



**Minutes of the Regular meeting of the  
Board of Adjustment**

**Tuesday, July 23, 2013  
1:04 p.m.**

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

**ROLL CALL**

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

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

**Absent:** N/A

Chairman Webber stated that Betty Johnson and Vicki Smith have both resigned from their positions on the Board. Mr. Johnson will be seated in the place of Ms. Johnson and Mr. Owensby will be seated in the place of Ms. Smith. Mr. Johnson was excused halfway through the meeting and was replaced by Mr. Gray to allow additional alternate training.

**APPROVAL OF THE AGENDA**

Chairman Webber changed the order of item (a) and (b) on the hearings. He changed item (b) ZV-2013003 to (a) and changed item (a) ZV-2013004 to (b).

**Ms. Maringer made a motion to approve the agenda as amended. Mr. Owensby seconded the motion and all were in favor.**

**APPROVAL OF THE MINUTES**

Chairman Webber noted there were a couple of corrections he would like to make in the minutes from the June 25, 2013 meeting. On the fourth page in paragraph five of the minutes “public hearing” should be changed to “hearing”. Also, on the fourth page in paragraph five, “after 100 days” should be changed to “within 100 days”. There were no other corrections.

**Mr. Johnson made a motion seconded by Ms. Maringer to approve the minutes of the June 25, 2013 meeting as amended. The motion passed unanimously.**

### **HEARINGS**

**(A) ZV-2013003 continued, a request from Michael Sheehan for a variance from Section 92.040 of the Zoning Regulations for the minimum front (lake) yard setback, a variance from the minimum front (street) yard setback, and a variance from the minimum lot size. The property (Tax PIN 232289) is located at 1104 Memorial Highway, Lake Lure, NC 28746**

Ms. Spicer and Mr. Sheehan were sworn in.

Mr. Sheehan stated his plans are not complete; therefore he would like a continuance until the September 24, 2013 meeting.

**Motion made by Mr. Johnson to continue case ZV-2013003 until the September 24, 2013 meeting. Mr. Owensby seconded and all were in favor.**

**(B) ZV-2013004, a request from Stephen Craddock for a variance from Section 92.040 of the Zoning Regulations for the minimum rear yard setback. The property (Tax PIN 1623029) is located at 396 Memorial Highway, Lake Lure, NC 28746**

Ms. Spicer and Mr. Craddock were sworn in. John Crotts, Mr. Craddock’s attorney, was also present.

There were no conflicts of interest reported. Chairman Webber stated he had spoken with Mr. Craddock by phone to let him know he would be coming by to look at the outside of the property. He did not have any other conversations with Mr. Craddock. There were no ex parte communications reported. The applicant did not challenge any of the Board members seated for cause.

Ms. Spicer mentioned that she received a phone call before the meeting from John Hunt, an adjacent property owner. She spoke to him about the case and he stated he had no objections. Ms. Spicer presented an overview of the case. She stated the property owner is requesting a variance from the rear yard setback requirements for a portion of his structure that was built in 2007 from the Town of Lake Lure for an addition to an existing structure that is not in compliance with the plans approved with the permit. A final

inspection of the addition has not been performed by the Town, and a certificate of occupancy has not been issued for the addition. This matter came to light when Mr. Craddock attempted to obtain a new certificate of zoning compliance to extend his existing porch. He was notified of the violations at that time and advised of his available options to correct them. She pointed out the Board's packet includes an agent authorization letter from Mr. Craddock appointing his attorney, John B. Crotts of King, Crotts, Duncan, & Jaynes, as his lawful agent.

Mr. Crotts briefly questioned Mr. Craddock. In response, Mr. Craddock stated he bought the property from his parents in February, 2012 and was unaware of any violations with the Town. He mentioned prior to the purchase his parents had begun the process of adding additions to the property, which were in violation of the Town's setback regulations. Mr. Craddock stated he obtained a survey, which is included in the packet. He mentioned in December of 2012, he began the process of replacing a covered porch that was damaged when a tree fell on it. Ms. Spicer recognized the violations on the property and stopped work on the repairs. Mr. Craddock stated he spoke with adjacent property owner, John Hunt, and asked if he would be willing to sell a portion of his property which would bring Mr. Craddock's property into compliance with the Town. He stated Mr. Hunt was not willing to sell any portion of his property to him.

