



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

**Tuesday, November 20, 2018
1:00 p.m.**

Vice Chair Melvin Owensby called the meeting to order at 1:00 p.m.

ROLL CALL

Present:

**Melvin Owensby, Vice Chair
Bill Bay
Neil Gurney
David Lusk
Al Joyner- Seated Alternate Member
Stephen Webber, Council Liaison**

Absent: Chairman Mark Hoek, Lyn Weaver, Wyn Hardy- Alternate

**Also Present: Brad Burton, Code Enforcement Coordinator
Garrett Murphy, Development and Environmental Review Specialist
Sha'Linda Pruitt, Recording Secretary**

William Morgan –The Town Attorney

Vice Chair Melvin Owensby is present as acting Chairman in Mark Hoek's absence.

APPROVAL OF THE AGENDA

Mr. Burton submitted a change to the agenda because the application package for Mr. Burgess was not reviewed by the Zoning and Planning Board first as is required. Brad Burton informed Mr. Burgess that the hearing will need to be held at the December meeting. A motion was made to take Mr. Burgess off the agenda for his request for a conditional use permit.

Vice Chair Owensby also wanted it noted that David Lusk was listed as an seated alternate member, and would like it changed to reflect that Mr. Lusk is a full time board member.

Mr. Bay made a motion amend the agenda seconded by Mr. Gurney to approve the Agenda as presented. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Lusk made a motion seconded by Mr. Bay to approve the minutes of the October 23, 2018 regular meeting as presented. All voted in favor.

1. Hearings

- (a) ZV-2018003, a request by Stephen Webber for a zoning variance. The property is located at 266 Burnt Ridge Road in Lake Lure, NC 28746

All speaking parties are sworn in. No board members have any ex parte interest or conflict towards this hearing. Mr. Webber expresses that he did not wish to challenge any of the board members.

Mr. Murphy read the memorandum in regards to Mr. Webber's request for a zoning variance application number ZV-2018003; Stephen Webber, property owner, is requesting a 33-foot variance from the Town's lake front setback requirements for an addition at 266 Burnt Ridge Road in Lake Lure, North Carolina. The property is located in the R-1 zoning district.

The proposed addition will not expand the building footprint, and will raise and extend the roofline to the edge of the existing, attached concrete patio on the first floor.

The roofline will be altered in design to fix an existing water drainage issue, and will match the pitch of the main roofline of the existing home. A deck will also be constructed under the roofline on the second floor.

The roofline encroachment is where the variance is being sought.

Mr. Murphy then reviewed the application information with the Board for questions.

Vice Chair Owensby opened the floor for questions.

Mr. Gurney questioned the current distance of lake set back, of 5.25 feet. Mr. Burton articulated that the new structure would add less than 3 feet to the roofline, but the building footprint would not be expanded.

Mr. Gurney also asked what the precedence of the proposed addition was, in which Mr. Burton informed him of a drainage issue in the gutter section. Mr. Gurney also asked about input from neighbors, and it was stated that there were none.

Mr. Joyner confirmed that the height limit of the Town would not be exceeded.

Vice Chair Owensby opened the floor for Mr. Webber to present his case.

Mr. Webber asked that the board members look at the illustrated drawing provided inside of their packet. He proceeded to explain why the variance is needed in regard to his residence.

Mr. Webber pointed out that none of the damage was caused by him, and he has water drainage issues regardless of what he has done.

Vice Chair Owensby asked whether any board members had any questions for Mr. Webber.

Mr. Bay confirmed that the Master bedroom was to be enlarged, and Mr. Webber also stated the Master bathroom would be as well.

Vice Chair Owensby closed the case, and moved onto the finding of the facts:

Mr. Bay commented that it will not affect the neighbors view, and that it will only be seen from the lake. It will also fix the drainage issue.

Vice Chair Owensby disclosed that he had personally noticed Mr. Webber working at his residence's drainage issue's in the past.

Mr. Gurney confirmed that this type of variance is not uncommon, and neighbors would not be affected.

Mr. Joyner confirmed the variance would stay within the building footprint, and would not exceed height limitations.

With regard to application number ZV-2018003 for a zoning variance of 33' in the front (lake) yard setback of 266 Burnt Ridge Road in Lake Lure, NC , 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) 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.

The board moves to accept the items represented. Mr. Bay made the motion. Mr. Joyner made the second. All voted yes in favor. Zoning Variance has been granted.

(a) ——— CU 2018002, a request by Donald Burgess for a conditional use permit. The property is located at 2047 Memorial Highway in Lake Lure, NC 28746.

NEW BUSINESS

None

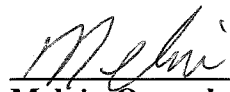
OLD BUSINESS

None

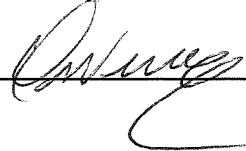
ADJOURNMENT

Mr. Lusk made a motion seconded by Mr. Gurney to adjourn the meeting. All voted in favor. The meeting was adjourned at 1:20 p.m. The next regular meeting is scheduled for Tuesday, December 18, 2018 at 1:00 p.m.

ATTEST:



Melvin Owensby





Sha'Linda Pruitt, Recording Secretary