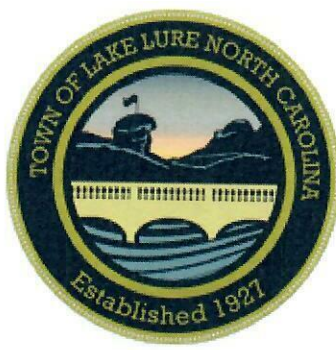




**MINUTES OF THE REGULAR MEETING OF THE
TOWN OF LAKE LURE BOARD OF ADJUSTMENT REGULAR
MEETING**

Tuesday, June 23, 2026 at 1:00 p.m.

THIS MEETING WAS HELD AT THE LANDINGS.

CALL TO ORDER

Al Joyner called to order The Board of Adjustments Regular Meeting at 1:00pm

I. ROLL CALL

Board Members Present:

Al Joyner, Chair
David Lusk
Kimberly Sayles
Kathleen Hatfield, Alternate

Absent:

Andrew Knowles, Alternate
David DiOrio, Council Liaison
Anthony Steffel, Alternate
Mark Windfeldt
Melvin Owensby, Vice Chair

Town Hall Staff Members Representative Present:

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

II. Approval of Agenda

Kathleen Hatfield made a motion to approve agenda as presented. David Lusk seconded the motion and all were in favor.

III. Approval of April 28, 2026 Meeting Minutes

David Lusk made a motion to approve the minutes from the April 28, 2026 meeting. Kathleen Hatfield seconded the motion and all were in favor.

IV. PUBLIC COMMENTS

No comments were made.

V. OLD BUSINESS

No old business.

VI. NEW BUSINESS

- A. Variance request: ZV2026005 – Camp Lurecrest is requesting a variance of the street front setback from 35' to 28' and minimum lot area of 10,000sqft to 9,583sqft for purpose of combining two legal but non-conforming lots into one and build a single family home. Request would vary Section 36-70 of Zoning Ordinance regarding building site minimum dimensional requirements for lot 32, 158 Pleasant Circle and lot 33, 0 Pleasant Circle (PIN # 218450). Parcels are zoned R-1.**

The applicant requested approval to combine two adjacent lots into a reduced number of nonconforming lots, allowing for increased housing density while addressing site-specific development constraints. Staff and the applicant outlined several challenges associated with the property, including septic system placement, topography, and setback requirements.

During the public hearing, neighboring property owners provided positive or neutral feedback regarding the proposal. Representatives from Camp Lurecrest, including Rich Guthman and Dan Bragdon, spoke in support of the request, emphasizing the ongoing need for workforce housing in the area and the camps' long-term commitment to being responsible members of the community.

The Board considered evidence regarding practical difficulties associated with the property, including limitations on septic field placement and topographical constraints. Particular attention was given to the presence of steep slopes and cut bank conditions, which require a 15-foot setback from the peak of the slope

and significantly impact the property's buildable area. These factors were identified as contributing to the hardship supporting the variance request.

Board enter into deliberation and discussion

Board members discussed the evidence presented and generally agreed that the applicant had demonstrated a hardship related to the property's physical characteristics, rather than a mere inconvenience. The Board noted that the challenges associated with septic field placement, topography, and required setbacks significantly limited development options on the site.

Members also expressed support for the applicant's proposal to reduce the development from three buildings to two buildings, viewing the revised plan as a positive step that lessened the overall impact while still addressing the property's constraints.

During deliberations, the Board discussed the importance of clearly defining setback requirements as part of any approval. Members emphasized that the proposed 28-foot setback should be a fixed requirement and not subject to variation or interpretation, ensuring consistency with the approved plans and providing clarity for future compliance.

Kathleen Hatfield made a motion to approve Variance request: ZV2026005 – Camp Lurecrest is requesting a variance of the street front setback from 35' to 28' and minimum lot area of 10,000sqft to 9,583sqft for purpose of combining two legal but non-conforming lots into one and build a single family home. Kimberly Sayles seconded the motion and all were in favor.

- B. Variance request: ZV2026007 – Camp Lurecrest is requesting a second variance of the street front setback from 35' to 26', minimum lot area of 10,000sqft to 6,970sqft for purpose of being able to build a single family home on a small, legal but non-conforming lot. Request would vary Section 36-70 of Zoning Ordinance regarding building site minimum dimensional requirements for lot 31, 0 Pleasant Circle. Parcel is zoned R-1.**

Staff provided additional information regarding the unique configuration of the property, noting that the lot is unusual in that it contains three street-front setbacks. This configuration creates additional development constraints that are not commonly found on surrounding properties.

