

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, March 25, 2025 at 1:00 PM

Community Development Dept, 103 Arcade St.



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of November 26 Meeting Minutes

IV. Public comments (*if any*)

V. Old Business

VI. New Business

A. Acknowledgment of new elected chair and vice-chair

B. SUP2025001: Review special use permit for commercial office at 2520 Memorial Highway. This is essentially a revision of the approved September 2024 special use permit (SUP2024006 by Marathon Builders) that new property/business owners have submitted with relocation of the existing structure on the same site and with minor structural/appearance.

C. Council Liaison/staff: overview report of Town's Helene recovery status

VII. Adjournment



**MINUTES OF THE REGULAR MEETING OF THE
TOWN OF LAKE LURE BOARD OF ADJUSTMENT REGULAR
MEETING**

Tuesday, February 25, 2025 at 1:00 p.m.

THIS MEETING WAS HELD AT THE ARCADE BUILDING.

I. CALL TO ORDER

Greg Gardner called to order The Board of Adjustments Regular Meeting at 1:00pm

II. ROLL CALL

Board Members Present:

Greg Gardner, Chair
Melvin Owensby
David Lusk, Alternate
Neil Gurney, Vice Chair
Kimberly Sayles
Al Joyner

Absent: David DiOrio

Town Council Members present:

Commissioner Scott Doster, Council Liaison

Town Hall Staff Members Representative Present:

Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist/Deputy
Town Clerk
Kimberly Martin, Administrative Support Specialist

III. Approval of Agenda

Neil Gurney made a motion to approve the agenda as presented. Al Joyner seconded the motion and all were in favor.

IV. APPROVAL OF MINUTES FROM NOVEMBER 25, 2025 MEETING

Kimberly Sayles made a motion to approve the minutes as presented. Melvin Owensby seconded the motion and all were in favor.

V. PUBLIC COMMENTS

Greg Gardner made public comment:

Has served 5 years on the Board of Adjustments and has maybe missed 2 meetings. Was not re-appointed for the Board. He has enjoyed serving with all of the current and past members.

Mike Williams: Enjoyed working with Greg Gardner and honored of his class and integrity.

Neil Gurney: Would like to know the long term plan for the Board of Adjustments.

VI. OLD BUSINESS

No Old Business to Discuss

VII. NEW BUSINESS

- A. Variance Request: ZV2025001 regarding 186 Lake Ridge To reduce minimum lake front yard setback to allow replacement of a non-conforming dwelling with compromised foundation. (This variance was approved unanimously on 9/26/23 but applicant states that building issues caused them to miss the deadline for obtaining their zoning permit.) they are now ready to begin and are re-submitting for required variance.

Linda Roberts homeowner and Mike Williams, Community Development Director were sworn in and there was no conflict.

Mike Williams- staff statement

Michael & Linda Roberts are requesting a variance to demolish the existing porch and deck and to re-build those structures within the same footprint. They were granted this same variance on 9/26/23 but did not obtain a zoning permit based on that variance before the six-month expiration of that variance. The property is addressed as 186 Lake Ridge, Lake Lure, NC (Parcel #1606358) and is in the Residential 1 zoning district.

Additional Information for the Board:

- 1) Per §36-70, Building Site Minimum Dimensional Standards, (C) for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
- 2) Per §36-70, Building Site Minimum Dimensional Standards, side yard setbacks are 10' from the property line in the R-1 district.
- 3) According to the Rutherford County Tax Property Card, the existing structure was built in 1981 and has 800sqft of interior space.
- 4) The submitted plans show an encroachment into the lake front yard setback.
- 5) Lot is flat at the top and slopes aggressively towards the lake.
- 6) The street front yard is rendered unusable for building due to the road easement through their lot.
- 7) The property owner recently completed the replacement of the property's seawall. The embankment between the dwelling and the seawall has collapsed and the porch on the dwelling is now leaning towards the lake.
- 8) The same variance (ZV2023012) was approved unanimously on September 26, 2023.

Linda Roberts spoke advising that the structure is un-usable at this time and want to replace so they can enjoy the space again.

Neil Gurney asked if the fee was necessary.

Mike Williams responded that normally he would be included to not charge, however with the time that has passed he could not justify as it has been almost 2 years.

Rick Carpenter provided clarification on the timeframe for a variance.

Al Joyner wondered if it would be advisable to have that timeframe change or altered. Was advised not to as this is a rare instance.

