Assistant Community Development Director
Sha'Linda Pruitt, Recording Secretary

The chairman opened the floor to begin the hearing.

(a) Hearings

2. ZV-2020001, a variance request for the construction of a detached garage within the R-1 Residential Zoning District by Michael and Kathryn Collins at 146 Lake Blvd, Lake Lure, North Carolina (Parcel Number 1624988).

The board members asked if any other letters or concerns had been received. Staff reported no.

The board announced that it was ready to vote and make a decision. The Chair asked for a motion.

“With regard to Case Number ZV-2020001, I move the Board to find that the applicants have demonstrated that unnecessary hardships exist as per the following testimony”:

Unnecessary hardships would result from the strict application of the regulations.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

The hardships result from conditions that are peculiar to the property, such as location, size, or topography of the property. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question that are not applicable to other lands or structures in the same district.

The hardship did not result from actions taken by the applicant.

The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The requested variance is consistent with the spirit, purpose, and intent of the regulations; will secure public safety and welfare; and will preserve substantial justice.

Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Accordingly, I move the Board to grant the requested variance in accordance with and only to the extent represented by the application.

The Motion was made by Mr. Gurney and the second was made by Mr. Gardner. All voted in favor to grant the variance.

The Chairman opened the floor for the next case.

1. CU-2020002, a conditional use permit request for the construction of a garage apartment adjacent to a single family dwelling within the R-1 Residential Zoning District by James Sciandra at 141 Gentlewinds Lane, Lake Lure, North Carolina (Parcel Number 219240).

The board asked if any additional letters or calls have been made from interested parties in reference to this case. Mr. Anderson confirmed that he received several letters as follows:

Dear Mr. Anderson,

Following the hearing yesterday on the above referenced case I wanted to first thank you and the Board for the opportunity to attend the hearing, as interested citizens and taxpayers of Lake Lure, and express our questions and concerns about what Mr. Sciandra is requesting.

Although I don't have anything to add to what I said yesterday, I did wish to reiterate my primary concerns which was increased traffic and daily trips on our very narrow roads accessing our homes, which becomes a real safety issue. The potential increase in noise and activity associated with the influx of people enjoying vacation, which I have no problem with, except in the sheer numbers at one time that creates the concern. I still have a question and concern of two single family homes on one parcel within the R-1 district. One home is 1800+ sq.ft while the one to be

build is 3000+ sq.ft. I don't feel my question was properly addressed by Mr. Morgan. The simple truth from my perspective is that the original home doesn't become a garage apartment simple by adding a garage and calling it that. It now becomes a home with an attached garage. I would like a more through explanation and interpretation of that section of the zoning code.

I do acknowledge the hearing was for the CU and not regarding Vacation Rentals, however that is the issue given reason for the objections and concerns of my neighbors and myself. We have all enjoyed many decades of a quality of life of peace, tranquility, and enjoyment of being blessed to have a home on beautiful Lake Lure. I fully understand Mr. Sciandra's views on exercising his rights within what the Town allows, however by exercising his rights, he infringes on our right to enjoy the peace and tranquility we have come to expect and enjoy over many years.

However on a larger scale it is evident that the character of Lake Lure is changing with the influx of more people through the vacation rental population and the increase of the number of boats on the Lake, operated often by inexperienced people, making it very unsafe at times. In the past 5 to 10 years I have seen many changes which I believe overall will be detrimental to the community of Lake Lure and its citizens.

I commend you on the manner in which you conducted the hearing, and it was obvious that none of the neighbors present hold any animosity or ill will to our neighbor James. We are opposed to some of the things he has chosen to do with his property, which has caused changes to the character of our neighborhood. The additional increase in occupancy rate availability further adds to the negative impacts.

I hope you will consider our concerns in your decision today and that you and all the town officials, especially the Town Council, in the future will look for ways to strike a balance between good economic growth and maintaining the pristine character that has always set it apart and makes it such a special place. Lake Lure's future cannot depend on Vacation Short Term rentals to sustain the vitality of Lake Lure over the long run.