Chairman Webber asked Mr. Craddock what he would do if the variance was not granted. Mr. Craddock answered that he would have to remove half of the structure, which would be very costly.

Chairman Webber asked Ms. Spicer why a variance was not submitted for the one story frame building which is also in the rear yard setback. Ms. Spicer answered that the one story frame is a storage building and Mr. Craddock mentioned he would be willing to move the structure. Chairman Webber asked Mr. Craddock if he would assure the Board that he would move the structure so it does not need a variance. Mr. Craddock stated the structure is not on a permanent foundation and he would be willing to move the structure. Chairman Webber then asked Mr. Craddock how much time he would need to move the structure. Mr. Craddock replied he would need 90 days. Chairman Webber then asked Mr. Craddock if he would have any opposition if a condition was imposed to the variance to allow having the one story structure moved no later than October 31, 2013. Mr. Craddock stated he would not have any opposition to it.

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

After brief deliberation, Mr. Johnson made the following motion:

**With regard to case number ZV-2013004 for a variance from Section 92.040 of the Zoning Regulations, I move the Board to find (a) owing to special conditions, a literal enforcement of the provisions of the regulations that will result in practical difficulty or unnecessary hardship, (b) in the granting of the variance the spirit of the Zoning Regulations shall be observed, the public safety and welfare secured, and substantial justice done, and (c) the conditions specified in §92.085(C)(1) exist.**

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

Mr. Kilby seconded the motion and all were in favor.

Ms. Maringer moved to propose a condition that the one story storage building on the property, which is in the setbacks, be moved no later than October 31, 2013. Mr. Owensby seconded. Chairman Webber, Mr. Johnson, Ms. Maringer, and Mr. Owensby voted in favor of the amendment. Mr. Kilby was opposed.

Chairman Webber, Mr. Johnson, Ms. Maringer, and Mr. Owensby voted in favor of the original motion to grant the request. Mr. Kilby was opposed.

- (C) CU-2013001, a Conditional Use Permit Request from Dr. Donald Adams for a dental office in the CG-Commercial General Zoning District. The property (Tax PIN 1649548) is located on NC Highway 9, Lake Lure, NC 28746
- (D) CU-2013002, a Conditional Use Permit Request from Mountain Area Health Education Center (MAHEC) for a medical office in the CG-Commercial General Zoning District. The property (Tax PIN 1649535) is located on NC Highway 9, Lake Lure, NC 28746

Due to the fact that the two properties are adjacent to each other and will be developed concurrently, the Board discussed both requests simultaneously.

Ms. Spicer, Clint Calhoun, Environmental Management Officer, Tim Turner, surveyor with WNC Professional Engineers & Surveyors, and Melanie Brethauer, engineer with WNC, were sworn in. Donald Adams, owner of the property located on NC Hwy 9 between Ingles and Memorial Hwy. and applicant, Ron Fagan, MAHEC Facilities Director and Project Manager, Marni Graves, architect for Mr. Adams, Carroll Hughes, architect for Mr. Adams, and John Kinchloe, architect for MAHEC, were also present.

Chairman Webber noted he gave a recommendation to Dr. Adams and Mr. Fagan regarding the lights at the last Zoning and Planning Board meeting. He also noted he briefed Dr. Adams, Ms. Brethauer, Mr. Fagan, and Mr. Turner on what to expect when attending the BOA meeting. There were no other ex parte communications or conflicts of interest reported. Dr. Adams and Mr. Fagan did not wish to challenge any of the Board members for cause.

Ms. Spicer presented an overview of the case. She stated Dr. Adams is requesting a conditional use permit (CU-2013001) to construct a dental clinic on his property located on NC Hwy 9 between Ingles and Memorial Hwy. Mountain Area Health Education (MAHEC) is requesting a conditional use permit (CU-2013002) to construct a medical clinic on their property located in the same area. The properties are located in the C-G Commercial General zoning district. Medical and dental services or clinics are a permitted use in the CG district; however, all new commercial construction is a

conditional use. The site preparation for both properties will be conducted as one grading project, and construction for both structures is planned to occur simultaneously. Therefore, the plans in the packet have been consolidated in an effort to reduce the amount of resources used.

