



Incorporated 1927

Town of Lake Lure

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Minutes of the Regular meeting of the Board of Adjustment

**Tuesday, September 25, 2012
1:00 p.m.**

Chairman Webber called the meeting to order at 1:00 p.m.

ROLL CALL

Present: Stephen Webber, Chairman
Michael Gray, Seated Alternate
Lance Johnson, Seated Alternate
John Kilby
Patricia Maringer
Melvin Owensby, Alternate (entered late)
Bob Cameron, Council Liaison

Also Present: Mike Egan, Community Development Attorney
Sheila Spicer, Zoning Administrator, Recording Secretary

Absent: Betty Johnson
Vicki Smith

APPROVAL OF THE AGENDA

Ms. Johnson made a motion to approve the agenda as presented. Ms. Maringer seconded the motion and all were in favor.

APPROVAL OF THE MINUTES

Mr. Kilby made a motion seconded by Ms. Maringer to approve the minutes of the August 28, 2012 meeting as presented. The motion passed unanimously. .

HEARINGS

- (A) VROP-2012013, a vacation rental operating permit request from James E. Harrell to operate a residential vacation rental at 485 Grandview Drive, Lake Lure North Carolina (Tax PIN 1642531)

Ms. Spicer and Dutch Beukema, agent for the applicant, were sworn in.

There were no conflicts of interest reported. Mr. Kilby mentioned that he and Mr. Gray visited the property together in preparation for the hearing; both members stated they did not discuss the particulars of the case or form any preconceived opinions. Mr. Beukema did not challenge any of the seated Board members.

Ms. Spicer presented an overview of the case. She stated that Mr. Harrell is requesting a vacation rental operating permit to operate a two-bedroom residential vacation rental in the R-3 Resort Residential zoning district. She pointed out the property has an individual septic system and is on a private water system. Ms. Spicer stated the application includes a parking plan, standard rental agreement, a septic improvement permit issued by Rutherford County Environmental Health, and verification that the property has been registered with the Rutherford County Tourism Development Authority; all of these items were included in the Board's meeting packet. She mentioned that the Development Review Committee had reviewed the case, but she had inadvertently left the minutes from that meeting out of the packet. She stated the only recommendation from that committee had been the normal one from Ron Morgan, Fire Chief, about ensuring that smoke detectors are installed and maintained in the residence.

Mr. Beukema testified that he manages 15 other residential vacation rentals and he feels this requests meets all of the Town of Lake Lure requirements.

There was no further testimony, so Chairman Webber closed the hearing.

With regard to application number VROP-2012013 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Mr. Johnson 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. Maringer seconded, and the motion passed unanimously.

(B) VROP-2012014, a vacation rental operating permit request from Liz Fister to operate a residential vacation rental at 322 Lurewoods Manor Drive, Lake Lure North Carolina (Tax PIN 1641222)

Ms. Spicer and Ms. Fister were sworn in.

There were no conflicts of interest reported. Mr. Gray mentioned that he and Mr. Kilby visited the property together in preparation for the hearing; both members stated they did not discuss the particulars of the case or form any preconceived opinions. Ms. Fister did not challenge any of the seated Board members.

Ms. Spicer presented an overview of the case. She stated that Ms. Fister is requesting a vacation rental operating permit to operate a two-bedroom residential vacation rental in the R-1C Residential zoning district. She pointed out the property has an individual septic system private well. Ms. Spicer stated the application includes a parking plan, standard rental agreement, a septic operation permit issued by Rutherford County Environmental Health, and verification that the property has been registered with the Rutherford County Tourism Development Authority; all of these items were included in the Board's meeting packet. She mentioned that the Development Review Committee had reviewed the case, but she had inadvertently left the minutes from that meeting out of the packet. She stated the only recommendation from that committee had been the normal one from Ron Morgan, Fire Chief, about ensuring that smoke detectors are installed and maintained in the residence.

Ms. Fister testified that the dwelling will eventually be a retirement home for her and her husband but, in the man time, she would like to rent it short-term. Ms. Maringer asked if the standard rental agreement included with the application is the complete agreement because there are no rules for the property included. Ms. Fister responded that it is the complete agreement, but there are rules specific to the property posted in the dwelling. Ms. Maringer asked if the structure only has two bedrooms. Ms. Fister stated there is a finished basement but it is used as a play area.

There was no further testimony, so Chairman Webber closed the hearing.

With regard to application number VROP-2012014 for a vacation rental operating permit to operate a residential vacation rental in the R-1C Residential zoning district, Mr. Gray 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. Johnson seconded, and the motion passed unanimously.

NEW BUSINESS

(A) Training Discussion

Ms. Spicer presented a PowerPoint presentation titled Vacation Rental Operating Permits Procedures and Requirements. (See attached) Discussion regarding the presentation ensued.

OLD BUSINESS

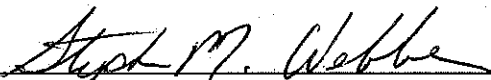
None

ADJOURNMENT

Mr. Gray made a motion seconded by Ms. Maringer to adjourn the meeting. All were in favor.

The meeting was adjourned at 2:20 p.m. The next regular meeting is scheduled for Tuesday, October 23, 2012 at 1:00 p.m.