I thank you for your time and consideration and also your willingness to serve our beautiful town of Lake Lure.

-Jim Keene

Dear Mr. Anderson:

My name is Grady L. Phillips. I live at 110 Gentlewinds Lane with my wife Barbara. I have owned this property since July of 1989. We have lived in this house as fulltime residents since August of 2001. My property adjoins Mr. Sciandra's property on the right side. Throughout the years I have seen this once quaint town grow. I must admit I am not sure if it's a good or a

bad thing. Call me old fashion but I lead a simple and quite life and that is why my wife and I decided to settle down in Lake Lure.

I have had the pleasure of meeting Mr. Sciandra when he remodeled his log cabin. In talking with him initially it was his intent to remodel the log cabin bringing it back to its historic period look for him and his family to enjoy. To his credit he did a wonderful job. That being said I do have some objections to Mr. Sciandra building a garage apartment.

My first objection starts with the town of Lake Lure approving a second dock/boat house on his property. I am not 100 percent sure what the rules state but I can tell you logically if the approval for a second dock/boat house passed (which it did) then soon following would be another structure on the property. Which is where we find ourselves having to discuss the approval for a garage apartment. I am concerned that this will lead down a very slippery slope for what is allowed on all of the property owners property on Gentlewinds Lane and even the rest of the lake.

I am afraid words have been penned on a conditional use permit application that are misconstrued. The primary use for a garage is just that, a garage to park your vehicle in. I personally do not have an issue if he wants to add a garage tying into his existing log cabin. Only if it is used for a garage. I have a big problem with misconstrued words stating that a garage apartment will be used primarily for a garage when there is an additional square footage above it that resembles another dwelling.

As you can see below in your zoning regulations 92.027 R-1 residential district clearly states that the principle use of land is for single family dwellings (only). In looking at Mr. Sciandra's plot plan and house plan I do not see a setback plan describing what this garage apartments setbacks will be (on a plat). I see setbacks giving on the initial survey but not a setback plan on a plat. This makes it even more difficult for me to decipher how this so-called garage apartment affects my property surrounding it. I can see where it is proposed on a plat but without clear measurements on the plat provided how can I be assured that this dwelling is going to be built where it is supposed to be? What stops the homeowner from moving the garage a little to the left, right, front, or back? I also have a concern as to square footage of property vs. the square footage of dwellings on the property. I would like this to be addressed during the meeting since I have had to deal with this previously when we rebuilt our boathouse.

§ 92.027 R-1A, R-1B & R-1C RESIDENTIAL DISTRICTS.

- (A) Intent. The R-1A, R-1B and R-1C Residential Districts are established as districts in which the principal use of land is for single-family dwellings. Large lot size and low density residential land use are encouraged in this area. It is the intention of these regulations to discourage any use which would be detrimental to the low density, single-family residential nature of the area included within the district.
- (B) Permitted Uses. Within the R-1A, R-1B and R-1C Residential Districts, a building or land shall be used only for the following purposes.
 - (1) Any use permitted in the R-1 Residential District (listed as a permitted use).

(C) Conditional Use Permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §§ 92.045 through 92.059 have been met:

- (1) All conditional uses listed in the R-1 Residential District. **(Ord. passed 1-22-91)** Penalty, see § 92.999
- (2) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses. **(Adopted 1-8-08)**

The last objections I have to this garage apartment can be found in your zoning regulations under Home Occupation: 92.117. All Mr. Sciandra needs to provide a renter is a letter stating that this garage apartment is being used for residential purposes if my interpretation of 92.117

(A) is correct. This further back up my concern that this property can be used as a rental in

(B) adjacent to his single-family dwelling. What stops him from turning this into a rental Air B n B or just a year-round rental? What stops him from splitting the property and selling this structure down the road once he decides he does not want to rent it anymore? How is the town of Lake Lure going to enforce this?

As long as I have owned 110 Gentlewinds lane I have been able to clearly use to the cul de sac to turn my vehicles around in. That has not been the case since Mr. Sciandra has purchased the property. I have had materials dropped on my property for his log cabin remodel. There have been multiple vehicles from workers that have blocked access to my well and propane. There have been cases where I was not able to fill my propane tank or work on my well because his workers and cars have blocked access to my property. I am afraid these issues only get worse once another structure is built and tenants are renting this so-called garage apartment. These issues clearly violate 92.117 Home Occupations zoning regulations.

§92.117 HOME OCCUPATIONS:

- (A) The person conducting the home occupation must be the owner of the dwelling unit/building or accessory building in which the home occupation is to be located, or if the applicant is a tenant, written approval of the owner must be provided.
- (B) The use of the dwelling unit/building or accessory building for home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of it.
- (C) Deliveries or pick-ups of supplies or products associated with the home occupation are allowed only between 8a.m. and 6p.m.
- (D) The home occupation shall not generate additional traffic beyond what is customary to and

of the type associated with residential use.

- (E) Goods or materials used in connection with a home occupation shall only be stored within a completely enclosed structure.
- (F) No vehicles used primarily in connection with a home occupation which advertises that home occupation may be parked where they are visible from the road
- (G) No merchandise or articles for sale shall be displayed for advertising purposes so as to be visible from outside the main dwelling.
- (H) No persons other than the resident occupants and 3 individuals shall be working on the home occupation in the dwelling unit/building or accessory building at any given time.
(Amended 1-8-08)
- (I) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which is detectable.
- (J) There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. No changes shall be made to the outside appearance of the dwelling unit or lot for the use in conjunction with a home occupation and there shall be no other visible evidence of the conduct of such home occupation on the lot. Notwithstanding the foregoing, a home occupation may utilize one non-illuminated sign, not exceeding two square feet in area, affixed to the residence. **(Amended 1-8-08)**
- (K) The home occupation shall cease immediately when the use is determined by the Zoning Administrator to be a nuisance or is in violation of any statute, ordinance, law or regulation. (See §92.999 Penalty)
- (L) Parking adequate to accommodate employees, clients or customers, and residents shall be provided off the street and shall be screened from view from adjoining properties.
(Amended 1-8-08)

As stated earlier I want to make it clear that I have no issue with Mr. Sciandra. I find him to be a nice guy, however, if I or any of the neighbors tried to do that same thing that he is proposing it would not pass. It is important to keep the integrity of Gentlewinds Lane that of a quaint residential area. Thank you for your time. Because I am battling cancer and I am not to get too worked up I am deferring any concerns and questions to my Grandson Scott Hydrick Jr. He can be reached at (803) 269-5994. If there are any questions please feel free to call him. We look forward to discussing this further at the zoom meeting November 17, 2020.

Sincerely,

Grady L. Phillips

Mitchell,

Thank you again for including us in your correspondence concerning the proposed additions to the property located at 141 Gentlewinds Lane. It is my understanding that I needed to submit my concerns about the proposed additions to the Lake Lure Board of Adjustment and Lake Structure Appeals Board in writing prior to this afternoon's meeting. Please accept this as my written testimony in this matter.

I have no objection to Mr. Sciandra's wish to improve his property, but I am still not clear what his intentions are for the new primary structure that he intends to add to the property at 141 Gentlewinds directly adjacent to our property at 139 Gentlewinds as no drawings of the property were submitted in his revised proposal. It would appear that Mr. Sciandra intends to add a garage to the existing structure and reducing it, conceptually, to the secondary structure as a garage apartment. I would like to know his intentions for the new primary structure that he intends to build between the existing structure, directly adjacent to our property at 139 Gentlewinds Lane.