Ms. Spicer stated the Development Review Committee (DRC) reviewed these applications on May 28, 2013. The minutes to that meeting are included in the packet. All of the concerns raised by the DRC members have since been addressed. She also mentioned the Zoning and Planning Board reviewed these applications on June 18, 2013 and unanimously approved the following motion:

***“Mr. Barrett made a motion that the Zoning & Planning Board finds the plans and application for both CU-2013001 and CU-2013002 are in substantial compliance with the Town of Lake Lure Design Guidelines for New Commercial Construction, and therefore meets the requirements for commercial buildings in Sections 92.054 through 92.056 of the Zoning Regulations. Mr. Ellis seconded the motion and all were in favor.*”**

Dr. Adams and Mr. Fagan stated they would like to defer to their subject matter experts regarding the technical aspects of the conditional use findings.

Ms. Brethauer, in response to Chairman Webber’s question about traffic ingress and egress, stated that Community Drive will eventually be extended west. Nesbitt Ridge, a connector road, will extend north and is where the driveways will be accessed. She stated NCDOT has reviewed the plans and made comments, to which they have addressed and are waiting for a final approval from NCDOT. Ms. Brethauer stated there are no planned bicycle lanes, but there are plans to have a greenway trail in future phases that will connect to the park on the east side of Hwy 9 and also connect to downtown Lake Lure. She mentioned they have met with the Fire Chief who has reviewed and approved the road connections and fire hydrant locations. Ms. Brethauer stated they have a permit from the North Carolina Department of Natural Resources (NCDNR), who has reviewed and approved the plans to connect to the public water system. Town staff has reviewed and approved this also. She stated it is not necessary to have a main connection to the sewer at this point in time, but both buildings will eventually have connections to the sewer on the west side of Hwy 9. This has been reviewed by Town staff and Jeffrey Brown, the Town’s engineer, and approved.

Ms. Graves mentioned they have done a study on lighting comparing Ingles to both of the properties for the Lake Lure Professional Park. She passed out two handouts, Applicant Exhibit 1 and Applicant Exhibit 2, which are for both cases. Applicant Exhibit 1 shows measurements of the foot candles at Ingles, as well as photos of the lighting in Ingles parking lot. Applicant Exhibit 2 shows foot candle measurements for the Lake Lure Professional Park. Mr. Hughes noted that the lighting for the Professional Park will be minimal lighting. Discussion held on the handouts and lighting.

Ms. Spicer mentioned that Vic Knight, landscaper and architect, planned and designed the landscaping for the Professional Park. The plans were reviewed extensively at the DRC meetings.

Ms. Graves stated each of the buildings will have side entrances for deliveries. Mr. Kinchloe noted there will be an ambulance loading zone area in the front of the building.

Ms. Spicer stated the DRC has reviewed the sign plans and they are in compliance with Town regulations. She also stated the street plans have been reviewed by the Town and comply with Town regulations. In regard to the Comprehensive Plan and neighborhood character, Ms. Spicer stated the DRC has reviewed the compatibility with neighborhood character and made a favorable recommendation based on the plans that were submitted.

Chairman Webber asked Mr. Calhoun if he has reviewed the erosion control plans. Mr. Calhoun stated he has not done a complete review of the erosion control plans. He explained he has a couple of issues and questions for the Town engineer and once he gets those issues resolved and he has completed his review the plans will most likely be approved.

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

The Board briefly deliberated the case.

**With regard to application number CU-2013001 for a conditional use permit to operate a dental clinic in the CG-Commercial General zoning district, Mr. Kilby moved 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) 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 conditional use permit in accordance with and only to the extent represented in the application and plans. Mr. Johnson seconded and all were in favor.**

**With regard to application number CU-2013002 for a conditional use permit to operate a medical clinic in the CG-Commercial General zoning district, Mr. Kilby moved 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) 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 conditional use permit in accordance with and only to the extent represented in the application and plans. Ms. Maringer seconded and all were in favor.**

Chairman Webber noted that Michael Gray will be taking Lance Johnson's place on the Board.

