

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, May 25, 2021 – 1:00 PM

Lake Lure Municipal Center



Agenda

I. Roll Call

II. Agenda Adoption

III. Consent Agenda

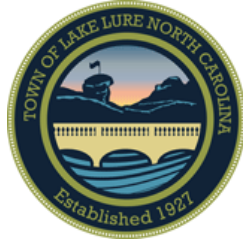
- [A.](#) Approval of the April 27, 2021 Regular Meeting Minutes and April 28, 2021 Reconvened Meeting Minutes

IV. Old Business

V. New Business

- [A.](#) ZA-2021001, a Petition for Appeal of Administrative Determination from Larry Bentley regarding new delineated parking at 0 Memorial Hwy. Lake Lure, NC, parcel number 1653330.

VI. Adjournment



**Minutes of the Regular Meeting of the
Board of Adjustment**

**Tuesday, April 27, 2021
1:00 p.m.**

Meeting held digitally via Zoom.

The Vice Chairman called the meeting to order at 1:05 p.m.

ROLL CALL

Present **Melvin Owensby, Chairman**
Via Zoom: **Neil Gurney, Vice Chairman**
 Greg Gardner, Board Member
 Wyn Hardy, Board Member
 Al Joyner, Board Member
 Scott Doster, Alternate
 Betty Ross, Alternate
 Kimberly Sayles, Alternate

 Patrick Bryant, Council Liaison

Absent: **n/a**

Also Present: **Mitchell Anderson, Assistant Community Development Director**
 Mike Williams, Development and Environment Review Specialist
 Michelle Jolley, Recording Secretary

APPROVAL OF THE AGENDA

Mr. Gardner made a motion to approve the agenda as presented. Mr. Gurney seconded and the motion carried 5-0.

APPROVAL OF THE MINUTES

Mr. Joyner pointed out that there was a comment on the rental business stated from Mr. Gurney that management of the parking space was not an issue that Town would be involved in. That

would be between the landlord and the business operator. He asked that that statement be included in the Minutes under the VROP discussion.

Mr. Joyner made the motion to approve the March 23-24, 2021 Meeting Minutes as amended. Mr. Hardy seconded and the motion carried 5-0.

NEW BUSINESS

A. Hearings

- a) **ZV-2021002, a request from Paul Brock/Lured Market & Grill for a variance of 14' from the minimum rear yard zoning setback for the CG zoning district located at 2655 Memorial Drive in Lake Lure, NC (Tax PIN 216982)**

Community Development Director Mitchell Anderson and applicant Paul Brock were sworn in. There were no conflicts of interest or ex parte communications to disclose. Ms. Sayles noted that she is a co-business owner in the community and personally knows the applicant but it would not affect her decision. Mr. Brock did not wish to challenge the Board for cause.

Mr. Anderson presented the case. He stated that Paul Brock is requesting a variance for the addition of a restroom on the back right side of the existing building located at 2655 Memorial Highway. This property is located in the CG Commercial General Zoning District. The request is to reduce the rear yard setback from the required 15' to 1' for a variance of 14'. The pre-existing non-conforming structure was built in 1926 prior to the Zoning Regulations being adopted. Unpermitted construction of a bathroom addition was begun in fall 2020, resulting in a September 25, 2020 Notice of Violation and October 27, 2020 Stop Work Order. The Stop Work Order was closed and removed March 26, 2021 in response to Mr. Brock's submission of a Zoning Compliance permit application and his completion of a previously submitted Variance application. The Zoning Compliance permit is on hold pending the hearing of this request. Mr. Anderson stated that property owner George Wittmer sent him an email and requested to be an applicant on this request as well. He noted that he received no communications from the public.

Mr. Gardner pointed out that the requested addition is possibly within the envelope allowed and there may be no further encroachment but requested a variance because of how close it is to the property lines. Mr. Anderson noted that the addition is not considered part of the existing structure and would be an addition to the existing roofline. Mr. Gardner pointed out that the only encroachment he noticed was with the first parking space. Mr. Brock noted when he originally submitted the plans to the County and to the Town, he had requested the bathroom located further back but felt it made better sense to put the bathroom on the front of the building. He stated that he did not realize at the time how close it was to the property line. He mentioned that he spoke with Mr. Anderson and decided to apply for the variance and take the existing walls and roof off.

Mr. Brock also pointed out that he added a metal storage cube on the opposite side of the building from the bathroom that is about the same distance as the requested bathroom to the property lines

and asked to make this part of his variance request as well. He noted that he spoke with the owners of the condos neighboring the building and they were all in approval of his request.

Ms. Sayles questioned if this bathroom is viable for operation of his business. Mr. Brock stated that there is an existing bathroom that does not meet ADA compliance and the County is requiring a second bathroom to meet ADA compliance. He pointed out that he has temporarily brought in an ADA approved Porta Potty pending the variance and addition of the bathroom. There is already a building right on the line or a foot or so from it.

Mr. Joyner asked if the Board's purview is to be focused on the footprint and esthetics or if it be more towards commercial design standards for the Town. Mr. Anderson explained that the design standards are for larger buildings/additions and he does not know of any regulatory purview of the Board specific to esthetics. Mr. Brock commented that he wants to construct a bathroom in conjunction with the esthetics of the property and would potentially put something in front of the bathroom door to try and block view from the street. However, the bathroom must be ADA compliant and allow for wheelchairs. He requested that the Board consider a 1' variance for his storage cube as well so that he does not have to cover it in vinyl. He noted that when he ordered the cube he had it custom pointed so it would blend in. The cube is not a permanent structure but is a very high quality. It could be removed if necessary.

Mr. Anderson read from §92.118 of the Zoning Regulations regarding metal structures. Mr. Brock expressed that the metal storage cube will be nearly invisible from the road. He forwarded pictures of the metal cube to Mr. Anderson to present to the Board members. Mr. Gardner asked if the Board could make a determination on a variance for the storage cube since it was not part of the original application and request. Mr. Anderson felt it would be appropriate to include as part of the testimony from Mr. Brock. He noted that the cube is referenced in the site plan on the variance application. Mr. Anderson mentioned that he will contact Town Attorney William Morgan and ask that he attend the reconvened meeting tomorrow to address any concerns and legal questions. Mr. Hardy asked if there are any other feasible locations for the bathroom to make more accessible and less noticeable from the parking lot and road. Mr. Brock stated that there are no other options unless he adds on to the building.

There was no further testimony. The Board unanimously agreed to recess the hearing until Wednesday, April 28th at 1:00 p.m.

RECESS

Mr. Gardner made the motion to recess the meeting at 1:50 p.m. until Wednesday, April 28, 2021 at 1:00 p.m. Mr. Doster seconded and the motion carried 5-0.

**Minutes of the Reconvened Meeting of the
Board of Adjustment**

**Tuesday, April 28, 2021
1:00 p.m.**

Reconvened Meeting held digitally via Zoom.

The Chairman reconvened the recessed meeting from April 27, 2021 at 1:14 p.m.

