

# **TOWN OF LAKE LURE**

## **Board of Adjustment Regular Meeting**

Tuesday, February 25, 2025 at 1:00 PM

Community Development Dept, 103 Arcade St.



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### **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. 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 resubmitting for required variance.)
- B. Council Liaison-led 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, November 26, 2024 at 1:00 p.m.

**THIS MEETING WAS HELD AT THE ARCADE BUILDING.**

**I. CALL TO ORDER**

Meeting was called to order 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 Lusk, Alternate

**Town Council Members present:**

Commissioner Patrick Bryant, 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

### **PPROVAL OF AGENDA**

Melvin Owensby made a motion to approve the agenda as presented. Neil Gurney seconded and they all voted in favor.

### **IV. APPROVAL OF MINUTES FROM JUNE 25, 2024 MEETING**

Kimberly Sayles made a motion to approve the minutes as presented Greg Gardner seconded and all voted in favor

### **IV. PUBLIC COMMENTS**

No public comments

### **V. OLD BUSINESS**

No Old Business to Discuss

### **VI. NEW BUSINESS**

- A. Variance: ZV2024018 – Anthony Steffel is seeking a variance to construct a garage within the street front & side setbacks. The property is addressed as 320 Holmstead Dr., Lake Lure, NC (Parcel #1640767) and is in the Residential 1D (R-1D) Zoning District.

Town staff presented the variance case and provided testimony regarding the review of the applicant's application, the ordinance and state criteria.

After answering questions posed by the board, staff concluded their presentation.

The applicant/owner provided a verbal presentation to state his case for needing the variance. The applicant answered questions posed by the board. Upon completion of the applicant's presentation, the board closed the open session to deliberate.

After completing their deliberation, a motion was made by Greg Gardner to approve the variance as requested with the condition that the structure is not to

be used as a dwelling. Neil Gurney seconded the motion and all board members were in favor.

- B. Charles Flack is seeking a variance to demolish a non-conforming dwelling and re-construct within the street front setback. The property is addressed as 102 Hummingbird CV., Lake Lure, NC (Parcel #1627037) and is in the Residential 1 (R-1) Zoning District.

Staff provided a presentation on the facts of the case. This included an analysis of the applicant's application material, the ordinance, and the variance criteria. After answering questions from the board, staff closed their presentation.

Following the staff presentation, the applicant's contractor, John Bittle, provided testimony regarding the project. The applicant's engineer, and general contractor, answered additional questions posed by the board. Upon completion, the board closed the open hearing for their deliberations.

After deliberating, Al Joyner made the motion to approve the variance as requested. Greg Gardner seconded the motion, and all board members voted to approve.

## **VII. JULY DEPARTMENT REPORT**

Mike Williams – made a quick presentation, the information can be found on the packet.

## **VIII. ADJOURNMENT**

Greg Gardner made a motion to adjourn the meeting. Al Joyner seconded and they all voted in favor the meeting ended at 1:37 p.m.

## **ATTEST:**

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Rick Carpenter, Deputy Town Clerk

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Greg Gardner, Chair



## TOWN OF LAKE LURE *Community Development Department*

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### MEMORANDUM

TO: Board of Adjustment  
FROM: Mike Williams: Community Development Department  
DATE: February 19, 2025  
RE: ZV-2025001

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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.

#### **Staff Recommendation is to review the application on the basis of the following criteria and make a determination to grant or deny the variance:**

- 1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district?

- 2) Will granting the variance requested confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located?
- 3) Would a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located?
- 4) Will the requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare?
- 5) Are the special circumstances the result of the actions of the applicant? What are any special circumstances due to?
- 6) Is the variance requested is the minimum necessary for the proposed use of the land, building or structure?

