

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, June 23, 2026 at 1:00 PM

Community Development Dept, 920 Buffalo Creek Rd.



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of April 28 Meeting Minutes

IV. Public comments (*if any*)

V. 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.

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.

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.

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

VII. Adjournment



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustments
FROM: Rick Carpenter, Development & Environmental Review Specialist/Trails Planner
DATE: June 23, 2026
RE: ZV-2026005

Rich Guthman is applying for a variance on behalf of Camp Lurecrest Ministries Inc.. The property is addressed as 158 Pleasant Cir. & 0 Pleasant Cir., Lake Lure, NC (Parcels #218449, 218450) and are in the Residential 1 (R-1) Zoning District.

Additional Information for the Board:

1. Sec. 36-70. Building site minimum dimensional requirements, (c) For primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
2. Sec. 36-70. Building site minimum dimensional requirements. R-1 lot area requirement: 10,000sqft
3. Sec. 36-70. Building site minimum dimensional requirements. R-1 lot width at building site: 100ft
4. Sec. 36-221. Required yards not to be used by another building. The minimum yards or other open spaces required by this chapter for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building except as provided in section 36-104.
5. Applicant has proposed combining two lots that are non-compliant into one non-compliant lot. Code requires the applicant to combine all three of their contiguous lots.
6. Sec. 36-216. Nonconforming uses. (b) Nonconforming lots of record. This category of nonconformance consists of lots for which plats or deeds have been recorded in the county register of deeds, which at the time of the adoption of the ordinance from which this chapter is derived, or any amendment thereto, fail to comply with the minimum area or width requirements of the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located provided

the owner of the subject lot does not own sufficient contiguous land to enable conformity to the minimum area or lot width requirements through recombination, and all other dimensional requirements can be met. The zoning administrator is authorized to issue a certificate of zoning compliance after having received an attorney's certificate of title on a form obtainable from the town.

7. Staff believe the applicant may need an additional variance for minimum tree canopy requirements.

8. Applicant is requesting the following:

Setback	Requirement	Request
Street Front	35'	28'

Min. Lot Width at Building	Request
100ft	98ft
Min. Lot Area Requirement	Request
10,000sqft	9,583

Staff Analysis:

Staff reviewed the applicant's submittal packet and have formed the following determination. A variance must be based on hardship that is peculiar or unique to the property and not a preference for a more lenient standard. The petitioner for a variance must present substantial evidence regarding the impact of the ordinance on the owner's ability to make reasonable use of the property.

Attachments

- 1) Application
- 2) Submitted Evidence

Staff Contact

Rick Carpenter, CZO
 828-625-9983 ext. 107; rcarpenter@townoflakelure.com

TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-2026005

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

Please complete both sides of form.

APPLICANT:

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

Name: Rich Guthmann Date of Application: May 29, 2026

PROPERTY:

Property located at: 158 Pleasant Circle + Pleasant Cir.

Map Page: 424 Block: 45 Lot: 32,33 Current zoning: R-1 Parcel/Tax PIN 218449, 218450

VARIANCE REQUESTED (check all that apply): Lot Recombination

- | | | |
|---|---|--|
| <input type="checkbox"/> Min. lot area:
(Attach Attorney's Certificate of Title)
(see § 92.040)
Required <u>10,000 sf</u>
Reduced to <u>9,583 sf</u>
Reduced by <u>417sf = 4.17%</u> | <input checked="" type="checkbox"/> Min. front (street) yard:
(see § 92.040)
Required <u>35'</u>
Reduced to <u>28' +/-</u>
Reduced by <u>7' = 20%</u> | <input checked="" type="checkbox"/> Min. parking spaces:
(see § 92.103)
Required _____
Reduced to _____
Reduced by _____ |
| <input type="checkbox"/> Min. lot width at building site: (see § 92.040)
Required <u>100 ft</u>
Reduced to <u>98 ft</u>
Reduced by <u>2' = 2%</u> | <input type="checkbox"/> Min. front (lake) yard:
(see § 92.040)
Required _____
Reduced to _____
Reduced by _____ | <input type="checkbox"/> Max. sign number:
(see § 92.157)
Required _____
Increased to _____
Increased by _____ |
| <input type="checkbox"/> Min. open space:
(see § 92.040)
Required _____
Reduced to _____
Reduced by _____ | <input checked="" type="checkbox"/> Min. side yard:
(see § 92.040)
Required _____
Reduced to _____
Reduced by _____ | <input type="checkbox"/> Max. sign height:
(see § 92.157)
Required _____
Increased to _____
Increased by _____ |
| <input type="checkbox"/> Max. building height:
(see § 92.040)
Required _____
Reduced to _____
Reduced by _____ | <input type="checkbox"/> Min. rear yard:
(see § 92.040)
Required _____
Reduced to _____
Reduced by _____ | <input type="checkbox"/> Max. sign size:
(see § 92.157)
Required _____
Increased to _____
Increased by _____ |

VARIANCE REQUESTED (Continued - check all that apply):

Other

Section NONE

JUSTIFICATION FOR VARIANCE: See Attached

With regard to Lot Area and Lot Width at Building Site these lots individually are Nonconforming lots of record by code and could be issued a certificate of zoning compliance. Even with recombination prescribed in 36-216. (b) the Lot Area and Lot Width at Building Site is nonconforming, albeit the nonconformity is greatly decreased. We believe the intent of Sec. 36-70 is in part to preserve property values and provide ability to physical locate structures beyond the code required side yard setbacks; potentially promoting better neighbor relations and improved management of environmental impact. Obviously, this is not an exhaustive interpretation of intent of the code but suffice it to say the recombination of Lot 31 & 32 and location of proposed House #2 would be a vast improvement from the conditions now existing with regard to nonconforming structure on Lot 32.

In hopes that the BoA will grant the Sec. 36-70. Front Yard Setback variance we have requested for our adjoining Lot 31. We would simply apply provisions of 36-293. to Front Yard Setback required for Recombination of Lot 32,33.

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>	
<u>PC Muthmann</u>	<u>JOEL GRIFFIN</u>
<i>Signature of applicant</i>	<i>Signature of owner if not applicant</i>
member Board of Directors Camp Lurecrest Ministries	Board Chair Camp Lurecrest Ministries
7422 Lancer Dr.	207 Charlotte Dr.
<i>Street or P.O.Box</i>	<i>Street or P.O.Box</i>
Charlotte, NC 28226	Lake Lure, NC 28746
<i>City, State, Zip</i>	<i>City, State, Zip</i>
(704) 361-8103	(704) 608-9178
<i>Daytime telephone number</i>	<i>Daytime telephone number</i>

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 § 92.088 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:

As stated above these lots individually are nonconforming lots of record with a lawful nonconforming structure located on Lot 32. The nonconforming structure has become "physically unsafe due to lack of repairs and maintenance" not disclosed &/or discovered prior to purchase by CLM and is uninhabitable.

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:

They likewise could make application for Variance and under similar circumstances, we believe should be granted.

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

We do believe that our variance calls for a commonsense interpretation of the code and are confident in the ability of the Board of Adjustments to fairly adjudicate our variance request. Whether or not our variance is granted we believe that other residents would not be granted privileges denied Camp Lurecrest Ministries.

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:

While there is not one individual ordinance that directly addresses our variance request, we find the wording of related ordinances to be very supportive if not prescriptive of the very action we are requesting. 36-216 (b) allows for certifying nonconforming lots of record and even suggest they be recombined with contiguous land where possible. 36-216 (f) addresses changes in Nonconforming characteristics of use. "... changes may be made which do not increase, or which decrease such nonconformity." CLM believes that our request for Variance absolutely fulfills the intent of these statements in the code.

It is furthermore CLM's position that the variance we are requesting is consistent with the spirit, purpose, and intent of the regulations, such that public safety and best interest is secured, and substantial justice achieved.

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

Pre-existing Conditions, not of CLM's making.

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.

RC Guthmann
Signature of Applicant Rich Guthmann

May 30, 2026
Date

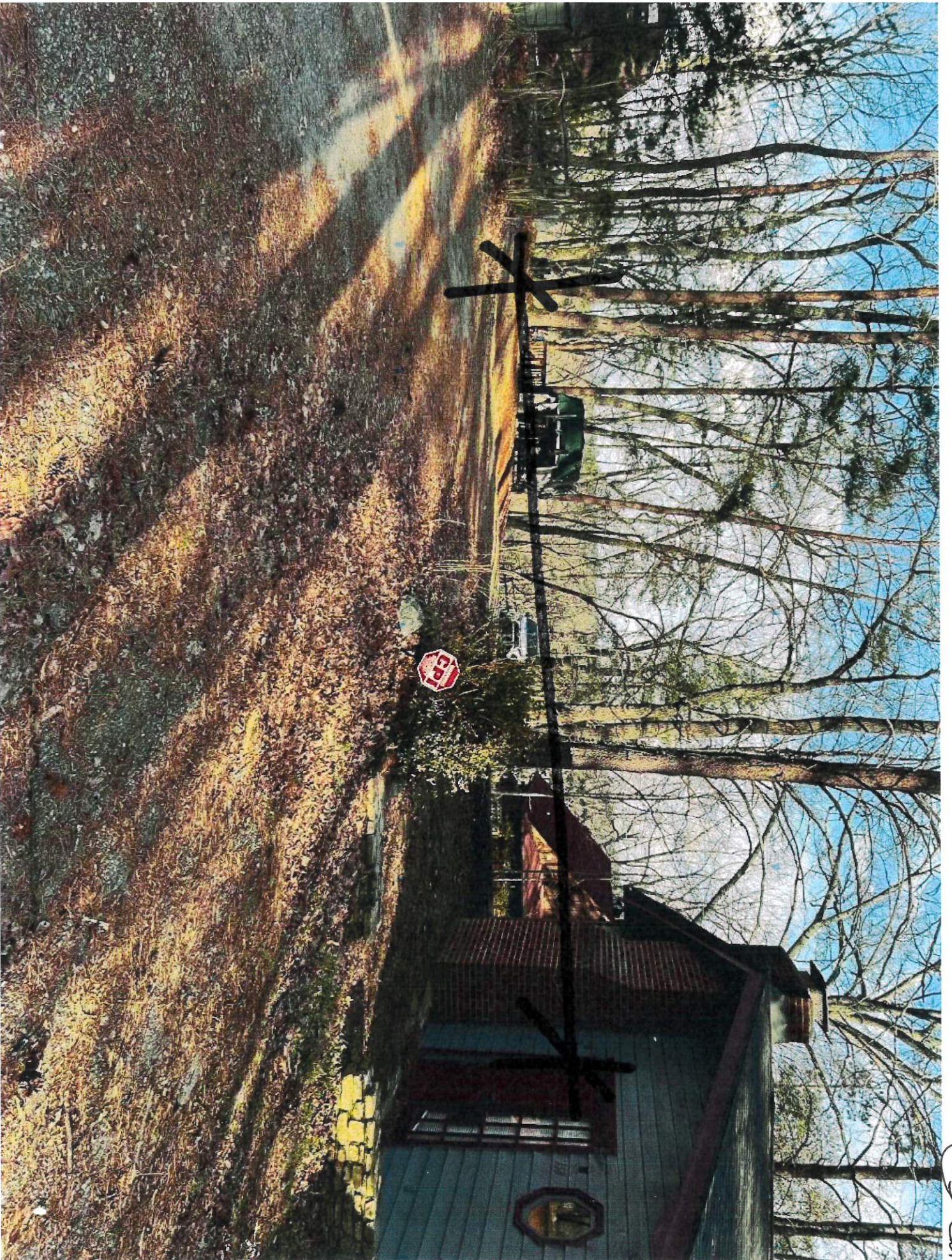
In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the regulations.