ROLL CALL

Present **Melvin Owensby, Chairman**
Via Zoom: **Neil Gurney, Vice Chairman**
 Greg Gardner, Board Member
 Wyn Hardy, Board Member
 Al Joyner, Board Member
 Scott Doster, Alternate
 Kimberly Sayles, Alternate

Absent: **Betty Ross, Alternate**
 Patrick Bryant, Council Liaison

Also Present: **William Morgan, Town Attorney**
 Mitchell Anderson, Assistant Community Development Director
 Mike Williams, Development and Environment Review Specialist
 Sha'Linda Pruitt, Recording Secretary

The board opened discussion for deliberations.

A. Hearings

- a) **ZV-2021002, a request from Paul Brock/Lured Market & Grill for a variance of 14' from the minimum rear yard zoning setback for the CG zoning district located at 2655 Memorial Drive in Lake Lure, NC (Tax PIN 216982)**

Paul Brock is requesting a variance for the addition of a restroom on the back right side of the existing building at 2655 Memorial Highway. (Tax PIN 216982). This property is located in the CG Commercial General Zoning District.

- 1) The variance request is to reduce the rear yard setback from the required 15' to 1', for a

variance of 14'.

- 2) The pre-existing non-conforming structure located at 2655 Memorial Highway was built in 1926, prior to the zoning regulations being adopted.
- 3) Unpermitted construction of a bathroom addition was begun in fall 2020, resulting in a September 25, 2020 Notice of Violation and October 27, 2020 Stop Work Order. The Stop Work Order was closed and removed March 26, 2021 in response to Mr. Brock's submission of a Zoning Compliance permit application and his completion of a previously submitted Variance application. The Zoning Compliance permit is on hold pending the hearing of the Variance application.
- 4) The applicant has provided a complete application with to-scale plans. These documents are included in the meeting packet.

Lured Market and Grill proposes to build a 56 square foot American Disabilities Act Compliant Bathroom adjoining the back corner of our existing market. The roofline of the proposed bathroom will correspond with the existing roofline of the existing market. Due to the proximity of the proposed building to the property line, it is admitted that proposed location of said bathroom is too close to the existing lot line for the adjoining lot. However, the Lured Market property backs up to a steep bank with an approximate 60 degree grade, so that this bank on the adjoining property is not suitable for building or development. Furthermore, the aesthetic requirements of the proposed addition require the bathroom to be placed at the back of the property rather than the front part of this historic building.

The Lured Market is requesting a variance to place this bathroom, as well as a 10x10 storage unit, no less than 1 foot from the property line. This variance is necessary to operate Lured Market and Grill successfully, and would be both functional and aesthetically pleasing.

In starting this business, Lured Market has complied with all Rutherford County building requirements as well as all Rutherford County Heath requirements and is seeking this variance to comply with the requirements of the Town of Lake Lure.

Staff had sent over the metal siding concerns expressed by the board to the town Attorney Mr. Morgan. Mr. Morgan had reviewed the different canvas types for storage buildings.

Mr. Morgan stated that the existing town ordinance is clear on its intent with addressing Fabric and metal structures to protect the character and appearance of Lake Lure. You can have them but they can't be visible from a public street. The issue is that you can see this from US 74. Staff confirmed that you would in fact be able to see the storage cube from the highway. The board cannot or shouldn't approve a variance that in affect would create another non-conforming structure. You would be blessing the creation of a new ordinance violation. There is a way to do it but it would have to be screened and there are various ways that are listed to do the screening

such as a wooden fence. The board can make this a condition subject to the variance being approved. You can make it a condition that the building either be over laid with wood or hidden by walls, buffer stripes or other means to obstruct the visibility from the hwy. I wouldn't approve and order without making it a condition required by 92.118 Fabric and Metal Structures in the zoning ordinance. The details of achieving compliance should be worked out with staff.

Mr. Gurney asked Mr. Morgan if the town approves to make this a requirement then the Town would work with Mr. Brock to define what exactly would be feasible under this ordinance so that the board wouldn't have to get into those specifics but only to determine if it meets the town's ordinances.

Mr. Morgan stated this is correct that the board doesn't dictate the material used only that the fence be covered. I wouldn't approve and order without making it a condition required by 92.118 Fabric and Metal Structures in the zoning ordinance. The details of achieving compliance should be worked out with staff.

Mr. Gardner stated that the applicant expressed interest previously in reference to the bathroom so perhaps he could do the same type of screening device for the cube which would solve the issue because you wouldn't be able to see the cube from the road.

Mr. Joyner asked staff if the storage cube apart of the original application submitted by Mr. Brock.

Staff confirmed that it was and was included in the site plan.

Mr. Hardy asked the town attorney in regards to the storage cube, does portability as oppose to having a structure planted in ground make any difference in regards to the regulations.

Mr. Morgan referred to Mr. Anderson, staff stated that it would treated as an accessory structure similar to a shed as far as the regulations would be concerned. The only temporary structure that get regulated would be RVs.

Mr. Joyner asked about waste containers.

Mr. Morgan confirmed that most towns do require some form of screening around dumpsters.

Mr. Anderson said the town doesn't view waste containers as metal structures.

Mr. Morgan reiterated that the ordinance does in fact address this specific situation very clearly in the regulations.

Mr. Hardy added that yesterday we agreed with the suggestion that the property owner also sign the application for the zoning variance prior to the construction of the bathroom as a condition was well.

Mr. Morgan asked does the ordinance explicitly say that the owner must also sign the application. Obviously the owner does support this action by way of his letter. I think the owner should sign the application since it will be recorded by the county with the register of deeds.

Mr. Brock stated that six months is more than enough time to complete this project.

The board agreed to make the signature of the property owner on the application as a condition too.

Mr. Joyner asked if the board is approving the location of the storage unit or just the screening of the storage unit.

The storage unit location has not been changed

Mr. Gurney made the motion “With regard to Case Number ZV-2020002, I move the Board to find that the applicants have demonstrated that unnecessary hardships exist as per the following testimony”: The applicant would not be able to build the ADA bathroom in its current location or the storage cube to the property line since the building was erected in the 1920s when the current ordinances did not exist. Mr. Gurney stated that both the storage unit and the ADA can have a variance of 14ft. It may not be closer than 1ft to the property line. In addition we have a condition that the storage cube needs to meet ordinance 92.118 in conjunction with the staff within a six month period. A second condition will be added that the property owner must also sign the application. I move the board to grant the requested variance for the bathroom and storage cube based on the application. Mr. Joyner gave the second.

OLD BUSINESS

None

The Chairman asked for a motion to adjourn. Mr. Hardy gave the motion and Mr. Joyner gave the second.

The meeting ended at 1:43pm

ATTEST:

Neil Gurney, Vice Chairman

Sha'Linda Pruitt, Recording Secretary



TOWN OF LAKE LURE *Community Development Department*

MEMORANDUM

TO: Board of Adjustment

FROM: Mitchell Anderson, Zoning Administrator

DATE: May 13, 2021

RE: ZA-2021001

Larry Bentley has filed a Petition for Appeal of an Administrative Determination regarding an off-site parking area with non-complaint parking space delineation that was inspected and discussed on 3/4/2021.

The non-complaint parking layout was mistakenly approved on 2/13/20 with plans submitted with permit application LSP_2019025, LSP_2019024, and LDP_2019015.