### **Attachments**

- 1) Application
- 2) Submitted Plans
- 3) Context Map
- 4) Location Map (showing adjacent property owner who were notified of hearing)

### **Staff Contact**

Mike Williams, CZO, CFM: Community Development Director

[mwilliams@townoflakeure.com](mailto:mwilliams@townoflakeure.com)

P.O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117

# TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-

Approved by Bd. of Adj: \_\_\_\_\_

Zoning Administrator

Rejected by Bd. of Adj: \_\_\_\_\_  
(see attached Order)

Date: \_\_\_\_\_

Please complete both sides of form.**APPLICANT:**(Check one) Owner: X Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)Name: Michael and Linda Roberts Date of Application: 02/20/2025**PROPERTY:**Property located at: 186 Lake RidgeMap Page: 155 Block: 6 Lot: 7/8 Current zoning: R-1 Parcel/Tax PIN 1606358**VARIANCE REQUESTED (check all that apply):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Min. lot area:<br>(Attach Attorney's Certificate of Title)<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____ | <input type="checkbox"/> Min. front (street) yard:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____ | <input type="checkbox"/> Min. parking spaces:<br>(see section 36-218)<br>Required _____<br>Reduced to _____<br>Reduced by _____  |
| <input type="checkbox"/> Min. lot width at building site: (see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____                              | <input type="checkbox"/> Min. front (lake) yard:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____   | <input type="checkbox"/> Max. sign number:<br>(see section 36-336)<br>Required _____<br>Increased to _____<br>Increased by _____ |
| <input type="checkbox"/> Min. open space:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____   | <input type="checkbox"/> Min. side yard:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____           | <input type="checkbox"/> Max. sign height:<br>(see section 36-336)<br>Required _____<br>Increased to _____<br>Increased by _____ |
| <input type="checkbox"/> Max. building height:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____                                      | <input type="checkbox"/> Min. rear yard:<br>(see section 36-70)<br>Required _____<br>Reduced to _____<br>Reduced by _____           | <input type="checkbox"/> Max. sign size:<br>(see section 36-336)<br>Required _____<br>Increased to _____<br>Increased by _____   |

VARIANCE REQUESTED (Continued - check all that apply):

☐ Other

Section \_\_\_\_\_ of the zoning regulations requires: Replacing current  
deck required to be 35' from Lake

Request: Rebuild on existing footprint of our current porch/  
deck which at its closest point is ~20'  
from the Lake

JUSTIFICATION FOR VARIANCE:

Our lot is very steep and our porch has been  
sliding away from the house for approximately  
5 years. We have begun stabilizing the lot  
by building a new sea wall and a retaining  
wall (over)

AS PART OF THIS APPLICATION, PLEASE COMPLETE THE ATTACHED  
STATEMENT OF APPLICANT.

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

Michele Wilbert  
Signature of applicant

Signature of owner if not applicant

1367 NC Hwy 108  
Street or P.O. Box

Street or P.O. Box

Rutherford NC 28139  
City, State, Zip

City, State, Zip

828-429-5038  
Daytime telephone number

Daytime telephone number

Applications for variances, conditional use permits, and zoning appeals require at least one sign to be posted on the property not less than ten but not more than 25 days prior to the date of the hearing before the Board of Adjustment. The purpose of the sign is to identify the location of the request for the benefit of neighbors and members of the board. The Town will post this sign during the appropriate time period; please ensure it remains posted until after the hearing.

Signs must be removed within 24 hours after the Board of Adjustment has made a decision on the application.



we are now needing to replace the existing porch and deck that have separated from the house. Not asking for any additional deck or porch size but to replace it exactly as it is only with better foundational support to further stabilize the lot and the existing house. All other restrictions and guidelines will be followed.

STATEMENT OF APPLICANT

According to section 36-186 of the Zoning Regulations, the Board of Adjustment shall vary the regulations when unnecessary hardships would result from carrying out the strict letter of the regulations upon making certain findings. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its location, size, or topography that are not applicable to other lands or structures in the same district. These conditions are:

The steepness of the lot and unstable foundation are causing the deck to slide away from the house and ultimately into the lake and needs to be rebuilt and stabilized.

Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because:

We are only asking for what we already have in our current home. We are not asking for special privileges just to replace our existing unstable porch/deck with a safe and stable one.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because:

We would be deprived of having a safe stable home that won't continue sliding into the lake.

The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare because:

We will rebuild with a sound and stable foundation and the lot will be maintained and pleasant to neighbors and boaters on lake.

The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

The extreme slope and instability of the lot have led to the porch/deck sliding away from the house and are unstable and unsafe as they are and need to be replaced

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

  
Signature of Applicant

02/20/2025  
Date

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the regulations.

#### Zoning Variance Application Checklist

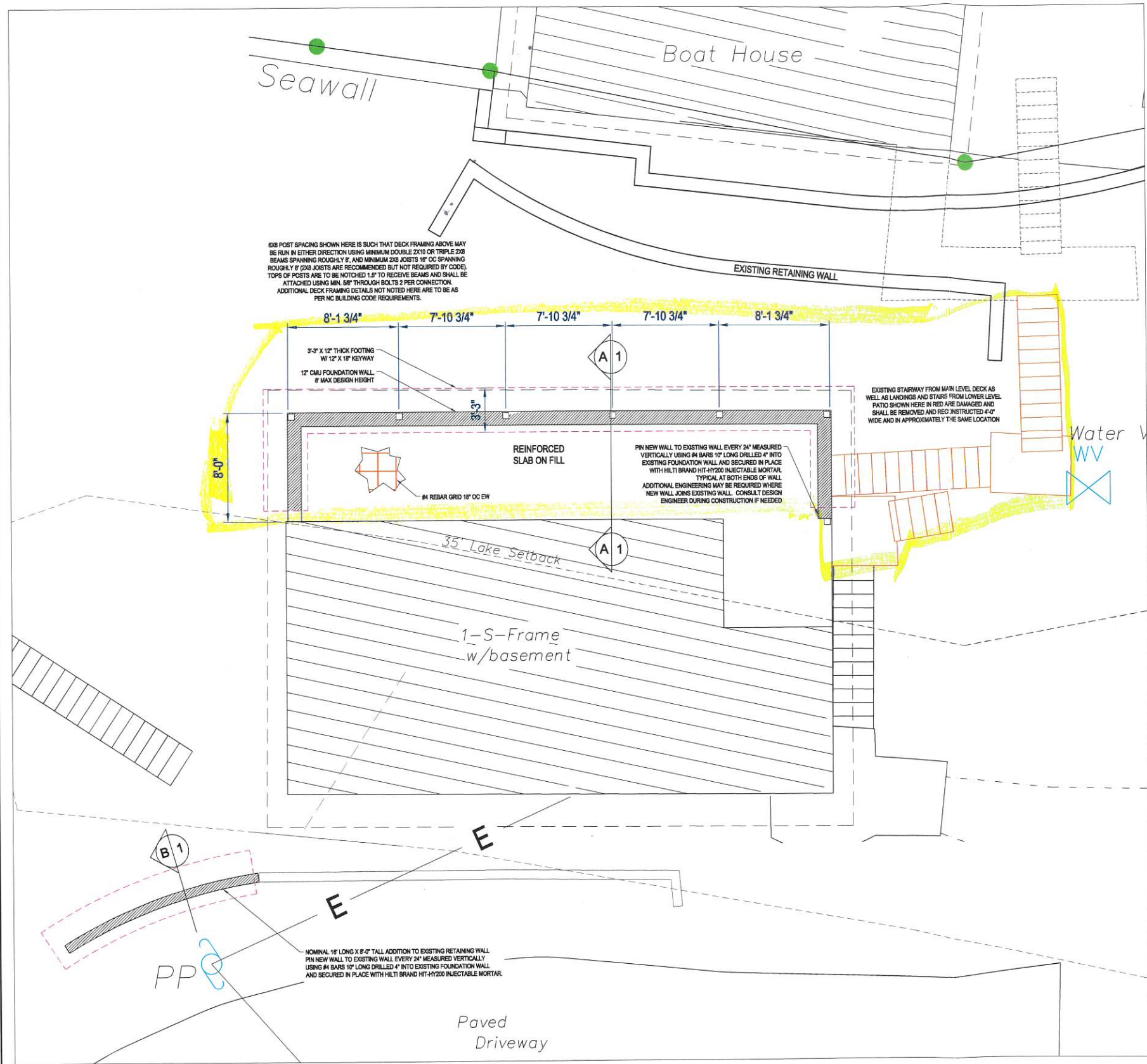
Application is not complete until all of the following items have been submitted:

