

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, August 27, 2024 □ 1:00 PM

Lake Lure Municipal Center



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of July 23 Meeting Minutes

IV. Public comments (*if any*)

V. Old Business

VI. New Business

- A. Variance: ZV20240015 – property owner, Thomasina Coile, is applying for a variance to reduce the minimum front and side yard setbacks to the existing building; to reduce the minimum required parking spaces; and to exempt the property from required parking lot delineators; for the purpose of allowing the use of the existing commercial structures. Property address is 2400 Memorial Highway/tax parcel #1657856. The property is zoned General Commercial.

- B. Variance: ZV2024016 – property owner, Thomas Hausle, is applying for a variance to increase the maximum allowed land disturbance area from 50% to 52.75% in order to meet the Town's slope grading requirements. Property address is 239 Hawthorne Drive/tax parcel #1633719. The property is zoned Residential 1.

- C. Special Use Permit: SUP2024005 – property owner, Town of Lake Lure, is planning the construction of a maintenance shop and adjacent equipment storage pole barn for the relocation of the Town's Public Works facilities. Property address is 622 Memorial Highway/tax parcel # 1657963 (behind the fire station). The property is zoned Government Use.

VII. August Department Report

VIII. Adjournment



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

Tuesday, July 23, 2024 at 1:00 p.m.

THIS MEETING WAS HELD AT LAKE LURE TOWN HALL.

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: Mark Windfeldt, Alternate

Town Council Members present:

Commissioner David DiOrio, Council Liaison

Town Hall Staff Members Representative Present:

Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

PPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES FROM JUNE 25, 2024 MEETING

Melvin Owensby 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. Appeal: ZA2024002 – Property owner, James Stickney, is appealing staff decision to deny a permit application for a shed on a property with no primary structure. (Property is listed as) 0 Bear Cliff Way/tax parcel #1652897. The property is zoned R-1A.

Do you swear that the testimony is the truth no board members have a conflict no one will challenge any board member.

Mike Williams addressed the board – regarding a 38 acres property undeveloped, no structured they want a shed to keep supplies that are related to the maintenance of that property – Rick – denied it because it does not meet the ordinance. The staff positions are that it should not be permitted per the ordinance. The property was in the highlands covenants do not allow storage sheds. The highlands should be taken out or not consider.

Mr. James Stickney – 55 Tryon Bay Circle, I spoke to Mr. Mike Bennett and told him my intentions, I haven't heard anything so I reached out a few weeks later and no information again so I assumed it was ok, I want to set an appeal for the HOA. Rick suggested that I should combine the land but I think that it seems unnecessary, I am using it for a single family home – if you see the map it's in the middle of nowhere. The ordinance reads that the residential district is stablished and its build for residential family only. It's a unique situation – land will used for the following purposes – large lot sides. Will you let me do something positive for the community?

And I can't do that unless I get storage to keep my equipment secured. I have no idea what I will do there I will not do farming, I understand what the town wants me to do and I will do that but I need to maintain the road and allow people to drive through.

Rick Carpenter commented that Mr. Stickney was notified of his options, variance is not permitted variance are illegal in NC.

- 1). Appeal my decision
- 2). Text amendment.

Mr. Stickney – going back to that phrase principal use – the principal use of the land is for single family dwelling, Rutherford county tax situation – consider this principal use.

Mike Carpenter – staff spend a lot of time debating on this and the only solution is the text amendment, we don't see that there is any way to make that work. The shed will be an accessory structure, it's not a primary structure.

Melvin Owensby – the ordinance is contradicting – I don't understand what the problem is – Neil Gurney if we allow it then we are saying we are allowing a shed anywhere.

Melvin Owensby – asked Mr. Stickney if we is opposed to adding a piece to your primary residence, Mr. Stickney – I don't know if I want to do that I will just keep driving the trailer up there and incontinence myself.

Mike – Rick and I already made a recommendation and discussed a text amendment to the zoning and planning board.

Neil Gurney made a motion to deny the application Greg Gardner seconded and all voted in favor.

VII. JULY DEPARTMENT REPORT

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

David DiOrio made a commend to say that town council will be forming a short term rental board– issues like bear proof recycle, parking, anything regarding short term rental will go through that board. If anyone wants to volunteer there is an online application to apply for that board.

VIII. ADJOURNMENT

Kim Sayles made a motion to adjourn the meeting Neil Gurney seconded and they all voted in favor the meeting ended at 1:53 p.m.

ATTEST:

Elba A. Willette, Town Clerk

Greg Gardner, Chair



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustment
FROM: Rick Carpenter: Community Development Department
DATE: August 27, 2024
RE: ZV-2024015

Thomasina Coile is seeking variances to change the use of a non-conforming property without bringing the subject property into compliance. The property is addressed as 2400 Memorial HWY., Lake Lure, NC (Parcel #1657856) and is in the Commercial General (CG) Zoning District.

Additional Information for the Board:

- 1) Per §Sec. 36-64(f)(5) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use. If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at maturity will be not less eight feet high. This requirement may be modified by the board of adjustment where sufficient natural buffering exists.
- 2) Per §Sec. 36-64(g) Ingress/egress. All uses in this district abutting the major thoroughfares, being U.S. Highway 64/74, N.C. Highway 9, or Buffalo Creek Road, shall have access only from such thoroughfares and shall be allowed only one means of ingress/egress for each 150 feet of frontage or fraction thereof. All ingress/egress openings, for both one-way or two-way traffic, shall be a minimum of 15 feet wide and a maximum of 30 feet wide, measured at the road right-of-way line, unless otherwise required by the state department of transportation.
- 3) Per §Sec. 36-64(h) Landscaping. Landscaped traffic delineators are required within the front yard of the commercial site extending the full width of the front yard excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.
- 4) Sec. 36-218(a). Off-street parking required. **Off-street** automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley and **shall be provided with adequate space for turning so that no vehicle shall be required to back into the street except from space used for single- or two-family dwellings.** Commercial parking spaces shall measure at least nine feet by 18 feet. To ensure orderly parking, each parking space shall be appropriately delineated as determined by the zoning administrator.

Staff Analysis:

Staff have analyzed the submitted application and supporting material. Staff have made the following determination: The lot was considered a legal non-conformity prior to the change in use. Upon the proposed change, the property must be brought into compliance. However, the location of the structure, and surrounding topography, make conformance difficult. Staff understand the need for a safe, conforming site but recognize the site constraints encountered by the applicant. Staff do not support the variance request, and recommend denial, unless the applicant can produce a competent traffic impact analysis to confirm they're not creating a hazard. Per the attached survey, almost all of the parking is found within the public right-of-way and may constitute a safety hazard. Per the submitted plans, the applicant has failed to illustrate they will not be injurious to the neighborhood or to the general welfare of the public.

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) Location Map (showing adjacent property owner who were notified of hearing)

Staff Contact

Rick Carpenter, CZO: Development & Environmental Review Specialist, 828-625-9983 ext. 107;
rcarpenter@townoflakelure.com

P. O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117, Fax 828-625-8371

RECEIVED

(eff.10/22)

DATE 8/2/24
BY K. Martin

TOWN OF LAKE LURE
APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV- 2024015

| | |
|-------------------------------|----------------------|
| Approved by Bd. of Adj: _____ | _____ |
| | Zoning Administrator |
| Rejected by Bd. of Adj: _____ | Date: _____ |
| (see attached Order) | |

Please complete both sides of form.

APPLICANT:

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

Name: Thomasina Coile Date of Application: 08/02/2024

PROPERTY:

Property located at: 2400 Memorial Highway, Lake Lure, NC 28746

Map Page: _____ Block: _____ Lot: _____ Current zoning: GC Parcel/Tax PIN 145-7854
0642-17-3603 & 0642-17-2601

VARIANCE REQUESTED (check all that apply):

Min. lot area:
(Attach Attorney's Certificate of Title)
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (street) yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. parking spaces:
(see section 36-218)
Required 10 currently has 15 spaces
Reduced to _____
Reduced by _____

Min. lot width at building site: (see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (lake) yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign number:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Min. open space:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. side yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign height:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Max. building height:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. rear yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign size:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Application for Zoning Variance number ZV-

RECEIVED

2

DATE
BY

VARIANCE REQUESTED (Continued - check all that apply):

Other

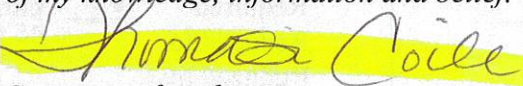
Section 36-64 e5,g,h of the zoning regulations requires: Landscaped traffic delineators extending the full width of front yard; Ingress/Egress; buffer of evergreens where lot abuts property for residential use

Request: Omit requirement; grant variance/exception

JUSTIFICATION FOR VARIANCE:

It is impossible to add required landscape delineators without removing all parking spaces for business consumers; Side buffers there is currently un-owned road/easement and mountain with vegetation as natural buffer already in place;

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

| | |
|---|--|
| <i>I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.</i> | |
|  | |
| <i>Signature of applicant</i> | <i>Signature of owner if not applicant</i> |
| <u>746 Raven Blvd</u> | <u>Street or P.O.Box</u> |
| <u>Lake Lure, NC 28746</u> | <u>City, State, Zip</u> |
| <u>706-207-0512</u> | <u>Daytime telephone number</u> |

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.

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:

Existing structure cannot be moved or modified in any way to accommodate current requirement.

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:

Variance is being requested/considered because the building and lot cannot be changed - privilege is not being granted based on the resident, only the building

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:

A literal interpretation of the provisions would deprive the applicant the ability to operate planned business and the opportunity to bring new activities/services to the community.

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:

it is revitalizing a historic building with limited usage to bring new businesses to the community

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

the topography & location of existing historic building

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

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



2400 Memorial Highway, Lake Lure, NC 28746

Directions From Town Hall:

Travel East on US64/US74 ALT for 1.1 Miles

Building will be on the left, just past US Post Office



2400/2414 Memorial Highway

- Current Parking Layout
- 8 Parallel Parking spaces
- 3 Pull-in Parking spaces
- 2 Parallel Handicap spaces
- 3 Employee Parking spaces



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustment
FROM: Rick Carpenter: Community Development Department
DATE: August 27, 2024
RE: ZV-2024016

Thomas Hausle is seeking a variance to exceed the allowed disturbance limit on a steep slope project. The property is addressed 239 Hawthorne Dr., Lake Lure, NC (Parcel #1633719) and is in the Residential (R-1) Zoning District.

Additional Information for the Board:

- 1) Per §Sec.36-399(1)(a). No more than 50 percent of a lot may be disturbed; provided, however, the disturbance area on any lot shall not be required to be less than 7,500 square feet, nor may the disturbance area on any lot exceed 15,000 square feet.
- 2) Per §Sec.36-398(1). Minimum alterations. Earth moving shall be limited to the minimum required for building foundations, driveways, drainage control structures and other approved improvements and immediate areas surrounding the building, structure, road driveway, drainage structure or other approved improvements. With the exception of approved stockpiling or restoration efforts, substantial earth moving beyond that required for the installation or construction of approved buildings, structures, driveways, roads, or drainage structures shall not be permitted.
- 3) Per §Sec.36-398(2) Cut and fill. Unless otherwise specifically approved by the town, cut slopes shall be no steeper than 1½ half horizontal to one vertical (1½:1) and fill slopes shall not be steeper than two horizontal to one vertical (2:1). Slopes exceeding 35 feet in height shall be benched at 35-foot intervals.
- 4) Per §Sec.36-396(4). Geotechnical analysis and report. This analysis and report shall address the existing geology, topographic and hydrologic conditions of the site, including an evaluation of the ability of the site to accommodate the proposed activity. Such analysis and report shall contain a professional opinion regarding slope stability, soil-bearing capacity, the potential for landslide or other geological hazards and their potential impact on structures or surrounding properties, and any other pertinent information. The analysis and report shall then be used by a qualified licensed professional engineer or qualified licensed architect to create a design that is structurally sound and addresses the design elements outlined in this article.