On 3/2/2021, Town staff observed new parking space delineation, created at the parking area located atop the project permitted at 0 Memorial Hwy, parcel number 1653330. The new lines extended at a 45 degree angle from atop the retaining wall towards Memorial Hwy's west bound traffic lane. Such parking space layout would result in vehicles having to back into Memorial Hwy when exiting the parking area.

Staff notified the applicant, project engineer, and HOA member Bob Burton of the non-complaint parking space delineation on the same day.

A meeting with Kim Warner, Vic Knight, Bob Burton, Mitchell Anderson, and Mike Williams occurred during the inspection on 3/4/2021.

Staff recommend the parking spaced be altered to create a parallel parking environment to ensure vehicles did not have to back into Memorial Hwy or lines can be removed completely as the Town's regulations do not required delineated parking for that use.

An application for a Petition for Appeal and a copy of §92.103 of the Town's Zoning Regulations were provided to the HOA member, Bob Burton during the meeting on 3/4/2021

On 3/4/2021, the parking space delineation was removed and a final inspection report and CO_2021011 were issued and emailed to all parties.

On 4/22/21, Staff received an email from Larry Bentley, HOA member, requesting directions on the submission of the Petition for Appeal. A response email was sent on 4/26/2021.

Mr. Larry Bentley filed a petition with Michelle Jolley.

Included in your packet is a copy of the appellants' application and exhibits. Per §92.087(E) of the Lake Lure Zoning Regulations, also included in your packet are the documents constituting the

record upon which the action appealed from is taken. This consists of an email sent by Mitchell Anderson to Bob Burton, Bill Tomson, Vic Knight, Kim Warner, Jason Butler, and Mike Williams dated March 2, 2021.

Also included are the following documents:

- An email from Vic Knight confirming completion of mitigation tasks to resolve the non-compliant parking.
- The response email to Larry Bentley's petition inquiry.
- A scanned copy of sheet 2 of Plan set "Segmental Block Wall Layout for Lure Ridge Owner's Association" by Kim Warner PE
- §92.103 of the Town's Zoning Regulations

All permit files and plans referenced within this memo will also be available for review during the hearing on May 25th, 2021.

Mitchell Anderson

From: Mitchell Anderson
Sent: Tuesday, March 2, 2021 10:16 AM
To: 'William Thomson'; 'Bob Burton'; Vic Knight; 'Kim Warner'
Cc: Michael Williams; 'jbutler5@ncdot.gov'
Subject: RE: LureRidgeCMPLTN LTR.pdf

Hello Everyone,

Thank you for submitting Mr. Warner's statement of completion.
 An inspection of this project is scheduled for Thursday 3/4/21 at 11:00 AM.

It has been noticed that parking spaces have been delineated perpendicular to the highway.
 The layout of these parking spaces will result in cars backing out into the highway in a location with blind curves.
 Required off-street parking must comply with §92.103.

§ 92.103 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 9 feet X 18 feet. To insure orderly parking, each parking space shall be appropriately delineated as determined by the Zoning Administrator. (Amended 1-24-95)

Requirements for off-street parking for uses not specifically mentioned in this section shall be the same as provided for the use most similar to the one sought, it being the intent of these regulations to require all uses to provide off-street parking unless specific provision is made to the contrary. (Amended 7-10-01)

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_92_Zoning_Regulations.pdf

As shown in the photo below, this parking configuration does not promote safe ingress and egress and does not have any space for turning around.

A new parking arrangement must be developed that will allow for safe ingress and egress from this parking onto memorial hwy.



Thank you,
Mitchell Anderson

Mitchell Anderson, CZO

Assistant Community Development Director
Town of Lake Lure
828-625-9983 Ext. 107
manderson@townoflakelure.com

From: William Thomson [mailto:bthomsonaapavers@gmail.com]
Sent: Tuesday, March 2, 2021 6:25 AM
To: Mitchell Anderson <manderson@townoflakelure.com>
Subject: LureRidgeCMPLTN LTR.pdf

Sign off letter

Mitchell Anderson

From: Vic Knight <vic@knightstrategies.org>
Sent: Thursday, March 4, 2021 7:05 PM
To: Mitchell Anderson; 'Kim Warner'; 'William Thomson'; 'Bob Burton'
Cc: Michael Williams; Shannon Baldwin; 'Ruth D. Sams'
Subject: RE: LureRidgeCMPLTN LTR.pdf

Thank you Mitchell.

Vic Knight
 President

KNIGHT STRATEGIES

Landscape Architecture | Design + Build
 828.450.2429 www.knightstrategies.org



From: Mitchell Anderson <manderson@townoflakelure.com>
Sent: Thursday, March 4, 2021 6:20 PM
To: Vic Knight <vic@knightstrategies.org>; 'Kim Warner' <warner@nctv.com>; 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>
Cc: Michael Williams <MWilliams@townoflakelure.com>; Shannon Baldwin <townmgr@townoflakelure.com>; Ruth D. Sams <Ruth.Sams@rutherfordcountync.gov>
Subject: RE: LureRidgeCMPLTN LTR.pdf

Hello All,

Thank you for meeting this morning (03/04/21) with Community Development Department Staff to discuss the parking situation and for a quick mitigation of the non-compliant delineated spaces.

Attached to this email is the final inspection certificate (Co_2021011) for permits LSP_2019024 and LSP_2019025. Included with this attachment is the standard letter for land disturbance inspections, and the inspections report for permit number LDP_2019015.

Please note, this project is considered complete and no further action is required to close permits with the Town.

Please ensure to contact Rutherford County Building inspections for a final inspection of this project.

Please do not hesitate to ask any questions regarding this matter.

Thank you,
 Mitchell Anderson

Mitchell Anderson, CZO

Assistant Community Development Director
 Town of Lake Lure
 828-625-9983 Ext. 107
manderson@townoflakelure.com

From: Vic Knight [<mailto:vic@knightstrategies.org>]

Sent: Thursday, March 4, 2021 3:48 PM

To: Mitchell Anderson <manderson@townoflakelure.com>; 'Kim Warner' <warner@nctv.com>; 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>

Cc: Michael Williams <MWilliams@townoflakelure.com>

Subject: RE: LureRidgeCMPLTN LTR.pdf

Thanks Mitchell.

Vic Knight

President

KNIGHT STRATEGIES

Landscape Architecture | Design + Build
828.450.2429 www.knightstrategies.org



From: Mitchell Anderson <manderson@townoflakelure.com>

Sent: Thursday, March 4, 2021 3:44 PM

To: Vic Knight <vic@knightstrategies.org>; 'Kim Warner' <warner@nctv.com>; 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>

Cc: Michael Williams <MWilliams@townoflakelure.com>

Subject: RE: LureRidgeCMPLTN LTR.pdf

Hello Mr. Knight,

Thank you for the update.

We will perform another inspection by the end of business today.

Thank you,

Mitchell Anderson

Mitchell Anderson, CZO

Assistant Community Development Director
Town of Lake Lure
828-625-9983 Ext. 107
manderson@townoflakelure.com

From: Vic Knight [<mailto:vic@knightstrategies.org>]

Sent: Thursday, March 4, 2021 3:13 PM

To: 'Kim Warner' <warner@nctv.com>; Mitchell Anderson <manderson@townoflakelure.com>; 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>

Cc: Michael Williams <MWilliams@townoflakelure.com>

Subject: RE: LureRidgeCMPLTN LTR.pdf

Mitchell,

We have painted over the parking stripes and realigned the wheel stops in a way to protect the guardrail without suggesting parking spaces. I have requested a Final Inspection from Rutherford County Building Inspections for tomorrow. Please let us know if this meets with your approval for Final Zoning Approval.