The Board discussed the challenges associated with locating both a well and septic system on the property while also meeting required setbacks and accommodating the existing topography. It was noted that a county water extension is anticipated in the future; however, the property must currently be evaluated based on existing conditions and available infrastructure.

Staff clarified that the reduction in lot area is an existing nonconforming condition and is not part of the requested variance. The only variance request

before the Board relates to the setback requirement. Staff further noted that the lot width at the proposed building site is approximately 174 feet, which provides adequate width despite the unusual configuration and topographical limitations. As part of the discussion, Board members reviewed setback patterns within the surrounding neighborhood. Staff identified nearby homes with setbacks of approximately 15 feet, 15.7 feet, and 22 feet, indicating that reduced setbacks already exist within the immediate area. The property is also bordered by secondary roads on three sides, further distinguishing it from many neighboring lots and contributing to the unique circumstances considered by the Board. The Board considered these factors along with the previously identified hardships related to septic placement, topography, and the three-frontage lot configuration when evaluating the variance request.

Board entered deliberation.

Board members clarified that the approximately 30 percent reduction in lot area is an existing nonconforming condition and is not the subject of the variance request. The applicant was not seeking approval for any additional reduction in lot area; rather, the request was limited to a setback variance necessitated by the property's existing characteristics.

In evaluating the request, the Board found that the hardship resulted from conditions unique to the property, including the presence of three street-front setbacks and limitations associated with well and septic system placement. These factors, combined with the site's topography, significantly constrained the location of potential building sites and reduced the practical development options available to the property owner.

The Board also considered the proposed 26-foot setback in relation to surrounding properties and determined that it was generally consistent with the established development pattern within the neighborhood. Members noted that nearby residences have similar or lesser setbacks, supporting the conclusion that the requested variance would be compatible with the character of the area and would not adversely affect neighboring properties.

Kimberly Sayles made a motion to approve Variance request: ZV2026007 – Camp Lurecrest requesting a second variance of the street front setback from 35' to 26', minimum lot area of 10,000sqft to 6,970sqft for purpose of being able to build a single family home on a small, legal but non-conforming lot. Kathleen Hatfield seconded the motion and all were in favor.

C. Variance request: ZV2026006 – Robert Jacobelly on behalf of property owners, Elizabeth & Michael De Caetani, is requesting a variance of the minimum lakefront yard setback from 35' to 23', to allow for new roof overhang that increased the encroachment of an existing non-conforming dwelling by 12". Request is to vary Section 36-70 regarding minimum

dimensional requirements for 118 Scenic View Lane (PIN # 221323). Parcel is zoned R-1.

Staff reviewed the history of the property, noting that prior violations and stop-work orders had been issued related to work performed on the site. Staff also explained that the Town's ordinance prohibits the expansion of legal nonconforming structures except as specifically authorized through the applicable approval process.

Property owners Michael and Elizabeth addressed the Board and explained that the improvements were undertaken to address maintenance concerns and structural issues associated with the existing building. They stated that the roof overhang was intended to protect the structure and improve long-term durability rather than increase usable living space.

Contractor Robert Jacobelly provided testimony regarding the functional purpose of the overhang and drainage improvements. He explained that the overhang protects the transition area between the fascia and siding from moisture intrusion and related deterioration. He further testified that the roof design redirects water away from the structure and that the gutter system was installed to channel runoff away from the retaining wall below the home, reducing the potential for erosion and structural damage.

Additional testimony described the property's challenging topography, including an elevation change of approximately 25 feet between the structure and the lake, as well as the presence of retaining walls below the building. The applicant asserted that these site conditions influenced the design and placement of the improvements.

Board entered deliberation.

The Board reviewed the standards applicable to legal nonconforming structures and noted that the Town's ordinance does not permit the expansion of a legal nonconforming structure absent approval through the required variance process. Members further discussed the requirement that any hardship supporting a variance must arise from the property's unique circumstances and cannot be self-created or owner-induced.

During deliberations, Board members acknowledged that removal of the overhang would return the structure to its previous legal nonconforming status. However, members emphasized that the desire to retain the overhang for maintenance or convenience purposes did not, by itself, establish the hardship necessary to justify a variance.