Staff Analysis:

Staff have analyzed the submitted application and supporting material. Staff have made the following determination: Throughout the life of the project the applicant has deviated from the approved plans and exceeded the allowed disturbance limit. Due to this, the applicant will implement restoration efforts to compensate for the loss. This variance request is a new deviation that the applicant would like to implement to bench cut what would otherwise be a vertical cut. I

recommend the board analyze all available evidence to determine if the applicant has a valid case to further deviate from town ordinance requirements. The only evidence submitted to staff is a partial site plan without elevations.

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?
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- 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) Location Map (showing adjacent property owner who were notified of hearing)

Staff Contact

Rick Carpenter, CZO: Development & Environmental Review Specialist, 828-625-9983 ext. 107;
rcarpenter@townoflakelure.com

P. O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117, Fax 828-625-8371

TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-2024016

| | |
|-------------------------------|----------------------|
| Approved by Bd. of Adj: _____ | _____ |
| Rejected by Bd. of Adj: _____ | Zoning Administrator |
| (see attached Order) | Date: _____ |

Please complete both sides of form.

APPLICANT:

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

Name: THOMAS HAVSLE Date of Application: 8/7/2024

PROPERTY:

Property located at: 239 HAWTHORNE DRIVE

Map Page: _____ Block: _____ Lot: _____ Current zoning: R-1 Parcel/Tax PIN 0642-76-1702
(11633719)

VARIANCE REQUESTED (check all that apply):

Min. lot area:
(Attach Attorney's Certificate of Title)
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (street) yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. parking spaces:
(see section 36-218)
Required _____
Reduced to _____
Reduced by _____

Min. lot width at building site: (see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (lake) yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign number:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Min. open space:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. side yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign height:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Max. building height:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. rear yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. sign size:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

VARIANCE REQUESTED (Continued - check all that apply):

Other

Section 36-399 of the zoning regulations requires: "NO MORE THAN 50% OF THE LOT MAY BE DISTURBED"

Request: INCREASE AREA OF DISTURBANCE TO 52.75%

JUSTIFICATION FOR VARIANCE:

I NEED A LITTLE MORE ROOM TO LAY BACK THE EXCAVATION TO SAFELY INSTALL THE FOUNDATION

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.

[Signature]
Signature of applicant

Signature of owner if not applicant

2314 WESTFIELD AVE
Street or P.O.Box

Street or P.O.Box

WINSTON-SALEM, NC
City, State, Zip 27103

City, State, Zip

646-210-3732
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.

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:

DUE TO THE ACCESS AND SLOPE ON THE LOT A LITTLE MORE ROOM IS NEEDED TO WORK SAFELY

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:

THE ADDITIONAL AREA TO BE DISTURBED WILL BE RESTORED

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:

IT DOES NOT DEPRIVE ME OF ANY RIGHTS, IT WOULD CAUSE THE PROJECT TO BE REDESIGNED.

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:

THERE ARE NO IMPACTS BEYOND MY LOT AND THE AREA WILL BE RESTORED

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

WORKING SAFELY ON A STEEP SLOPE

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]
Signature of Applicant

8/7/2024
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 NONE
 - 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

RT 74 EAST TO HOLMES RD TO HAWTHORNE DRIVE

EASEMENT 1274 sq.ft.



NATHANIEL HAWTHORNE DRIVE

LAKE LURE



ENLARGED RETAINING WALL PLAN

L201 DATE: 22720 July 19, 2023

REVISIONS:

Hausle-Harp Residence
0 HAWTHORNE DRIVE
LAKE LURE, NORTH CAROLINA



KNIGHT Strategies

Landscape Architecture | Design • Build
196 Kirt Road | Lake Lure, NC 28746 | (828) 450-2429
www.knightstrategies.org

Community Development Department Staff Report to Board of Adjustments

Re: SUP2024005 (Government buildings for New Public Works facility)
660 Memorial Hwy behind fire department

Date: 8/27/24

The applicant, Dean Lindsey, has stated and presented to staff that the building appearance will meet normal Town requirements for commercial buildings, including screening and buffering requirements. The site's Government Use zoning allows "government administrative, meeting, and support facilities as a permitted use", per section 36-69 of the Code of Ordinances. Staff's opinion is that the submitted plans for the two public work support facilities meet the Town's zoning requirements. Town Council and staff have also considered the site in light of the Town's Comprehensive Plan and Future Land Use Map. While the site location is on the northern edge of an area that was projected for "Recreational Use" (part of the old golf course) it has been determined that this is the best potential site based upon availability, cost (already owned and relatively easy development project), central location for town services, and the existing location of government services in that area of the parcel.

Zoning and Planning Board reviewed the application and plans at their July meeting. Town Manager Stewman and Board liaison, Scott Doster, reported on the extensive consideration that has gone into the facility and location decision over the past two years. Staff pointed out that under State statute, comprehensive plans are a requirement if a municipality wants to regulate zoning and they are to be used as a consideration in making zoning decisions, but are not a regulatory document. After a board member's objection to what he considered to be a conflict with the Comprehensive Plan, and lengthy discussion of the project not being consistent with the Comprehensive Plan, the Zoning and Planning board recommended, with a vote of 4-1, to deny making any recommendation to the Board of Adjustments for the project.

Development Review Committee members made the following recommendations regarding the project:

Fire Chief/Emergency Management comments:

I have reviewed the plans for the new public works building. To the best of my knowledge these are the items that we will need to pay attention to.

Re: Lake Lure Municipal Building 1:

- Will not require Sprinklers.
- Knox Box needs to be installed
- Addressing signage will need to be in compliance with town ordinances.
- Slap style one action door hardware on all doors in the building
- Fire Extinguisher install so that the travel distance does not exceed 75'
- Co monitors will need to be installed if they use Propane appliances.
- Exit signage for all exit doors.
- Generator will need to be installed in accordance with Electrical, building, and NFPA 70, 110, and 111

Re: Lake Lure Municipal Building 2:

- Basically a storage shed Group U classification.

- No sprinklers needed.

Public Works Director comments:

- Septic and well will require Foothills Environmental Health approval.
- No floor drain in shop to control potential source of septic/ground contamination.
- Open to considering any screening, buffering or appearance standards recommended by BOA.

County Building Inspector comments:

- The biggest thing is to make sure that we have documentation that the buildings have a roof load of 40 lbs per sqft, and a wind load of at least 115 mph.
- Will handle any other issues in field after construction begins.

Zoning Permitting comments:

- Will need to overlay metal sided building with wood, stone, and/or other natural or simulated natural materials; or buffer with vegetative, walls, structures, etc. on all sides visible from residential zoned or used property (and/or from primary road (Hwy 64/74) – does not appear to be issue).
- Will require LDP/ erosion and sedimentation control plan.
- Is actually permitted by right in GU district (Sec. 36-69(b)(2))

It is staff's opinion and recommendation that the Town's Public Works Facility project be approved for acceptance from the Town Council.



Community Development Director

TOWN OF LAKE LURE APPLICATION FOR SPECIAL USE PERMIT

Fee: \$410

SUP-2024005

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

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: TOWN OF LAKE LURE - DEAN LINDSEY Date of Application: 8-6-24

PROPERTY

Property located at: 622 MEMORIAL HWY

Parcel/Tax PIN#: 1657963 Current zoning: G4

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: 3,823 SF MAINTENANCE SHOP W/OFFICE AND 2,880 SF POLE BARN

Clarification: MAINTENANCE SHOP WITH OFFICE, FOR PUBLIC WORKS AND
POLE BARN FOR PUBLIC WORKS EQUIPMENT STORAGE WITH OUTSIDE
WORK SPACE.

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.

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)

WILL NOT MATERIALLY ENDANGER PUBLIC SAFETY WITH CONTAINED AND CONTROLLED FACILITIES AS PROPOSED. LOCATION HAS MORE THAN ADEQUATE VEHICLE INGRESS AND EGRESS, TRAFFIC FLOW AND CONTROL AS OBSERVED DURING TEMPORARY USE PAST 12 MONTHS FOR TEMPORARY MATERIALS LAYDOWN AREA FOR CAPITAL PROJECTS. PEDESTRIAN SAFETY BY SEPARATION FROM GREEN SPACE/RECREATION AREAS. FIRE SUPPRESSION AS DIRECTED BY FIRE CHIEF.

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)

WILL NOT MATERIALLY ENDANGER PUBLIC HEALTH. UTILIZING HEALTH/COUNTY ENVIRONMENTAL HEALTH APPROVED SEPTIC SYSTEM, DEDICATED WELL, NO FLOOR DRAINS ON PREMISES TO AVOID CONTAMINATE DISCHARGE.

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)

WILL NOT SUBSTANTIALLY INJURE PROPERTY VALUES OF ADJOINING OR ABUTTING PROPERTIES. LIGHTING, NOISE AND ODORS NOT AN ISSUE. SITE WILL BE LANDSCAPED, TO INCLUDE VEGETATIVE/TREE SCREENING.

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)

ALL APPLICABLE STANDARDS AND REGULATORY REQUIREMENTS WILL BE.

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.

ELU -
recreation
FLU -
recreation

TOWN COUNCIL HAS STUDIED AND EVALUATED POTENTIAL SITES FOR PUBLIC WORKS, INCLUDING AVAILABILITY, LOCATION IN RELATION TO SERVICES NEEDED, CURRENT TOWN OWNED PROPERTY, PHYSICAL SUITABILITY OF SITES FOR TYPE FACILITY, COSTS, COMPREHENSIVE PLAN AND FUTURE LAND USE RECOMMENDATIONS/PROTECTIONS IN DETERMINING PROPOSED SITE. USE OF THE AREA, ALREADY HOUSING FIRE DEPT AND PARKS, RECREATION AND LAKE OFFICE, PROVIDES LEVEL OF HARMONY WITH NEIGHBORHOOD/AREA.

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 of applicant

Signature of owner (if not applicant)

PO BOX 255
Street of P.O. Box

Street or P.O. Box

LAKE LURE, NC 28746
City, State, Zip

City, State, Zip

828-625-9983
Daytime telephone number

Daytime telephone number

SITE PLAN
FOR
THE TOWN OF LAKE LURE

PROPOSED MAINTENANCE FACILITY
622 MEMORIAL HIGHWAY

TOWN OF LAKE LURE
CHIMNEY ROCK TOWNSHIP
RUTHERFORD COUNTY
NORTH CAROLINA

SCALE: 1" = 50'
JULY XXXX, 2024

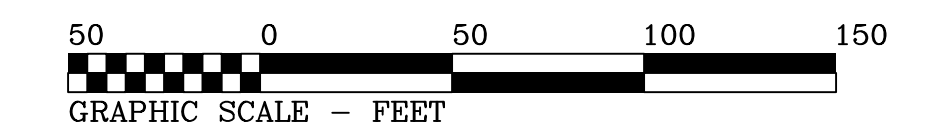


PROJECT DATA
-ADDRESS: 622 MEMORIAL HIGHWAY
-JURISDICTION: TOWN OF LAKE LURE
-ZONING: GU
-FLOOD HAZARD: ZONE "X" FIRM 3710065200J, REVISED 7/2/2008 AND FIRM 3710064200J REVISED 7/2/2008
-TAX PIN: 0642903053
-PARCEL ACREAGE: 201.98 (PER TAX INFORMATION)

**PRELIMINARY
UNCERTIFIED COPY
FOR AGENCY OR MUNICIPAL REVIEW
PURPOSES ONLY NOT FOR RECORDATION
OR FOR CONVEYANCE**

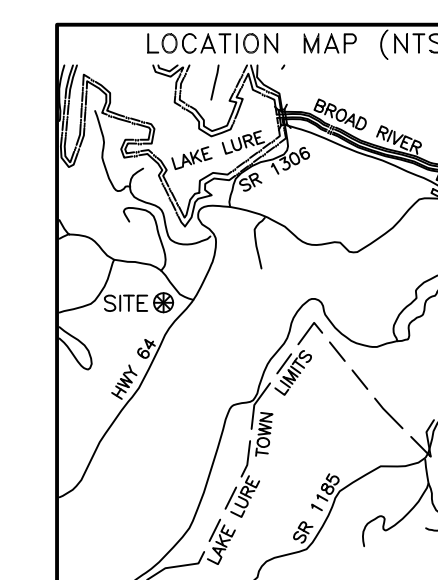
I, DAVID H. HILL, certify that this plot was drawn from an actual survey made under my supervision (deed description recorded in Book SEE, page REFERENCES); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10000; that this plot meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).
Witness my original signature, registration number and seal this XXX day of JULY, A.D., 2024.