My Concerns:

1. I would like to have assurances that Mr. Sciandra does not intend to tap into the lateral waste water, sewage, line that runs directly in front of Mr. Sciandra's property to the Towns manhole access to the sewer system. The line in question is a private line and was installed, paid for and maintained by Nancy Jones prior to Mr. Sciandra purchasing the property at 141 Gentlewinds Lane. The line in question was installed almost 29 years ago, 1/3/1991, and is a 4" line, we don't feel that it would support the additional usage that a 3 bedroom house would add, especially if Mr. Sciandra's new primary structure is used primarily, or in part, as a rental property and in the event that it becomes blocked it would back up in our cottage at 139 Gentlewinds Lane as it would be the lowest point on the line and the point of least resistance. Mr. Sciandra verbally stated that it was not his intent to tap into this line, we would like reassurance that this is will not happen, preferably in written form.
2. I am also concerned with the parking and additional usage of the primary access road to the aforementioned properties, Dockside Drive, which is a substandard, single lane road, that was built in the early 1900's when the lake was first created. If Mr. Sciandra intends to use the property, primarily or in part, for rental purposes, having people unfamiliar with the access road with its tight corners and blind curves, creates additional hazards to an area that consists primarily of retired residents who have been there on average for 40 years or more and are familiar with the road and its trappings. I would like to believe that the area was zoned as R1, for this very reason and that area's that were zoned as R3, were done so because they were still under development and therefore more suitable to be used for the increased traffic and maintenance that rental properties would produce. The area in question here was never developed or intended to be for resort use.

I ask that you relay, post, my concerns for the members of the board to consider.

Thank You,

Robert A. Jones
Property Owner
139 Gentlewinds Lane

The board stated that while they do recognize the sensitive concerns of these neighbors, the board can only rule on what the case is about. This board has no bearing on the vacation rental program. The board is sympathetic to the concerns of the neighbors but this hearing is only about a garage apartment. The application was submitted for a garage apartment and that is the only matter that the board will rule on. The garage apartment is within all of the required setbacks.

FINDINGS OF FACT: The Board of Adjustment is required to make certain findings of fact. See Section 92.047 for general application requirements. Additional requirements may be required for specific conditional uses.

- (1) **The application is complete.**
- (2) **Public Safety.** The proposed use will not materially endanger the public safety, if operated according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use, and fire suppression. (See attached plans, if applicable)
- (3) **Public Health.** The proposed use will not materially endanger the public health, if operated according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)
- (4) **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if operated according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)
- (5) **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if operated according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)
- (6) **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be harmony with the neighborhood character and in

general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if operated according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character. (See attached plans, if applicable)

With regard to application number CU-2020002 for a conditional use permit to convert an existing single family dwelling into a garage apartment adjacent to a new single family dwelling within the R-1 Residential Zoning District by James Sciandra at 141 Gentlewinds Lane, Lake Lure, North Carolina (Parcel Number 219240). I move 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) The proposed use will not materially endanger the public health or safety;
- (2) The proposed use will not substantially injure the value of adjoining or abutting property;
- (3) The proposed use will meet all standards and requirements specified in the regulations of the Town;
- (4) The proposed use will be in harmony with the neighborhood character and in general conformity with applicable elements of the Comprehensive Plan;
- (5) That 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, I further move the Board to grant the requested conditional use permit in accordance with and only to the extent represented in the application and plans

DECISION

Accordingly, the Board of Adjustment hereby authorizes the issuance of the conditional use permit subject to the following conditions

CONDITIONS

As the residence is currently utilizing a septic system and the proposed expansion will require additional septic capacity, the Board of Adjustment imposes a condition that the applicant provides proof of sewer capacity to the Zoning Administrator for review prior to commencing work.

Chairman Owensby asked for a motion for the conditions. Ms. Sayles gave the motion and Mr. Gurney gave the second. All voted in favor to grant conditional use permit.

OLD BUSINESS

None

ADJOURNMENT

The Chairman asked for a motion to adjourn. Mr. Gardner gave the motion to adjourn and Mr. Joyner gave the second. All voted in favor. Meeting adjourned at 1:55 pm

ATTEST:


Melvin Owensby, Chairman


Sha'Linda Pruitt, Recording Secretary

