



**Meeting of the
Zoning and Planning Board
Minutes**

Regular meeting, Tuesday, December 15, 2020

Council Chambers

Present: Dave Keenan, PE
Thomas M. McKay, Chair
Randal Nelson
Mike Holden
Jonathan Hinkle, Vice Chair

Absent: John Moore, Town Council Liaison

Also Present: Mitchell Anderson, Assistant Community Development Director
Sha'Linda Pruitt, -Recording Secretary

The meeting started at 9:35am.

INVOCATION

Chairman McKay opened with a prayer.

ROLL CALL

Mr. McKay called roll.

APPROVAL OF THE AGENDA

Chairman McKay asked for a motion to approve the agenda. Mr. Holden made a motion to approve the agenda and Mr. Nelson made the second. All voted in favor.

APPROVAL OF THE APPROVAL OF THE MINUTES

Chairman McKay asked for a motion to accept the minutes as presented. Mr. Holden made the motion to approve the minutes and Mr. Keenan gave the second. All voted in favor.

Approval of the 2021 Z&P Regular Meeting Schedule

Chairman McKay asked for a motion to accept the 2021 regular meeting schedule as presented. Mr. Holden made the motion to approve the minutes and Mr. Nelson gave the second. All voted in favor.

NEW BUSINESS

- a. Conditional Use Permit #CU-2020002: Sciandra- Requesting CUP for a garage apartment in R-1 zoning district.

James Sciandra is requesting a Conditional Use Permit for the construction of a garage apartment created by the conversion of the current single family residence into a garage and garage apartment, located at 141 Gentlewinds Lane in Lake Lure, North Carolina (Parcel number 219240). This property is located in the R-1 Residential Zoning District.

Additional Information for the Board:

- 1) Town staff has reviewed the proposed structures and find that all planned structural placement and dimensions are in compliance with the Town's Zoning Regulations.
- 2) Mr. Sciandra has provided a complete application, to-scale plans, and proof of available sewer and water for the proposed project site. These documents are included in the meeting packet.
- 3) Pursuant to §92.046(B(2)), a conditional use request requires a review by the Development Review Committee, and the Zoning and Planning Board for comments. Comments received are included in the meeting packet.
- 4) Mr. Sciandra has proposed the construction of a new single family residence to be constructed on the parcel. This proposed single family dwelling would become the new primary structure. Mr. Sciandra must file the appropriate permit applications for review and approval to the Town prior to construction of this new single family dwelling.

The board reviewed the submitted plans and application by Mr. Sciandra and opened the floor for Mr. Sciandra to state his case.

Mr. Sciandra stated that he is proposing to build a garage apartment using the existing 840 square foot log cabin as the living area of the garage apartment. The log cabin was built in the 1930's and remains relatively unchanged. Even the doors and hardware are original. Mr. Sciandra stated that he has done his absolute best to preserve the log cabin because he believes this cabin holds historical value for the town of Lake Lure as it appears to be one of the last original log cabins built directly on the lake. Mr. Sciandra stated that his hardship exists due to the small dwelling space in the principal living structure. Mr. Sciandra has a large family with 5 children. The historic log cabin is really a 2 bedroom. Mr. Sciandra has already attempted to maximize the space to sandwich in a 3rd bed. But still has concluded that 840 square foot is just not enough.

The board reviewed the plans submitted by Mr. Sciandra.

Mr. Nelson asked for clarification as to what exactly the board is considering. Is this application only in reference to adding a garage onto the existing cabin? Why did Mr. Sciandra decide to move forward in this direction as opposed to the suggestions recommended by the board last month?

Mr. Sciandra expressed that his new application and plans reflect a better alternative to accommodate the size of his family. It was recommended to convert the cabin into a garage apartment and build a single family resident but with this being the last original cabin left on the lake we wanted to preserve it as much as possible for the historic value if we removed the kitchen it would alter this. Mr. Murphy has pointed out that the issue was related to the proposed garage space would be larger than the space of the principal structure that it would be considered having two principal structures on one parcel. To avoid that problem we decided to make the existing cabin into the accessory structure then build the new structure as the primary. The hardship relates to there not being enough space for a family of his size.

Mr. Keenan asked whether Mr. Sciandra would be submitting a new application to make the cabin the accessory as well and Mr. Sciandra confirmed and stated that this would now bring him into compliance with the town's zoning regulations for this district.

Mr. Nelson pointed out that while this is now being presented as an accessory structure that it is in fact still a dwelling unit. This would create two dwellings onto one property which is against regulation.