David H. Hill, NCPLS L-3863



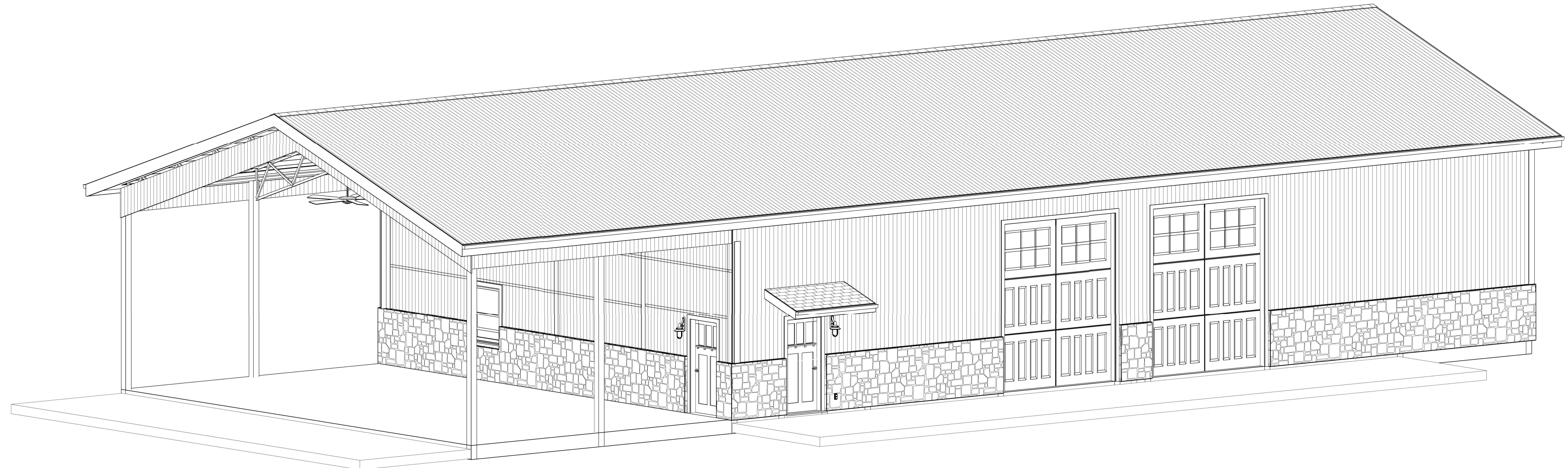
- NOTES:
- 1- AREAS BY COORDINATE COMPUTATION.
 - 2- ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 - 3- NOT FOR RECORDATION.

- LEGEND
- ⊕ MONUMENT FOUND AS NOTED
 - MONUMENT SET AS NOTED
 - POINT NOT STAKED
 - P-PED - PHONE PEDESTAL
 - UP - UTILITY POLE
 - PHP - PHONE POLE
 - TRANS - TRANSFORMER
 - TV-PED - CABLE TV PEDESTAL
 - WM - WATER METER
 - WV - WATER VALVE



| |
|---------------------------------------|
| DEED REFERENCES: D.B. 153, PG. 356 |
| TAX REFERENCES: 0642903053 |
| PARTY CHIEF: |
| REVISIONS: |

| | |
|---|------------------------------|
| SURVEY BY HILL AND ASSOCIATES SURVEYORS, P.A. LICENSE NUMBER: C-1991 | |
| DAVID H. HILL N.C.P.L.S. 3863 | |
| 403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 (828) 693-1409 | |
| CHECKED BY: DHH | DRAWING: 20242772SP |
| DATE: JULY XXX, 2024 | DRAWN BY: DHH FILE: 20242772 |



LAKE LURE MUNICIPAL BUILDING 1

LAKE LURE NORTH CAROLINA

NOTES:
 RENDERINGS ARE NOT TO SCALE. RENDERINGS ARE FOR
 ARTIST'S DEPICTION ONLY. PLOTTED PRINTS MAY NOT BE
 REFLECTED IN RENDERINGS. RENDERINGS SHOULD NOT BE USED
 FOR CONSTRUCTION.

INDEX:
 A-1 COVER
 A-2 ELEVATIONS
 A-3 FLOOR PLAN
 A-4 FRAMING COVER
 A-5 FRAMING ELEVATIONS

| NO. | DESCRIPTION | BY | DATE |
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PROJECT DESCRIPTION:
 Lake Lure1

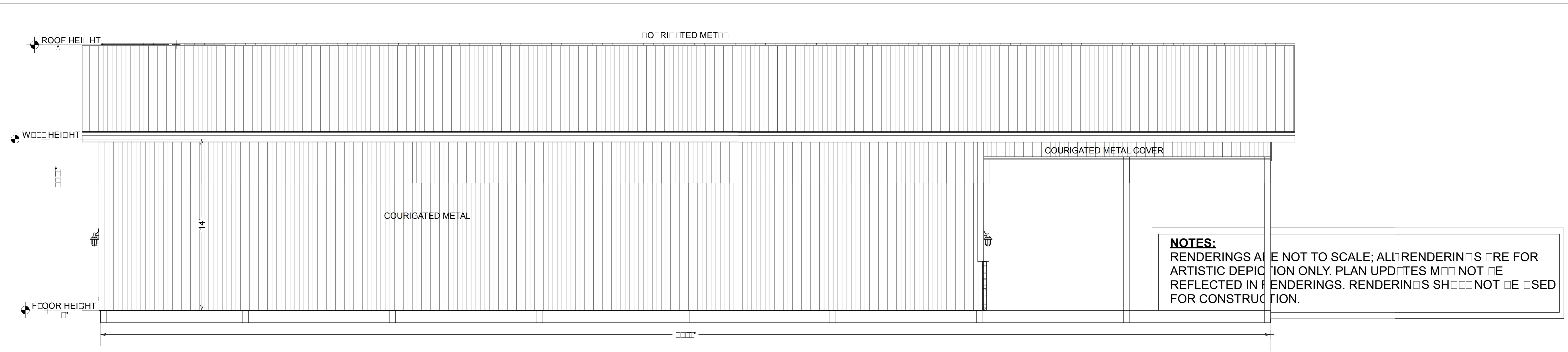
DRAWINGS PROVIDED BY:

DATE:
 7/22/2024

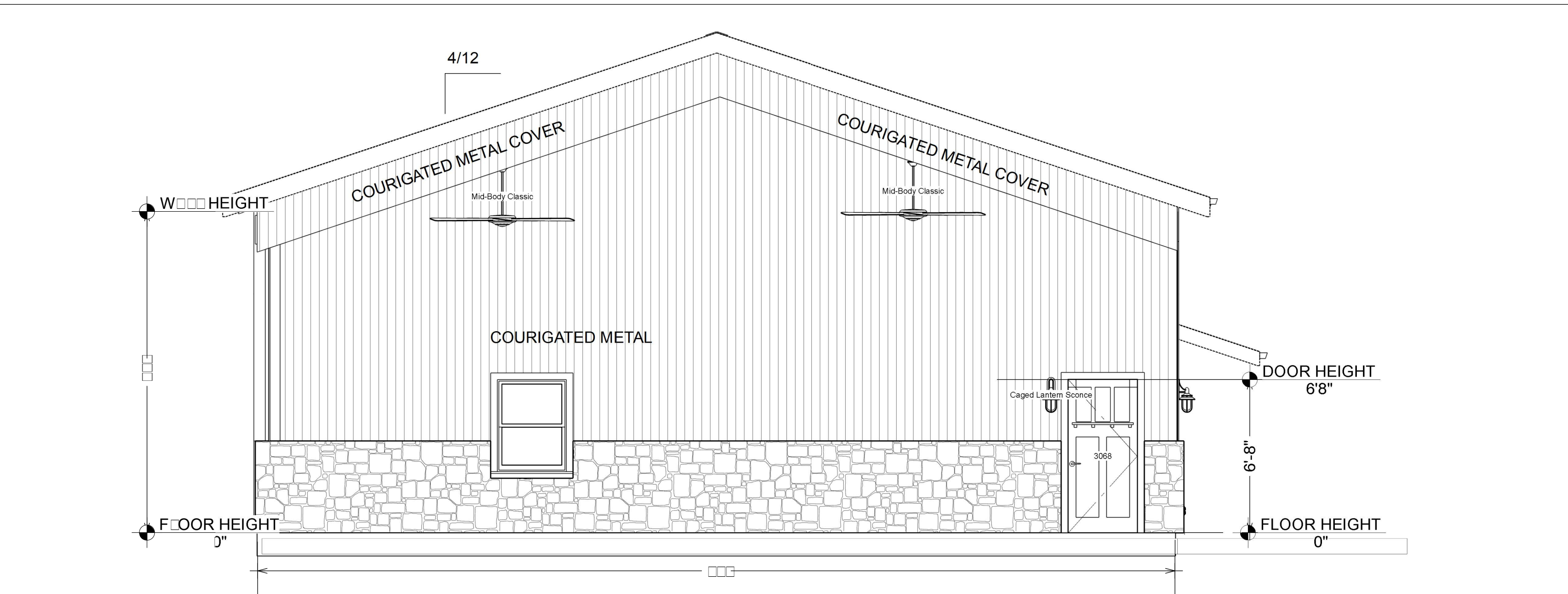
SCALE:

SHEET:

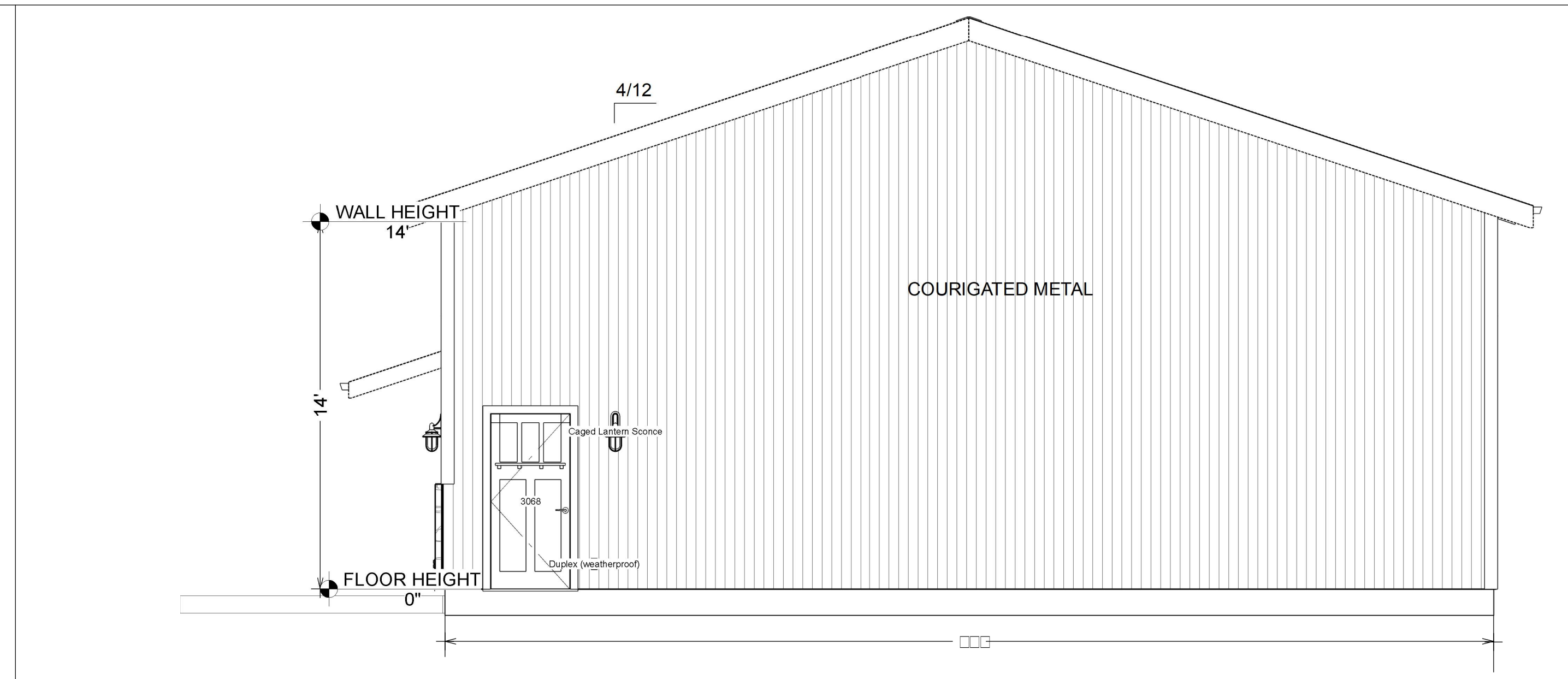
A-1



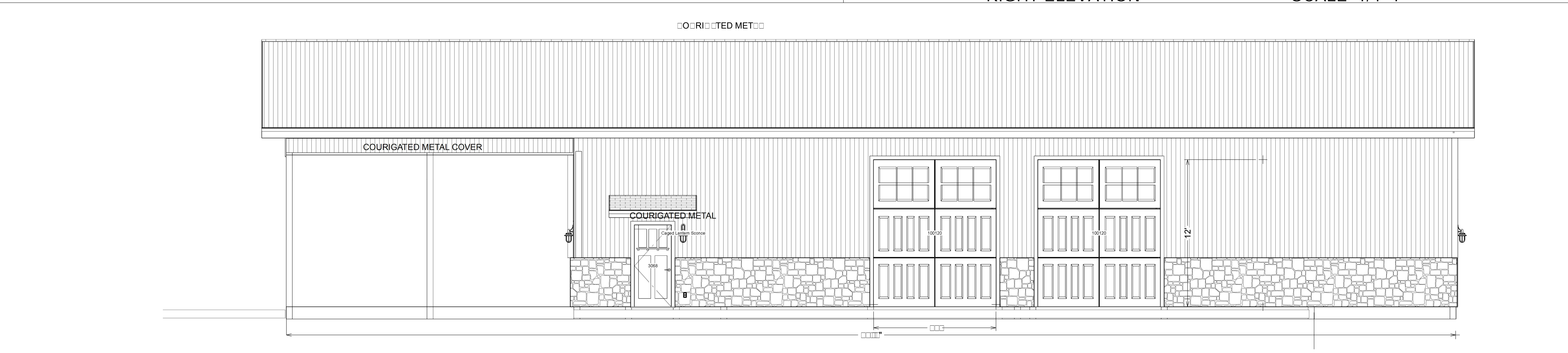
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LEFT ELEVATION SCALE 1/4=1'

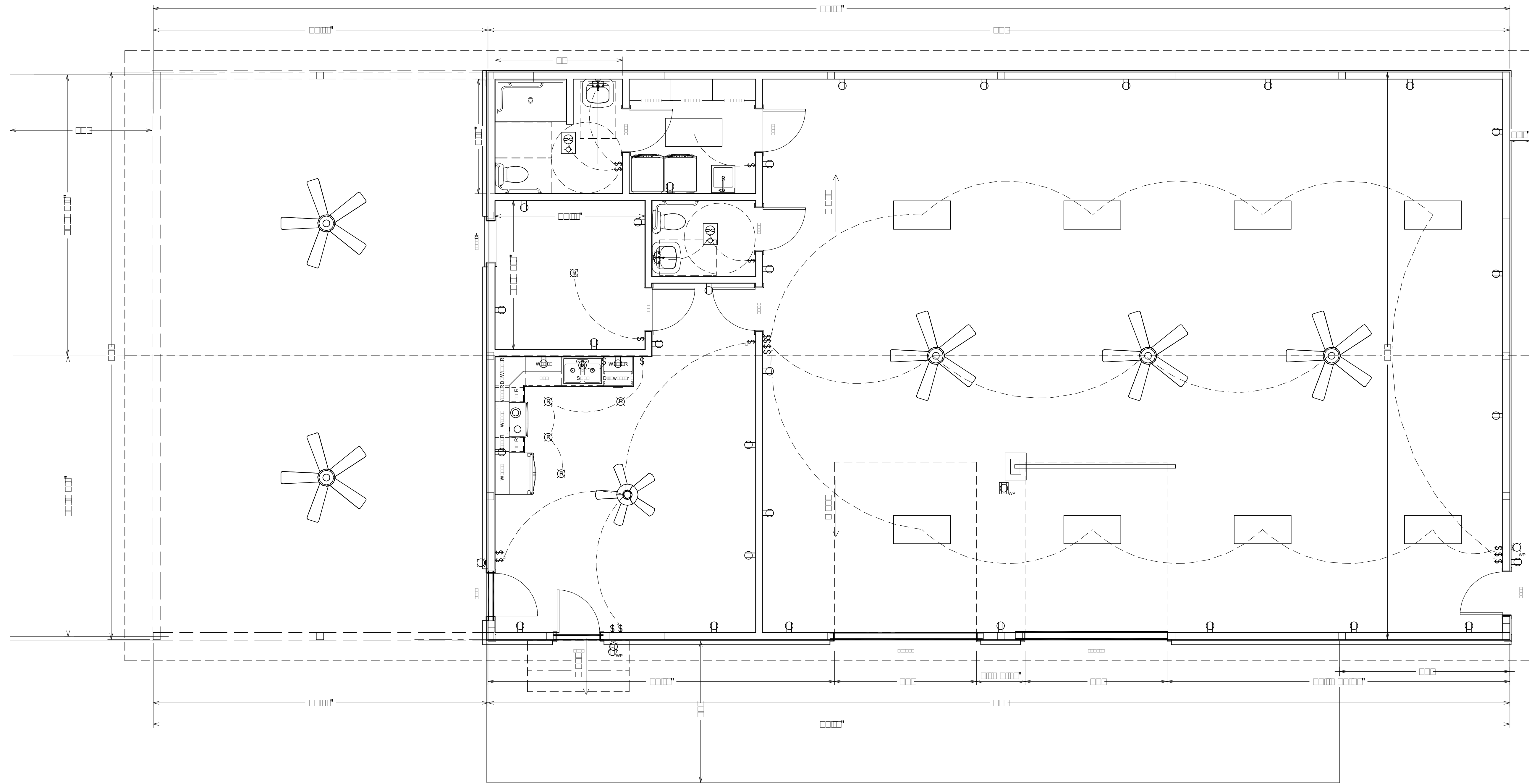


RIGHT ELEVATION SCALE 1/4=1'



FRONT ELEVATION SCALE 1/4=1'

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| DRAWINGS PROVIDED BY: | | | | |
| DATE: 7/22/2024 | | | | |
| SCALE: | | | | |
| SHEET: A-2 | | | | |



FLOOR PLAN

SCALE 1"=1'

| NO. | DESCRIPTION | BY | DATE |
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PROJECT DESCRIPTION:
Lake Lure1

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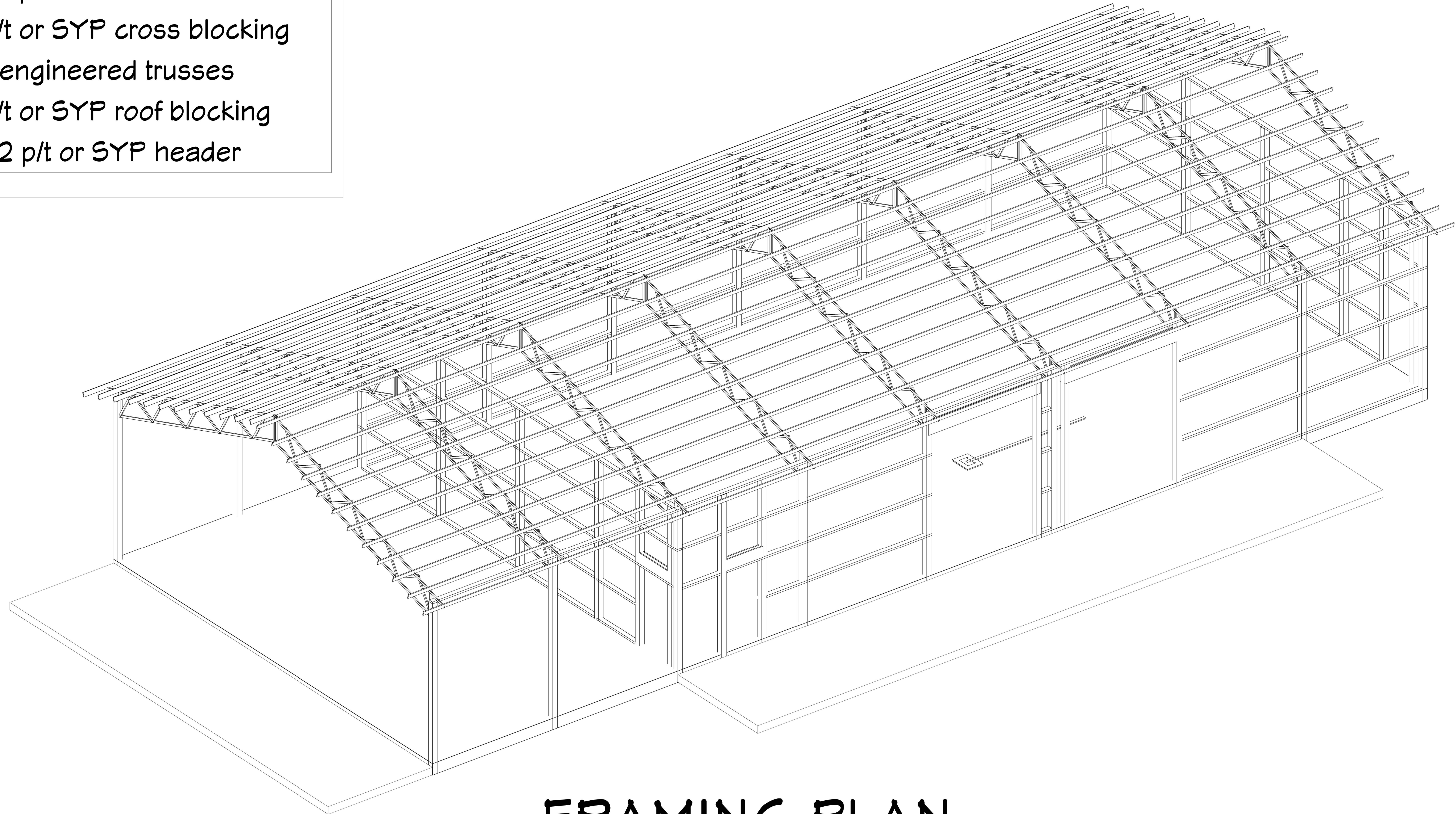
DATE:
7/22/2024

SCALE:

SHEET:
A-3

FRAMING NOTES:

Floor to be 6" +/- 2500 or better
6x6 p/t post
2x6 p/t or SYP cross blocking
Steel engineered trusses
2x6 p/t or SYP roof blocking
2-2x12 p/t or SYP header



FRAMING PLAN

SCALE 1"=1'

NOTES:

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PROJECT DESCRIPTION:
Lake Lure1