Thank you for your time today.

Vic Knight

President

KNIGHT STRATEGIES

Landscape Architecture | Design + Build
828.450.2429 www.knightstrategies.org



From: Kim Warner <warner@nctv.com>

Sent: Tuesday, March 2, 2021 2:39 PM

To: 'Mitchell Anderson' <manderson@townoflakelure.com>; 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>; 'Vic Knight' <vic@knightstrategies.org>

Cc: 'Michael Williams' <MWilliams@townoflakelure.com>; jbutler5@ncdot.gov

Subject: RE: LureRidgeCMPLTN LTR.pdf

Mitchell,

If the parking layout shows that the spaces are perpendicular to the road they are laid out incorrectly. The original approved plan showed 8 spaces, four of which angled to north and 4 angled toward the south. In addition, the spaces were angled from the retaining wall 60 degrees. During construction we decided to angle all the spaced back toward west bound traffic and decrease the angle as measured from the retaining wall from 60 to 45 degrees. This would allow a better view of oncoming traffic from the east and not force drivers headed east to cross the westbound lane to park. This change also made all the spaces accessible from the west bound lanes which is the direction from which the owners from Lure Ridge will be approaching.

The original plan was reviewed in depth by Mr. Brad Burton and subsequently approved by all parties prior to construction. To have an issue that was never discussed with any parties involved with this design after the project is complete is very surprising to say the least. I have attached the revised plan view drawing to this email.

Thank you,

Kim

Kim B Warner PE PLLC
139 Countrywood Dr.
Forest City, NC 28043
Cell 828.429.2466 (preferred)
Office/Fax 828.248.1240
warner@nctv.com

From: Mitchell Anderson [<mailto:manderson@townoflakelure.com>]
Sent: Tuesday, March 02, 2021 10:16 AM
To: 'William Thomson' <bthomsonaapavers@gmail.com>; 'Bob Burton' <bobburton@polyvinylc.com>; Vic Knight <vic@knightstrategies.org>; 'Kim Warner' <warner@nctv.com>
Cc: Michael Williams <MWilliams@townoflakelure.com>; 'jbutler5@ncdot.gov' <jbutler5@ncdot.gov>
Subject: RE: LureRidgeCMPLTN LTR.pdf

Hello Everyone,

Thank you for submitting Mr. Warner's statement of completion.
 An inspection of this project is scheduled for Thursday 3/4/21 at 11:00 AM.

It has been noticed that parking spaces have been delineated perpendicular to the highway.
 The layout of these parking spaces will result in cars backing out into the highway in a location with blind curves.
 Required off-street parking must comply with §92.103.

§ 92.103 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 9 feet X 18 feet. To insure orderly parking, each parking space shall be appropriately delineated as determined by the Zoning Administrator. (Amended 1-24-95)

Requirements for off-street parking for uses not specifically mentioned in this section shall be the same as provided for the use most similar to the one sought, it being the intent of these regulations to require all uses to provide off-street parking unless specific provision is made to the contrary. (Amended 7-10-01)

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_92_Zoning_Regulations.pdf

As shown in the photo below, this parking configuration does not promote safe ingress and egress and does not have any space for turning around.
 A new parking arrangement must be developed that will allow for safe ingress and egress from this parking onto memorial hwy.



Thank you,
Mitchell Anderson

Mitchell Anderson, CZO
Assistant Community Development Director
Town of Lake Lure
828-625-9983 Ext. 107
manderson@townoflakelure.com

From: William Thomson [<mailto:bthomsonaapavers@gmail.com>]
Sent: Tuesday, March 2, 2021 6:25 AM
To: Mitchell Anderson <manderson@townoflakelure.com>
Subject: LureRidgeCMPLTN LTR.pdf

Sign off letter

Mitchell Anderson

From: Mitchell Anderson
Sent: Monday, April 26, 2021 5:50 AM
To: 'Larry Bentley'
Cc: Bob Burton; Chuck Smith; Michael Williams; Michelle Jolley
Subject: RE: Refute

Good morning Mr. Bentley,

I will be out of the office until Tuesday 4/27.

The appeal of a Zoning Administrator's decision is not heard by the Lake Lure Town Council.

Such hearing are held by the Board of Adjustment and is a quasi-judicial decision.

§ 92.068 APPEAL FROM THE ZONING ADMINISTRATOR.

All questions arising in connection with this chapter shall be presented first to the Zoning Administrator, and such questions shall be presented to the Board of Adjustment only on appeal from a ruling of the Zoning Administrator. Any order, requirement, decision or determination made by the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedure found in § 92.086.

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_92_Zoning_Regulations.pdf

Below is the application for this appeal.

https://www.egovlink.com/public_documents300/lakelure/published_documents/Forms_Permits_Applications/Land%20Use/Appeal%20Zoning%20Administrator%20Determination%20Application.pdf

Please submit this application and fee to the Town Clerk, Michelle Jolley. Her office is located in the Town of Lake Lure Municipal Center.

§ 92.086 GENERAL REQUIREMENTS FOR QUASI-JUDICIAL HEARINGS AND DECISIONS.

A quasi-judicial decision is a process that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include decisions involving variances, conditional use permits, and appeals of administrative determinations. **(Amended 10-8-13)**

(A) Procedure for Filing Appeals and Applications. Notices of appeal shall be filed with the town clerk. Applications for conditional use permits and applications for variances shall be filed with the Zoning Administrator and processed in accordance with these regulations. All appeals and applications shall be made upon the form specified for that purpose, and all information required on the form shall be complete before an appeal or application shall be considered as having been filed. **(Amended 10-8-13)**

Thank you,

Mitchell Anderson

Mitchell Anderson, CZO

Assistant Community Development Director

Office: 828-625-9983, ext.107

Email: manderson@townoflakelure.com

Website: www.townoflakelure.com

Facebook: www.facebook.com/townoflakelure



**Know what's below.
Call before you dig.**

From: Larry Bentley [mailto:ljbent_6942@comcast.net]