Mr. Sciandra pointed out that there is precedent for allowing garage apartments and that anyone who has been granted the right to build a garage apartment would in fact also have two dwelling units onto one property which is the current case.

Mr. Anderson provided definitions as to how a garage apartment is defined according to the zoning regulations.

Mr. Hinkle stated that having a garage apartment and a principal structure is allowed with a Conditional Use Permit.

Mr. Anderson confirmed that a Conditional Use Permit would be required.

Mr. Hinkle provided further input. The intent of our zoning ordinances for these separate dwelling units is to keep people from being able to put two dwelling units onto a piece of property so that down the road the person can't subdivide the land into two parcels leaving two smaller properties. The R1 zoned lots are required to have 10,000 sf or .229 acres of land and if you have more than that you could separate the

land and have two parcels which would both still be in compliance with the current zoning regulations for the town.

Mr. Holden interjected that you also must have 100ft of lake frontage shoreline to be considered a parcel.

Mr. Anderson confirmed and provided the requirements that must be met in order to have a conditional use permit approved.

Mr. Hinkle point out that based on the current size of Mr. Sciandra's lot there is no way that he could turn around and divide it down the road into two separate parcels.

Chairman McKay pointed out that this is an excellent design and solution that the applicant and staff were able to come up with.

Mr. Holden asked are we still considering the original footprint of the new structure that was submitted with the first application which was within the setback boundary of the town?

Mr. Sciandra confirmed.

Mr. Nelson asked if any variances required for this application. Mr. Anderson stated that it would not need a variance based on the current submitted plans.

Chairman McKay asked whether Mr. Sciandra would be moving his well. Mr. Sciandra stated that he planned to still use the current water system that he has in place.

Mr. Sciandra stated that he is not interested in removing the kitchen from the cabin to maintain its original state. He also asked that he receive the same opportunities as anyone else who has been granted permission to build a garage apartment which would also include a designating cooking area.

Discussion ensued.

Mr. Nelson made a motion to approve the conditional use permit conditional on the owner adhering with one of the suggested mitigated recommendations from staff. Mr. Holden gave the second. All voted in favor.

OLD BUSINESS

None

MONTHLY REPORTS- November 2020

Garret Murphy is no longer with the town of Lake Lure. I have been conducting interviews and we have selected a candidate. His name is Mike Williams. He is a resident of Lake Lure and has 8 years of experience coming in from Hendersonville. Currently Mr. Anderson is the only employee in the community development.

Mid January a determination will be made as to the continuous of digital meetings. Next month's meeting will also be conducted on Zoom.

Mr. McKay asked for a project update. Mr. Anderson reviewed his reoccurring town projects.

There is a parcel book that staff has created

There is no update of Grey Longs Cove and the Highlands. Staff has reached out in November and December but still has not received a response. Mr. Nelson will work with Mr. Anderson towards a resolution.

The lake will be going down as far as it can in January so that people can make repairs and to survey the area for other projects.

Chimney Rock State Park Egress/Ingress the town submitted a transportation project proposal to the Isothermal Planning and Development Commission for consideration of Lago Vista Drive as a future dedicated egress for Chimney Rock State Park.

Staff has been meeting with Advance Data & Networking Solutions to collect information

Mr. McKay asked about the plans for the restaurant and marina project. Mr. Anderson The TDA has been in talks with the Town Manager to highlight the existing new boardwalk that was put in place at the Marina

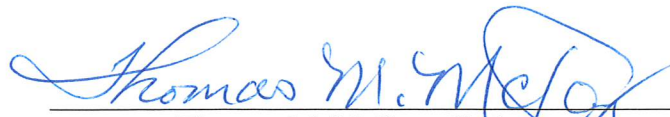
At&t cellular advancement communications for the town. At&T has desired to place a tower in Morse Park. We plan on meeting with At&t in January.

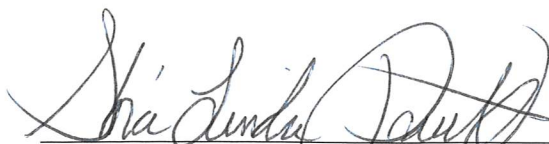
ADJOURN

Chairman McKay asked for a motion. Mr. Holden made a motion to adjourn. Mr. Keenan gave the second. All voted in favor.

The meeting adjourned at 10:40am.

ATTEST


Thomas M. McKay, Chair


Sha'Linda Pruitt, Recording Secretary