The case at this time was closed for deliberation. Board began deliberation. Greg Gardner made a motion to approve the variance request ZV2025001 to reduce the minimum lake front yard setback.

Al Joyner seconded the motion and all were in favor.

Linda Roberts was advised by the board to apply for the zoning permit as soon as possible and was thanked for following the protocols.

B. Council Liaison- led overview report of Town's Helene recovery status

Commissioner Scott Doster started off by stating if you have a boat or know anyone with a boat still on the water, to have it removed this week. Unsure of lake levels and once lake is drawn down you will no longer be able to get your boat off. Due to the safety reasons homeowners are not able to remove them there selves.

Valve at the Dam is almost ready for testing. Lake levels will be up and down for a while. We could end up lowering the lake as much as 40ft.

There will be no hydraulic dredging at this time. As far as when the lake levels will go down, there is no timeline which is very frustrating. It's all in the timing and having funding to move forward.

Down river work is in the scope and we will hopefully have National Guard helping fill the gaps that FEMA does not.

The plans for Town Center is uncertain. The Goal would be to build a New Town Hall out of the floodplain. ICF (a company hired to help us with navigating FEMA). We are moving forward just not as fast as some would like.

We are at a loss of revenue and working to bring back some of those to the town. Discussion continued on the health and condition of Lake Lure and things we can do. Laura Krejci spoke about all updates and any communications can be found on the website that is updated weekly.

VIII. ADJOURNMENT

Neil Gurney made a motion to adjourn the Board of Adjustments meeting. Greg Gardner seconded the motion and all were in favor. The meeting was adjourned at 2:16 p.m.

ATTEST:

Kimberly Martin, Deputy Town Clerk

Greg Gardner, Chair



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustments
FROM: Rick Carpenter, Development & Environmental Review Specialist/Deputy Clerk
DATE: March 25, 2025
RE: SUP-2025001

Masterdocks has submitted a Special Use Permit to erect a 533sf (sqft does not include decks) modular commercial office building. This is a new special use permit application due to significant deviation from the SUP approved for Jonathon Hinkle in September of 2024. The use is permitted by right in the district but our zoning ordinance, section 36-107 requires that any new commercial building obtain a special use permit to ensure that the building is in harmony with existing natural environment, neighborhood and community character. Per section 36-102(b)(2), the Zoning & Planning Board considered the proposal on the basis of site treatment, building design, relationship of building to site, harmony of buildings and uses with neighborhood character, landscaping, signs, lights, and other considerations it felt would reasonably affect the appearance of the proposed project. Based upon that review, the board approved a recommendation of support for the project. The property is addressed as 2520 Memorial Highway, Lake Lure, NC (Parcel #1605470) and is in the Commercial General (CG) Zoning District.

Additional Information for the Board:

- 1) The building is proposed as a ~23' x 47'8", one story modular office building. The project will also need at least one variance for failing to meet commercial general requirements. The existing screening/buffer may not meet code requirements. There are no setback issues.
- 2) Structure is on property and has been resided with wood lap siding and new windows and doors.
- 3) Landscaping is proposed and the landscape plan is attached.
- 4) Development Review has identified as possible issues:
 - a. Existing driveway on Harris Road is not permitted by code, Section 36-64(g). Physical nature of property makes accessing upper part of the lot from Memorial Highway very impractical and applicant expressed need to keep Harris Road access.
 - b. Landscaping and storage issues will need to be considered for compliance and/or variances.
 - c. Outside display of materials/equipment is still prohibited and is a concern for this site.
 - d. The existing screening/buffer may not meet code requirements.

Staff Analysis:

Staff determined that the actual proposed building seems to meet the Code's appearance and design standards, especially based upon the building inspector's opinion that the proposed office is in fact a "modular building". The BOA may want to consider the ingress/egress, outside storage and landscaping/buffer issues.

Attachments

- 1) Application
- 2) Submitted Plans

Staff Contact

Rick Carpenter, CZO
828-625-9983 ext. 107; rcarpenter@townoflakelure.com

TOWN OF LAKE LURE APPLICATION FOR SPECIAL USE PERMIT

Fee: \$410

SUP- 2025001

Approved by Board of Adjustment: _____	_____
Rejected by Board of Adjustment: _____	_____
(see attached Order)	Date: _____
	Community Development Director

Please complete all three pages of application form

APPLICANT:

(Check one) Owner: _____ Agent: (If applicant is not the owner, attach authorization to act as agent)

Name: KEVIN C. ADAMS Date of Application: 2/12/25

PROPERTY

Property located at: 2520 MEMORIAL HWY, LAKE LURE, NC, 28746

Parcel/Tax PIN#: 160547 Current zoning: CG

SPECIAL USE REQUESTED:

(Use the terms that are found in the zoning regulations. If the terms are not clear as they pertain to your application, add a statement describing your intended use.)