Sent: Thursday, April 22, 2021 7:16 PM

To: Mitchell Anderson <manderson@townoflakelure.com>

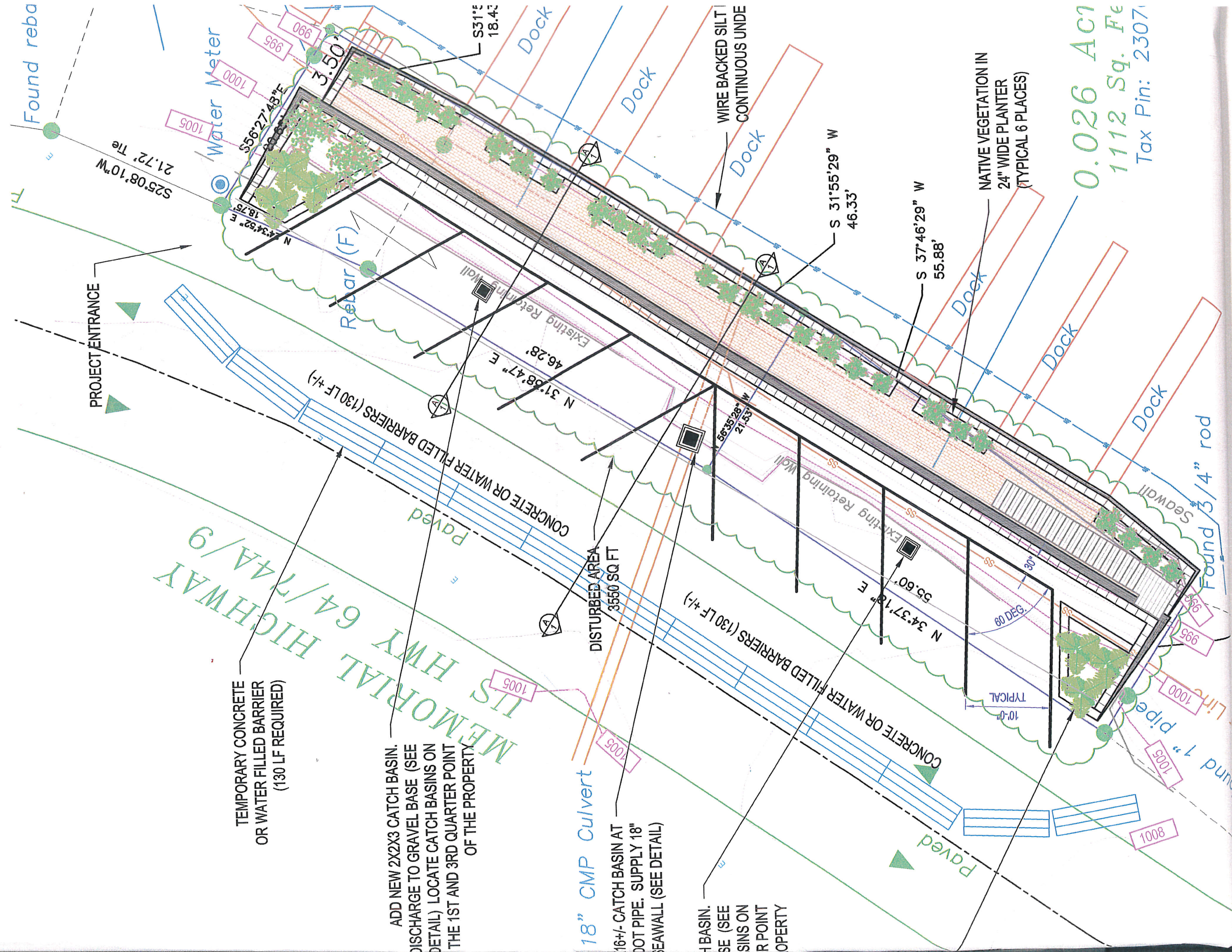
Cc: Bob Burton <bobburton@polyvinylc.com>; Chuck Smith <cgsmith@rhinodemolition.com>

Subject: Refute

Good evening Mitchell,

The Sunset Reserve HOA board would like to meet and present our case on May 11, 2021 at 5 P.M. to the Town Council in refuting the decision made by you on the parking at our marina that was recently finished along Memorial Drive. Please provide me guidance and the proper paper work that needs to be filled out and submitted in order to accomplish this. Chuck Smith, HOA President will be the spokesman for the board. Bob Burton and I will also be in attendance.

Thank you for your time.



0.026 AC1
1112 Sq. Ft
Tax Pin: 2307

TOWN OF LAKE LURE

Item A.

Permit # 2021011

Prop. Address 0 MEMORIAL

PIN 1653330

Name (Last, First) LURE, RIDGE OWNER'S ASSOCIATION

Address 1 0 MEMORIAL HWY

Address 2 16415 NORTHCROSS DR

Construction Notes LSP_2019024, LSP_2019025

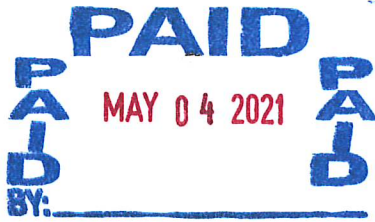
Notes Plans were approved with noncompliant parking. Meeting held on 3/4/21 w/ contractors (B. Thomson, V. Knight), HOA pres. (Bob Burton), engineer (K. Warner) to discuss solutions. notice and appeal application of determination provided. Decision to remove parking delineation was agreed upon. No parking lines are required by code, however parking cannot back up onto road.

-Inspection Note: delineated lines were removed, structure was complaint (see letter from K. Warner) and trout buffer replanting (per NCDEMLR) were performed. Project closed. -MLA

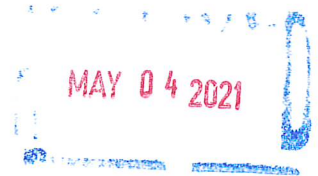
Fees

Subtype	Units	Amount	Receipt #	Receipt Date	Receipt Period
CO			/ /		/ 0

Total: 0.00



Revised 11/2017



**TOWN OF LAKE LURE
PETITION FOR APPEAL OF ADMINISTRATIVE DETERMINATION**

Fee: \$310

Appeal No. ZA-2021001

Petition Denied by Board of Adjustment _____

Date of Action _____

Petition Approved by Board of Adjustment _____

APPLICANT:Name: LARRY BEATREYDate: 4-30-21

Mailing Address: 237 NORTH
RIDGE DR, FLEMING
ISLAND, FL. 32003

FOR THE SUNSET
RESERVE COMM
UNITY MARINA
@ 2071 MEMORIAL
DR, LAKE LURE

ADMINISTRATIVE DETERMINATION:

The Zoning Administrator has determined that _____

This is based on his/her interpretation of Section(s) _____

BASIS FOR APPEAL:

I believe this interpretation to be in error because: MOST PARKING SPACES
IN DOWNTOWN LAKE LURE, ALONG THE
BEACH AND THE RESTAURANTS BACK
OUT ON TO US. 64. THE PARKING SPACES
AT RESTAURANTS AND ZIP LINING
ACTIVITIES TOWARD THE GOLF COURSE
ON US 64 ALSO BACK OUT INTO US 64.
THE ZONING ADMINISTRATOR SHOULD
RULE ON OUR PARKING SPACES

Revised 1/1/2017

**TOWN OF LAKE LURE
PETITION FOR APPEAL OF ADMINISTRATIVE DETERMINATION**

Fee: \$310

Appeal No. ZA-

Petition Denied by Board of Adjustment _____

Date of Action _____

Petition Approved by Board of Adjustment _____

APPLICANT:

Name: LARRY BENTLEY

Date: 4-30-21

Mailing Address: 237 NORTH
RIDGE DR., FLEMING
ISLAND, FL. 32003

(FOR THE SUNSET
RESERVE
COMMUNITY MARINA
2071 MEMORIAL
DR. LAKE LURE

ADMINISTRATIVE DETERMINATION:

The Zoning Administrator has determined that _____

This is based on his/her interpretation of Section(s) _____

BASIS FOR APPEAL:

I believe this interpretation to be in error because: USING THE PULLING
PROCEDURES AND PAST PRACTICES TO
TREAT ALL SPACES THE SAME, THE ZA
DENIED OUR SPACES AFTER IT HAD
BEEN ENGINEERED BY MR. KIM
WARNER, LOCAL. OUR SPACES PULLING
FORWARD WILL FLOW WITH THE TRAFFIC
AND NOT IMPED TRAFFIC. THE FL
TOWARD TOWN IS NOT IN A CURVE,

Revised 1/1/2017

(attach additional sheets as needed)

Sam Benth
Signature of Applicant

FOR THE SUNSET
RESERVE COMMUNITY

(904) 264-4866

LJBENT-6942@CO-CAST.NET

VISA ROBERT BARTON
LURE RIDGE OWNERS ASSOC.
336 LURE RIDGE DR. L.L. 28746
4053013400323052
EXP. 08/24
CODE 682

Chuck Smith

From: Chuck Smith
Sent: Thursday, May 6, 2021 10:30 AM
To: Chuck Smith
Subject: Parking



This is our parking area.
Which when backing out, we
are backing out into flow (right) of
traffic.

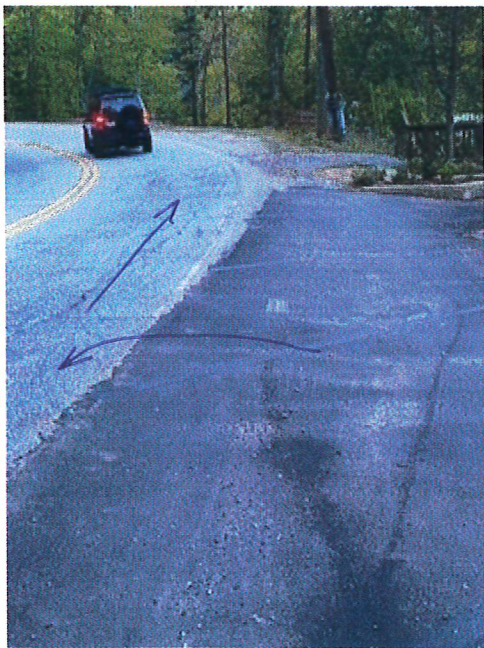


When backing out, the
curve towards (Hwy 9) is
a couple hundred yards
away. (where white sign is)
Plenty of time to observe and
slow down of any cars
pulling out of parking area.



This car shows how far away the curve starts.

Again - Backing out to the flow of traffic.



When Backing out, going with the flow of traffic



sign indicates where the
curve starts





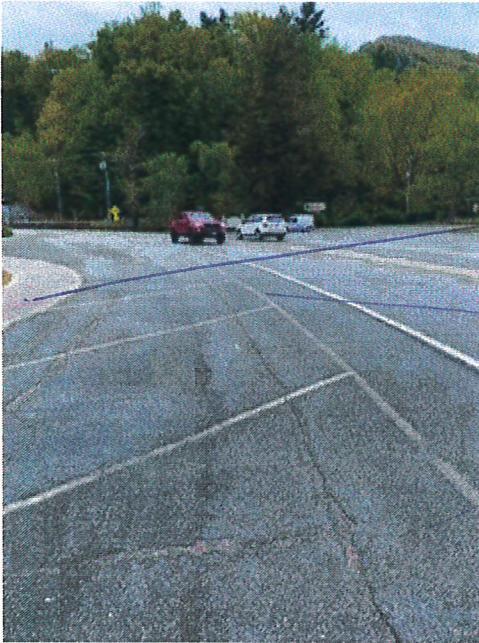
Sign Indicates plenty of time for flow of traffic to continue to slow down after curve, if someone is pulling out into flow.

Sent from my iPhone

Chuck Smith

From: Chuck Smith
Sent: Thursday, May 6, 2021 10:29 AM
To: Chuck Smith
Subject: Parking by road

FYI



Entrance to the Lake @
Lake Lure.

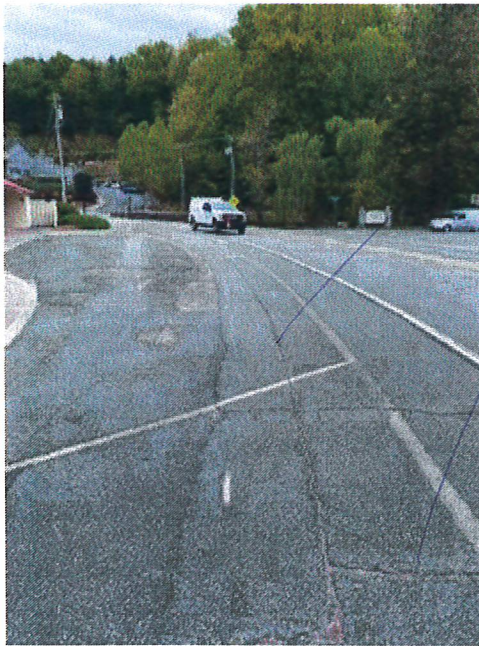
Also shows parking
spots that actually
back out into the
curve of oncoming
traffic





CURVE

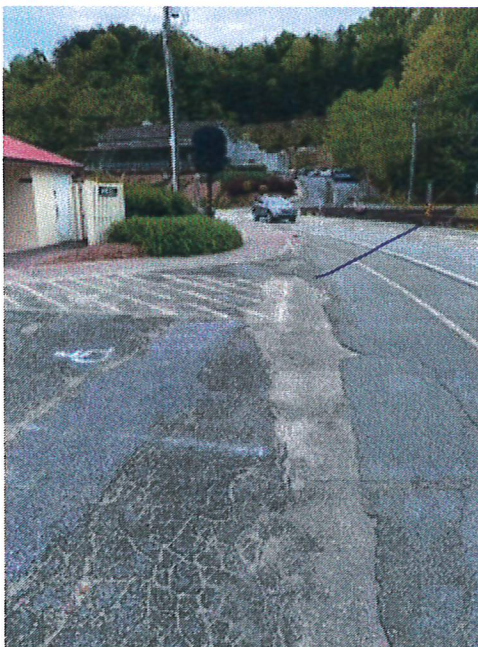
Same —



Beach entrance
showing parking spots
all along the Lake front —
Backing into traffic.