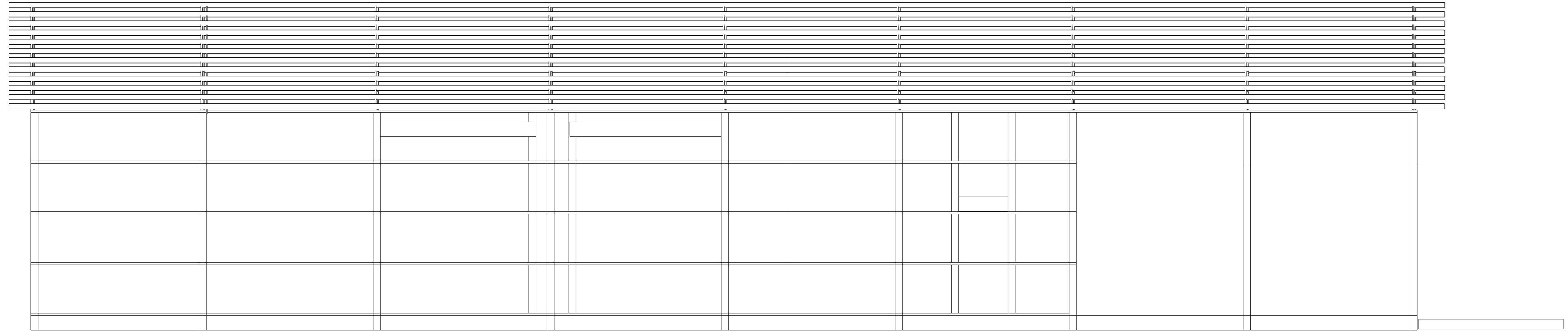
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DATE:
7/22/2024

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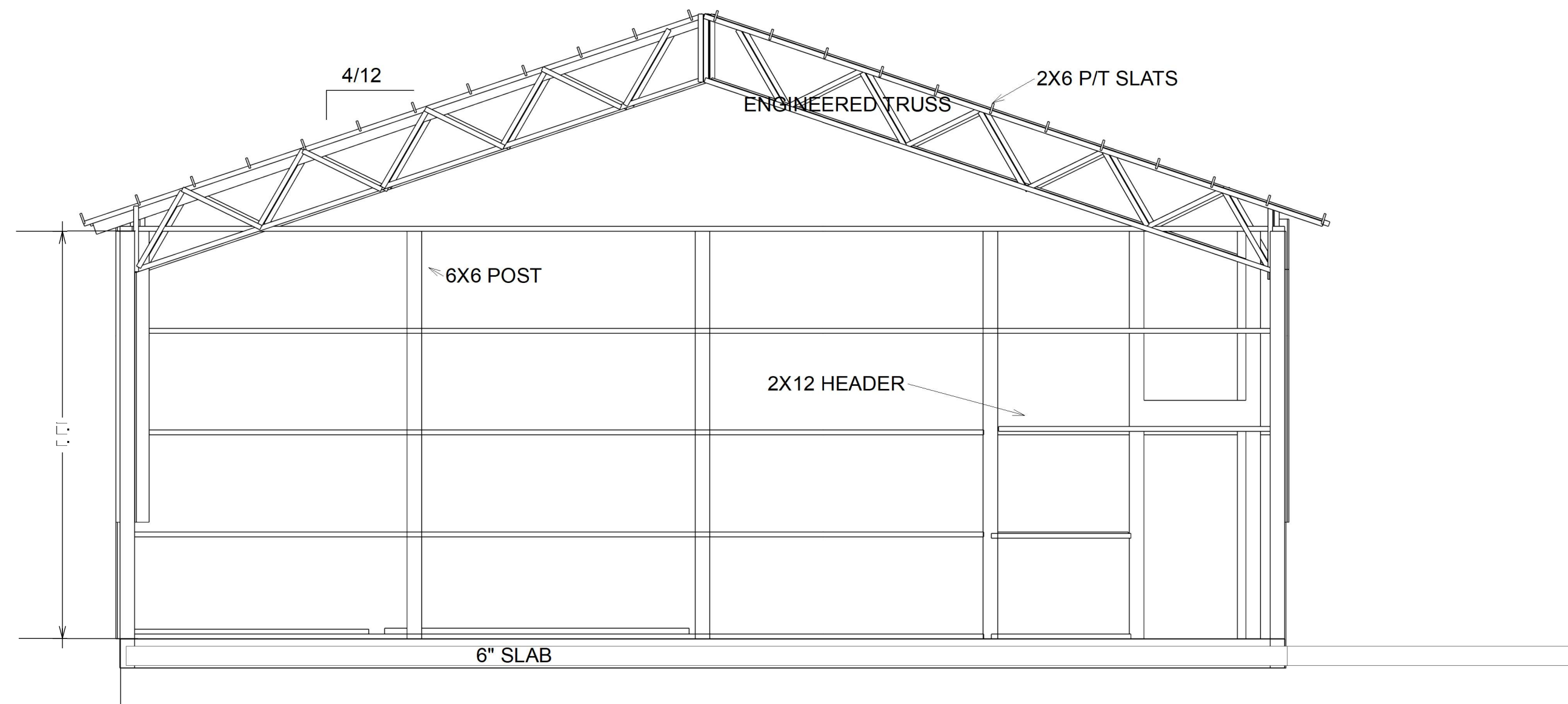
SHEET:

A-4



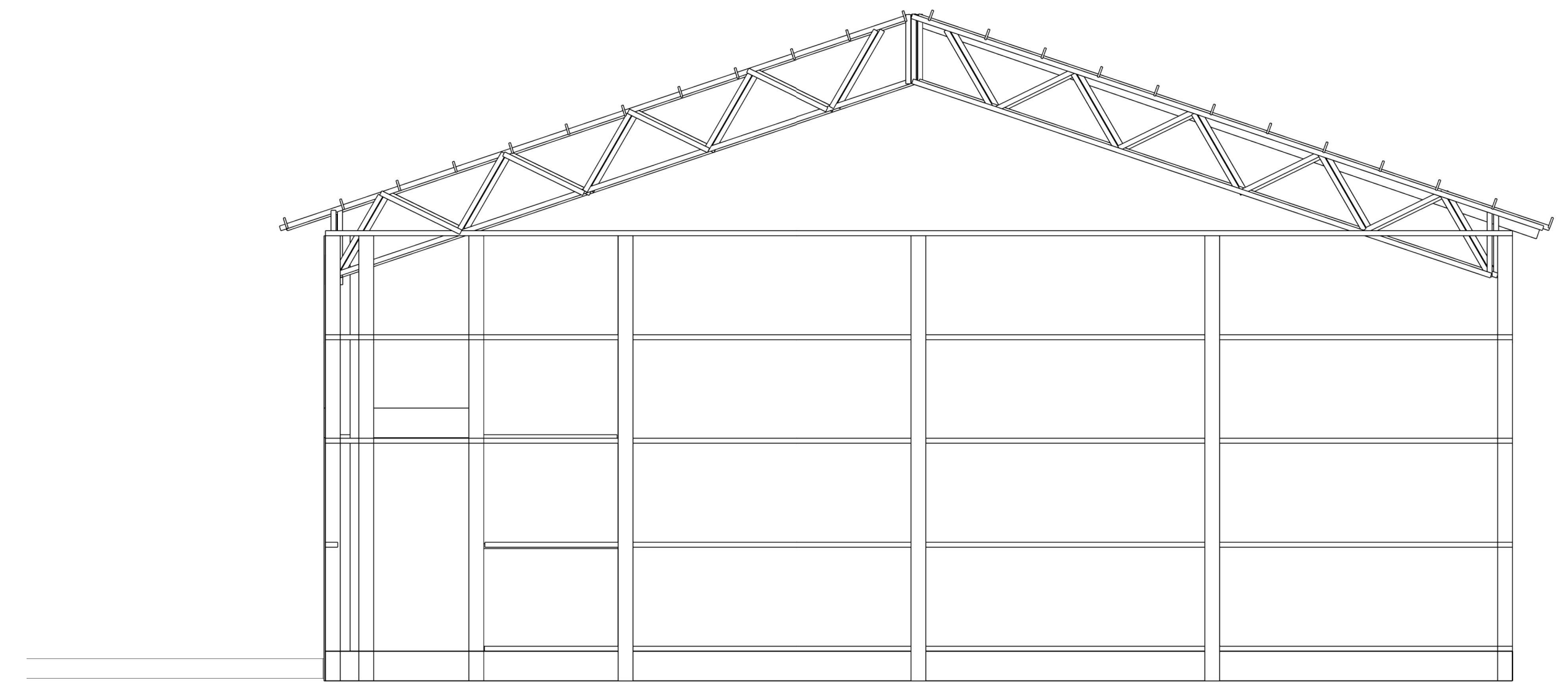
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SCALE 1/4=1'



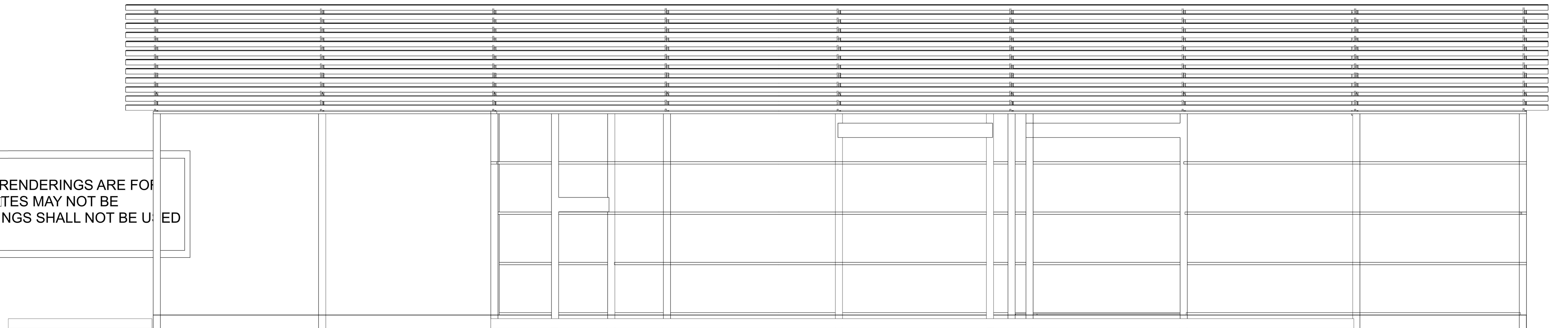
LEFT ELEVATION

SCALE 1/4=1'



RIGHT ELEVATION

SCALE 1/4=1'



FRONT ELEVATION

SCALE 1/4=1'

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 Lake Lure1

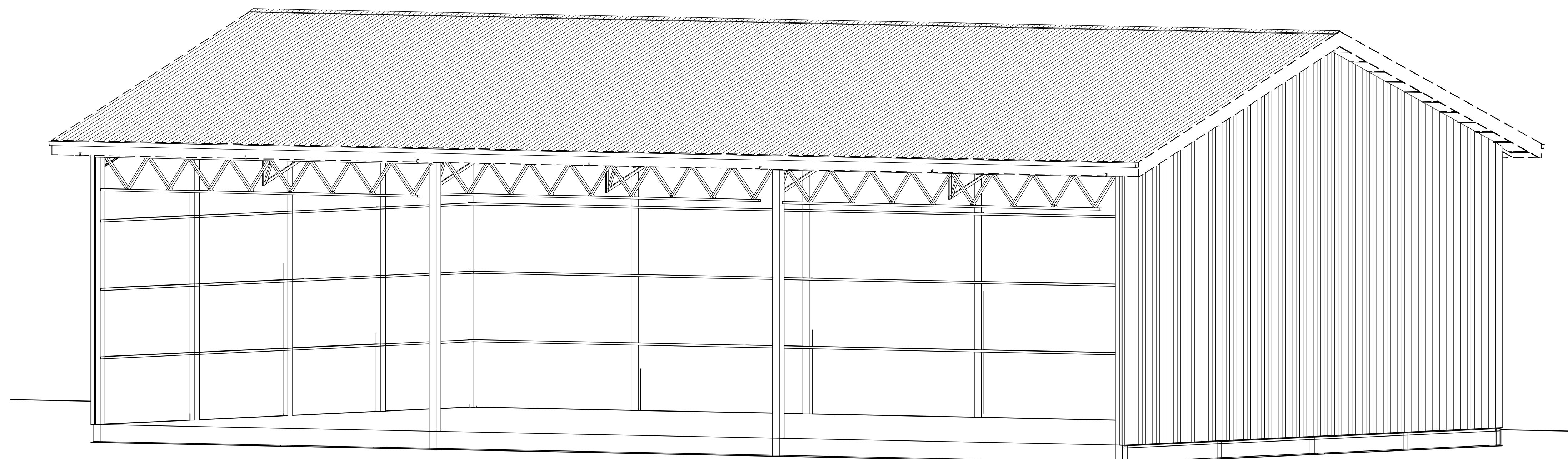
DRAWINGS PROVIDED BY:

DATE:
 7/22/2024

SCALE:

SHEET:

A-5



LAKE LURE MUNICIPAL BUILDING 2

LAKE LURE NORTH CAROLINA

NOTES:
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 A-5 FRAMING ELEVATIONS

| NO. | DESCRIPTION | BY | DATE |
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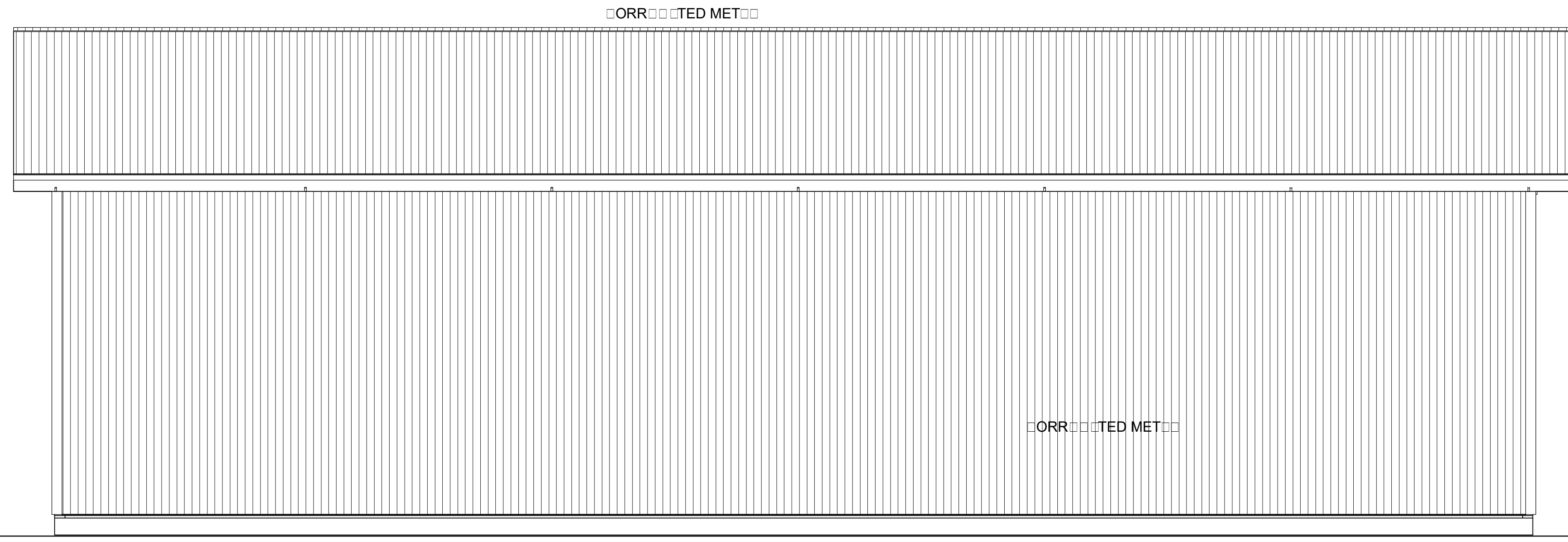
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DATE:
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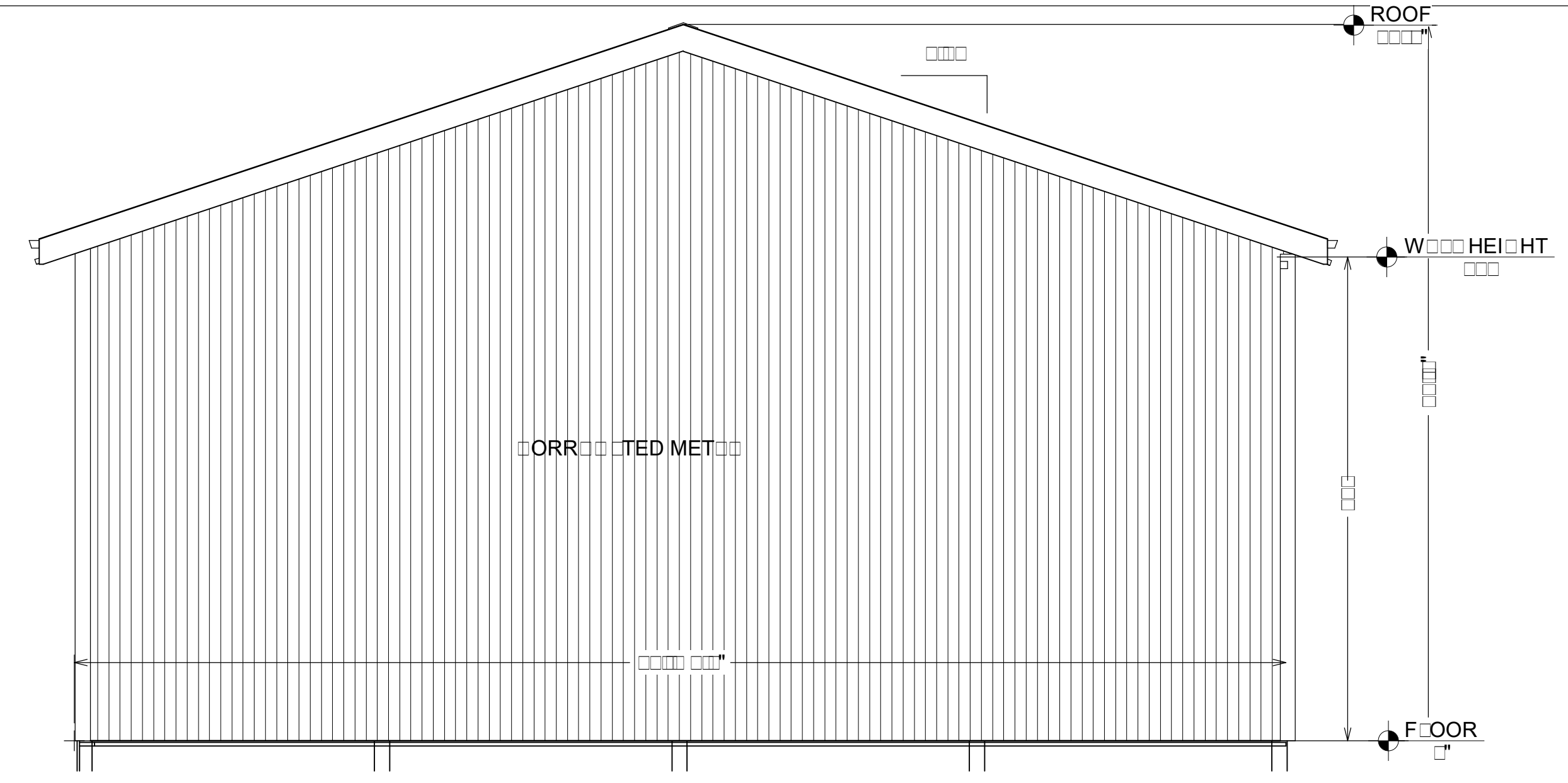
SCALE:

SHEET:
A-1

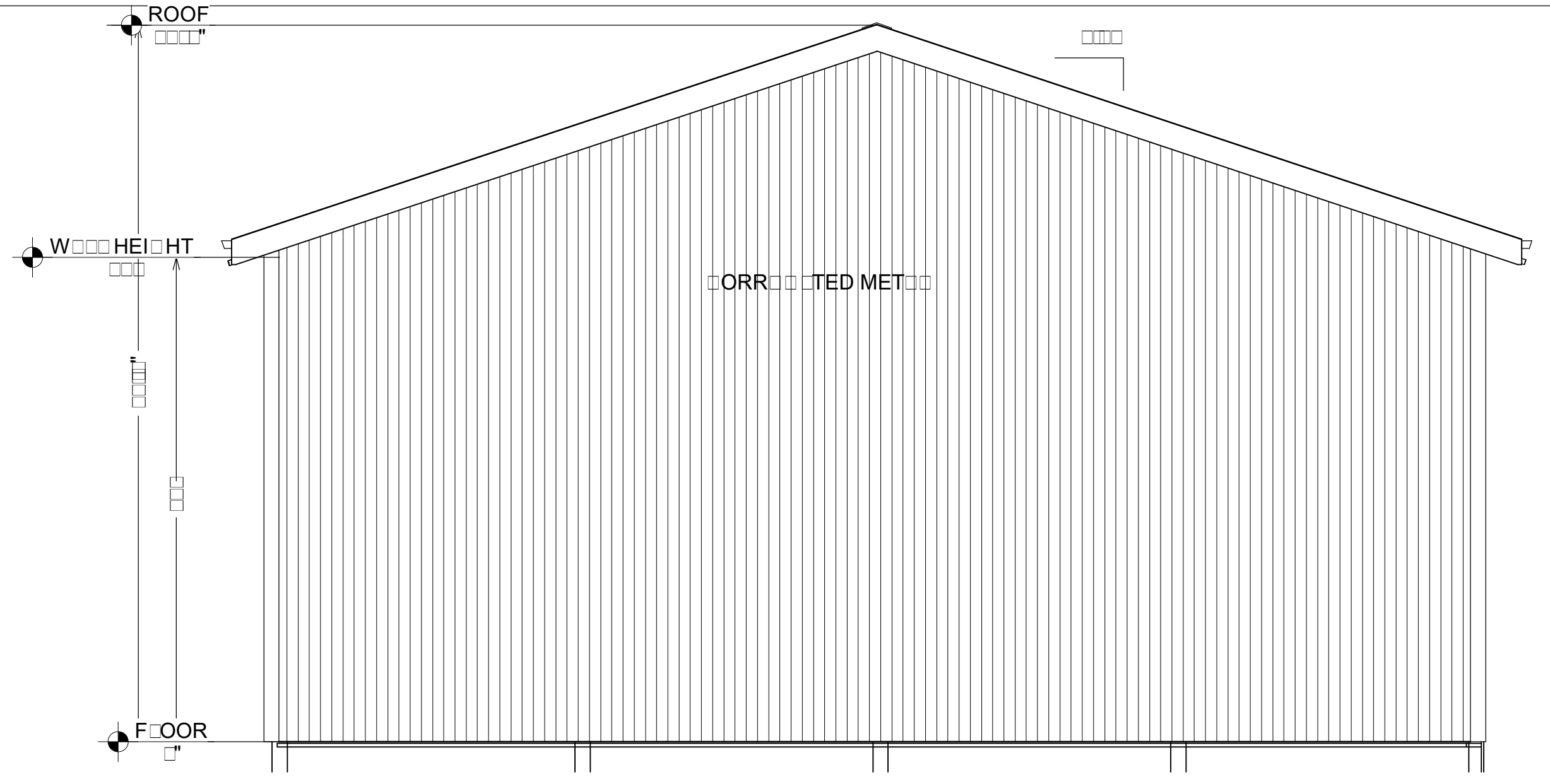


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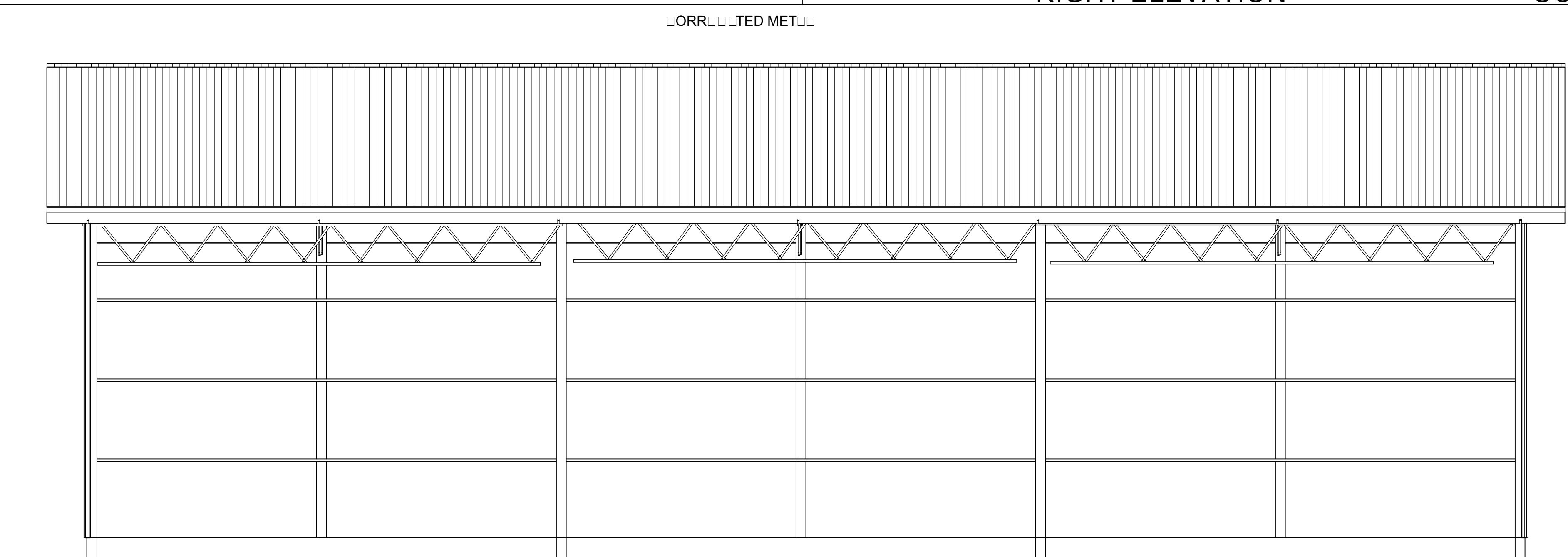
REAR ELEVATION SCALE 1/4=1'



LEFT ELEVATION SCALE 1/4=1'



RIGHT ELEVATION SCALE 1/4=1'



FRONT ELEVATION SCALE 1/4=1'

NO. _____

DESCRIPTION _____

BY _____

DATE _____

PROJECT DESCRIPTION:
 Lake Lure 2

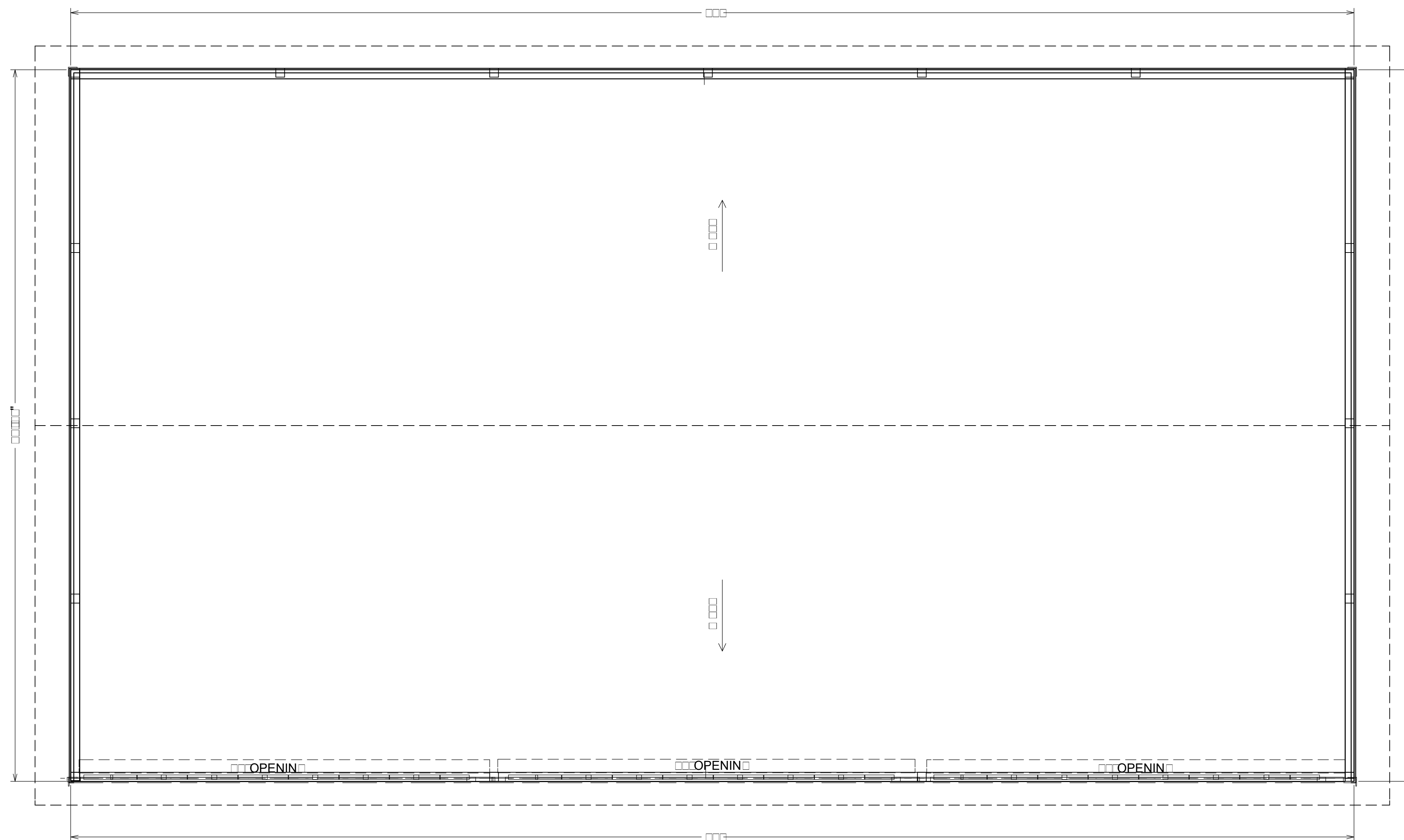
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DATE:
 7/22/2024

SCALE:

SHEET:

A-2



FLOOR PLAN

SCALE 1"=1'

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PROJECT DESCRIPTION:
Lake Lure 2

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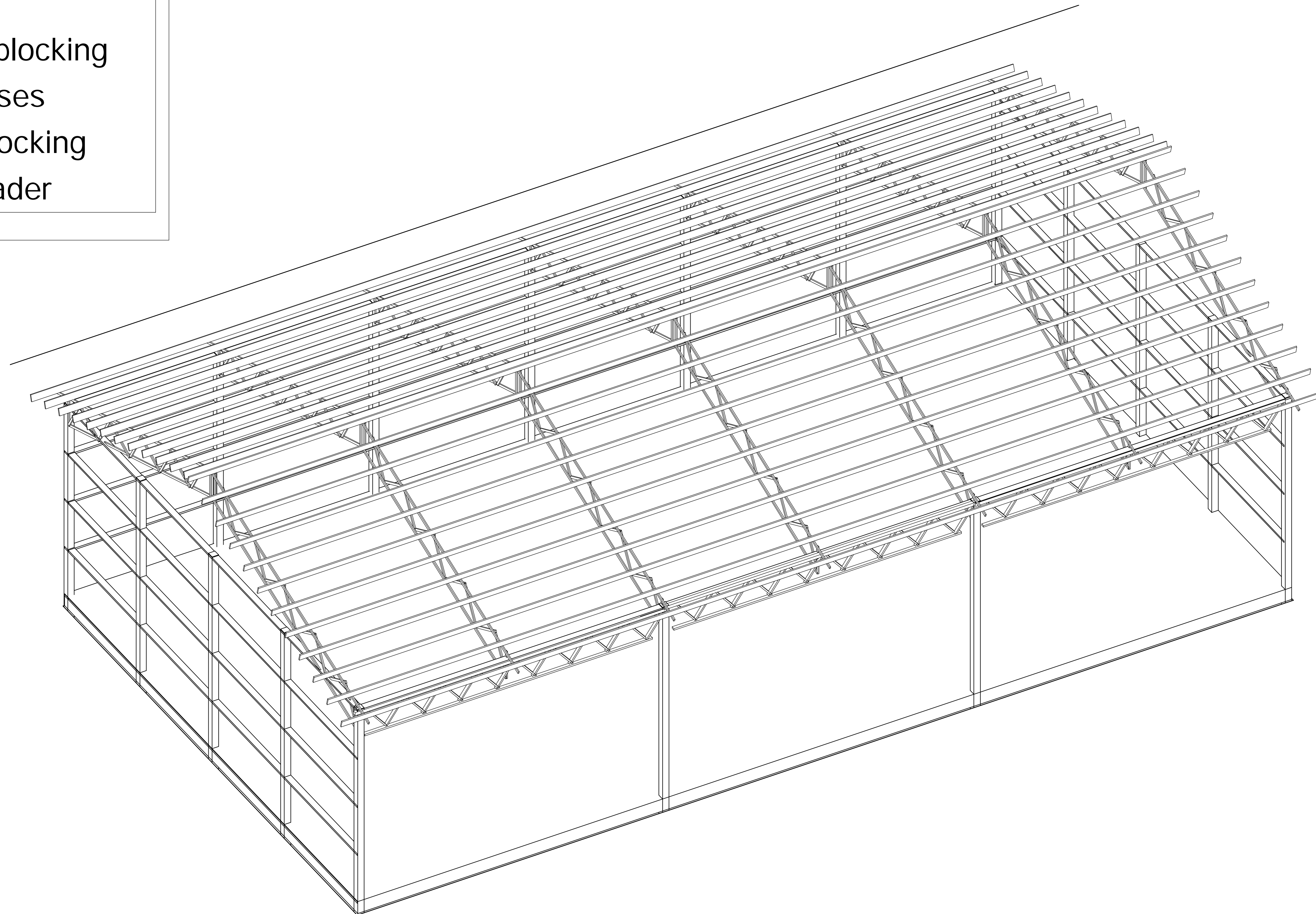
SCALE:

SHEET:

A-3

FRAMING NOTES:

Floor to be 6" +/- 2500 or better
6x6 p/t post
2x6 p/t or SYP cross blocking
Steel engineered trusses
2x6 p/t or SYP roof blocking
2-2x12 p/t or SYP header



FRAMING PLAN

SCALE 1"=1'

NOTES:

RENDERINGS ARE NOT TO SCALE
RENDERINGS ARE FOR
ARTIST'S DEPICTION ON PAPER
DATES MAY NOT BE
REFLECTED IN RENDERINGS
RENDERINGS SHOULD NOT BE USED
FOR CONSTRUCTION

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PROJECT DESCRIPTION:
Lake Lure 2