Use Requested: OFFICE / CLIENT MEETING LOCATION

Clarification: _____

LOCATION OF OFFICE FOR STAFF, WITH MEETING AREA
FOR CLIENTS. DECKS TO BE USED AS INSTRUCTIONAL
ARE AS WELL.

FINDINGS OF FACT: The Board of Adjustment is required to make certain findings of fact. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, the best of the applicant's ability and knowledge. You may reference §92.045-047 in the Town's Zoning Ordinance for general application requirements.

100076015
Additional requirements may be required for specific special uses. Please do not leave these blank: the applicant is required to submit information specific to the request describing how the proposed use will meet each finding. In the case of applicant's failure to complete the six Findings of Fact, the application will be deemed incomplete and rejected.

1. The application is complete. Yes _____ No _____

2. **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use and fire suppression. (See attached plans, if applicable)

3. **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

4. **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

5. **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

PLEASE SEE DRAWINGS & SITE PLAN

6. **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be in harmony with the neighborhood character and in general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character.

PLEASE SEE DRAWINGS & SITE PLAN

I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.

[Signature]
Signature of applicant

[Signature]
Signature of owner (if not applicant)

PO Box 33
Street of P.O. Box

PO Box
Street or P.O. Box

LAKE LURE 28746
City, State, Zip

LAKE LURE 28746
City, State, Zip

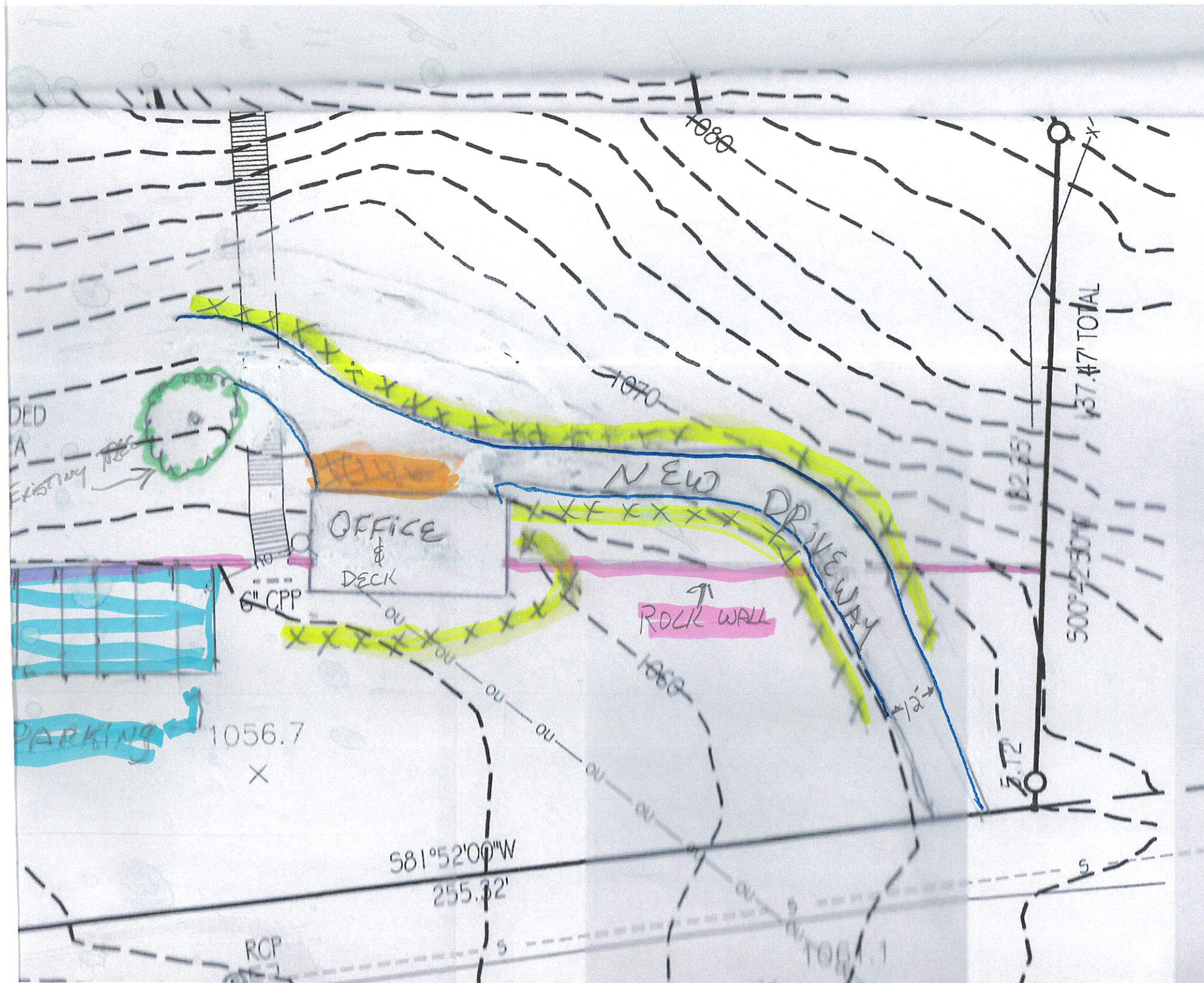
828-289-6702
Daytime telephone number

864 510 3848
Daytime telephone number

Sec. 36-107. Design standards for commercial buildings.

- (a) *Intent.* It is the intent of these regulations to encourage development that helps maintain the visual qualities of the town that make it the unique, resort-retirement, mountain town of retreat and recreation that it is today. It is also the intent of these regulations to encourage the development of pedestrian-friendly, human scale buildings that achieve variety and creative design to protect property values and interests of residents and visitors. The town endeavors to set a high standard for commercial construction, which uses basic