Zoning Variance Application Checklist

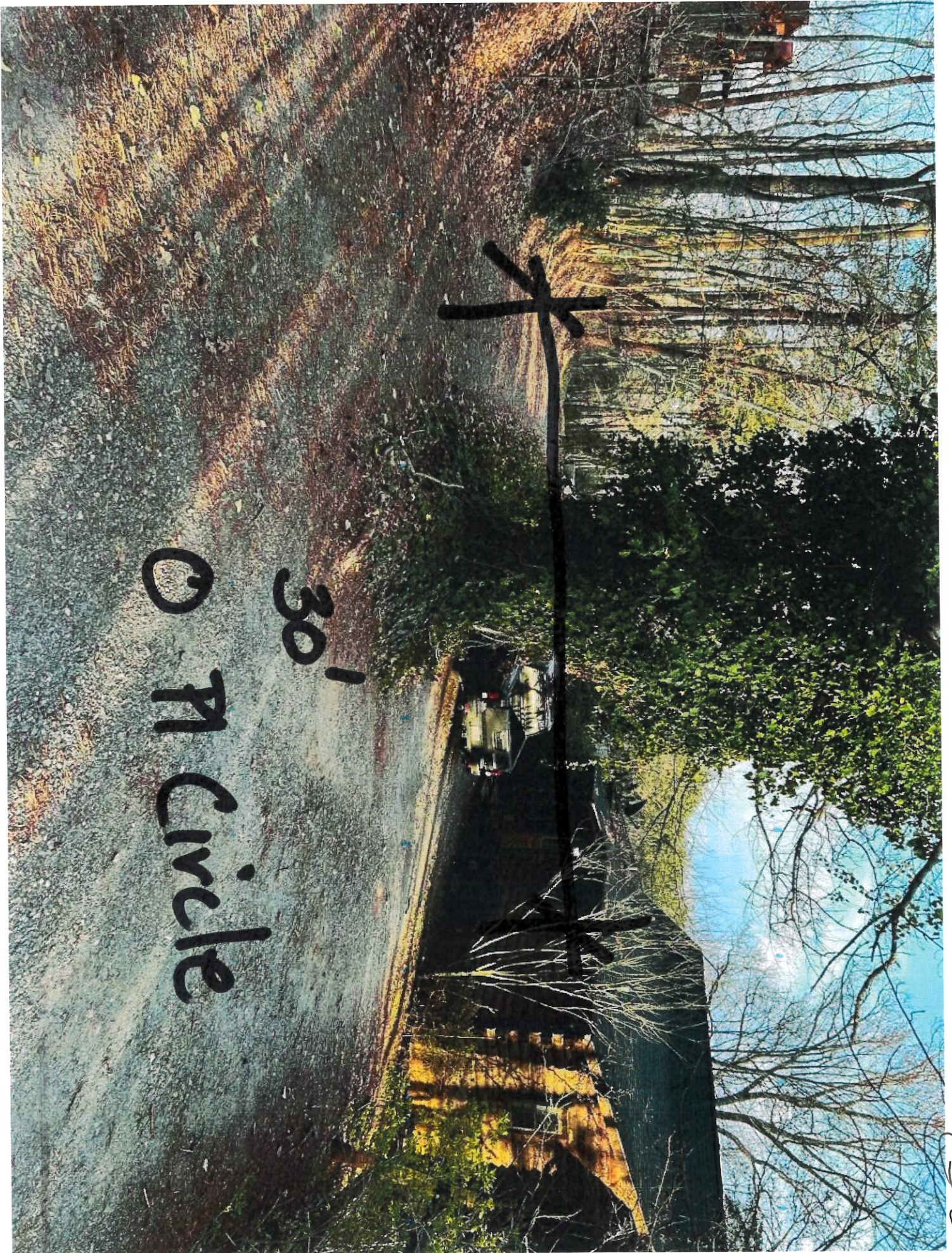
Application is not complete until all of the following items have been submitted:

- X Completed application
- X Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
- X Site plan, drawn to scale on either a survey or plat, clearly showing the following:
 - X location of property lines
 - X existing structures
 - X proposed development
 - X all setbacks in relation to property lines and development
 - X area the variance will be affecting
 - any and all areas of environmental concern (wetlands, trout waters, etc.)
- X Building plans, drawn to scale, showing the existing and proposed development
Drawn on Survey plat
- X Directions to property from Town Hall
Overlook Park is located NW of the Lake Lure Fire Department off Charlotte Drive and Lot 31,32,33 is located at 158 Pleasant Circle.

158 P1 Circle - 23'



1700 CLM

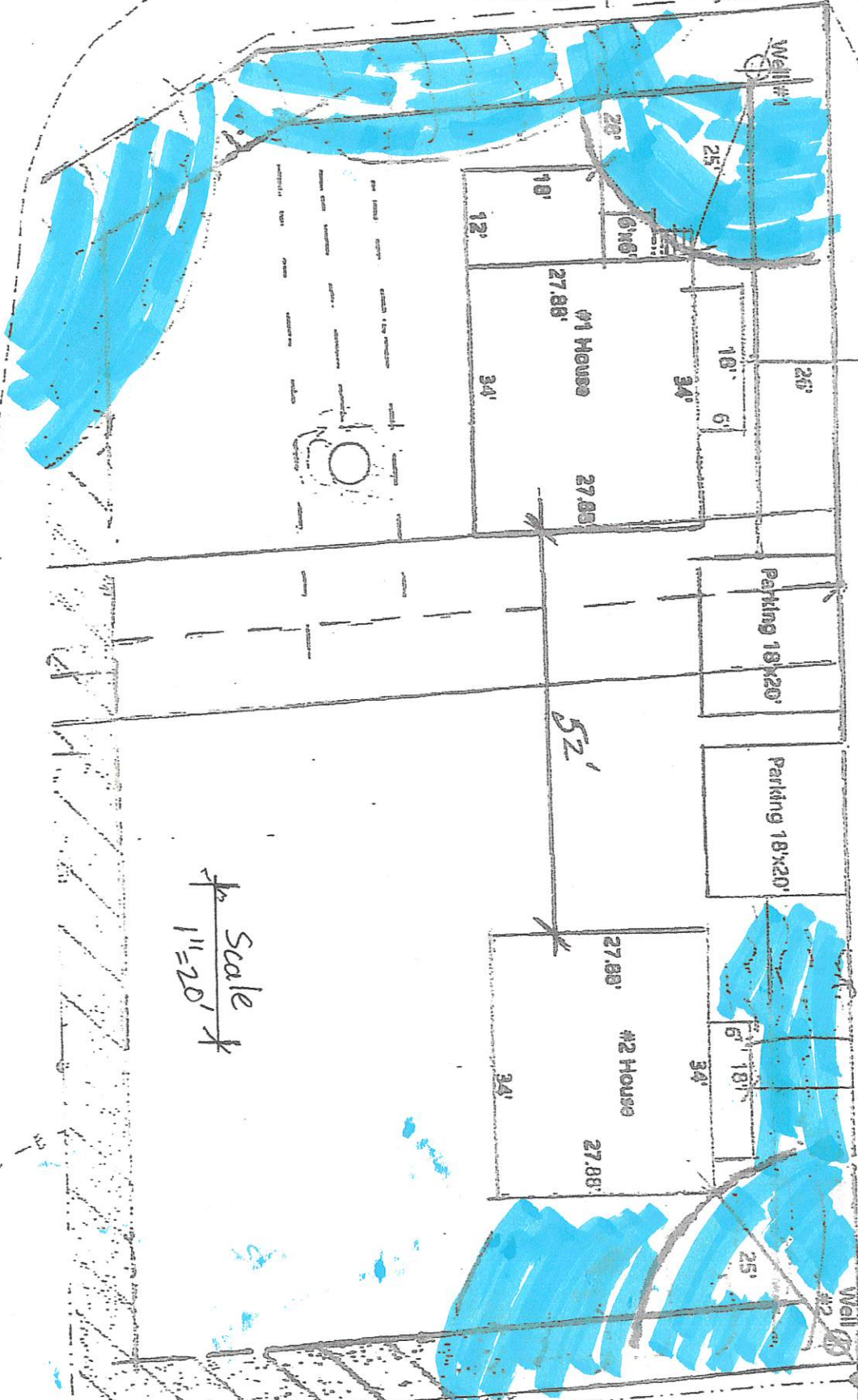


30'
O P Circle

15/1/14

PLEASANT CIRCLE
(ASPHALT DRIVE)

(GRAVEL DRIVE)



Scale
1" = 20'

FD. 10
(1/4" PFE)

1104E
10
CM

(GRAVEL D)

20'

P-E-E

FD

PLEASANT CIRCLE
(PREFAB DRIVE)

16.82'

Well #1

25'

18'

6'x6'

34'

27.88'

26'

18'

6'

34'

27.88'

34'

27.88'

25'

Well #2

6.10' WELL



#1 House

27.88'

Parking 18'x20'

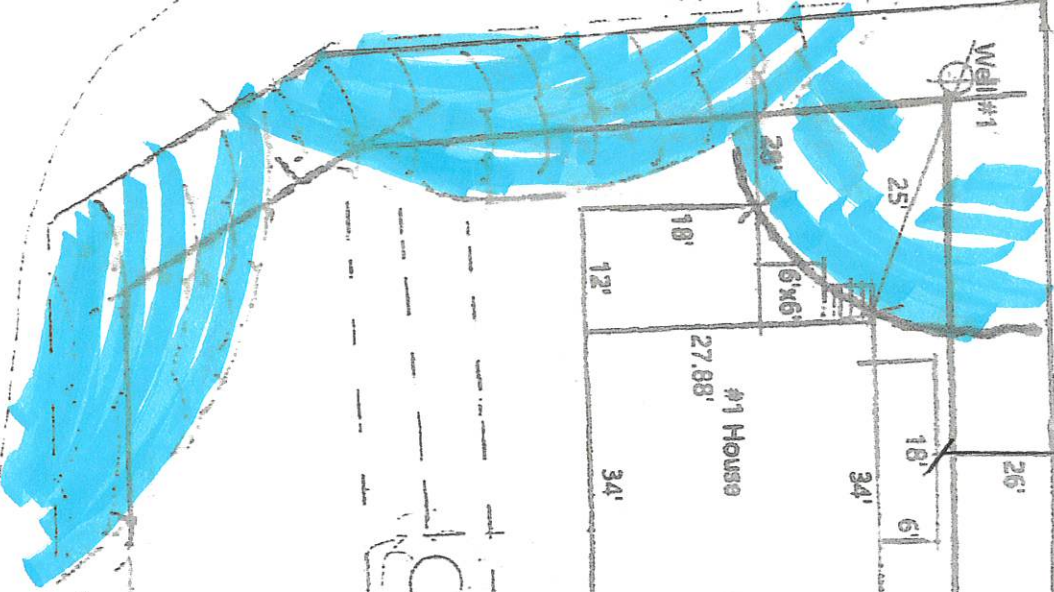
Parking 18'x20'

#2 House

27.88'

52'