**(E) VROP-2013007, a vacation rental operating permit request from Steve Gale to operate a residential vacation rental at 127 Fisher Court, Lake Lure, North Carolina (Tax PIN 221828)**

Ms. Spicer and Steve Gale were sworn in.

Mr. Owensby mentioned he spoke to Mr. Gale during the recess but there was nothing discussed regarding this case. There were no other ex parte communications or conflicts of interest reported. Mr. Gale did not wish to challenge any of the Board members for cause.

Ms. Spicer gave an overview of the case. She stated Steve Gale is requesting a vacation rental operating permit (VROP) to operate a 3-bedroom residential vacation rental at 127 Fisher Court. The property is located in the R-3 Resort Residential zoning district, and there is an existing single-family dwelling on the lot. Residential vacation rentals are a permitted use in the R-3 district subject to special requirements contained in Section 92.042 of the Zoning Regulations. Section 92.042 (C) (1) of the Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. She pointed out the Board's packet includes a parking plan, verification from the Customer Service Supervisor for the Town stating that the property is on a septic tank, standard rental agreement, and verification that the property has been registered with the Rutherford County Tourism Development Authority. Ms. Spicer stated the Development Review Committee reviewed this application on July 11, 2013. The minutes from that meeting are included in your packet. There were no proposed changes to the appearance of the building or premises, so Zoning and Planning Board review was not required.

Mr. Gale presented his case. He stated he has a receipt from when the septic tank was pumped.

Ms. Maringer mentioned to Mr. Gale she saw a sinkhole to the left of the sidewalk where the concrete is broken near the front entrance to the house. Mr. Gale advised that no one

uses the front entrance. The entrance that is used is through the breezeway onto the deck to the house. Mr. Gale stated he could get it fixed.

Mr. Gray asked Mr. Gale where the access to the lake is located. Mr. Gale answered the lake access is shared with 129 Fisher Court. He pointed out that if 127 Fisher Court is advertised by itself, it is not advertised as having lake access. If a group rents 127 and 129 Fisher Court together, both properties will be allowed access to the lake.

Chairman Webber asked Mr. Egan what should be done since the application lists the property as having lake access. Mr. Egan stated a condition should be added for the VROP permit limiting access to the lake only when 127 and 129 are rented together.

Chairman Webber asked Mr. Gale if the septic will support a three bedroom house. Mr. Gale answered there has never been any problems in the past. He stated the septic is located in the front yard near the garage. He pointed out there is a drain field which comes off the septic and to the right.

Mr. Gray asked Mr. Gale if the water from the spring has ever been tested. Mr. Gale answered that it is not a spring, but a runoff from water coming off the roadway.

There were no more questions, so Chairman Webber closed the hearing.

The Board briefly deliberated the case. During deliberations, Mr. Egan suggested the Board add a condition that the property not be advertised or represented as having lake access

**With regard to application number VROP-2013007 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Mr. Kilby 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 and subject to the following condition:**

- 1. There will be no advertisement or representation that the residential vacation rental has access to the lake.**

**The motion was seconded by Mr. Owensby, and all were in favor.**



**(F) VROP-2013008, a vacation rental operating permit request from Exclusive Mountain Properties, agent for Douglas Elliot, to operate a residential vacation rental at 215 Sidney Lanier Drive, Lake Lure, North Carolina (Tax PIN 1624133)**

Ms. Spicer and Melissa Messer, owner of Exclusive Mountain Properties, were sworn in.

Mr. Gray noted Mr. Elliott is a client of his and Mr. Kilby noted Mr. Elliott is a client of his also. They both stated they will not be financially impacted by the results of this hearing. There were no other ex parte communications or conflicts of interest reported. Ms. Messer did not wish to challenge any of the Board members for cause.