architectural design principles and encourages harmony with the eclectic mix of the original Mediterranean revival style commercial buildings, and the cottage type dwellings consisting mostly of natural materials such as wood and stone. The town wants to ensure that commercial buildings are in harmony with existing natural environment, neighborhood and community character. These regulations include basic design elements that are appropriate for such buildings in the town.
- (b) *Applicability.* These regulations establish architectural design standards for all new commercial buildings in commercial zoning districts, new commercial buildings in residential zoning districts, any addition with a gross floor area of 1,000 square feet or greater to an existing commercial building in either a residential or commercial zoning district, or any addition to an existing commercial building where the length of the original building facade will be increased by more than 50 percent as a result of the proposed additions in those same zoning districts. These regulations are used as criteria by which to judge plan submissions.
- (c) *Neighborhood character compatibility.* New or modified buildings in or adjacent to existing developed areas shall be compatible with the established architectural character of adjacent areas by using a design that is complimentary. In some cases, it may not be desirable to create compatible character with surrounding buildings. Character compatibility shall be achieved through techniques such as repetition of rooflines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those of existing in the neighborhood of the proposed development. Any addition less than 1,000 square feet, or any addition less than 50 percent of the original facade length, shall be deemed to be compatible with neighborhood character if the addition mimics with the architectural style of the existing structure.
- (d) *Building size, height, mass, and scale.* Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures in the neighborhood.
- (e) *Alternative design.* Upon the recommendation of the zoning and planning board, the board of adjustment may grant a special use permit for a commercial building which departs from the design standards contained in sections 36-107 through 36-110 so long as the design of such development is in substantial compliance with the town design guidelines for new commercial construction.

