



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

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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

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

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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>

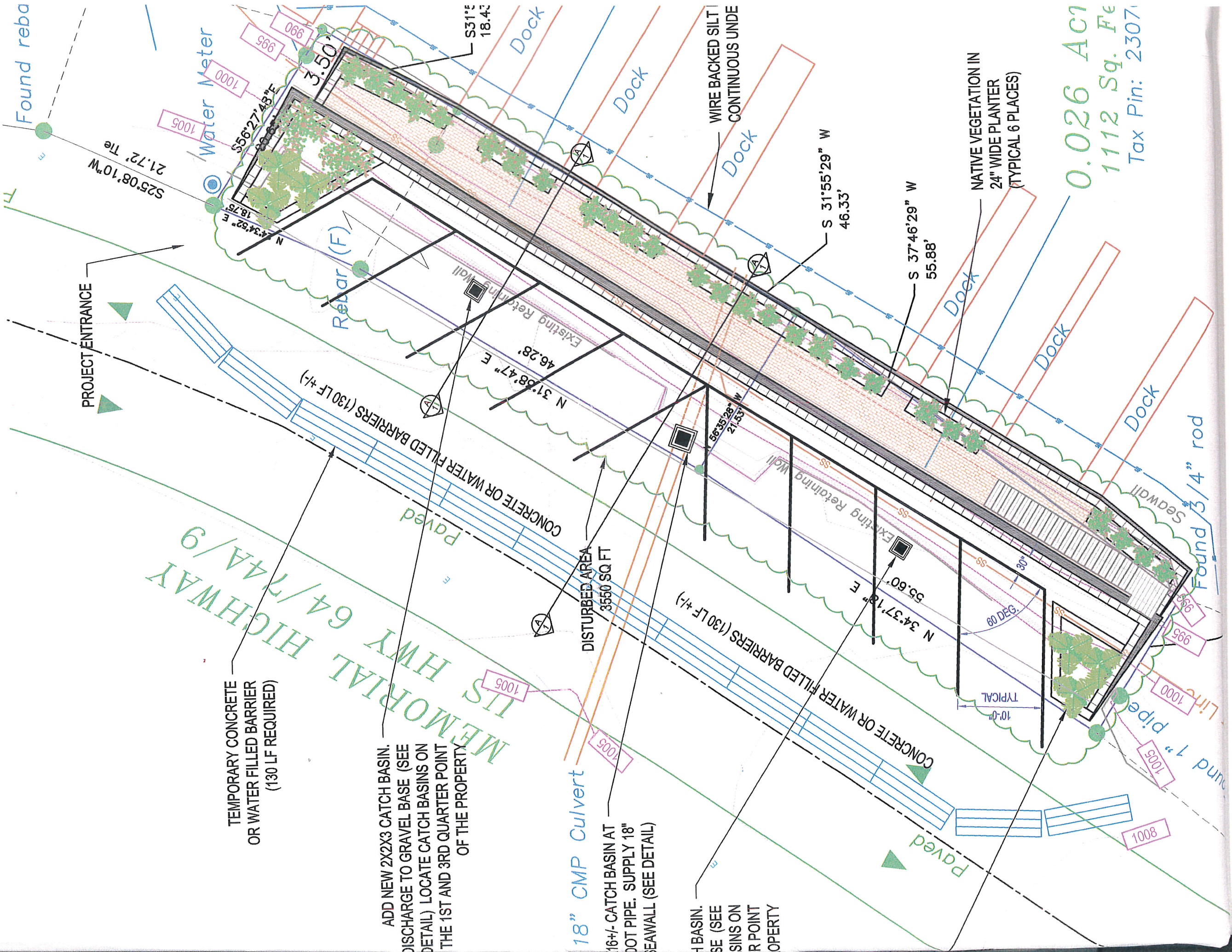
Cc: Bob Burton <bobburton@polyvinylc.com>; Chuck Smith <cgsmith@rhinodemolition.com>

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.



PROJECT ENTRANCE

TEMPORARY CONCRETE
OR WATER FILLED BARRIER
(130 LF REQUIRED)

ADD NEW 2X2X3 CATCH BASIN.
DISCHARGE TO GRAVEL BASE (SEE
DETAIL) LOCATE CATCH BASIN ON
THE 1ST AND 3RD QUARTER POINT
OF THE PROPERTY

18" CMP Culvert

16+/- CATCH BASIN AT
DOT PIPE. SUPPLY 18"
SEAWALL (SEE DETAIL)

H BASIN.
SE (SEE
SINS ON
R POINT
OPERTY

0.026 AC1
1112 Sq. Fe
Tax Pin: 2307

Found 3/4" rod