Recompaction



GRAVEL DRIVE

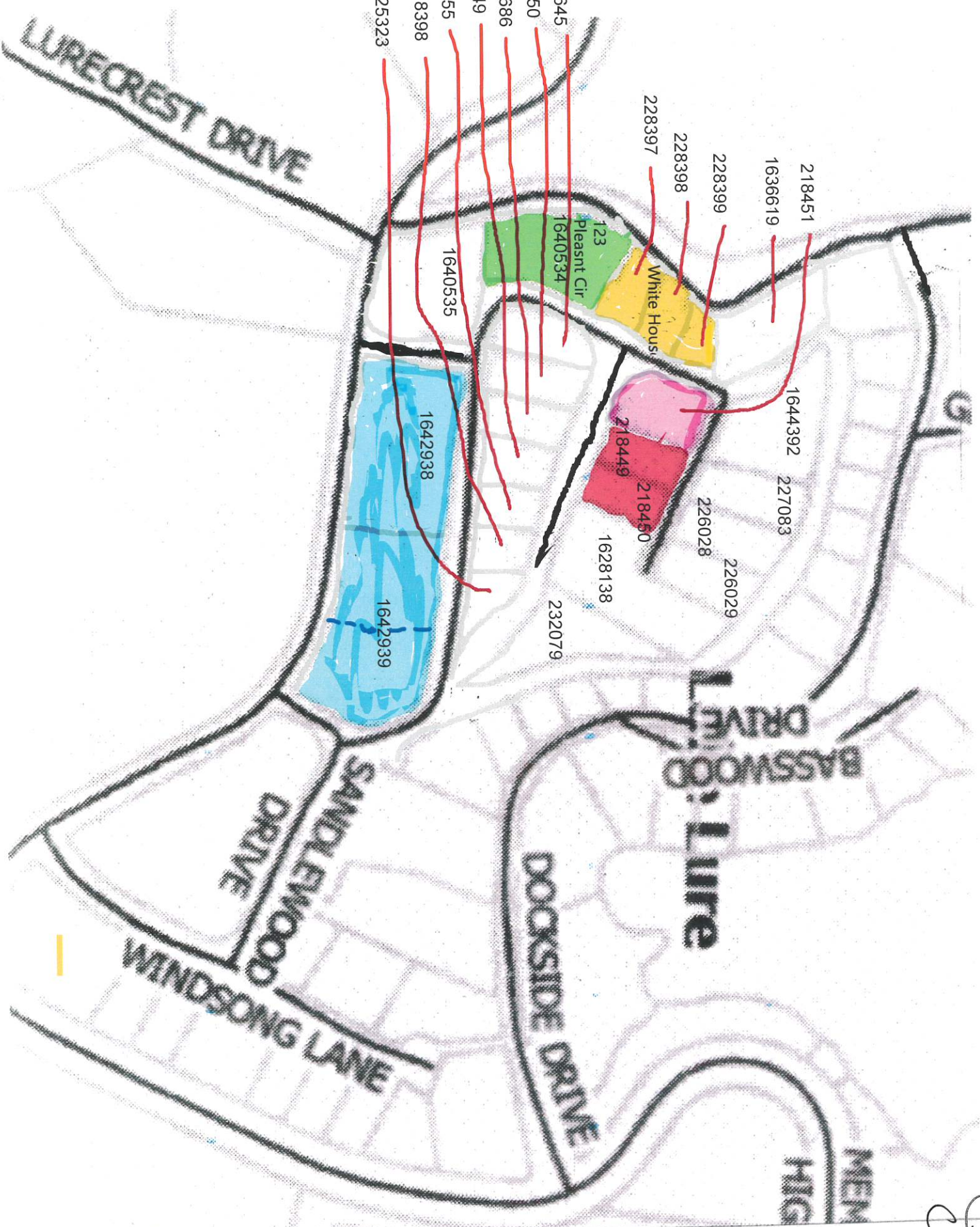
11

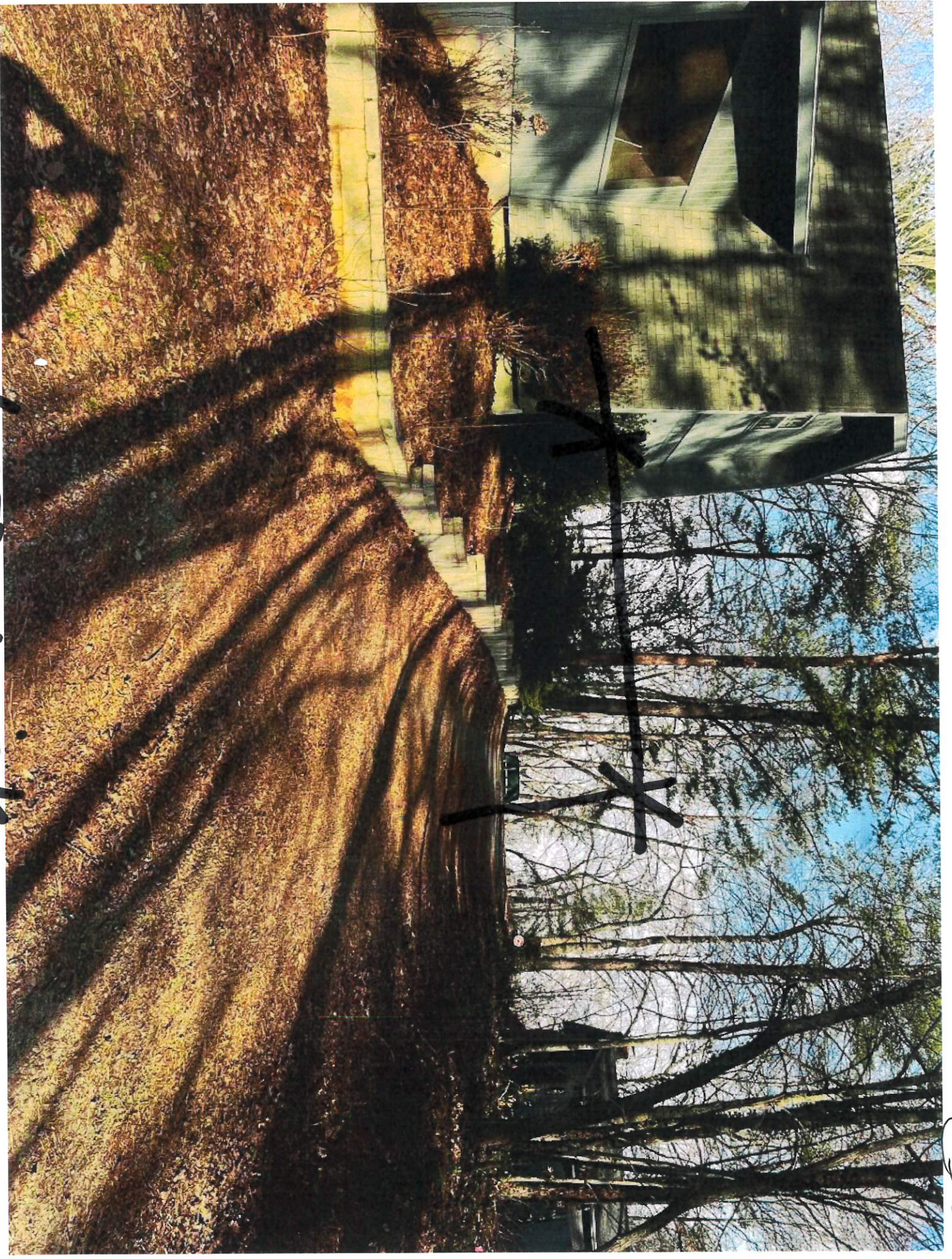
CLM

(GRAVEL)

Scale
1" = 20'







151 153 P1 Circle

12/2/14

137 Pl Circle

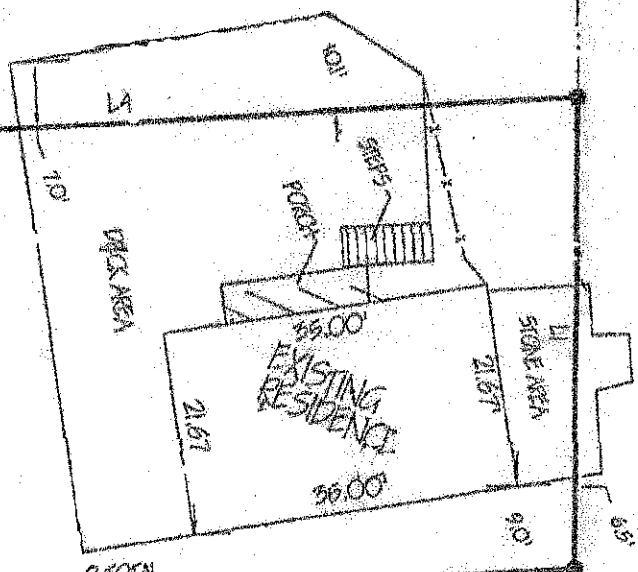


13 CLM

PLEASANT CIRCLE
(ASPHALT DRIVE)

LOT 51
PB. 6, P.G. 60
218451
RUTH ANN ROSARIO
PB. 20082 P.G. 1482

LOT 52 OF
OVERLOOK PARK SUBDIVISION
PB. 6, P.G. 60
218449
OIL ACRES
10.88 ± 91.36'
(11/2" DEC)



2 TOTAL

18' TE TOTAL

(GRAVEL DRIVE)

(GRAVEL D

NOTE

PB. 6, P.G. 60
218451
RUTH ANN ROSARIO
PB. 20082 P.G. 1482

LOT 52
PB. 6, P.G. 60
218450
RUTH ANN ROSARIO
PB. 20082 P.G. 1482

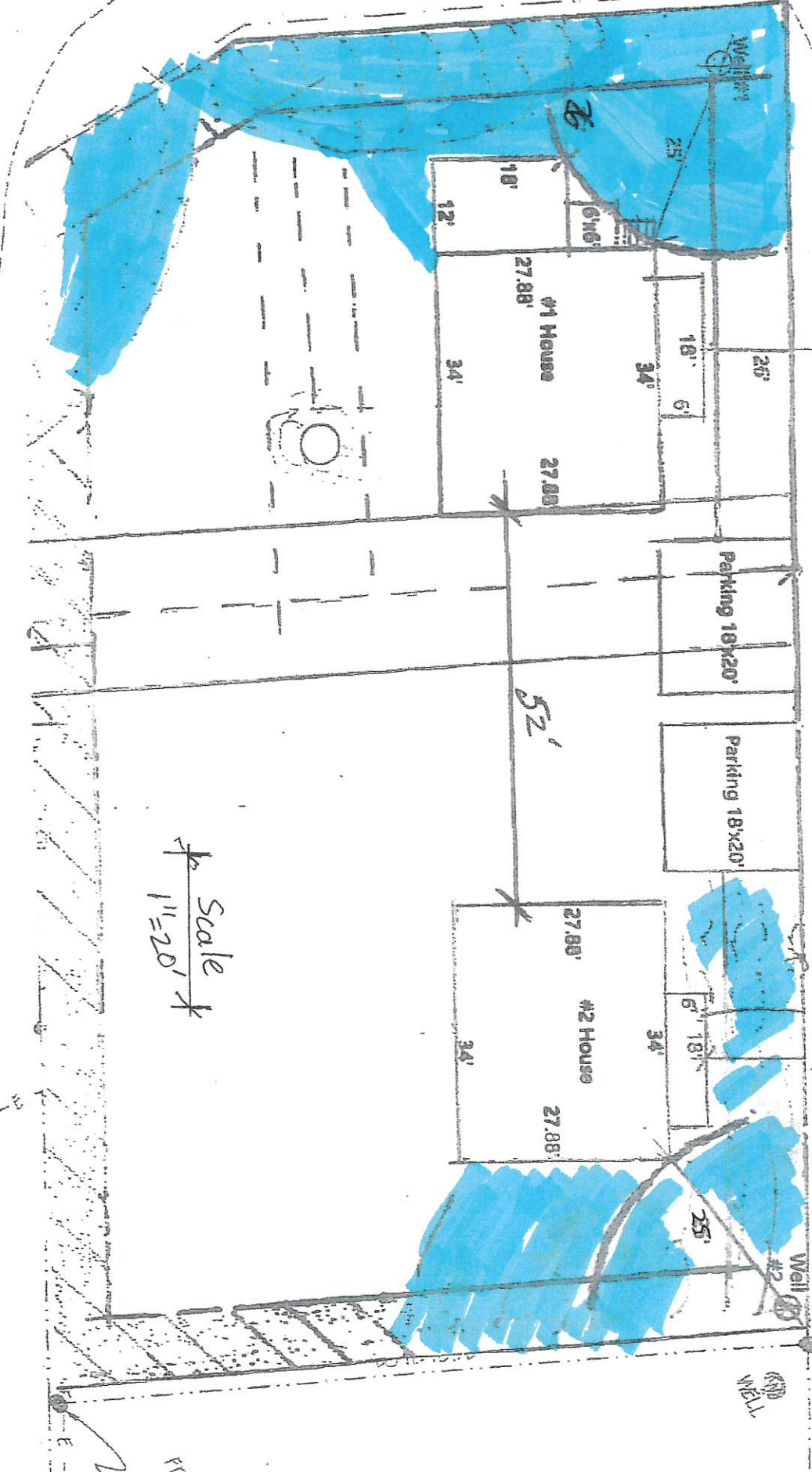
PB. 6, P.G. 60
(10' 4" PFE)

PLEASANT CIRCLE
(ASPHALT DRIVE)

(GRAVEL DRIVE)

FD. FR
10/15/11 (PPE)

10/11/10



N

(GRAVEL DRIVE)

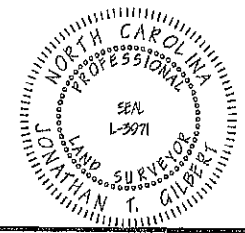
- LEGEND**
- ELM = Existing Iron Pipe or Pin
 - IP = Existing Set, 5' or 6" Rebar
 - ELM = Existing Locust Hub
 - CM = Concrete Monument
 - R/W = Right of Way
 - R/R Spike = Railroad Spike
 - PS = Fence Stake
 - C/S = Cotton Gin Spike
 - MNS = "Man Nail" Set
 - O/H = Overhead Utility Line
 - XXX = Fence line
 - = Branch or Stream
 - = Surveyed Property Line
 - = Adjoining Property Line (not surveyed)
 - = Surveyed Tie Line
 - = Edge of Road or Drive (type of surface noted)
 - = Edge of R/W (width noted)
 - = Edge of Easement (type noted and dimensioned)
- MH = Manhole
 - CB = Catch Basin
 - WM = Water Meter
 - PP = Power Service Pole
 - N/P = Now or Formerly
 - P/O = Part of
 - DB = Dead Dock
 - PG = Page
 - C/L = Centerline
 - T/B = Trail Buffer Zone
 - O/H = Overhead
 - (C) = Calculated
 - (MEAS) = Measured

- NOTES**
- * Acreage calculated by Coordinate Computation Method.
 - * ALL property corners NOT described are computed "points" only.
 - * Property is subject to all applicable easements and rights of way of record.
 - * Error of closure meets or exceeds 1:10,000 +. ALL distances are horizontal.
 - * This Survey meets the requirements of a Class "A" Survey.
 - * Location of ALL underground utilities are approximate, unless otherwise indicated. Exact location to be determined by owner.
 - * Property corners are marked with pink flagging, other color flagging is for reference only, unless otherwise indicated.
 - * If land disturbing activities in excess of 0.5 acre are planned, the property owner is required to submit a Sedimentation and Erosion Control Plan to North Carolina Dept. of Environment and Natural Resources.
 - * The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
 - * This survey was prepared without benefit of abstract title and ALL matters of title should be referred to an Attorney-at-Law.
 - * This property has not been inspected for wetlands or floodway encroachment.
 - * There IS NO recoverable Horizontal Control within 2000'.
 - * Property IS NOT located in a special flood hazard area, in accordance with current FEMA and FIRM maps.
 - * North is Grid North NC NAD 83 2011.
 - * The District Health Department has expressed no opinion as to the suitability of private septic or water systems on this property. Each lot is subject to individual inspection and approval of septic systems.
 - * Bearings and distances shown hereon are "Measured" unless otherwise noted.

- TYPE OF SURVEY PERFORMED**
- () This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - () This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 - (●) This survey is of an existing parcel(s) of land and does not create a new street or change an existing street.
 - () This survey is of an existing building or other structure, or natural feature, such as a watercourse.
 - () This survey is a control survey.
 - () This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision, such as a family division.
 - () The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to which type of survey listed above best describes the type of survey performed.

I, Jonathan T. Gilbert, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated as drawn from information found in referenced documents; that the ratio of precision as calculated is 1:10,000', that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 10th day of December, 2024.