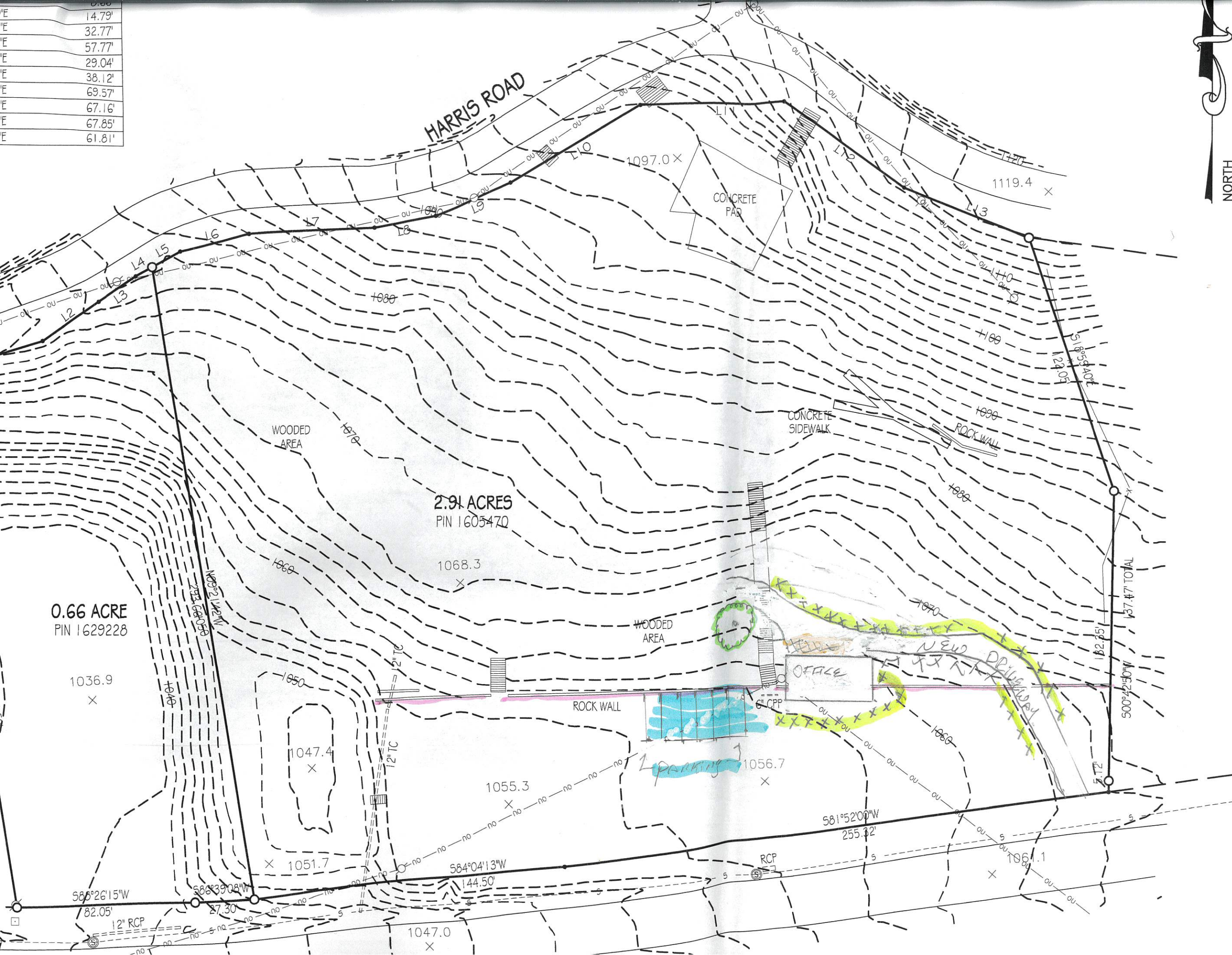
(Code 1989, § 92.054; Ord. of 11-15-2005; Ord. of 6-10-2008; Ord. of 3-9-2010; Ord. No. 21-05-11, 5-11-2021)



