

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, September 24, 2024 at 1:00 PM

Lake Lure Municipal Center



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of August 27 Meeting Minutes

IV. Public comments (*if any*)

V. Old Business

VI. New Business

- A. Special Use Permit: SUP2024006 – property owner, Jonathan Hinkle, is proposing 480 square foot modular commercial building for use as a business office for Marathon Construction. (An office building for this site was reviewed and approved by the board 3/26/24 but was not built and that SUP will be voided if this replacement is approved.) Property address is 2520 Memorial Hwy/tax parcel #1605470 (old school site). The property is zoned Commercial General.

VII. Adjournment

Protocol For Quasi-judicial Hearings

1. **Call To Order**
 - a. Meeting of the Lake Lure Board or Adjustment / Lake Lure Lake Structure Appeals board on *(today's date)*
 - b. Welcome the audience and open meeting (if haven't done so, please silence phones)
2. **Roll Call**
 - a. Each board member to state their name
 - b. Let the record show we also have:
 - i. 2 alternate members
 - ii. From the Town we have Mike Williams and Rick Carpenter and Wendy Terry
 - iii. Commissioner David DiOrio as the Town Council liaison
3. **Approval of Agenda**
 - a. Poll members for additions or changes
 - b. Need a motion to approve, all in favor "aye", against "nay"
 - c. Agenda approved (or as amended)
4. **Approval of Minutes**
 - a. Poll members for additions or changes
 - b. Need a motion to approve, all in favor "aye", against "nay"
 - c. Minutes approved (or as amended)
5. **Public Comments**
 - a. If any members of the public would like to make a comment to please some up to the podium to speak and state your name for the record.
 - b. Respond to comment if needed
6. **New Business: Hearings**
 - a. **Explanation of Proceedings to Audience:**
 - i. Explain to the audience that the proceedings are Quasi-Judicial in nature
 - ii. That is because the decisions involve the findings of facts regarding a specific regulation or ordinance.
 - iii. If you want to speak (give testimony) you must first be sworn in (which we will do in a, few minutes)
 - iv. You may be asked questions by the Board, or any other person who is also giving testimony today in this matter.
 - v. We keep records of the entire proceedings today so when you come up to the podium to speak please state your name and your relationship to the case - are you the property owner, architect, contractor or neighbor.
 - vi. The information you share has to be directly pertaining to this case.
 - vii. It is your responsibility of the Applicant to convince this Board why your application should be approved

We are now going to introduce the first case and swear in anyone who wanted to speak

- b. Introduction of Case**
 - i. Read out the case as it appears on the agenda
- c. Swear in Witnesses:**
 - i. If you expect to testify in this matter, please stand and raise your right hand so that you may be sworn in.
 - ii. "Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth? If so, please say "I do".
- d. Ethical Considerations:**
 - i. Chair ask the board if any member of this board have a Conflict of Interest, have had any Ex Parte Communications or feel they would be otherwise unable to be an impartial decision-maker in this case?
 - ii. Applicant may challenge any board member for cause – Ask the Applicant.
- e. Staff Presentation**
 - i. Invite the Staff to present the case
 - ii. The Applicant and Board members are offered the opportunity to ask questions
- f. Applicant Presentation**
 - i. Invite the applicant to present their information
 - ii. The Town and Board members are offered the opportunity to ask questions
- g. Other Party Presentation(s) [if needed]**
 - i. Any others present who wish to testify are invited to do so now
 - ii. Applicant, Town and Board are offered the opportunity to ask questions
- h. Rebuttals & Closing Arguments:**
 - i. Ask for any final questions or closing statements in the following order (1) the Town, (2) the Applicant then (3) other parties.
- i. Closing The Case:**
 - i. Close the Hearing and let the audience know that there will be no more dialogue between the audience and the Board
 - ii. Hearing may be reopened on a motion and majority vote of the Board.
- j. Deliberation:**
 - i. Board members should be forthcoming about their analysis of the case.
 - ii. Board can call up anyone who testified to answer further questions.
- k. Motion & Vote:**
 - i. Ask for a member of the board to make a motion
 - ii. Motion will need to be seconded
 - iii. Poll each board member for their vote and comments. Each should state succinctly the reasons for their vote
 - iv. Conditions: The Board may attach reasonable conditions to the approval of any application.

Introduce subsequent cases and follow proceedings from 6b. above

- 7. Other New Business:**
 - a. Poll board for any other new business
- 8. Other agenda items:**
 - a. Old Business
 - b. Department Report
- 9. Adjournment**
 - a. Need a motion from Board member to adjourn and must be seconded.