ATTEST:



Stephen M. Webber, Chairman

Sheila Spicer, Recording Secretary

VACATION RENTAL OPERATING PERMITS

Procedures and Requirements

Key Terms

- Residential Vacation Rental (RVR)
- Residential Vacation Rental Operator
- Residential Vacation Rental Property



Key Terms

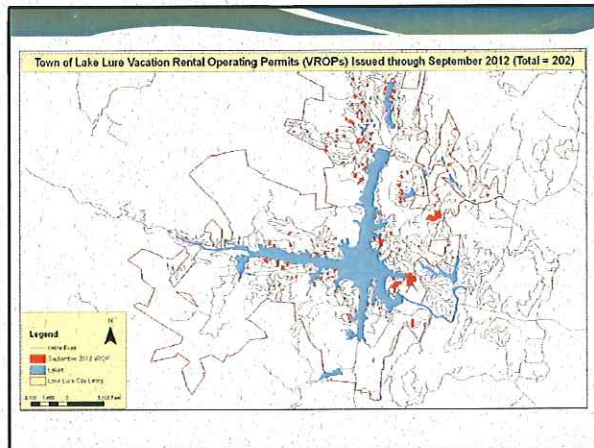
- Multi-Family Dwelling
- Hotels and Motels
- Lodge
- Bed & Breakfast Establishment



Key Terms

- Vacation Rental Operating Permit (VROP)-The permit needed to operate a residential vacation rental





RVR Regulations

§92.042

- Every RVR unless excepted requires a VROP.
- Vested Status (does not exempt from permit req.)
 - Any VROP issued prior to 2/28/12
 - Anyone who can establish they were engaged in vacation rental activity prior to 1/1/10
 - Vested status is forfeited if vacation rental activity ceases for 5 years.
- Since 2/28/12, VROP applications are deemed in the nature of a conditional use permit and processed in accordance with §92.046. (No sketch plan conference required.)

RVR Regulations

§92.042

- Operational Requirements:
 - Shall not exceed occupancy limits when property is being utilized for vacation rental activity
 - Signs visible from the exterior of the premises are not allowed in any R-1 or the M-1 zoning districts. RVR signage in other districts must conform to sign regulations
 - 24/7 contact information must be displayed on exterior of RVR. (Placard provided by Town)
 - Parking outside of the designated parking area is prohibited.
 - Household trash must be bagged and placed in animal resistant receptacles.

RVR Regulations

§92.042

- Every RVR contract must include a signed Town contract addendum, or the addendum information must be included in the rental contract.
- The operator of the RVR must maintain a 24/7 call center at any time the property is used as an RVR. The operator's current contact information must be continuously maintained with the Town.

VROP

Application Requirements

- ✓ The address of the property.
- ✓ Name and contact information for the owner of the property.
- ✓ Name and contact information for the operator if other than the owner.

VROP

Application Requirements

- ✓ A site plan showing the off-street parking area(s) for the property.
- ✓ The number of bedrooms on the property intended to be used for occupancy.
- ✓ If the property is served by the Town's sewer system, a certificate from a qualified licensed professional that the connection to the Town's system is operational and free of detectable leaks.

VROP

Application Requirements

- ✓ If the residential vacation rental includes the use of a boat on Lake Lure, proof of a valid Town commercial boat license.
- ✓ Proof that the property is registered with the Rutherford County Tourism Development Authority or, for a new business, that an application has been submitted, and that all room occupancy and tourism development taxes for the prior year have been paid.

VROP

Application Requirements

- ✓ A copy of the standard rental agreement used for the residential vacation rental which contains information required by this section.
- ✓ An acknowledgment that the applicant is aware of the occupancy restrictions on the use of the property as a residential vacation rental and the applicant's agreement to abide thereby.

VROP

Application Requirements

- ✓ A statement by the operator, under oath, that the information in the application is correct.
- In conjunction with an application for a vacation rental operating permit, the Town shall conduct an initial inspection to confirm compliance with the requirements of this section.

Key Terms

- Conditional Use
- Conditional Use Permit



Conditional Use Permit Review Procedure

- Development Review Committee
- Zoning and Planning Board
 - Can be waived if no changes in appearance of building or premises
- Board of Adjustment

Conditional Use Permit

BOA Required Findings

- Application is complete
- Public Safety
 - Automotive ingress and egress
 - Traffic flow
 - Traffic control
 - Pedestrian and bicycle ways
 - Lake use (watervessel, watersports, and swimming activity, etc.)
 - Fire suppression

Conditional Use Permit

BOA Required Findings

- Public Health
 - Water supply
 - Water distribution
 - Sewer collection
 - Sewer treatment
- Protection of Property Values
 - Lighting
 - Noise
 - Odor
 - Landscaping

Conditional Use Permit

BOA Required Findings

- Standards & Requirements of Regulations
 - Parking spaces
 - Loading zones
 - Sign design
 - Street design
- Comprehensive Plan and Neighborhood Character Compatibility
 - Site layout and treatment
 - Building design
 - Relationship of building to site
 - Harmony of buildings and uses with neighborhood character

Conditional Use Permit

Conditions

"The Board of Adjustment may, in issuing a conditional use permit, designate additional conditions and requirements in connection with the application as will, in its opinion, assure that the use in its proposed location will be in harmony with the area in which it is proposed to be located and with the spirit of the regulations." [Zoning Regulations §92.046 (E)]