Jonathan T. Gilbert
Professional Land Surveyor
License Number L-3971

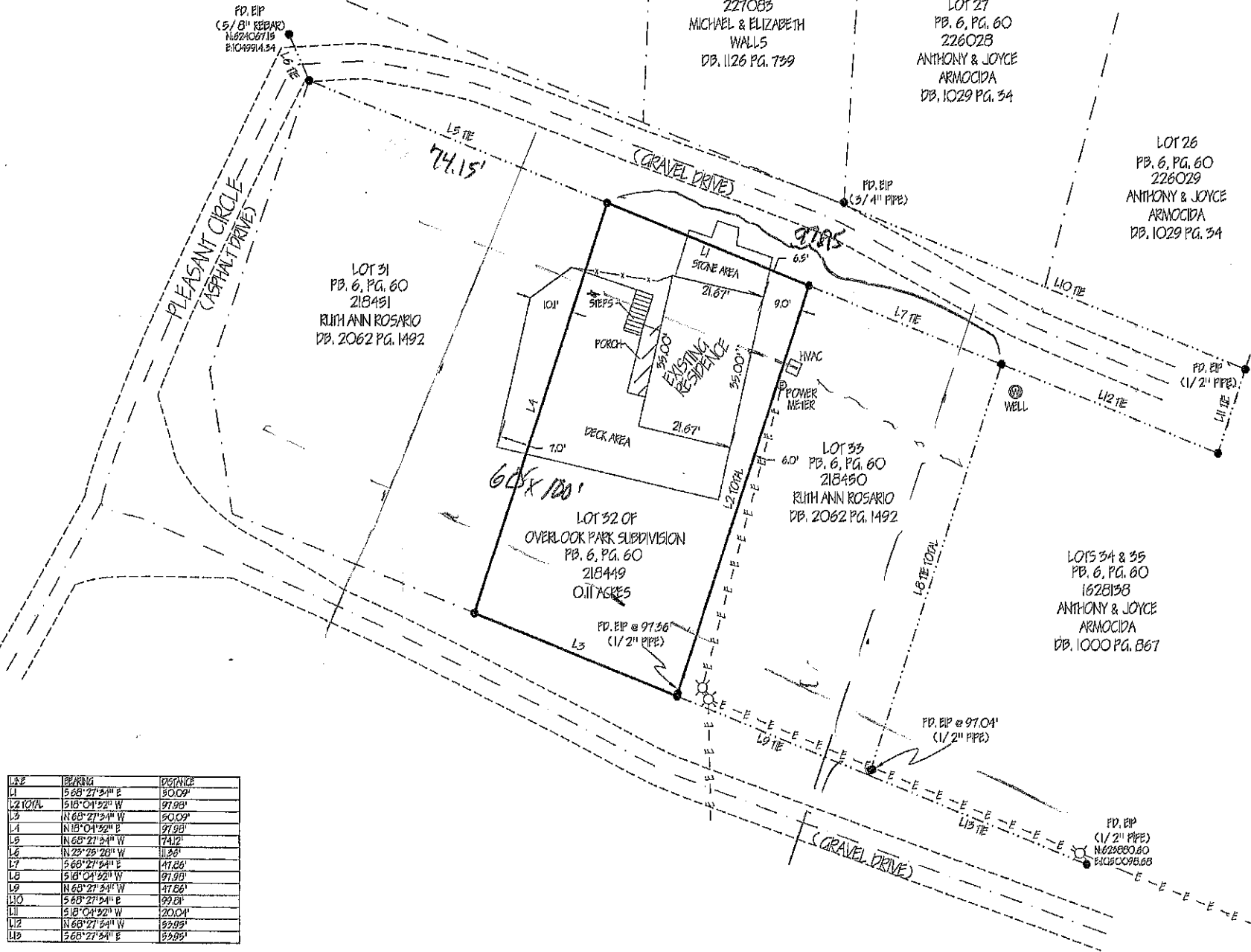


NC GRID (NAD 83 2011)

Scale: 0 20 40 60 FEET

Doc ID: 007279230001 Type: CRP
Recorded: 12/10/2024 at 01:49:30 PM
Fee Amt: \$21.00 Page 1 of 1
Rutherford County, NC
Rachel Thomas Register of Deeds

BK 45 PG 424



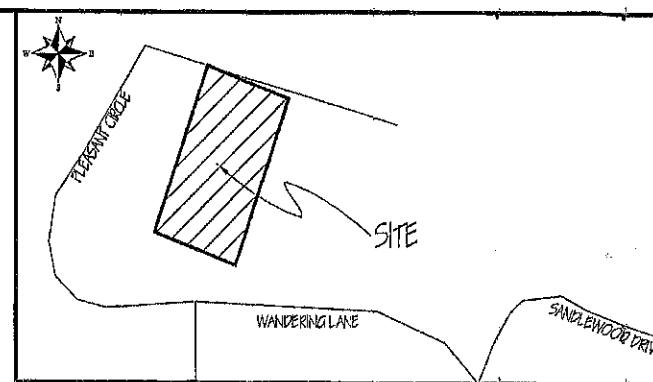
L&P	BEARING	DISTANCE
L1	S 68° 27' 34" E	80.09'
L2 TOTAL	S 18° 04' 52" W	97.99'
L3	N 68° 27' 34" W	90.09'
L4	N 18° 04' 52" E	97.99'
L5	N 68° 27' 34" W	74.72'
L6	N 28° 29' 26" W	11.26'
L7	S 68° 27' 34" W	47.69'
L8	S 68° 04' 52" W	97.99'
L9	N 68° 27' 34" W	97.99'
L10	S 68° 27' 34" W	39.53'
L11	S 18° 04' 52" W	20.04'
L12	N 68° 27' 34" W	33.93'
L13	S 68° 27' 34" E	33.93'

SITE ADDRESS
158 PLEASANT CIRCLE
LAKE LURE, NC 28746
PARCEL ID: 218449
CHIMNEY ROCK TOWNSHIP
RUTHERFORD COUNTY, NC

SURVEYOR'S NOTES

- BELOW GROUND UTILITIES NOT LOCATED UNLESS SHOWN AND ABOVE GROUND UTILITIES OBSERVED.
- SURVEY PERFORMED WITH RTK / GNSS RECEIVER USING "REAL-TIME" ON N.C.G.S. VIRTUAL NETWORK. ALL COORDINATES AND GRID NORTH BASED ON N.C.G.S. HORIZONTAL DATUM. RELATIVE BEARS TO ALL GEOGRAPHIC COORDINATES HEREON ARE FOR USE IN LOCATING CORNERS BY FIELD AND ARE APPROXIMATE AND FOR INFORMATIONAL PURPOSES ONLY.
- ELEVATIONS HEREON DERIVED FROM RTK / GNSS METHODS, NAVD 83 DATUM FOR INFORMATION ONLY.

OWNER OF RECORD
RUTH ANN ROSARIO
2838 N BREVARD ST, CHARLOTTE, NC
DB. 2062 PG. 1492
PARCEL ID: 218449



REPERENCES:
DEED BOOK 2062, PAGE 1492
PLAT BOOK 6, PG. 60

COUNTY/FINCH NUMBER: 218449
DATE: 12.04.2024
SCALE: 1" = 20'

JONATHAN T. GILBERT
PROFESSIONAL LAND SURVEYOR
SUBDIVISION MAPPING
PHONE: (704) 272-2491 Email: jtgilbert@jtgilbert.com
6784 N.C. Hwy. #9 Hillsboro, NC 27556

PLAT PREPARED FOR
CAMPLIKREEST
LOT 32
OVERLOOK PARK SUBDIVISION
PLAT BOOK 6, PAGE 60

SHEET NUMBER: 1 of 1
DRAWING NUMBER: 2024-097



June 8, 2026

Dear Property Owner,

As a neighboring property owner to 158 Pleasant Circle, you are hereby notified that a Zoning Variance application has been filed to vary setbacks and reduce the parcel dimensional requirements for #158 and the lots on either side of #158. The purpose is to be able to combine the three lots into two and have a house on each of those two. The variance process requires that the Board of Adjustments hold a quasi-judicial review of the request and make a decision as to whether there are sufficient grounds to grant the variance. Section 36-108 of the Zoning Regulations allows a determination by the Board to vary the regulations when strict enforcement would result in unnecessary hardship to the property owner. The parcel is listed as Rutherford County parcel numbers 218449, 218450, and 218451 and are owned by Camp Lurecrest Ministries, Inc. The parcel is within the Residential 1 zoning district.

A hearing before the Lake Lure Board of Adjustment has been scheduled for this variance request on June 23, 2026 at 1:00pm. The hearing will be held at the temporary Town Hall office located at 920 Buffalo Creek Road, Lake Lure.

If you wish to provide any pertinent facts as testimony regarding this matter, please make plans to attend the meeting. The file for this special use request is available for review in our office, by appointment only, during normal Town business hours.

If you have any questions, please do not hesitate to contact me, especially by email.

Sincerely,

Mike Williams, CZO

Community Development Director

Town of Lake Lure

828-625-9983 Ext. 117

mwilliams@townoflakelure.com

920 Buffalo Creek Road, PO Box 255, Lake Lure, NC 28746

Files # ZV-2026005 and # ZV-2026007



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustments
FROM: Rick Carpenter, Development & Environmental Review Specialist/Trails Planner
DATE: June 23, 2026
RE: ZV-2026007

Rich Guthman is applying for a variance on behalf of Camp Lurecrest Ministries Inc. The property is addressed as 0 Pleasant Cir., Lake Lure, NC (Parcel #218451) and is in the Residential 1 (R-1) Zoning District.

Additional Information for the Board:

1. Sec. 36-70. Building site minimum dimensional requirements, (c) For primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
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5. Applicant has proposed combining two lots that are non-compliant into one non-compliant lot and leaving this lot as a stand-alone non-compliant lot. Code requires the applicant to combine all three of their contiguous lots.
6. Sec. 36-216. Nonconforming uses. (b) Nonconforming lots of record. This category of nonconformance consists of lots for which plats or deeds have been recorded in the county register of deeds, which at the time of the adoption of the ordinance from which this chapter is derived, or any amendment thereto, fail to comply with the minimum area or width requirements of the districts in which they are located. Any such nonconforming

lot may be used for any of the uses permitted in the district in which it is located provided the owner of the subject lot does not own sufficient contiguous land to enable conformity to the minimum area or lot width requirements through recombination, and all other dimensional requirements can be met. The zoning administrator is authorized to issue a certificate of zoning compliance after having received an attorney's certificate of title on a form obtainable from the town.

7. Staff believe the applicant may need an additional variance for minimum tree canopy requirements.
8. The applicant has more than one street front setback and has proposed encroaching into both. Staff have chosen the lower of these two numbers to add as the request.

9. Applicant is requesting the following:

Setback	Requirement	Request
Street Front	35'	26'

Min. Lot Width at Building	Request
100ft	74ft

Min. Lot Area Requirement	Request
10,000sqft	6,970sqft

Staff Analysis:

Staff reviewed the applicant’s submittal packet and have formed the following determination. A variance must be based on hardship that is peculiar or unique to the property and not a preference for a more lenient standard. The petitioner for a variance must present substantial evidence regarding the impact of the ordinance on the owner’s ability to make reasonable use of the property.

Attachments

- 1) Application
- 2) Submitted Evidence

Staff Contact

Rick Carpenter, CZO
 828-625-9983 ext. 107; rcarpenter@townoflakelure.com

TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV- 2026007

Approved by Bd. of Adj: _____	_____
Rejected by Bd. of Adj: _____ (see attached Order)	Zoning Administrator 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: Rich Guthmann Date of Application: May 29, 2026

PROPERTY:

Property located at: 0 ~~158~~ Pleasant Circle

Map Page: 424 Block: 45 Lot: 31 Current zoning: R-1 Parcel/Tax PIN 218451

VARIANCE REQUESTED (check all that apply):

<input type="checkbox"/> Min. lot area: (Attach Attorney's Certificate of Title) (see § 92.040) Required <u>10,000 sf</u> Reduced to <u>6,970 sf</u> Reduced by <u>30%</u>	<input checked="" type="checkbox"/> Min. front (street) yard: (see § 92.040) Required <u>35'</u> Reduced to <u>26' +/-</u> Reduced by <u>26%</u>	<input checked="" type="checkbox"/> Min. parking spaces: (see § 92.103) Required _____ Reduced to _____ Reduced by _____
<input type="checkbox"/> Min. lot width at building site: (see § 92.040) Required <u>100 ft</u> Reduced to <u>74 ft</u> Reduced by <u>26%</u>	<input type="checkbox"/> Min. front (lake) yard: (see § 92.040) Required _____ Reduced to _____ Reduced by _____	<input type="checkbox"/> Max. sign number: (see § 92.157) Required _____ Increased to _____ Increased by _____
<input type="checkbox"/> Min. open space: (see § 92.040) Required _____ Reduced to _____ Reduced by _____	<input checked="" type="checkbox"/> Min. side yard: (see § 92.040) Required <u>35'</u> Reduced to <u>28'</u> Reduced by <u>20%</u>	<input type="checkbox"/> Max. sign height: (see § 92.157) Required _____ Increased to _____ Increased by _____
<input type="checkbox"/> Max. building height: (see § 92.040) Required _____ Reduced to _____ Reduced by _____	<input type="checkbox"/> Min. rear yard: (see § 92.040) Required _____ Reduced to _____ Reduced by _____	<input type="checkbox"/> Max. sign size: (see § 92.157) Required _____ Increased to _____ Increased by _____

VARIANCE REQUESTED (Continued - check all that apply):

Other

Section 36-216 (b) Part 2 "... provided the owner of the subject lot does not own sufficient contiguous land to enable conformity to the minimum area of lot width requirements through recombination. . ."