- ☒ Completed application
- ☒ Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
- ☒ Site plan, drawn to scale on either a survey or plat, clearly showing the following:
  - ☒ location of property lines
  - ☒ existing structures
  - ☒ proposed development
  - ☒ all setbacks in relation to property lines and development
  - ☒ area the variance will be affecting
  - ☒ any and all areas of environmental concern (wetlands, trout waters, etc.)
- ☒ Building plans, drawn to scale, showing the existing and proposed development
- ☒ Directions to property from Town Hall



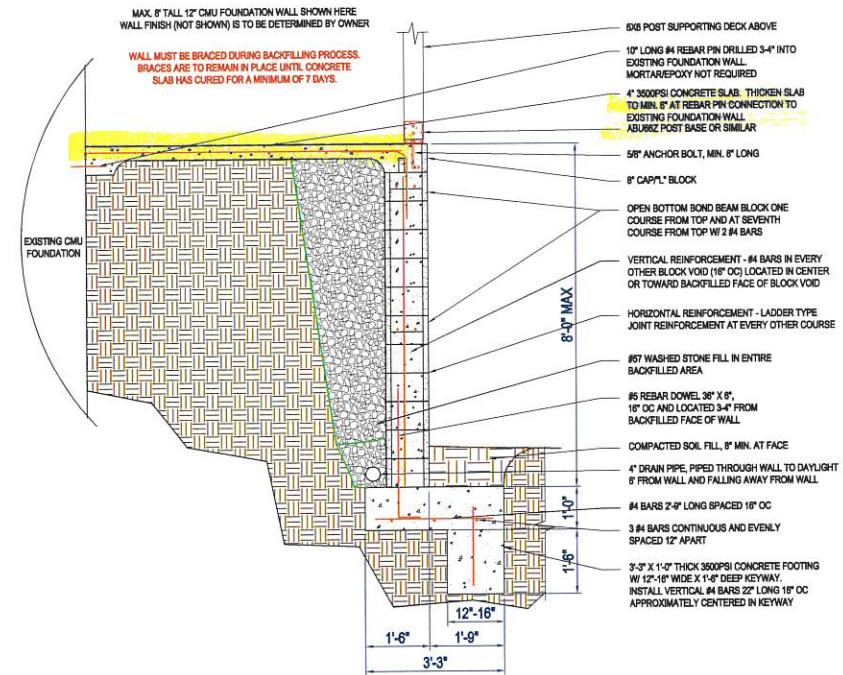




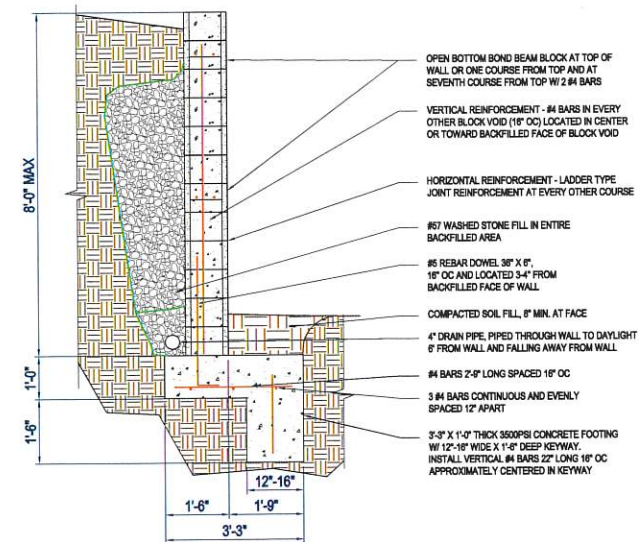


PLAN VIEW  
SCALE - 1/4" = 1'-0"