The Board discussed the evidence presented regarding retaining walls, topography, and drainage concerns and concluded that additional specific evidence would be necessary to demonstrate that these site conditions created a practical difficulty requiring the requested encroachment. Members noted that while testimony was provided regarding water management and structural protection, the record did not sufficiently establish that the variance was necessary due to unique physical characteristics of the property.

Board members expressed difficulty balancing practical maintenance considerations against the requirements of the zoning ordinance. While acknowledging the applicant's concerns regarding moisture protection and long-term maintenance, the Board generally agreed that insufficient evidence had been presented to satisfy the hardship standard required for approval. The Board also discussed the potential precedent that approval could create for other similarly situated properties with legal nonconforming structures. Members questioned whether alternative construction methods or materials, including synthetic fascia products and other design solutions, could address the maintenance concerns without requiring an expansion into the setback area. During the discussion, Board members also clarified the distinction between the property's trout buffer requirements and the applicable lakefront setback requirements. The Board noted that while the trout buffer is measured at 25 feet, the applicable lakefront setback requirement is 35 feet, and the requested improvement would reduce that setback to approximately 23 feet. Members considered this distinction in evaluating the extent of the requested encroachment and its consistency with ordinance standards. Based on the evidence presented, the Board expressed concerns that the findings necessary to support a variance had not been sufficiently established, particularly with respect to demonstrating a non-self-created hardship and the necessity of the requested encroachment.

Al Joyner made a motion to continue the case until July. David Lusk seconded the motion and all were in favor.

D. Report of current status of SUP2025003 – Update on inspections and status of Lake Life, LLC Marina at 1062 Memorial Highway.

The Board received an update regarding ongoing marina improvements and operational challenges. Staff discussed ADA accessibility compliance requirements and noted that several project components remain under review to ensure compliance with applicable safety and accessibility standards. Staff reported continued delays related to the installation of the above-ground fuel tank due to sourcing challenges, contractor scheduling, and regulatory requirements. Members noted the significant financial implications associated with these delays, with impacts estimated in the hundreds of thousands of dollars. Installation efforts remain ongoing with a specialized contractor from Raleigh.

An additional challenge involves inspection requirements for the commercial tram system. Staff reported that no qualified commercial tram inspector is currently available within the state and that alternative options, including the use of a certified third-party inspector, are being explored to satisfy regulatory requirements.

Other updates include, Livery Boat Rental Operations:

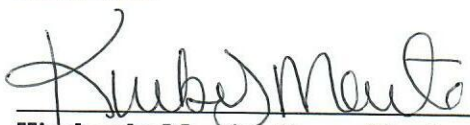
The Board discussed the status of livery boat rental operations and ongoing efforts to balance business activity with customer safety requirements during construction. The operator currently owns and maintains five rental boats and is utilizing a delivery-based rental model while construction activities continue at the facility. Staff reported that the operator has been permitted to store boats on-site and conduct delivery-based rentals; however, customer access to the facility remains subject to approval by the Building Inspector. Discussions continue regarding operational requirements and safety measures necessary to accommodate public access. Conditions under consideration include the installation and maintenance of orange construction fencing, protective bumpers and caps on dock infrastructure, and the separation of customer areas from active construction zones. The Building Inspector has identified additional safety requirements that must be addressed before unrestricted customer access can be approved. Board members discussed the importance of establishing a reasonable compliance timeline to prevent indefinite delays while ensuring that all safety and regulatory requirements are satisfied.

Two Houses Across the Bridge: Staff provided an update regarding two residential properties located across the bridge that were previously the subject of variance requests. The Board was reminded that the variance requests were denied and that the original issue involved encroachment into the road right-of-way. Following the denial, a proposed solution involving the construction of a 24-foot soil stabilization wall was reviewed and subsequently rejected by the Town. Staff reported that the property owners have now been directed to pursue stabilization of the upper embankment and implement revegetation measures to address erosion and slope concerns. A compliance timeline will be established, and staff noted that the matter may need to return to the Board for further consideration if conditions change or additional approvals become necessary.

VIII. ADJOURNMENT

With no other business, Al Joyner made a motion to adjourn the Board of Adjustments meeting. David Lusk seconded the motion, and all were in favor.

ATTEST:


Kimberly Martin, Town Clerk


Al Joyner, Vice Chair

