

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

**Tuesday, November 17, 2015  
1:00 p.m.**

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

**ROLL CALL**

**Present:** Stephen Webber, Chair  
David Butts  
Ronald Erickson, Seated Alternate  
Mark Hoek, Alternate  
John Kilby  
David Lusk, Seated Alternate  
Bob Cameron, Council Liaison

**Absent:** Patricia Maringer  
Melvin Owensby

**Also Present:** Sheila Spicer, Zoning Administrator

**APPROVAL OF THE AGENDA**

Mr. Kilby made a motion to approve the agenda as presented. Mr. Erickson seconded the motion. All voted in favor.

**APPROVAL OF THE MINUTES**

Mr. Kilby made a motion seconded by Mr. Butts to approve the minutes of the October 27, 2015 meeting as presented. All voted in favor.

**HEARINGS**

- (A) VROP-2015014, a vacation rental operating permit request from Valerie Wrobel, agent for Brian & Patricia Kiley, to operate a residential vacation rental at 156 Hummingbird Cove, Lake Lure, North Carolina (Tax PIN 1643249)

Ms. Spicer and Ms. Wrobel 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. Ms. Wrobel did not wish to challenge the Board for cause.

Ms. Wrobel submitted to the Board an agent authorization letter from Brian & Patricia Kiley authorizing her to act as their agent; the letter also requested to amend the application to increase the occupancy to 8. Chairman Webber accepted the letter as 'Applicant Exhibit 1'.

Ms. Spicer presented the case. She stated that Valerie Wrobel is requesting a Vacation Rental Operating Permit (VROP) to operate a 4-bedroom residential vacation rental. She pointed out the packet includes a copy of the application, a parking plan, standard rental agreement, a lake commercial license application for a kayak, and verification from Jeanette Bosgra with Rutherford County Finance that this property has been registered with the TDA.

This request was sent to the DRC for review on November 3, 2015; Ms. Spicer stated that no comments or concerns were received. She mentioned she did not receive any comments from neighboring property owners.

Mr. Butts asked if parking was off-street. Ms. Spicer stated that, when she visited the site, the town vehicle was parked in one of the parking spaces shown on the parking plan and it was out of the street. Chairman Webber pointed out that the parking plan indicates the parking is inside the property boundaries.

Chairman Webber asked if there are any concerns about the proposed increase in occupancy. Ms. Wrobel conveyed that there are two grinder pumps that pump sewer up to the street, so the sewer is adequate. Ms. Spicer pointed out that the Rutherford County tax information card included in the packet indicates the home only has three bedrooms. Chairman Webber noted that the proposed occupancy is what the regulations would allow for a two-bedroom home.

Ms. Wrobel stated the property owners would like to allow use of a non-motorized boat with the rental and the boat license has been applied for. The Board did not feel that a condition was needed regarding the approval of the commercial boat license.

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

Mr. Kilby made the following motion:

**With regard to application number VROP-2015014 for a vacation rental operating permit to operate a residential vacation rental in the R-1 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 as amended.

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. Butts seconded the motion. Mr. Butts, Mr. Erickson, Mr. Kilby, Mr. Lusk, and Chairman Webber voted in favor.

The permit was granted with the amendment to the application to allow for an occupancy of eight people. The Board felt that the application was complete and all requirements have been met.

**(B) VROP-2015015, a vacation rental operating permit request from Rudy and Susan Esposito to operate a residential vacation rental at 245 Bald Mountain Crescent, Lake Lure, North Carolina (Tax PIN 216729)**

Ms. Spicer and Mr. Esposito were sworn in. Mr. Erickson disclosed he met with Mr. Esposito while on site and discussed the need for lighting at the steps as well as animal resistant trash containers. Mr. Esposito mentioned he would provide both. There were no other ex-parte communications or conflicts of interest to disclose. The Board felt they could reach a fair and unbiased decision. Mr. Esposito stated he did not wish to challenge the Board for cause.

Ms. Spicer presented the case. She stated that Mr. Esposito is requesting a VROP to operate a 3-bedroom residential vacation rental. She pointed out the packet includes a copy of the application, a parking plan, standard rental agreement that includes the Town contract addendum information, and verification from Jeanette Bosgra with Rutherford County Finance that this property has been registered with the TDA.

Ms. Spicer reported that this request was sent to the DRC for review on November 3, 2015 and no comments were received. She mentioned she did not receive any comments from neighboring property owners.

The consensus of the Board was that the application covered all of the requirements for the request. They stated they had no additional questions for Ms. Spicer or Mr. Esposito.

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

Mr. Butts made the following motion:

**With regard to application number VROP-2015015 for a vacation rental operating permit to operate a residential vacation rental in the R-3 zoning district, Mr. Butts 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. Erickson seconded the motion. Mr. Butts, Mr. Erickson, Mr. Kilby, Mr. Lusk, and Chairman Webber voted in favor.

The Board felt that the application was complete and all requirements have been met.

**NEW BUSINESS**

It was announced that Chairman Webber was elected to Town Council and Mr. Kilby may have to act as the Chairman for the December meeting.

Chairman Webber reminded Mr. Kilby and Mr. Hoek that their terms are up at the end of the year; both stated they would like to be reappointed.

**OLD BUSINESS**


None

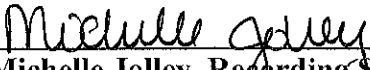
**ADJOURNMENT**

Mr. Erickson made a motion seconded by Mr. Lusk to adjourn the meeting. All voted in favor.

The meeting was adjourned at 1:28 p.m. The next regular meeting is scheduled for Tuesday, December 15, 2015 at 1:00 p.m.

**ATTEST:**

  
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Stephen M. Webber, Chair

  
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Michelle Jolley, Recording Secretary