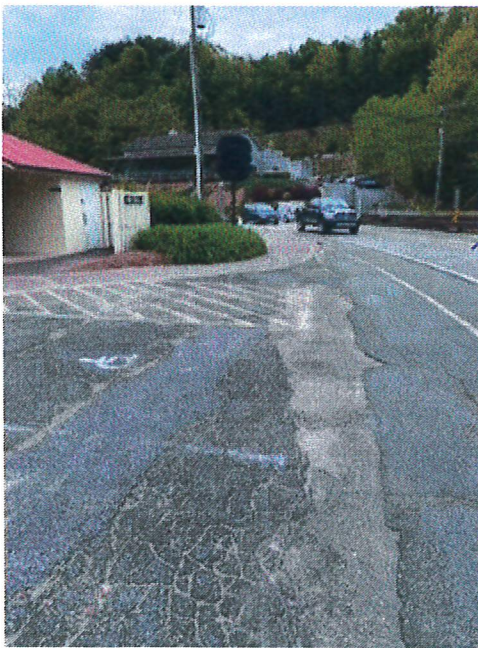
LAKE LURE BEACH
ENTRANCE WITH PARKING
AND HANDICAPED THAT
BACK OUT ONTO UNCOMING
TRAFFIC



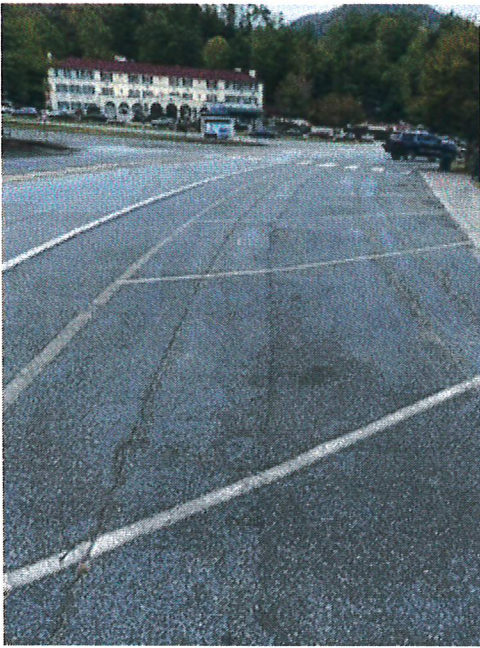


Shows how close
the cars coming around
curve are to the

parking (handicapped spot)



which is an extremely
busy area during peak
time of spring, summer
& fall.

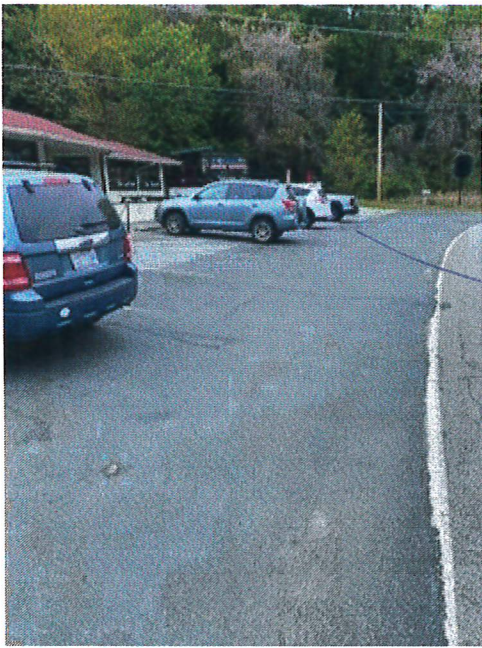


Lake front parking
where not only have
to look out for on
coming cars, but cyclist's
as well.



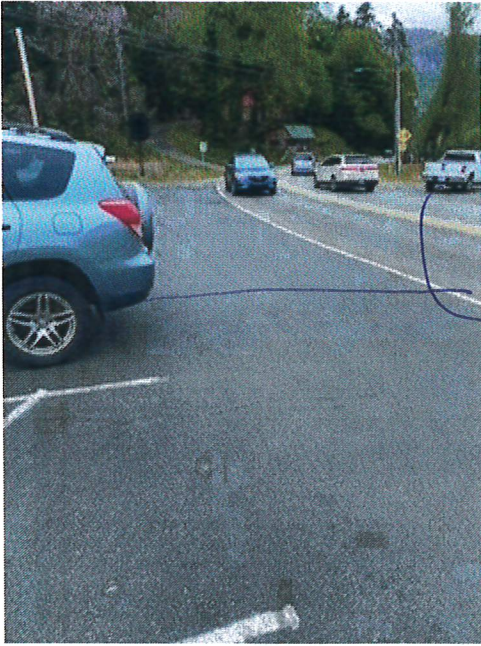
typical parking in
front of the lake.





Actually
Backing out into a curve
into traffic, coming
from chimney rock, in
front of Japanese
Restuarant.

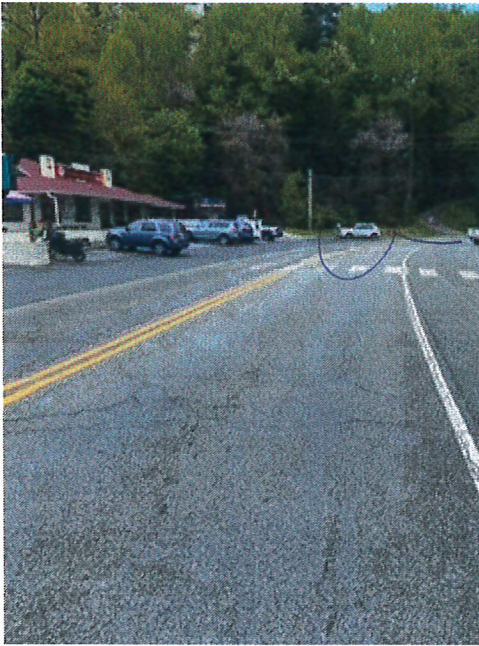




Another example of Backing
out into busy flow of
traffic on a curve.



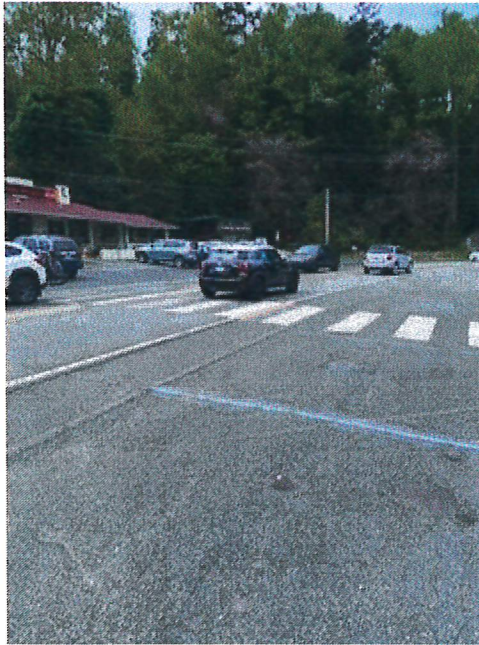
Lake Lure
Inn & Spa parking -
Backing into traffic.



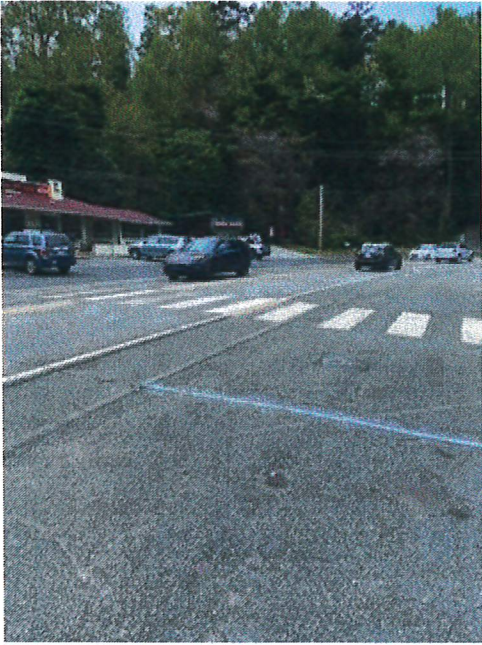
Backing into curve.

