

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

**Tuesday, February 24, 2015
1:00 p.m.**

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

ROLL CALL

Present: Stephen Webber, Chair
David Butts
Ronald Erickson, Alternate
Mark Hoek, Seated Alternate
John Kilby
Patricia Maringer
Norman McGlohon, Alternate
John Moore, Council Liaison

Absent: Bob Cameron, Council Liaison
Melvin Owensby

Also Present: Sheila Spicer, Zoning Administrator
Michelle Jolley, Recording Clerk

APPROVAL OF THE AGENDA

Ms. Maringer made a motion to approve the agenda as presented. Mr. Hoek seconded the motion. All voted in favor.

Chairman Webber welcomed Ronald Erickson as an alternate member to the Board of Adjustment.

APPROVAL OF THE MINUTES

Ms. Maringer pointed out that the word 'properties' in the last sentence on page four of the minutes should be changed to 'problems'. Chairman Webber stated his first name is misspelled on the second page of the minutes.

Mr. Kilby made a motion seconded by Ms. Maringer to approve the minutes of the January 27, 2015 meeting as amended. All voted in favor.

HEARINGS

(A) VROP-2015001, a vacation rental operating permit request from Jean Brown to operate a residential vacation rental at 476 Cut Away Road, Lake Lure, North Carolina (Tax PIN 221158)

Ms. Spicer and Ms. Brown were sworn in. There were no ex parte communications or conflicts of interest reported. Ms. Brown did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated the property owners are requesting a five-bedroom vacation rental. She pointed out that the Board's packet includes an application, parking plan, a standard rental agreement with a Town contract addendum, verification from Jeanette Bosgra with the Rutherford County Finance that the property has been registered with the Tourism Development Authority, certification from Ty Crawford Plumbing that the connection to the Town's sewer system is operational and free of detectable leaks, and a letter from Jean Brown stating that the property will be managed by Lake Country Vacation Rentals.

Ms. Spicer reported that the application was sent for review to the Development Review Committee on February 5, 2015. She pointed out that her review revealed the dwelling had originally been permitted by the Town as a four-bedroom home and by Rutherford County Building Inspections as a three-bedroom home; however, those permits have since been updated, and the home is now permitted by both entities as a five-bedroom home.

Ms. Spicer stated that she received an email earlier in the day from Lewis Sommerville, a neighboring property owner, who stated he could not attend the meeting but was not opposed to the request. Ms. Spicer presented a copy of the email to the Board, and Chairman Webber entered it into the record as 'Staff Exhibit 1'.

Ms. Brown assured the Board that there is ample parking on the property and signs would be posted for the designated parking area. She stated that she has a verbal agreement with Gary Hasenfus, the neighboring property owner to the east, granting him an easement for emergency access to his property. In regards to public safety, Ms. Brown conveyed that she has smoke detectors, CO2 detectors, fire extinguishers, handrails, and she will be posting signs for parking.

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

With regard to application number VROP-2015001 for a vacation rental operating permit to operate a residential vacation rental in the R-1 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. Hoek seconded. Mr. Butts, Mr. Hoek, Mr. Kilby, Ms. Maringer, and Chairman Webber voted in favor.

The board members felt that all requirements and findings had been met. The permit was granted with no conditions.

(B) VROP-2015002, a vacation rental operating permit request from Bradley & Elizabeth Jones to operate a residential vacation rental at 219 Picnic Point Road, Lake Lure, North Carolina (Tax PIN 231238)

Ms. Spicer and Mr. and Ms. Jones were sworn in. There were no ex parte communications or conflicts of interest reported. Mr. and Ms. Jones did not wish to challenge any seated members for cause.

Ms. Spicer presented the case. She stated the property owners are requesting a three-bedroom vacation rental. She pointed out the Board's packet includes an application, a standard rental agreement, vacation rental contract addendum, parking plan, Septic Improvement Permit from Rutherford County Health Department, a soil scientist evaluation, and verification from Jeanette Bosgra with the Rutherford County Finance that this property has been registered with the Tourism Development Authority.

Ms. Spicer reported that the request was sent to the Development Review Committee on February 5, 2015, and there was a concern raised that the standard rental agreement did not meet all of the state requirements. Ms. Spicer stated she corresponded with Mr. and Ms. Jones who provided her with a revised standard rental agreement as well as an agent authorization letter that all of the property owners signed granting Mr. Jones the authority to appear on their behalf at the hearing. Ms. Spicer presented both of these to the Board. Chairman Webber labeled the agent authorization letter 'Applicant Exhibit 1' and the revised rental agreement 'Applicant Exhibit 2'.

Ms. Spicer mentioned she received a voicemail from David Tuten who had concerns that things would "get wild". She stated she called him and left a voicemail stating she would convey his concerns to the Board. Ms. Spicer also noted she received a call earlier today from Garrett Humphries who had general questions about vacation rentals and stated he was not opposed to this request.

Mr. Hoek stated he noticed a few cinder blocks outside which were loose and there was no lighting at the dock. He suggested Mr. Jones add lighting at the dock and secure any loose cinder blocks. Chairman Webber mentioned there was a light that was facing towards the roadway and suggested Mr. Jones turn it to where it does not shine into oncoming traffic. Mr. Jones stated he would be making improvements to the property and would take care of those concerns. Ms. Maringer pointed out there were no animal proof trash receptacles on the property which is a requirement. She also mentioned some of the railing on the upper deck was a little loose. Mr. Jones agreed to take care of all these concerns.

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

With regard to application number VROP-2015002 for a vacation rental operating permit to operate a residential vacation rental in the R-1 zoning district, Mr. Hoek 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. Kilby seconded. Mr. Butts, Mr. Hoek, Mr. Kilby, Ms. Maringer, and Chairman Webber voted in favor.

The Board felt that all requirements were met and felt assured Mr. Jones would take care of all public safety concerns that were raised. The permit was granted with no conditions.

NEW BUSINESS

None

OLD BUSINESS

None

ADJOURNMENT

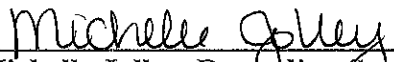
Ms. Maringer made a motion seconded by Mr. Butts to adjourn the meeting. All voted in favor.

The meeting was adjourned at 1:32 p.m. The next regular meeting is scheduled for Tuesday, March 24, 2015 at 1:00 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary

