



Minutes of the Regular Meeting of the  
Zoning and Planning Board

Tuesday, September 15, 2015

Lake Lure Municipal Center

**ROLL CALL**

**Present:** Thomas M McKay, Chair  
Charlie Ellis  
Jonathan Hinkle  
Norman McGlohon  
John Moore, Town Council Liaison

**Absent:** Bruce Barrett

**Also Present:** Shannon Baldwin, Community Development Director  
Chris Braund, Town Manager  
Michelle Jolley, Recording Secretary  
Sheila Spicer, Zoning Administrator

The meeting started at 9:33. Commissioner Moore gave the invocation.

**APPROVAL OF THE AGENDA**

Chairman McKay proposed adding Donna Morrison to the agenda.

**Mr. Ellis made a motion to approve the agenda as amended. Mr. Hinkle seconded the motion. All voted in favor.**

**APPROVAL OF THE MINUTES**

**Mr. Hinkle made a motion to approve the minutes of the July 21, 2015 regular meeting as presented. Mr. Ellis seconded the motion. All voted in favor.**

Ms. Morrison approached the Board and stated she has a vacation home with a basement apartment. She asked the Board to consider rezoning her property so that she could rent out her basement apartment.

Ms. Spicer provided an overview. She explained that Ms. Morrison wants a Vacation Rental Operating Permit (VROP) for her basement apartment in Lake Lure Village Resort, currently zoned as R-3. The Town has no record of the basement apartment being permitted. A permit was issued in 2006 to change the basement area to finished space; however it was never approved as a dwelling unit. She stated that Ms. Morrison is wanting to get a VROP but the basement apartment must first be permitted. She pointed out that in R-3, basement and garage apartments are not a permitted or a conditional use. She mentioned that a proposed amendment was brought before the Board a few months back; however the Board tabled the discussion. She stated it may have been an oversight in the regulations that prohibits garage and basement apartments as a permitted or a conditional use in R-3. Ms. Morrison is asking that the Board revisit the issue and allow garage and basement apartments in R-3. Mr. Baldwin stated the Board could revisit this issue for consideration and discuss what is best for the community.

Ms. Spicer conveyed that Ms. Morrison assured her she is not currently advertising the basement apartment for rent. Chairman McKay stressed to Ms. Morrison the importance of not renting until the basement apartment is permitted. Ms. Spicer could not recall if there were any specific concerns or reasons that this issue was tabled in the past but stated she did not recall any concerns raised. Mr. Baldwin added that staff took this issue to the Town Council and Town Council sent it for review before the Zoning & Planning Board. He noted that it may have been an oversight in the regulations that basement apartments are not allowed in R-3. Ms. Spicer mentioned that in the R-1 districts, garage apartments are a conditional use; whereas, duplexes and multi-family dwellings are permitted uses in the R-3 district. Chairman McKay stated this would be on the agenda at the October meeting.

## **OLD BUSINESS**

### **A. Discussion on a Rezoning Application for a request to rezone portions of the dam and lake operations parcel from R-1 and GU to CG.**

Mr. Baldwin briefed the Board on the request. He stated the application was submitted by the Town to extend CG to cover the Lake Operations office, a small portion in front of the dam, portions of the shoreline that are R-1, and R-1A. He noted that CG allows for municipal operations. Mr. Braund added that it is consistent with how the east end of the lake is viewed strategically. He mentioned this is one of the few areas around the lake that could accommodate commercial businesses and town municipal operations.

Mr. Baldwin conveyed that no private property would be rezoned per this application; it is all town owned property. He stated that the Board would need to make a determination as to whether the request is consistent or inconsistent with the Comprehensive Plan and if the Board would like to make any recommendations to Town Council. He stated this would allow for government buildings/uses (municipal operations).

Mr. Hinkle made the recommendation that Town Council find the rezoning request consistent with the Comprehensive Plan and rezone the requested portions to CG. Mr. Ellis seconded the motion. All voted in favor.

**B. CU-2015003, a conditional use permit application from Vic Knight, agent for John and Linda Herring, to change the use of an existing single-family dwelling to a garage apartment to allow for construction of a new single-family dwelling on the same lot. The property (Tax PIN 1641007) is located at 139 Fisher Court, Lake Lure, NC 28746**

Mr. Hinkle stated he may possibly be a contractor on this project and asked to be recused from the hearing. Mr. Ellis moved to accept Mr. Hinkle's recusal. All members voted in favor.