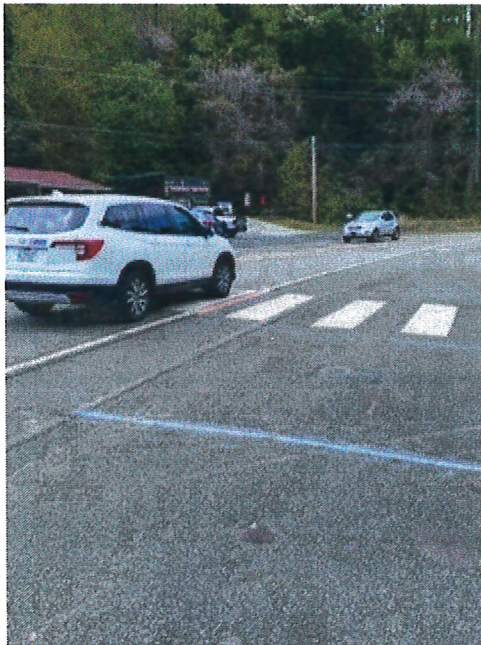


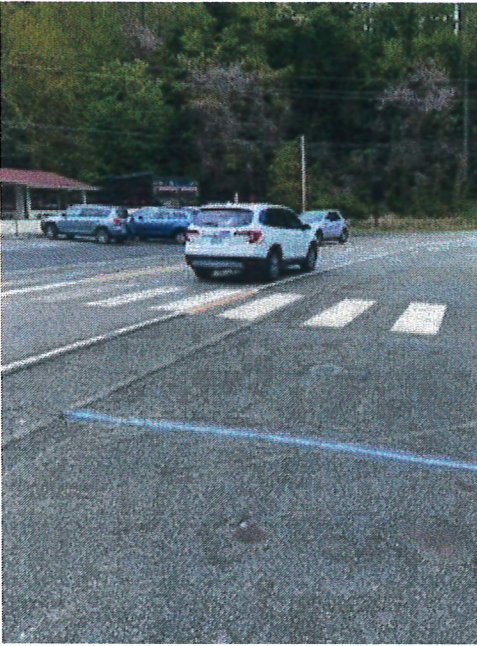
Curve and walkway.



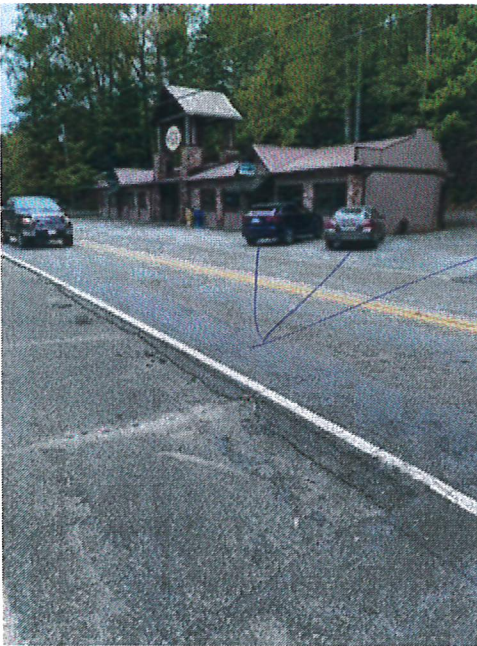
~~✱~~
Showing
Busy traffic
at curve points

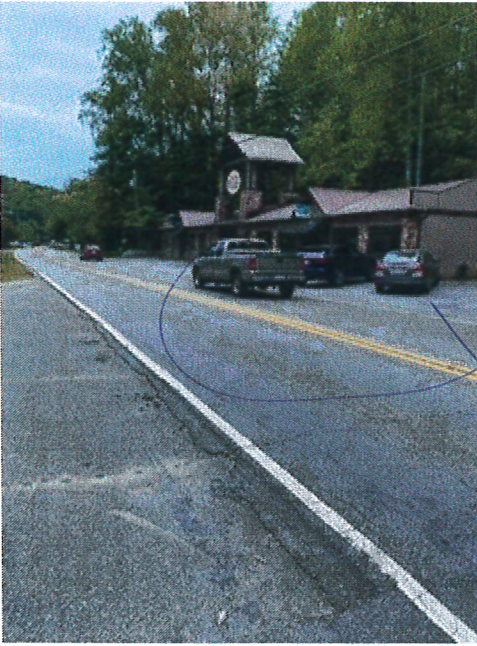




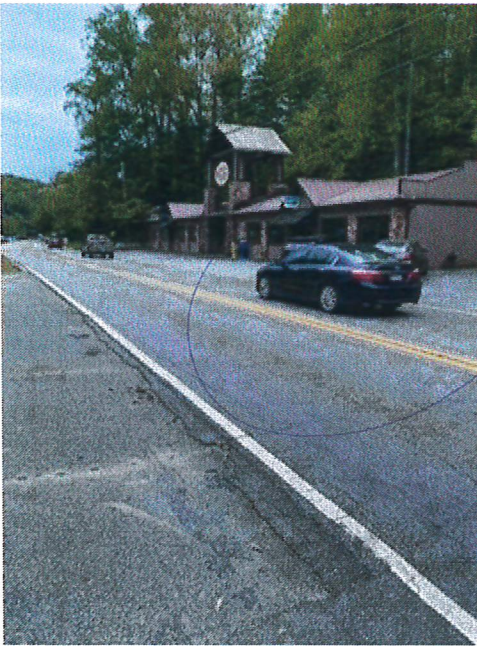


strip area where you
are backing into traffic.





How close traffic
and parking is.





close to Road!

Sent from my iPhone



<u>Geo-pin</u> 0642462814	<u>City</u> LAKE LURE	<u>Deed Date</u> 4/24/2018 12:00:00 AM
<u>Township</u> Chimney Rock	<u>Land Class</u> SINGLE FAMILY RES	<u>Acreage</u> 0.06
<u>Deed Book</u> 2000	<u>Deed Page</u> 293	<u>Map Book</u> 24
<u>Map Page</u> 192	<u>Index Type</u> CRP	<u>Map Block Lot</u> 511 1 58
<u>Parcel Number</u> 1653330	<u>Property Address</u> 0 MEMORIAL HWY	<u>Neighborhood</u> L30B
<u>Fire District</u>	<u>Special Tax Districts</u> F17 TWN LL MUNI FIRE	<u>Owner Name</u> LURE RIDGE OWNER'S ASSOCIATION
<u>Owner Mailing Address</u> 9500 STATESVILLE RD	<u>Owner Mailing City</u> CHARLOTTE	<u>Owner Mailing State</u> NC
<u>Owner Mailing Zip</u> 28269	<u>Land Tax Value</u> 80000	<u>Building Tax Value</u> 15900
<u>Total Assessed Value</u> 95900	<u>Revenue Stamp</u> 0	<u>Structure Size</u> 0
<u>Under Assmt Flag</u> N	<u>Subdivision</u> PL24-192	<u>Sale Price</u>
<u>OBJECTID 1</u> 40582		

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