Ms. Spicer presented an overview of the case. She stated Douglas Elliot is requesting a vacation rental operating permit (VROP) to operate a 3-bedroom residential vacation rental at 215 Sidney Lanier Drive. The property is located in the R-1A Residential zoning district, and there is an existing single-family dwelling on the lot. Residential vacation rentals are a permitted use in the R-1A district subject to special requirements contained in Section 92.042 of the Zoning Regulations. Section 92.042 (C) (1) of the Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. She pointed out the Board's packet includes an agent authorization letter, authorizing Ms. Messer or Susan McGowan to act as his agent. It also includes a parking plan, standard rental agreement, verification that the property has been registered with the Rutherford County Tourism Development Authority, verification from the Customer Service Supervisor for the Town stating that the property is on Town water, and a receipt that the septic tank on the property was pumped on July 25, 2012. Ms. Spicer stated there were no comments from adjoining property owners.

Ms. Spicer stated the Development Review Committee reviewed this application on July 11, 2013. The minutes from that meeting are included in the packet. There were no proposed changes to the appearance of the building or premises, so Zoning and Planning Board review was not required.

Mr. Owensby asked Ms. Messer who currently is renting the property. He stated he had went by the property and noticed there were renters there. Ms. Messer answered that Exclusive Mountain Properties is renting the property and are allowed to rent the property two times a year without a VROP permit. She stated they are using one of those allowances for that property now and the homeowner will be there the following week.

Chairman Webber asked Ms. Messer what the official address is for Exclusive Mountain Properties. He stated the Vacation Rental Agreement has a different address and feels like it should be consistent with what is used for the VROP Applications. Ms. Messer stated they have two offices but the official address is 110 Church Street, Lake Lure, NC. Chairman Webber then asked Ms. Messer what she knows about the septic tank for the property. Ms. Messer stated all she knows is the location. She pointed out that if you are coming down the driveway it is located on the left side of the front yard. She also stated

the septic tank was pumped last year. Chairman Webber asked how old the house is. Ms. Spicer answered, according to the Rutherford County Property Information Card, it was built sometime between 1997 and 1998. Chairman Webber mentioned that he will make the assumption the house was built with a septic system that would accommodate three bedrooms, since the Rutherford County Property Information Card lists it as a three bedroom when it was built.

There were no further questions, so Chairman Webber closed the hearing.

The Board briefly deliberated the case.

**With regard to application number VROP-2013008 for a vacation rental operating permit to operate a residential vacation rental in the R-1A Residential zoning district, Ms. Maringer 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, she 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. Gray seconded and all were in favor.**

**(G) VROP-2013009, a vacation rental operating permit request from Cornerstone Realty, agent for Nancy Carolyn Collins Gates, to operate a residential vacation rental at 450 Winesap Boulevard, Lake Lure, North Carolina (Tax PIN 1605149)**

Ms. Spicer and David Matthews, authorized agent for Nancy Gates' property, were sworn in.

Mr. Gray and Mr. Kilby stated Mr. Matthews is a client of theirs but they will not be financially impacted by the results of this hearing. There were no other ex parte communications or conflicts of interest reported. Mr. Matthews did not wish to challenge any of the Board members for cause.

Ms. Spicer presented an overview of the case. She stated Nancy Gates is requesting a vacation rental operating permit (VROP) to operate a 3-bedroom residential vacation rental at 450 Winesap Boulevard. The property is located in the R-3 Resort Residential zoning district, and there is an existing single-family dwelling on the lot. Residential vacation rentals are a permitted use in the R-3 district subject to special requirements contained in Section 92.042 of the Zoning Regulations. Section 92.042 (C) (1) of the

Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. She pointed out the packet includes a parking plan, standard rental agreement, and verification that the property has been registered with the Rutherford County Tourism Development Authority. She stated the water for the property is carried out by Carolina Water Systems (CWS) and the property has a septic tank. Ms. Spicer mentioned there were no comments from neighboring property owners.

She stated the Development Review Committee reviewed this application on July 11, 2013. The minutes from that meeting are included in your packet. There were no proposed changes to the appearance of the building or premises, so Zoning and Planning Board was not required.

Ms. Maringer noted that the real estate management agreement in the packet was blank. Mr. Matthews stated this is not a standard rental agreement. Ms. Spicer stated she has a copy of Mr. Matthews' standard rental agreement on file that he uses for his other rentals and could make a copy if the Board would like her to. Chairman Webber mentioned Mr. Matthews' standard rental agreement has been acceptable in the past with other VROP permits so he will not need a copy of it for this case.