-  = SILT FENCE
-  = HANDICAP PARKING
-  = PARKING
-  = ROCK WALL

- NTS -
 SEE ATTACHED
 FOR TRUE SCALE

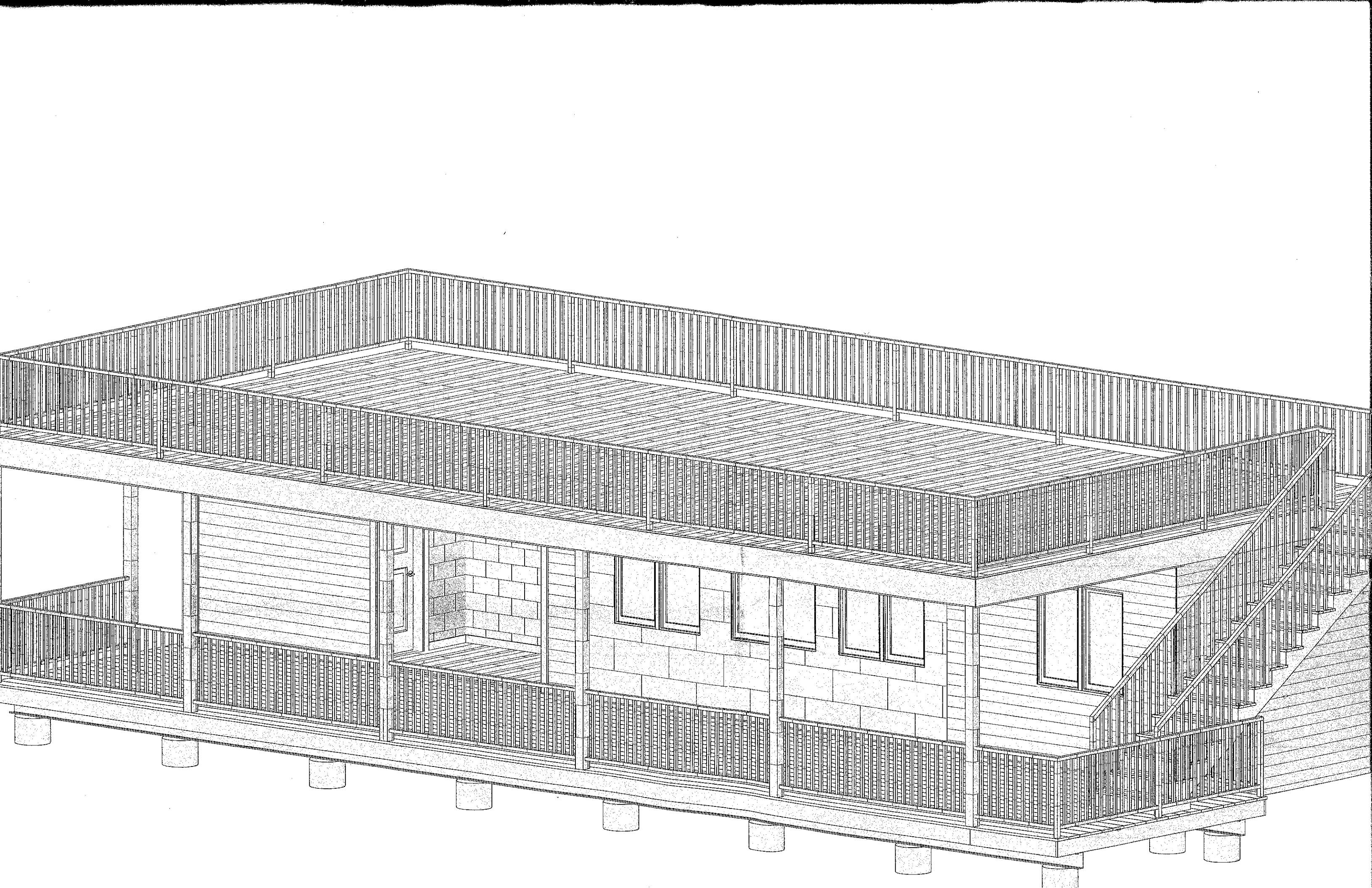
0.88'
14.79'
32.77'
57.77'
29.04'
38.12'
69.57'
67.16'
67.85'
61.81'



NORTH

- NOTES:**
- * TOTAL AREA IS 3.57 ACRES.
 - * THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN UNRECORDED.
 - * NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.
 - * ANY RIVERS, STREAMS, CREEKS, PONDS, LAKES, WETLANDS, OR OTHER NATURAL FEATURES ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO FEDERAL, STATE, OR LOCAL REGULATIONS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO OBTAIN NECESSARY PERMITS AND DESIGNATED BY PERSON(S)/FIRM(S) AUTHORIZED, BY THE SURVEYOR, TO MAKE SUCH DETERMINATION.
 - * BOUNDARY & LOCATION INFORMATION TAKEN FROM A SURVEY BY WNC-PE&S, P.L.L.C. DATED APRIL 2000, ENTITLED "GREEN AND ESSELINK" DATED APRIL 26, 2000.
 - * TOPOGRAPHIC INFORMATION WAS PRODUCED FROM AERIAL PHOTOGRAPHY.
 - * THIS IS NOT A FIELD SURVEY CERTIFIED BY WNC-PE&S, P.L.L.C. FOR PLANNING PURPOSES ONLY.
 - * TOWN OF LAKE LURE ZONING "CG".

- X = SILT FENCE
- XXX = HANDICAP PAD
- ▢ = FENCING
- = ROCK WALL



Front Elevation



Left Elevation



E4 ELEVATION 4
1/2 IN = 1 FT

Right Elevation