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7/22/2024

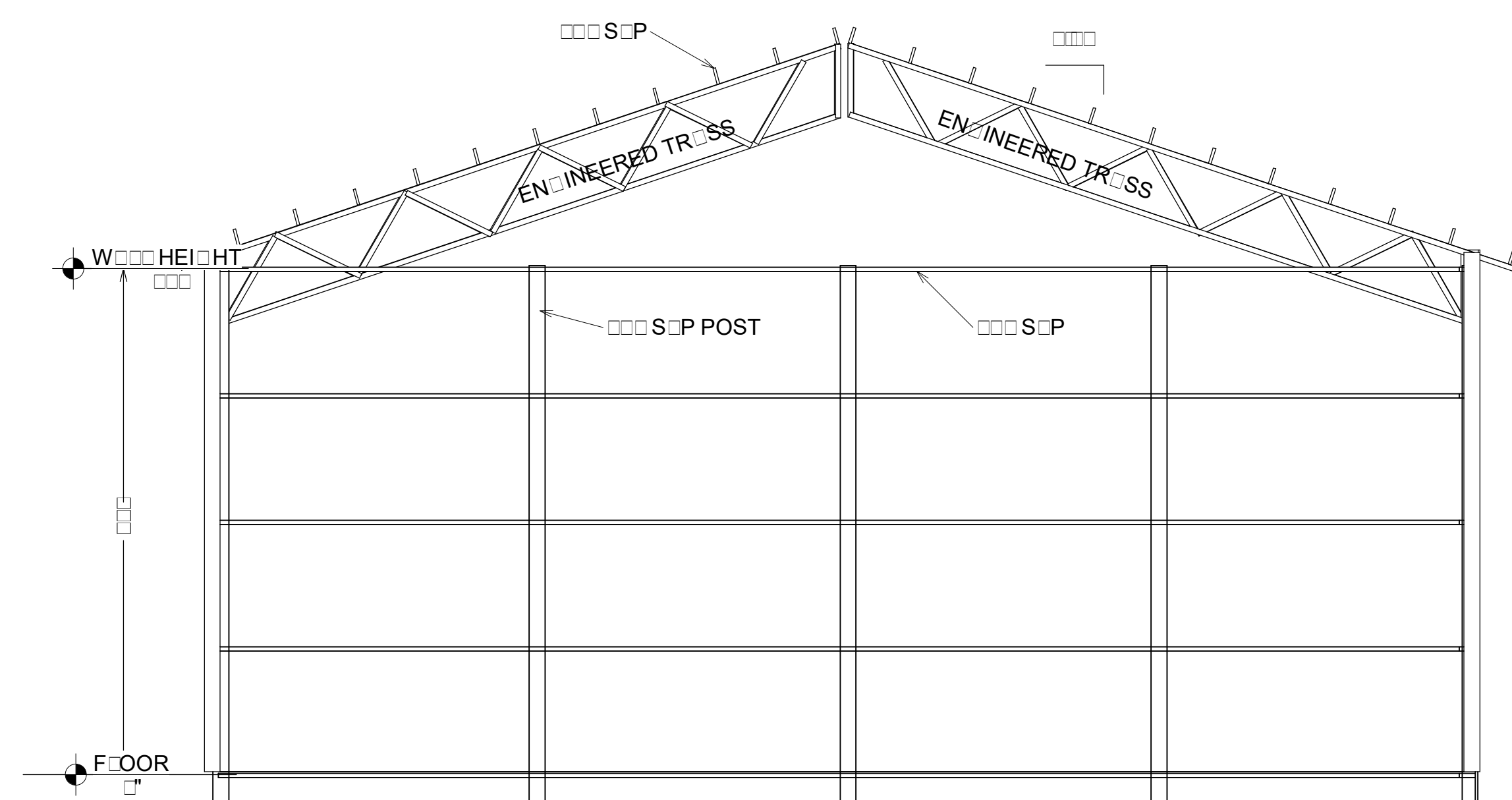
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SHEET:
A-4



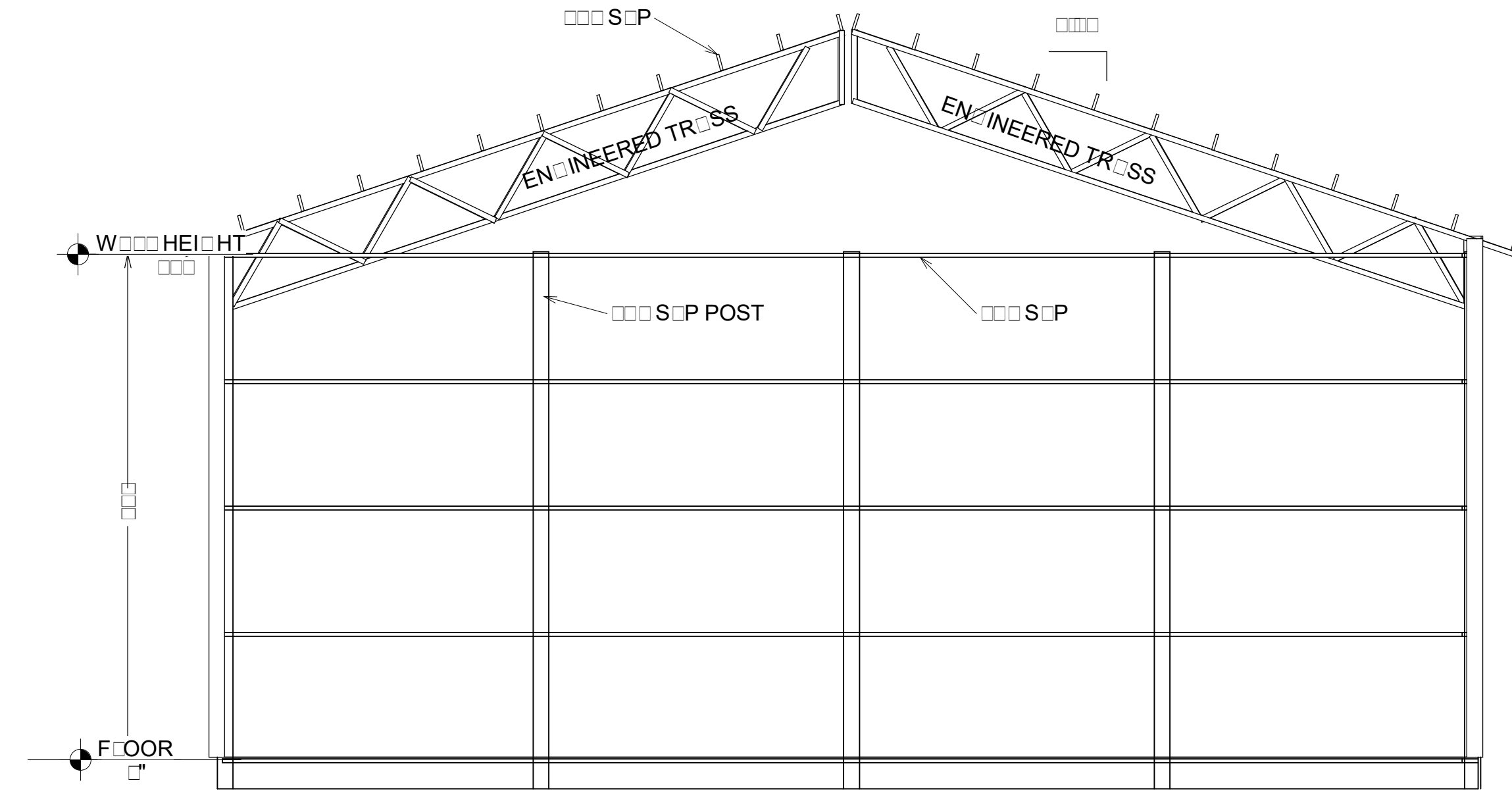
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SCALE 1/4=1'



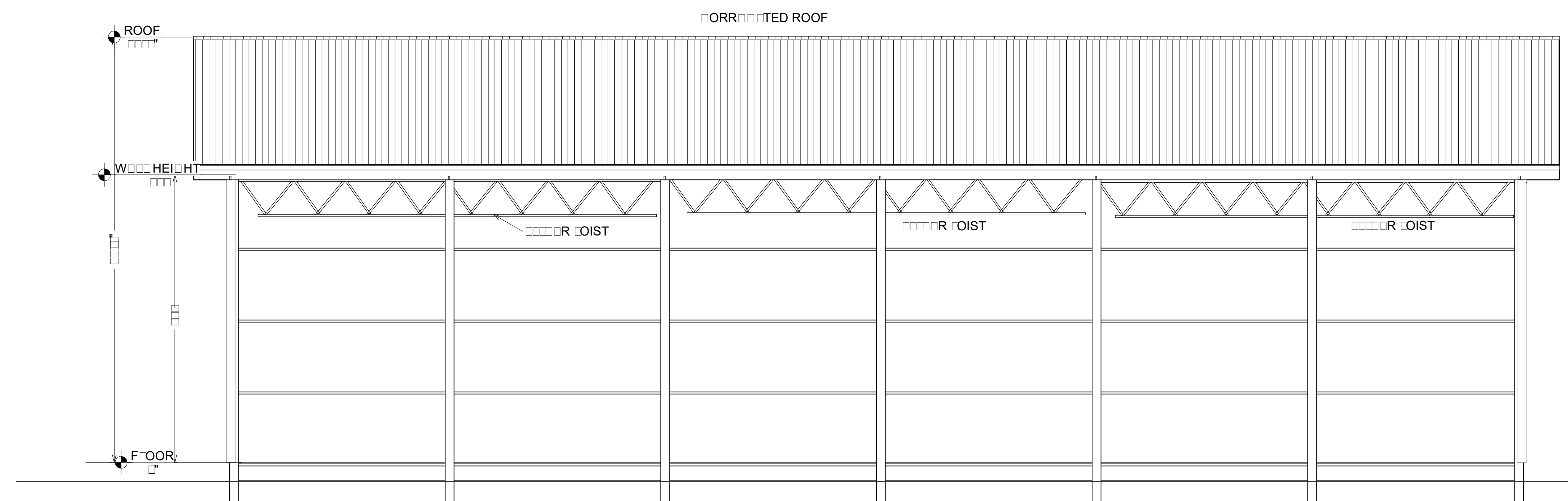
LEFT ELEVATION

SCALE 1/4=1'



RIGHT ELEVATION

SCALE 1/4=1'



FRONT ELEVATION

SCALE 1/4=1'

NOTES:
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PROJECT DESCRIPTION:
 Lake Lure 2

DRAWINGS PROVIDED BY:

DATE:
 7/22/2024

SCALE:

SHEET:

A-5



NAME: Mike Williams

POSITION: Community Development Director

REPORT DATE: 8/7/24

PREPARED FOR: Town Manager & Council

SUMMARY OF THE MONTH

*CDD issued 40 permits in July (31 in June, 31 in May, 34 in Apr, 62 in Mar, 43 in Feb, 39 in Jan, 31 in Dec, 31 in Nov, 35 in Oct, 34 in Sept, 39 in Aug, 28 in July, 22 in June, 60 in May)

Includes 20 Zoning (June=12, May=12, Apr=12, Mar=19, 10=Feb, Jan=19, Dec=16, Nov=12, Oct=12, Sep=7, Aug=13, Jul=13, Jun=9, May=22)

2 Lake Structure-includes shoreline stabilization (June=5, May=4, Apr=8, Mar=16, Feb=9, Jan=8, Dec=1, Nov=1, Oct=2, Sept=4, Aug=4, Jul=2, Jun=2, May=9)

9 Land Disturbance (June=4, May=3, Apr=7, 9=Mar, Feb=4, Jan=4, Dec=1, Nov=1, Oct=3, Sept=3, Aug=3, Jul=2, Jun=3, May=3)

and 4 Vacation Rental Operator permit (June=11, May=2, Apr=2, Mar=9, Feb=6, Jan=5, Dec=1, Nov=1, Oct=2, Sept=4, Aug=2; Jul=5, Jun=4, May=12, Apr=2, Mar=2, Feb=2, Jan=2, Dec=2, Nov=5, Oct=5, Sept=5, Aug=2, Jul=6, Jun=7). Active VROP's = 467 (total active permits based on our updated permit data)

*Did Final Inspection/issued Certificates of Completion for 17 zoning or lake structure permits. (June=17, May=15, Apr=16, Mar=16, Feb=7, Jan=11, Dec=13, Nov=13, Oct=14, Sept=13, Aug=12, Jul=14, Jun=16)

TOP ACCOMPLISHMENTS / PROJECT UPDATES

- 1) Of 20 zoning permits issued in July, worth noting that 10 were new single family home projects.
- 2) Zoning and Planning Board reviewed and approved a preliminary subdivision plat for a 9 parcel subdivision between Quail Ridge Road and Kings Road although that approval has been stayed pending an easement settlement affecting access to the property.
- 3) Board of Adjustments conducted quasi-judicial reviews of property owner appeal of staff decision regarding construction of an accessory structure storage shed without a permitted primary structure. The appeal was denied and recommended for Zoning and Planning Board consideration for ordinance change.
- 4) Lake Structure Appeals Board conducted quasi-judicial review of a variance application to modify the shoreline stabilization requirement a property with an existing seawall. Was approved with conditions.
- 5) Continued working with Tillman Construction (for AT&T) on the cell tower project. Project is still moving toward construction start.
- 6) Bears and garbage, especially with Vacation Rentals, continues to be an issue and ongoing focus, utilizing communications with rental property owners and ordinance enforcement.