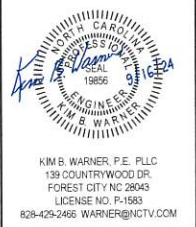
DESIGN INFORMATION (APPLIES TO ALL PAGES)			
THE DESIGNS PRESENTED ON THESE DRAWINGS INCORPORATE THE FOLLOWING MINIMUM VALUES.			
CONCRETE (WHEN APPLICABLE)		IMPORTANCE FACTORS (WHEN APPLICABLE)	
MINIMUM 28 DAY COMPRESSIVE STRENGTH	3500 / 3500 PSF	WIND	1.0
FOOTINGS & WALLS/SLABS	150 PCF	SNOW	1.0
DENSITY	4 INCHES	SEISMIC	1.0
PERFORMING SLUMP	2015 PSF	DESIGN LOADS (WHEN APPLICABLE)	
SOIL (WHEN APPLICABLE)		ROOF DL / SNOW	2015 PSF
MINIMUM SOIL BEARING PRESSURE	2000 PSF	FLOOR & DECKS DL / LL	10 / 40 PSF
MINIMUM SOIL INTERNAL FRICTION ANGLE	30 DEG	WIND	115 MPH
COMPACTED BACKFILL DENSITY	35u	EXPOSURE CATEGORY	C
SLIDING COEFFICIENT	1	SEISMIC DESIGN (WHEN APPLICABLE)	
REINFORCING (WHEN APPLICABLE)		SEISMIC USE GROUP	1
ALL REINFORCING STEEL IS TO BE ASTM A615 GRADE 60, FABRICATED AND PLACED IN ACCORDANCE WITH ACI 318. ALL LAPS SHALL BE A MINIMUM OF 36 BAR DIAMETERS.		SITE CLASSIFICATION	D
		ACCELERATION	SDS 30% g, SD1 21% g
		STRUCTURAL SYSTEM	MOMENT FRAME
		SEISMIC BASE SHEAR	V=1.1k, Vp=1.1k
		ANALYSIS PROCEDURE	EQU/LT LTRL FRCE
GENERAL NOTES:			
1. GLOBAL STABILITY AND SEISMIC LOADING HAVE BEEN CONSIDERED IN THIS DESIGN.			
2. HYDROSTATIC LOADING IS NOT CONSIDERED IN THIS ANALYSIS. SUFFICIENT DRAINAGE MUST BE PROVIDED (PER PLAN DETAILS WHERE APPLICABLE) SUCH THAT HYDROSTATIC LOADING IS DISSIPATED.			



TYPICAL SECTION A  
SCALE - 1/2" = 1'-0"



TYPICAL SECTION B  
SCALE - 1/2" = 1'-0"



KIM B. WARNER, P.E., PLLC  
138 COUNTRYWOOD DR.  
FOREST CITY, NC 28043  
LICENSE NO. P-1583  
828-429-2456 WARNER@NCV.COM