Section 36-70. Front Yard Setback

Section 36-225.

JUSTIFICATION FOR VARIANCE: See Attached

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>RC Authmann</i>	<i>JOEL GRIFFIN</i>
<i>Signature of applicant</i> member Board of Directors Camp Lurecrest Ministries 7422 Lancer Dr.	<i>Signature of owner if not applicant</i> Board Chair Camp Lurecrest Ministries 207 Charlotte Dr.
<i>Street or P.O.Box</i> Charlotte, NC 28226	<i>Street or P.O.Box</i> Lake Lure, NC 28746
<i>City, State, Zip</i> (704) 361-8103	<i>City, State, Zip</i> (704) 608-9178
<i>Daytime telephone number</i>	<i>Daytime telephone number</i>

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 § 92.088 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:

See Attached

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:

See Attached

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:

See Attached

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:

See Attached

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

See Attached

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.

RC Guthmann

Signature of Applicant Rich Guthmann

May 30, 2026

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
Drawn on Survey plat
- Directions to property from Town Hall
Overlook Park is located NW of the Lake Lure Fire Department off Charlotte Drive and Lot 31,32,33 is located at 158 Pleasant Circle.

158 Pleasant Circle, Map 424, Block 45, Lot 31, Parcel/Tax Pin 218451

Section: 36-216. (b) Part 2 “provided the owner of the subject lot does not own sufficient contiguous land to enable conformity to the minimum area or lot width requirements through recombination, and all other dimensional requirements can be met.”

Request: Camp Lurecrest requests that Lot 31 be issued a certificate of zoning compliance per the provisions of this Ordinance with exception of Part 2.

Justification for Variance: The condition requested would be allowed excepting that Camp Lurecrest ministries also owns Lot 32 “contiguous land”. Lot 32 already has a (permitted/grandfathered) nonconforming structure on it. The goal of CLM is multi-faceted. CLM’s desire is for “Work Force Housing” for their present and future full-time Staff and their families. CLM has owned the residence in Overlook Park at 137 Pleasant Circle since 2010. CLM purchased the residence at 123 Pleasant Circle in 2022 and has fully renovated the interior and exterior of the residence and property since purchasing it. CLM has rented additional residences in OP both seasonally and longer term over the last (15) years. This includes the summer season rental for over a decade of 159 Pleasant Circle for housing Camp Pastors. CLM has been renting the residence at 160 Wandering Way since May of 2025 for our newest Staff Family. We have an option to rent the residence for an indefinite period. This rental was necessitated by the fact that the residence CLM purchased in January of 2025 was uninhabitable upon discovering it to be “physically unsafe due to lack of repairs and maintenance” not disclosed &/or discovered prior to purchase by CLM. The residence sited here is located on one of the (3) parcels purchased including Lot 31 for which our Request for Variance(s) is being made.

CLM is fully vested in Overlook Park, and our desire is simply not to develop and “flip” a residence. Our ministry has been a Legacy Member of the Lake Lure Community for nearly 80 years. Our desire to ensure our ability to serve the Kingdom of God and to be a productive and serving member of the Lake Lure Community well into the future will only be benefited by the granting of this requested variance.

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 district. These conditions are:

Does Not Apply to this variance request.

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:

They are each afforded the same opportunity, and the actual request is primarily regarding process and procedure.

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:

Does Not Apply to this Variance Request.

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 of because:

We do believe that our request is consistent with the spirit, purpose, and intent of the regulations. Consider that this property is located on a corner lot bordered on front, rear and one side by secondary streets. The combination of right-of-ways and increased setback regulations, applied to Corner Lots, significantly increases the degree of separation of proposed residence (House #1) from neighboring residences over that which would be permitted; on a **Nonconforming lot of record certified zoning compliant** build on a non-corner lot or even a build on a non-corner, conforming lot.

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

The circumstances driving this request are not only not a result of our actions but are, on the contrary, despite our vigilant attempt to secure affordable existing housing or land to build near our Ministry base. The demands on our Staff often require 24/7 availability. We have now located a modular home provider, designed (3) bedroom (2) bath plan making use of a finished daylight basement which enables us to reduce the size of the footprint of the home (ala small lot) and makes the highest economical use of the existing topography. We are simply working to make the highest and best use of the property we have been able to obtain.

Section: 36-70. Front Yard Setback & 36-225

Request: Reduce Required Front Yard Set Back from 35' to 26' and have that reduced Front Yard Set Back required of Side Yard Set Back also. Per ordinance it follows that **the side yard not be less than the front yard requirements. . .**

Justification for Variance: Attempting to make Highest and Best Use of the property while at the same time remaining consistent with the spirit, purpose and intent of the regulations.

directly across from House #1 Side Yard, Front Yard Setback is 22' from the centerline and 160 Wandering Way, directly across from rear yard of House #1, which fronts the secondary street between the houses is 30' from the centerline.

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 of because:

We do believe that our request is consistent with the spirit, purpose, and intent of the regulations. Consider that this property is located on a corner lot bordered on (3) sides by secondary streets. The combination of right of ways and increased setback regulations significantly increases the degree of separation of proposed residence (House #1) over that which would be permitted; on a *Nonconforming lot of record certified zoning compliant* build on a non-corner lot or even a build on a non-corner conforming lot.

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

Pre-existing conditions.

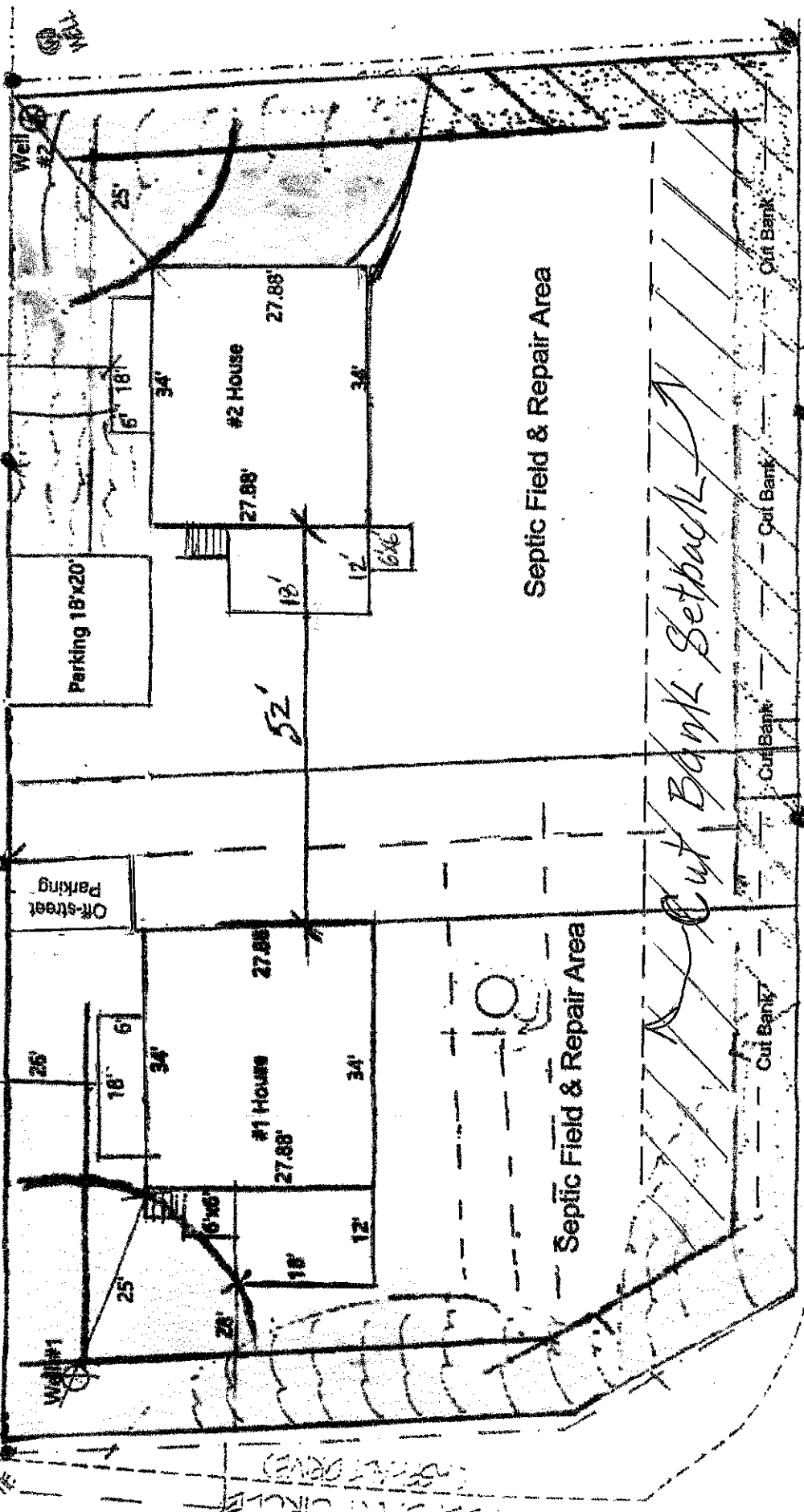
W.M.

CO. 10/10/10
CADD IN THE
NO. 10. 10. 10.

LOT

GRAVEL DRIVE

WELL #1
WELL #2



Septic Field & Repair Area

Septic Field & Repair Area

Cut Bank Setback

Cut Bank

Cut Bank

Cut Bank

Cut Bank

Well

GRAVEL

9 10 20 30 40
Scale 1" = 20'

PAVEMENT CIRCULAR
GRAVEL DRIVE

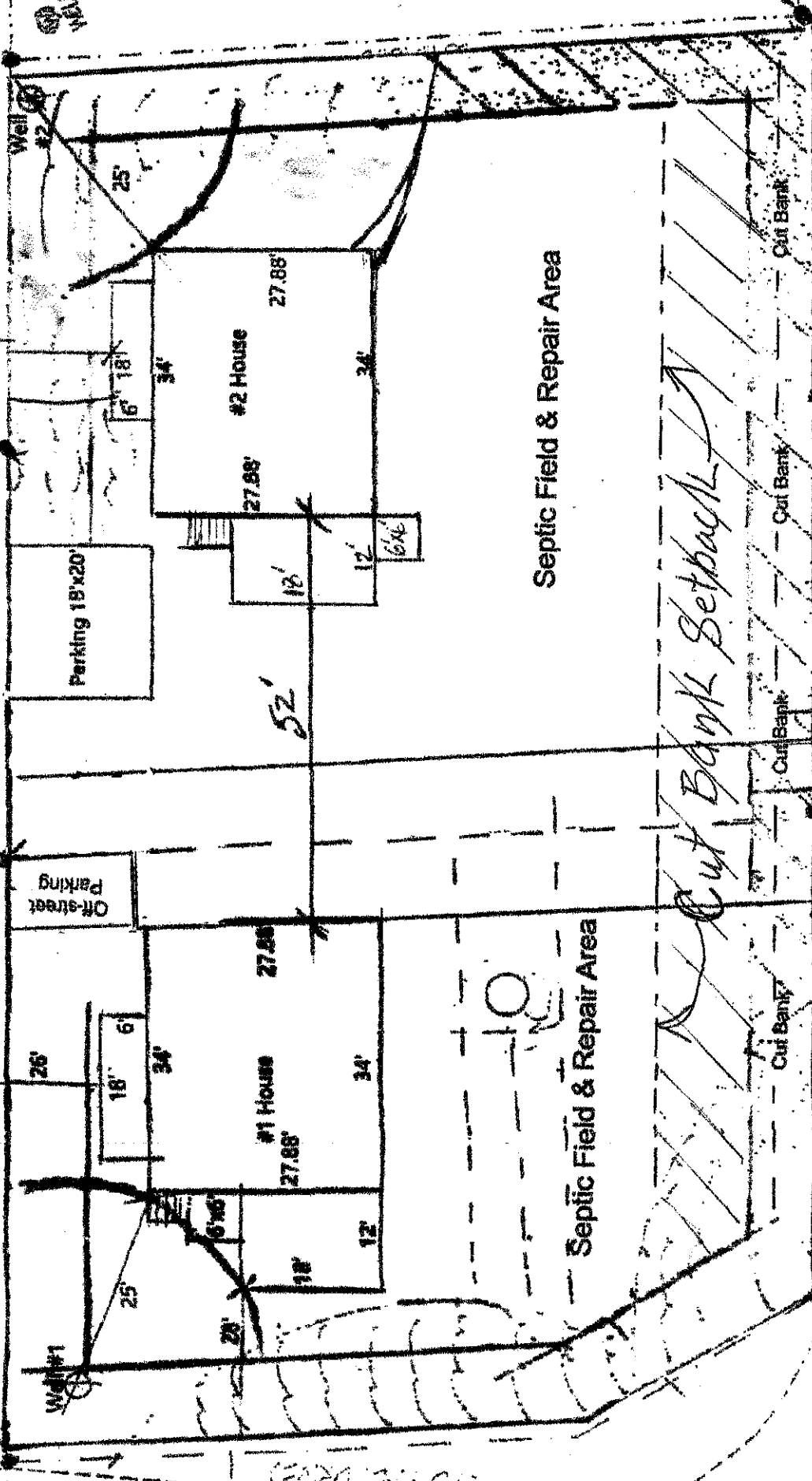
NEW

Lot

LOT

GRAVEL DRIVE

15' 15' 15' 15' 15' 15' 15' 15'