Ms. Maringer asked about the septic permit. Ms. Spicer stated a septic permit was not issued with the application and she does not know if there is a copy of that on file. She stated the house is registered with the county as having three bedrooms. Chairman Webber mentioned he will make the assumption the house was built with a septic system that would accommodate three bedrooms, since it was listed as a three bedroom with the County when it was built.

There were no other questions, so Chairman Webber closed the hearing.

The Board briefly deliberated the case.

**With regard to application number VROP-2013009 for a vacation rental operating permit to operate a residential vacation rental in the R-3 Resort Residential zoning district, Mr. Kilby 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 all were in favor.**

**(H) VROP-2013010, a vacation rental operating permit request from Bethmyrl Rose to operate a residential vacation rental at 2355 Buffalo Shoals Road, Lake Lure, North Carolina (Tax PIN 230663)**

Ms. Spicer and Richard Lundy, Lodging Director of Rumbling Bald Resort and authorized agent for Ms. Rose, were sworn in.

Chairman Webber disclosed he and Beth served on the Board together at one time. There were no other ex parte communications or conflicts of interest reported. Mr. Lundy did not wish to challenge any of the Board members for cause.

Ms. Spicer presented an overview of the case. She stated Bethmyrl Rose is requesting a vacation rental operating permit (VROP) to operate a 1-bedroom residential vacation rental at 2355 Buffalo Shoals Road. 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 Section 92.042 of the Zoning Regulations. Section 92.042 (C) (1) of the Zoning Regulations states that VROP applications are to be deemed in the nature of and processed as a conditional use permit. She pointed out the packet includes a parking plan, an agent authorization letter, authorizing Mr. Lundy to act as her agent, verification from the Customer Service Supervisor for the Town that the property is on Town sewer, a certification letter from a certified plumber stating he inspected the sewer and it is operational and free of leaks, and a standard rental agreement from Rumbling Bald Resort.. She noted that according to the application the property has an individual well. Ms. Spicer stated there is an email included in the packet from Jeanette Bosgra, with Rutherford County Finance. In her response to Ms. Spicer's email asking if verification can be provided showing that this property has been added to Rumbling Bald Resort's list of vacation rentals, Ms. Bosgra stated Rumbling Bald submits occupancy tax each month but it does not give her a breakdown of each individual property.

Mr. Lundy presented an overview of the case.

Mr. Gray asked Mr. Lundy who owns the property. Mr. Lundy stated Ms. Rose is the trustee for the property. Mr. Gray asked Council if Ms. Rose being part of the trustee and not the actual owner will make a difference. Mr. Egan explained that Ms. Rose can make this request. He stated it will not preclude the Board from issuing a vacation rental operating permit.

There were no further questions, so Chairman Webber closed the hearing.

The Board briefly deliberated the case.

**With regard to application number VROP-2013010 for a vacation rental operating permit to operate a residential vacation rental in the R-1 Residential zoning district, Mr. Owensby 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. Gray seconded and all were in favor.

### NEW BUSINESS

Chairman Webber noted that Betty Johnson and Vicki Smith have both resigned from their positions on the Board. He stated if the Board knows of anyone who might be interested in joining the BOA, to have them submit an application. He noted that Town Council will appoint someone in September.

Chairman Webber also mentioned there will be a short discussion held at next month's meeting regarding absenteeism and if there should be a change to the bylaws about it.

### OLD BUSINESS

Chairman Webber stated the Board was given two documents to look over. He stated one is the proposed amendment to the bylaws regarding the requirement for applicants to be at the meetings, and the second is an informational handout from past training that Mr. Egan prepared. These two documents will be on next month's agenda.

### ADJOURNMENT

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

The meeting was adjourned at 3:21 p.m. The next regular meeting is scheduled for Tuesday, August 27, 2013 at 1:00 p.m.

ATTEST:

  
\_\_\_\_\_  
Stephen M. Webber, Chairman

  
\_\_\_\_\_  
Michelle Jolley, Recording Secretary