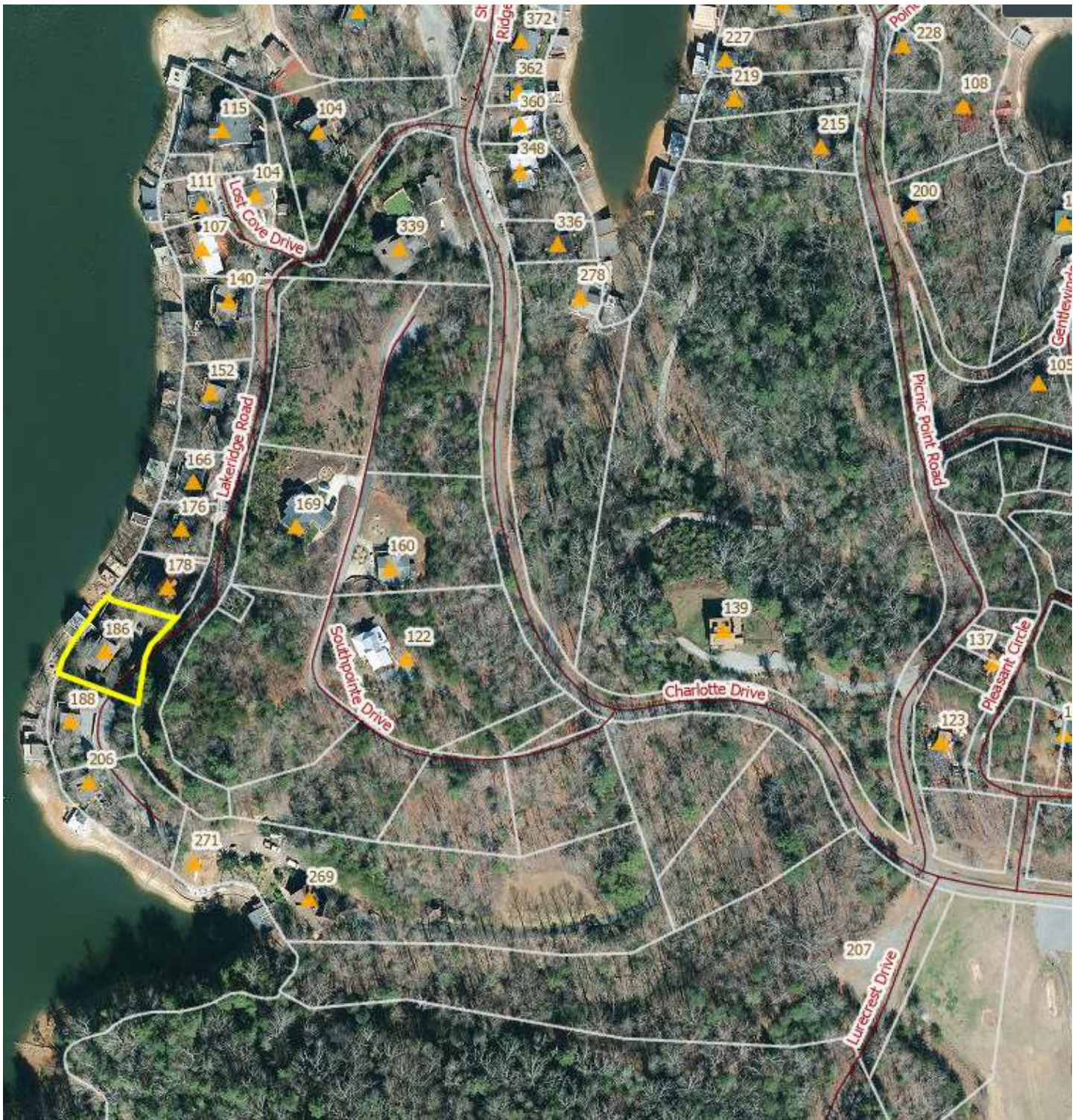
DRAWINGS BY	DATE	REV	DATE	REV
JONATHAN B. WARNER 274 ARLINGTON ST. FOREST CITY, NC 28043	9-12-24	REV	9-16-24	REV

ALL DETAILS  
SCALE AS NOTED

CMU Foundation Wall Design for  
Freeman Stone Masonry - Roberts  
© 186 Lakeridge Rd. Lake Lure NC



Directions to 186 Lakeridge Rd. (Mike and Linda Roberts)



From Memorial Hwy, turn onto Charlotte Drive, take sharp left onto Lost Cove Drive (just before “The Lodge on Lake Lure”), take first left onto Lakeridge Road. Continue to right, downhill, at fork in road onto driveway/parking area of 186 Lakeridge Road.