Well #1

Off-street Parking

6'

18'

26'

25'

28'

6' 10"

11'

12'

34'

#1 House

27.88'

34'

6'

18'

26'

34'

#2 House

27.88'

34'

Parking 18'x20'

18'

12'

6' 1/4"

27.88'

12'

6' 1/4"

27.88'

34'

Septic Field & Repair Area

Septic Field & Repair Area

Cut Bank Setback

Cut Bank

Cut Bank

Cut Bank

Cut Bank

Well

GRAVEL

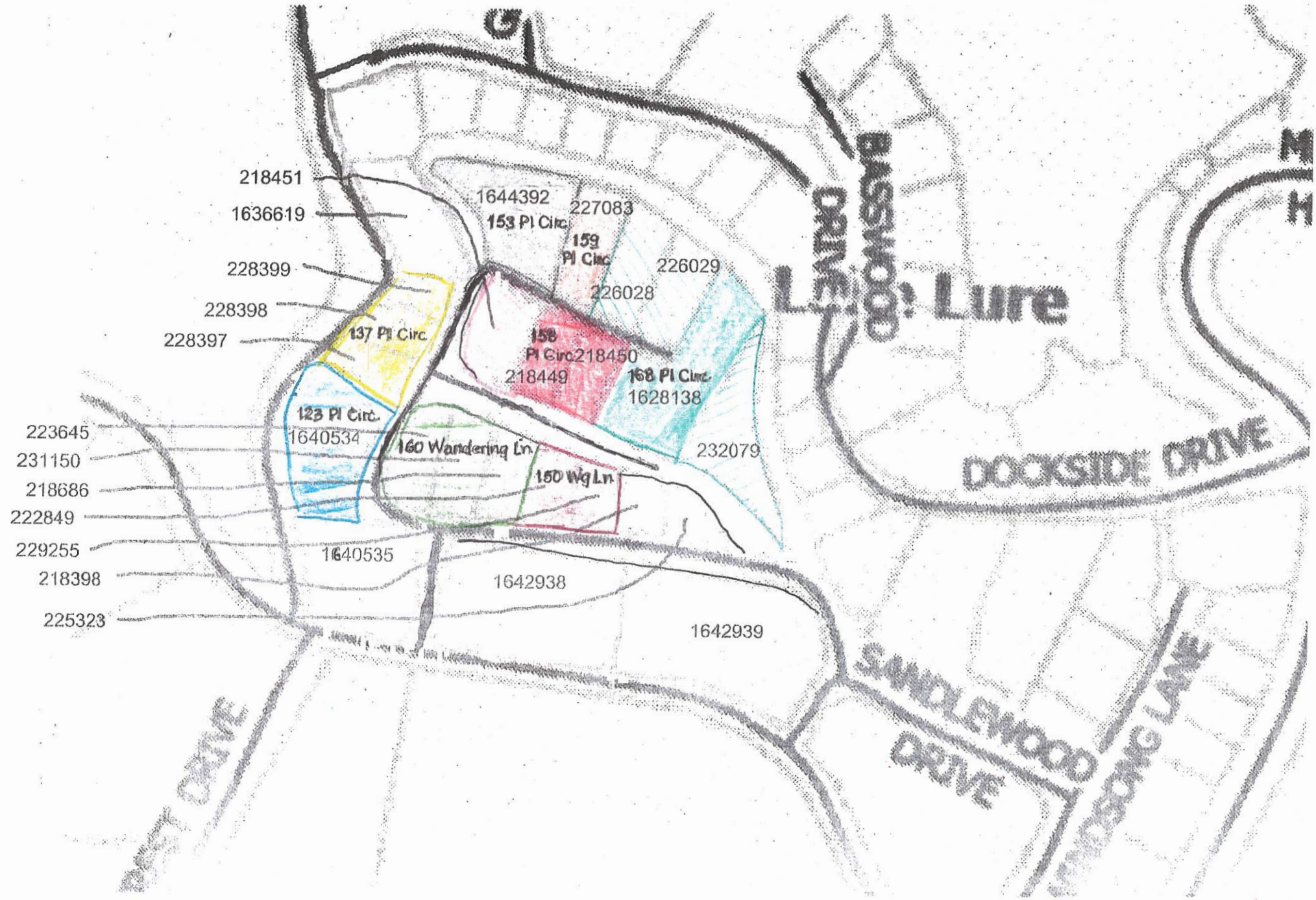
9 19 20 30 40

Scale 1" = 20'

OverLook Park Property Records

Parcel #	Street Address	Name	Address	City, State	Zip	Ac	Sale Date
228397	137 Pl Circ	CLM	207 Charlotte Dr	Lake Lure, NC	28746	0.10	2010-06-01
228398	A.K.A. White House					0.08	2010-06-01
228399						0.07	2010-06-01
1640534	123 Pl Circ	CLM	207 Charlotte Dr	Lake Lure, NC	28746	0.31	2022-05-01
1640535	0 Char Dr	Katherine Laurent	209 Pine St.	Santa Rosa Beach, FL	32459	0.31	2020-03-01
1642938	0 Char Dr	Lake Lure Lodge, LLC	PO Box 2142	Rutherfordon, NC	28139	0.50	2015-10-01
1642939						0.67	2015-10-01
223645	160 Wandering Ln	Anthony C Montanari Lesley A Mastandrea	10000 Sweetleaf Place	Charlotte, NC	28278	0.13	2020-07-01
231150						0.14	2020-07-01
218686						0.12	2020-07-01
222849	150 Wandering Ln	Allyson Nanney	150 Wandering Ln	Lake Lure, NC	28746	0.11	2019-09-01
229255						0.10	2019-09-01
218398	0 Wandering Ln	Henry A Gill, Peggy Gill	2311 W Morrison Ave Unit 28	Tampa, FL	33629	0.09	1993-03-01
225323						0.12	1993-03-01
218451	158 Pl Circ	CLM	207 Charlotte Dr	Lake Lure, NC	28746	0.16	2025-01-01
218449						0.11	2025-01-01
218450						0.11	2025-01-01
1628138	168 Pl Circ	Anthony M Armocida Trustee Joyce M Armocida Trustee	116 Cloverleaf Ln	Asheville, NC	28803	0.43	2004-05-01
232079		Anthony M Armocida Trustee Joyce M Armocida Trustee	116 Cloverleaf Ln	Asheville, NC	28803	0.25	2020-07-01
226029	0 Pl Circ	Anthony M Armocida Trustee Joyce M Armocida Trustee	116 Cloverleaf Ln	Asheville, NC	28803	0.14	2011-09-01
226028						0.15	2011-09-01
227083	159 Pl Circ A.K.A. Star House	Michael Allen Walls Lindsay Elizabeth Walls	105 Rollinggreen Rd	Greenville, SC	29615	0.18	2016-05-01
1644392	153 Pl Circ A.K.A. A-Frame	Victor C Walker Beth M Walker	1044 Moore Gate Court	Lexington, SC	29073	0.31	1994-08-01
1636619	0 Picnic Pt Rd	Dawn Susan Stone John F Stone	2176 50th St NW	Rochester, Mn	55901	0.24	2004-06-01

OverLook Park Parcel Map





TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustments
FROM: Rick Carpenter, Development & Environmental Review Specialist/Trails Planner
DATE: June 23, 2026
RE: ZV-2026006

Elizabeth & Michael de Caetani are applying for a variance to keep a roof overhanging their lake front deck. The property is addressed as 118 Scenic View Lane, Lake Lure, NC (Parcel #221323) and is in the Residential 1 (R-1) Zoning District.

Additional Information for the Board:

1. Sec. 36-70. Building site minimum dimensional requirements, (c) For primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
2. Community Development staff issued a stop work order in January of 2026 for working without permits. The applicants were found to have completed land-based and lake-based work without permits.
3. The existing deck is non-conforming and considered a legal non-conformity. However the new, unpermitted work is not protected as a legal non-conformity.
4. Per the application, the roof overhanging the deck that was constructed without permits extends beyond the non-compliant deck by 16 inches.
5. Sec. 36-221. Required yards not to be used by another building. The minimum yards or other open spaces required by this chapter for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building except as provided in section 36-104.
6. Applicant is requesting the following:

Setback	Requirement	Request
Lake Front	35'	23'

Staff Analysis:

Staff reviewed the applicant's submittal packet and have formed the following determination. A variance must be based on hardship that is peculiar or unique to the property and not a preference for a more lenient standard. Based on available information, staff did not find suitable evidence to support all of the required criteria for approval. The petitioner for a variance must present substantial evidence regarding the impact of the ordinance on the owner's ability to make reasonable use of the property.

Attachments

- 1) Application
- 2) Submitted Evidence

Staff Contact

Rick Carpenter, CZO
828-625-9983 ext. 107; rcarpenter@townoflakelure.com

TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-2026006

Approved by Bd. of Adj: _____	_____
Rejected by Bd. of Adj: _____	_____
(see attached Order)	Zoning Administrator 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: Elizabeth de Caetani and Michael de Caetani Date of Application: 06/03/2026

PROPERTY:

Property located at: 118 Scenic View Lane, Lake Lure, NC 28746

Map Page: 164 Block: _____ Lot: _____ Current zoning: Ch.38 Parcel/Tax PIN 0652-17-4218
221323

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

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

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

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

Min. front (lake) yard: (see section 36-70)
Required 35'
Reduced to 23'
Reduced by 12'

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

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

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

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

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

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

VARIANCE REQUESTED (Continued - check all that apply):

Other

Section Sec. 36-186 of the zoning regulations requires: 35-foot front (lake) yard setback — Sec. 36-70

A newly constructed 16" (1.4-foot) roof overhang added along the full lake-facing elevation (21'8" linear feet) of the covered porch, encroaching into the required setback.

Request: Variance for roof overhang in the Minimum front (lake) yard setback.

Required: 35'. Reduced to: 23' (new roof overhang footprint only). Reduced by: 12'.

Variance requested ONLY for the new roof overhang footprint — 21'8" linear feet.

JUSTIFICATION FOR VARIANCE:

The special circumstances are not the result of the applicant. They are the result of the pre-existing placement of the principal dwelling, which was constructed at or near the edge of the required 35-foot front (lake) yard setback prior to the current applicant's ownership, leaving no practical building envelope in which a 16" overhang could be added without encroachment. The existing lake-facing gable end has no overhang protection, resulting in confirmed water damage to the gable structure and cladding, including rot, moisture intrusion, and framing movement. The overhang is necessary to prevent further damage.

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 of applicant

Signature of owner if not applicant

22 Von Ruck Court

118 Scenic View Lane

Street or P.O.Box

Street or P.O.Box

Asheville, NC 28801

Lake Lure, NC 28746

City, State, Zip

City, State, Zip

828-216-4433

901-581-4404

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.

JUSTIFICATION FOR VARIANCE:

The special circumstances are not the result of the applicant. They are the result of the pre-existing placement of the principal dwelling, which was constructed at or near the edge of the required 35-foot front (lake) yard setback prior to the current applicant's ownership, leaving no practical building envelope in which a 16" overhang could be added without encroachment. The existing lake-facing gable end has no overhang protection, resulting in confirmed water damage to the gable structure and cladding, including rot, moisture intrusion, and framing movement. The overhang is necessary to prevent further damage.

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.

Robert Jacobelley

Signature of applicant

22 Von Ruck Court
Street or P.O.Box

Asheville, NC 28801
City, State, Zip

828-216-4433
Daytime telephone number

Signature of owner if not applicant

118 Scenic View Lane
Street or P.O.Box

Lake Lure, NC 28746
City, State, Zip

901-581-4404
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:

Unnecessary Hardship: Strict application of the 35-foot front (lake) yard setback would cause an unnecessary hardship because the principal dwelling was sited at the edge of the permissible setback envelope at the time of construction. The existing lake-facing gable end has no overhang, and has sustained confirmed water damage including rot, moisture intrusion, and framing movement. The 16" overhang is necessary to stop further damage and protect the structure. No practical alternative exists without incurring an encroachment.

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 hardship arises from conditions peculiar to this property, not the actions of the applicant. The subject lot contains approximately 122 linear feet of Lake Lure shoreline with a pre-existing dwelling constructed to the minimum permissible setback. The depth of the buildable envelope is constrained by the lot's dimensions and topography — pre-existing physical characteristics of the property not created by the current applicant.