Ms. Spicer briefed the Board on the case. She stated that Mr. and Ms. Herring currently have a single family dwelling at 139 Fisher Court that is already designed as a garage apartment. She conveyed that they wish to build another single family dwelling on the lot. She pointed out that the packet includes the original plans that were approved by the Town and stated that a Conditional Use Permit is required for the garage apartment before they can get a Certificate of Zoning Compliance for the new structure. They have purchased the Groce property to the south of them and are in the process of demolishing that single family dwelling so they can do a recombination to move their southern lot line so that they can then move the new single family dwelling further south and away from the existing single-family dwelling. She mentioned that Suzy Smoyer, Subdivision Administrator, has already reviewed the proposed recombination plat and stated it could be approved once the demolition is done. A recommendation will need to be made to send to the Board of Adjustment, who will review in October.

Ms. Spicer mentioned the site plan included in the packet reflects the new lot configuration once the recombination plat is approved. Vic Knight, landscape architect and representing Mr. Herring with the site plan, stated that by purchasing the Groce lot and removing the existing structure on the lot, Mr. Herring's intention is to resale that lot or potential build a spec home on that lot. This would allow the Herring's to position their home in a location that is further removed from the lot to the north which would allow them more spacing.

Mr. Knight stated the Herrings intention is to either resell the lot they purchased or potentially build a spec home on that lot. He mentioned that there is a 4" sewer line on the Groce' lot that runs across the Herring's lot down to the lake. He noted that it was part of Mr. Herring's application in 2003 that a sewer lift station be put in to pump up to Fisher Court. He stated that the plan is to remove all sewer from going into the lake and have it all pumped up to Fisher Court. Ms. Spicer expounded that the Groce' sewer line was experiencing continual problems and the Town asked that any future development on the lot be put on a better sewer line that is pumped up to the street and not to the lake.

Mr. Herring mentioned that Dave Odom, an engineer, is currently designing a septic system to accommodate 15 houses on Fisher Court. Therefore, an association is being formed to acquire funds for the new septic system that will accommodate everyone on Fisher Court to prevent future problems. He also mentioned that the proposed plans will move his house 100' from houses on neighboring lots. Ms. Spicer noted that the newly configured lot not being built on meets all the requirements.

Mr. Baldwin read over item (6) in the application relative to the Comprehensive Plan and Neighborhood Character. Mr. Ellis made the following motion:

**Mr. Ellis made a motion that Zoning & Planning Board finds the application and plans for CU-2015003 are in harmony with the neighborhood character in which it is located and meets all of the applicable requirements of the Zoning Regulations for conditional uses. Mr. McGlohon seconded the motion. All voted in favor.**

**Motion made to bring Mr. Hinkle back into the meeting. All members voted in favor.**

### **C. Planning Projects Update**

Mr. Baldwin briefed the Board on ongoing projects. He stated that a report was created and included in the packet from the community agriculture meeting that was held. All issues were summarized and recommendations that were made were also included in the packet. He conveyed that the group of citizens who attended the meeting chose not to move forward with creating a subcommittee to review this. They felt the ZPB could make a few tweaks and move forward. Mr. Baldwin suggested discussing this at next month's meeting. Mr. McGlohon pointed out that the vast majority of those who attended the meeting showed interest in gardens. He recommended looking into an AR district. The Board agreed to continue with this discussion at next month's meeting.

In regards to a memo that Steven Webber, Chairman of the Board of Adjustment, provided, Mr. Ellis asked for an update on non-conforming structures, which went before Town Council at their September meeting. Commissioner Moore conveyed that Town Council agreed to pass this on to ZPB for review. Mr. Webber asked for this to be put on the October agenda for ZPB. He explained he recommended review on non-conforming structures for the following reasons: (1) tax base – where it ties into the tax base with the current structures; (2) if the rules are realistic in what the Town wants to achieve overall. He stated that he has provided recommended changes in draft language and stated he would like to present this at next month's ZPB meeting. Mr. Ellis asked Commissioner Moore if Town Council had any comments at their last meeting. Commissioner Moore stated there really weren't any comments and Town Council did not lean one way or the other. Town Council felt that this should be sent to ZPB for review.

Mr. Baldwin gave an update on the agreement with Alan Moore regarding property boundary and right-of-way that was surplus after 64/74 was moved. He stated that the Town is waiting on DOT to come back with a legal instrument to convey the property.

The Board recessed until 10:30 to meet jointly with Town Council. Minutes for that meeting were conducted by Andi Calvert, Town Clerk, and area attached. The next regular meeting is scheduled for Tuesday, October 20, 2015 at 9:30 a.m. at the Lake Lure Municipal Center.

**ATTEST**

  
Thomas M McKay, Chair

  
Michelle Jolley, Recording Secretary