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:

The physical constraint — the dwelling's proximity to the setback line — predates the current applicant's ownership, established by prior construction of the principal structure within the lawfully allowed building envelope. The addition of the 16" overhang was made to protect the structure, not to circumvent zoning regulations. The request reflects a good-faith effort to remedy an encroachment caused by a reasonable building improvement, and the applicant is proactively seeking authorization.

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:

The requested variance is the minimum relief necessary. The overhang extends only 16" into the setback along the lake-facing building width and does not alter the building's footprint, volume, or massing in any material respect. It does not obstruct sightlines, diminish lake access, adversely affect adjacent properties, or conflict with the goals of the trout buffer or Lake Lure shoreline protection standards. Granting the variance preserves the spirit of the setback regulations while avoiding an unjust result.

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

The pre-existing placement of the principal dwelling at the edge of the permissible setback envelope — a condition predating the current applicant — left the lake-facing gable end with no overhang protection. That lack of overhang has caused confirmed water damage to the gable structure and cladding, including rot, moisture intrusion, and framing movement. There is no practical alternative placement for the overhang without encroachment.

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.

Elizabeth de Caetani
Elizabeth de Caetani (Jun 3, 2026 09:59:58 EDT)

Signature of Applicant

06/03/2026

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
 - Head south on Buffalo Creek Road. Turn left onto US-64/74A (Memorial Highway) heading east.
 - Turn right onto Lakeview Drive. Turn right onto Scenic View Lane.
 - 118 Scenic View Lane will be on your right.

Signature:

Email: michael.de.caetani@gmail.com





118 Scenic view Lane Variance

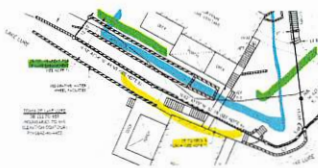
From Bobby Jacobelly <rcjbuilding@gmail.com>

Date Thu 6/4/2026 1:48 PM

To Mike Williams <mwilliams@townoflakelure.com>; stan.aiken@deq.nc.gov <stan.aiken@deq.nc.gov>

2 attachments (730 KB)

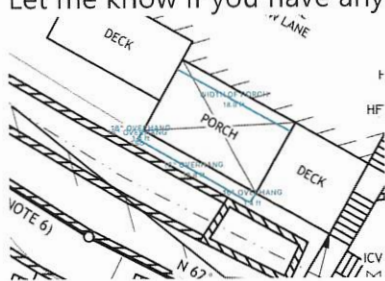
26023R_signed_5-16-26 (3) (2).pdf; 16 overhang.jpg;



Mike

See the 3 attachment PDF's. Survey and closeup of 16" overhang from survey.

Let me know if you have any questions



attachment PDF's. Survey and closeup of 16" overhang from survey.

Let me know if you have any questions



Robert Jacobelly

RCJ Building Inc.

www.rcjbuilding.net

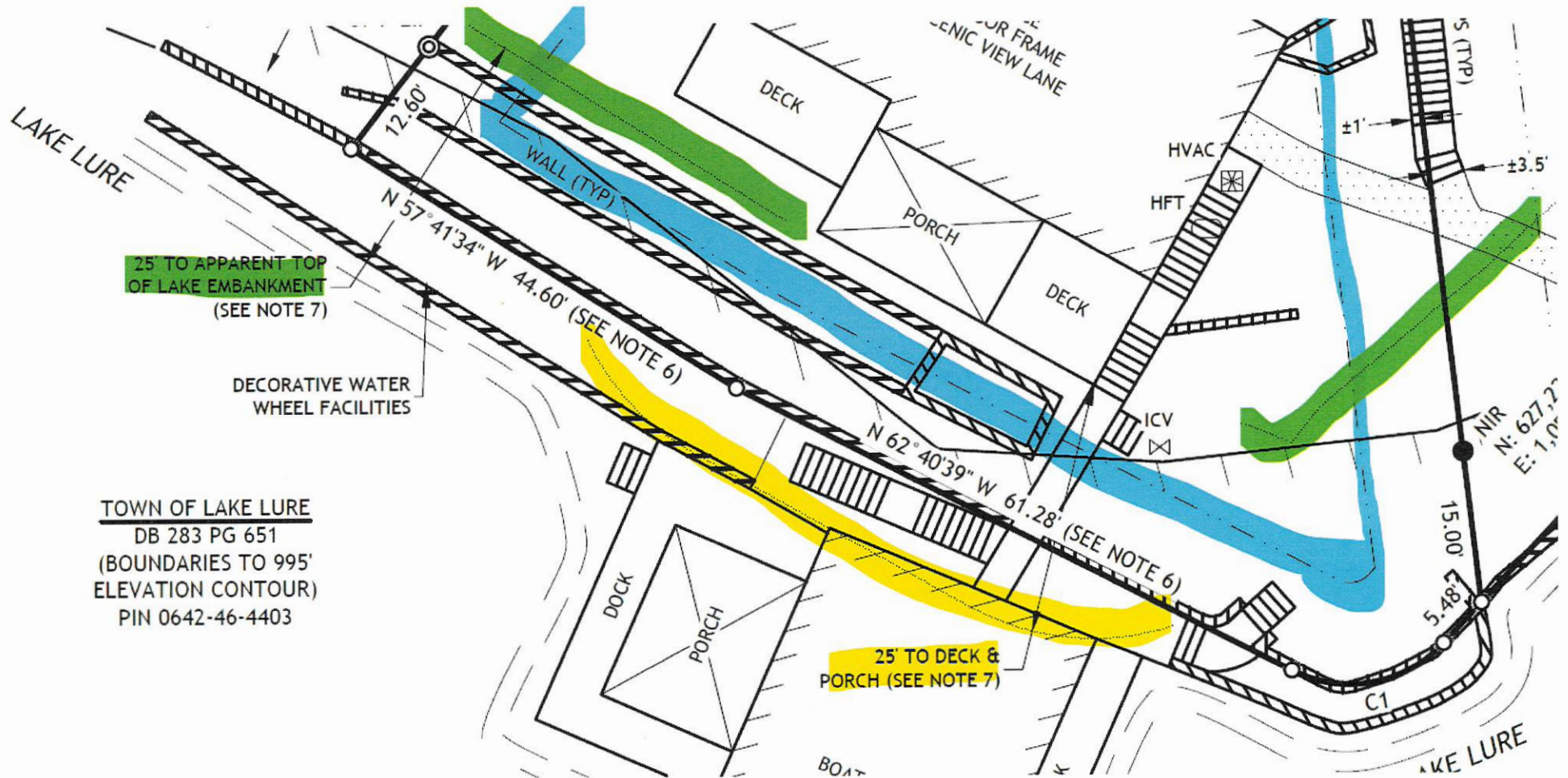


828-216-4433

BY:

JUN 04 2026

RECEIVED

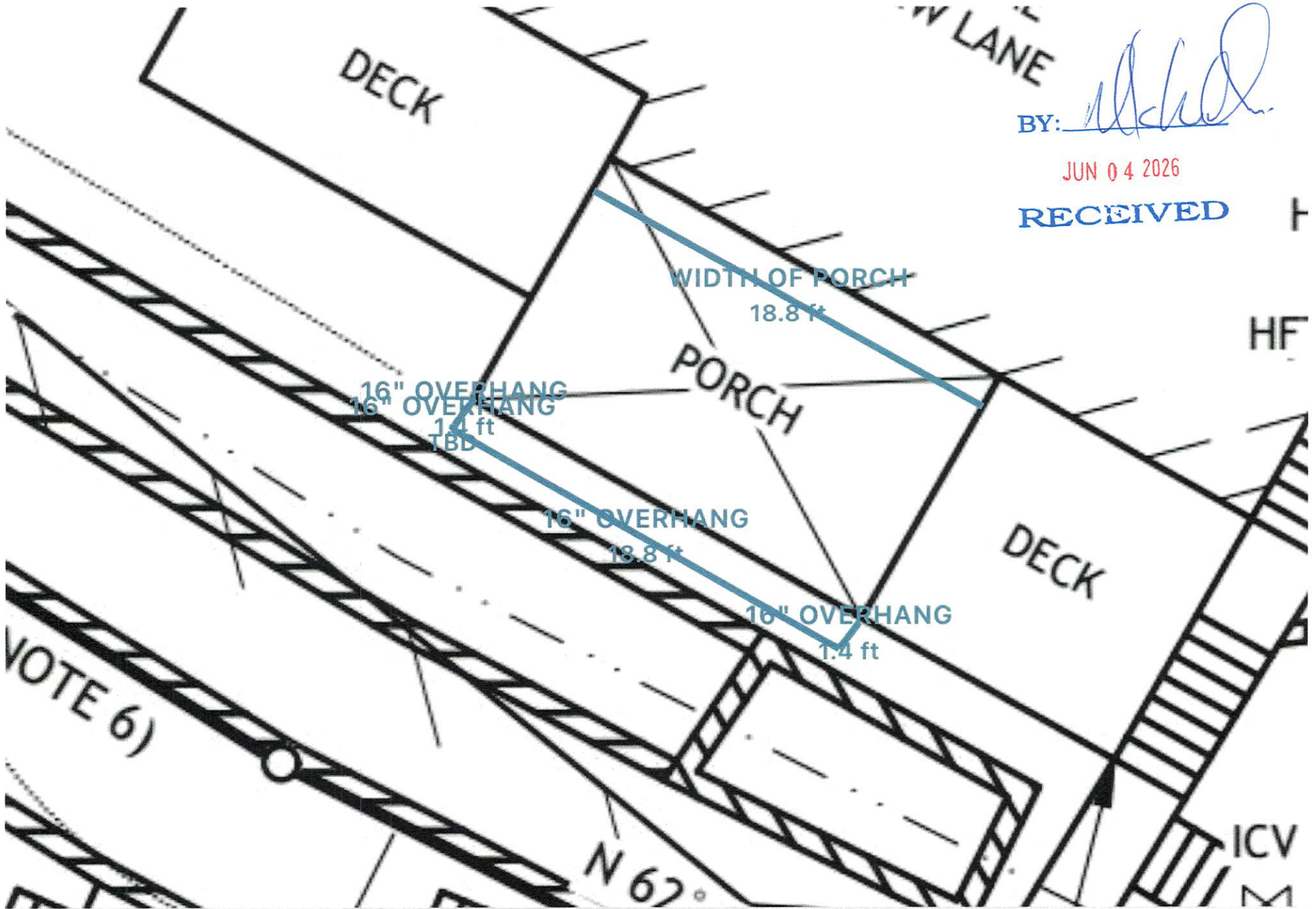


TOWN OF LAKE LURE
 DB 283 PG 651
 (BOUNDARIES TO 995'
 ELEVATION CONTOUR)
 PIN 0642-46-4403

BY: *Mike Williams*

JUN 04 2026

RECEIVED



BY: 

JUN 04 2026

RECEIVED



Survey for 118 Scenic View kane

From Bobby Jacobelly <rcjbuilding@gmail.com>

Date Tue 5/19/2026 8:51 AM

To Mike Williams <mwilliams@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>

1 attachment (296 KB)
26023R_signed_5-16-26.pdf;

Alex Ward

May 16,

Hello all, here's the survey for 118 & 119 Scenic view lane, pdf attached. Bobby, from our chat early on here you mentioned dimension off of the rear of the house would be critical, so I've tried to put a bit of additional detail into highlighting a few of the dimensions/ buffer lines we're showing in a sketch below. Long story short the lake is subject to a "trout buffer 25' from top of embankment". At the dock area I've got to just leave that open to interpretation of whoever might be reviewing things on the permitting side just not having any clear visibility to the "lake shore" below the dock. Where visible, we've dimensioned to the face of shoreline retaining wall. Where the shore is not visible below the dock etc, we've dimensioned from the house porch and decking back towards the lake.

Blue = town zoning setbacks

Green = 25' to top of lake embankment at shoreline retaining wall where shore line is directly visible

Yellow = dimension reversed to show where 25' from deck/ porch fall out into the dock/ boathouse where shore is not visible.

Alex Ward, PLS

(828) 515-1929 x9

<https://www.pisgahsurveying.com/>



Robert Jacobelly

RCJ Building Inc.

www.rcjbuilding.net

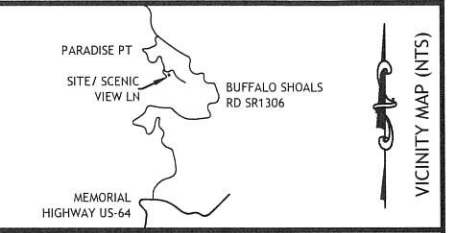


828-216-4433

image.png

- NOTES**
- NO CERTIFICATION TO REGULATORY OR TITLE MATTERS THIS SURVEY. SURVEYED AREA IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, RESTRICTIONS, & REGULATIONS ETC. OF RECORD. ANNOTATION OF ADJOINING PROPERTIES SHOWN PER COUNTY GIS, DEEDS, AND PLATS OF RECORD, NOT SURVEYED.
 - NO CERTIFICATION TO THE LOCATION OR EXISTENCE OF UNDERGROUND UTILITIES OR FEATURES THIS SURVEY. THOSE SHOWN ARE BASED SOLELY UPON APPARENT & CONSPICUOUS ABOVE GROUND FACILITIES OR UTILITY LOCATE MARKINGS UNLESS OTHERWISE NOTED.
 - DISTANCES ARE HORIZONTAL GROUND US SURVEY FEET, COORDINATES ARE NC STATE PLANE (NAD83/11), AREAS CALCULATED BY COORDINATE METHOD. BOUNDARY MONUMENTATION FOUND OR SET FLUSH WITH EXISTING GRADE ±0.2' UNLESS OTHERWISE NOTED.
 - BY GRAPHICAL DETERMINATION, PORTIONS OF SURVEYED AREA LIE IN FLOOD ZONE AE PER FEMA FLOOD INSURANCE RATE MAP #3710065200J, EFFECTIVE DATE 7/2/2008.
 - THE SURVEYED AREA IS ZONED R-1 BY TOWN OF LAKE LURE, HAVING SETBACKS AS FOLLOWS: 35' FRONT (TO SECONDARY STREET), 10' SIDE & REAR. REFER TO THE TOWN OF LAKE LURE CODE OF ORDINANCES FOR APPLICABLE REGULATIONS. ANY STREAMS, LAKES, WETLANDS, ETC. MAY BE SUBJECT TO ADDITIONAL REGULATORY BUFFERS.
 - BOUNDARY LINES WITH LAKE LURE FOLLOW THE 995' ABOVE MEAN SEA LEVEL ELEVATION CONTOUR (SEE DEED BOOK 283 PAGE 651 ET AL.). NOTED LINES: TRACT A 995' CONTOUR FOLLOWS NOTED STONE RETAINING WALL, TRACT B 995' CONTOUR MEANDERS WITH NATURAL TERRAIN. TYPICAL LAKE LURE "FULL POND" ELEVATION NOTED AS 990.5' PER TOWN OF LAKE LURE.
 - LAKE LURE IS AN APPARENT DESIGNATED TROUT WATER SUBJECT TO BUFFER OF LAND DISTURBING ACTIVITIES 25' FROM THE TOP OF EMBANKMENT AS DEFINED IN NC G.S. 113A-57. EMBANKMENT INTERPRETED AND DIMENSIONED TO TOP FACE OF SHORELINE RETAINING WALL THIS SURVEY. EXTENTS OF SHORELINE UNKNOWN BELOW DOCK & BOAT HOUSE, 25' DIMENSION ALTERNATIVELY SHOWN FROM EXTENTS OF PRIMARY STRUCTURE DECKING TOWARDS LAKE. LAKE LURE SHORELINE EMBANKMENT EXTENTS ARE SUBJECT TO INTERPRETATION.
 - PLAT NOT PREPARED FOR RECORDING IN ACCORDANCE WITH G.S. 47-30.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	12.50'	16.26'	N 80° 03' 29" E	15.14' (SEE NOTE 6)




THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:

CLASS OF SURVEY: CLASS A HORIZONTAL
 POSITIONAL ACCURACY AT 95% CONFIDENCE: 0.03' (HORIZONTAL)
 0.05' (VERTICAL)

LOCALIZED POINT (NAIL & WASHER):
 N 627.305.66
 E 1,051.397.39

GPS/GNSS FIELD PROCEDURE: REAL TIME NETWORK (INC RTN)
 DATE(S) OF SURVEY: 5/1/26
 DATUM/EPOCH: NAD 83 (NSRS 2011) EPOCH 2010.00 (H) NAVD 88 (V)
 GEOD MODEL: GEOD 18
 FIXED CONTROL: CORS (NC RTN)
 COMBINED GRID FACTOR(S): 0.99983363
 UNITS: US SURVEY FOOT

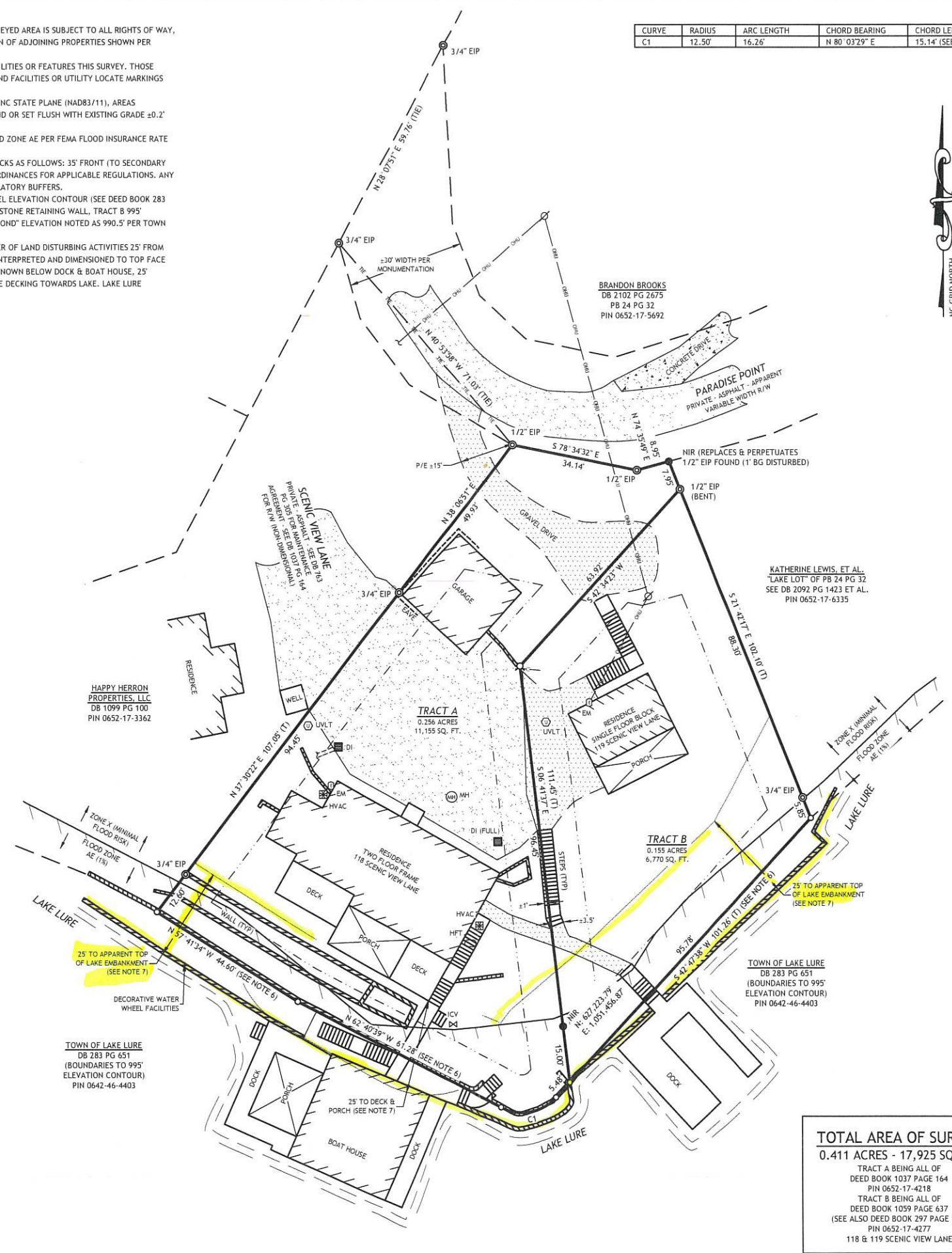
- ABBREVIATIONS**
- DB...DEED BOOK
 - PB...PLAT BOOK
 - PG...PAGE
 - R/W...RIGHT OF WAY
 - PIN...PARCEL IDENTIFICATION NUMBER
 - NAD 83...NORTH AMERICAN DATUM OF 1983
 - NAVD 88...NORTH AMERICAN VERTICAL DATUM OF 1988
 - NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
 - NTS...NOT TO SCALE
 - T...TOTAL DISTANCE
 - TYP...(TYPICAL)
 - AG...ABOVE GRADE (0.2'-0.5' TYP)
 - BG...BELOW GRADE (0.2'-0.5' TYP)
 - P/E...POSSIBLE ENCROACHMENT

BY: 

MAY 19 2026

RECEIVED

- LEGEND**
- ⊙ EXISTING IRON PIPE (EIP)
 - NEW IRON REBAR SET THIS SURVEY (NIR)
 - CALCULATED POINT (NOT SET)
 - DRAINAGE INLET (DI)
 - ⊕ ELECTRIC METER (EM)
 - ⊕ UTILITY MANHOLE (MH)
 - ⊕ UTILITY VAULT (UVLT)
 - ⊕ UTILITY POLE
 - ⊕ IRRIGATION CONTROL VALVE (ICV)
 - ⊕ HEATING FUEL TANK (HFT)
 - ⊕ HEATING & AIR UNIT (HVAC)
 - ~ DENOTES CONTINUATION OF FEATURE
 - SURVEYED BOUNDARY LINE
 - - - ADJOINING DEED LINE (NOT SURVEYED)
 - - - TIE LINE ONLY
 - - - LAKE LURE R-1 ZONING (SEE NOTE 5)
 - - - 25' DIMENSIONAL LINE (SEE NOTE 7)
 - BOARD FENCE LINE
 - OVERHEAD UTILITY LINE
 - - - CULVERT (STORM PIPE)



TOTAL AREA OF SURVEY
 0.411 ACRES - 17,925 SQ. FT.

TRACT A BEING ALL OF DEED BOOK 1037 PAGE 164 PIN 0652-17-4218

TRACT B BEING ALL OF DEED BOOK 1059 PAGE 637 (SEE ALSO DEED BOOK 297 PAGE 108) PIN 0652-17-4277

118 & 119 SCENIC VIEW LANE

THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:

CLASS OF SURVEY: CLASS A HORIZONTAL
 POSITIONAL ACCURACY AT 95% CONFIDENCE: 0.03' (HORIZONTAL)
 0.05' (VERTICAL)

LOCALIZED POINT (NAIL & WASHER):
 N 627.305.66
 E 1,051.397.39

GPS/GNSS FIELD PROCEDURE: REAL TIME NETWORK (INC RTN)
 DATE(S) OF SURVEY: 5/1/26
 DATUM/EPOCH: NAD 83 (NSRS 2011) EPOCH 2010.00 (H) NAVD 88 (V)
 GEOD MODEL: GEOD 18
 FIXED CONTROL: CORS (NC RTN)
 COMBINED GRID FACTOR(S): 0.99983363
 UNITS: US SURVEY FOOT

THIS DATE: 05/16/2026

Alex Daniel Ward (May 16, 2026 17:30:57 EDT)
 ALEX DANIEL WARD, PLS L-5272

REFERENCES

DEED BOOK 1037 PAGE 164 PLAT BOOK 24 PAGE 32
 DEED BOOK 1059 PAGE 637

REVISIONS

NO.	DATE	DESCRIPTION	BY

DATE OF PLAT: 5/16/26 DRAWN BY: ADW
 DATES OF SURVEY: 5/1/26 - 5/5/26 FIELD WORK: HLM, ERF

BOUNDARY & LOCATION SURVEY FOR:
RCJ BUILDING, INC.
 (OWNERS OF RECORD: MICHAEL & ELIZABETH DE CAETANI)
 PROJECT #26023R • PIN 0652-17-4218
 & 0652-17-4277 • TOWN OF LAKE LURE, CHIMNEY ROCK TOWNSHIP, RUTHERFORD COUNTY, NC

PISGAH SURVEYING, PLLC
 1503 ORLEANS AVE, HENDERSONVILLE, NC 28791
 (828) 515-1929 • NC FIRM #P-2288

SCALE: 1" = 20'



June 8, 2026

Dear Property Owner,

As a neighboring property owner to 118 Scenic View Lane, you are hereby notified that a Zoning Variance application has been filed to vary the minimum lake front yard setback to allow the addition of a 12" roof overhang on an existing house. The variance process requires that the Board of Adjustments hold a quasi-judicial review of the request and make a decision as to whether there are sufficient grounds to grant the variance. Section 36-108 of the Zoning Regulations allows a determination by the Board to vary the regulations when strict enforcement would result in unnecessary hardship to the property owner. The parcel is listed as Rutherford County parcel number 221323 and is owned by Elizabeth and Michael de Caetani. The parcel is within the Residential 1 zoning district.

A hearing before the Lake Lure Board of Adjustment has been scheduled for this variance request on June 23, 2026 at 1:00pm. The hearing will be held at the temporary Town Hall office located at 920 Buffalo Creek Road, Lake Lure.

If you wish to provide any pertinent facts as testimony regarding this matter, please make plans to attend the meeting. The file for this special use request is available for review in our office, by appointment only, during normal Town business hours.

If you have any questions, please do not hesitate to contact me, especially by email.

Sincerely,

A handwritten signature in black ink that reads "Mike Williams".

Mike Williams, CZO

Community Development Director

Town of Lake Lure

828-625-9983 Ext. 117

mwilliams@townoflakelure.com

920 Buffalo Creek Road, PO Box 255, Lake Lure, NC 28746

Files # ZV-2026006