

Town of Lake Santeetlah (The Town)

Council Meeting Minutes

January 21, 2020

Mayor Jim Hager called the meeting to order at 10:00AM. Councilmembers Keith Predmore, Roger Carlton, Craig Keith and Diana Simon were present for the meeting. Town Attorney Craig Justus, Town Administrator Kim Matheson and Clerk Emily Hooper were also present. Public Works Technician Eric Hayes was not available.

The first order of business was the approval of the agenda. There were no additions or changes necessary. Councilmember Roger Carlton made a motion to approve the agenda as presented. Councilmember Predmore seconded. All approved, the motion carried.

After review of the December 9, 2019 Workshop Session Minutes, there were no additions or changes needed. Councilmember Simon made a motion to approve the Workshop minutes. Councilmember Predmore seconded. All others approved, the motion carried.

After review of the December 10, 2019 Council Meeting Minutes, there were no additions or changes needed. Councilmember Predmore made a motion to approve the Council Meeting minutes. Councilmember Simon seconded. All others approved, the motion carried.

After review of the January 14, 2020 Workshop Session Minutes, there were no additions or changes needed. Councilmember Predmore made a motion to approve the Workshop minutes. Councilmember Simon seconded. All others approved, the motion carried.

Financial Report/Tax Report: Town Administrator Matheson presented reports as of December 31, 2019. The general account balance is \$53,736.37; the water operating account balance is \$20,018.75. Tax collection for December was \$56,118.50. This is after the fee for collection was deducted. The check has not been received at this time. The pump and pipe were replaced this month at Well House #1. The total cost for this repair is \$5,383.74. This is not reflected in the Water balance. Councilmember Carlton made a motion to approve the financial report as presented. Councilmember Keith seconded, all others approved. The motion carried.

Request for Public Comment:

Jack Gross pointed out that in 2015/16 the Council passed a Resolution stating the Mayor would only vote in the event of a tie. Gross asked when a Council member is present or even with full Council if there is a two-two vote (or if the board changes to three people) a one-one tie. What happens in this situation? Attorney Justus confirmed that State statute mandates that every member of the council including the Mayor must vote unless the charter provides an exemption. The Resolution passed is void and the Mayor votes in all cases. If there is a tie with the Mayor voting then the action is not approved.

Connie Gross asked why the Council Meeting's will not be offered through Zoom Meeting as the Workshops are. The Council made this decision last month and plans to keep the Zoom meetings for workshop sessions only at this time.

Old Business:

#1: Water System Repair and Upgrades/RFP for Well House Repairs: Councilmember Predmore explained that the Town is waiting on estimates to be received. Mayor Hager plans to meet with a third tank repairman January 29th. Mayor Hager recommended a deadline be set. Councilmember Predmore made a motion to set the deadline for February 7th at the close of business which will provide adequate time for all contractors. Councilmember Keith seconded. All approved, the motion carried.

New Business:

#1: Resolution to Set Workshop and Council Meeting Dates for 2020: Town Attorney Justus had a conflict with the proposed meeting dates. The Council agreed there will be less conflict if both meetings are held in the same week. The workshop session will be on the second Tuesday of each month and the Council meeting will be the Thursday following the workshop session. Councilmember Carlton made a motion to approve the updated schedule. Councilmember Predmore seconded. All others approved. The motion carried.

2: Appoint Finance Officer: Councilmember Diana Simon nominated Jim Hager to serve at the Finance Officer. Councilmember Predmore seconded. Mayor Hager agreed if it be the will of the Council he would serve as both Mayor and Finance Officer and had held both positions in the past. The motion passed three to two.

3: Vacancy on Planning Board: Craig Keith submitted his resignation leaving a vacancy on the Planning Board. Jack Gross and Tanya Capeling are interested in filling the vacancy. Councilmember Simon made a motion to appoint Tanya Capeling as the new member of the Planning Board. Councilmember Keith seconded. All others approved. The motion carried.

4: Vacancy on the TDA: Councilmember Predmore made a motion to nominate Tanya Capeling as a new member on the TDA. Councilmember Simon seconded. All others approved. The motion carried. One vacancy remains on the TDA. The member should be a rental owner or associated with the collection of tax.

5: Updating Signature Cards: The new Council has been sworn in and elected officers. The signature cards will need to be updated at First Citizens and United Community Bank. Councilmember Predmore made a motion to update signature cards with new board members: Mayor and Finance Officer Jim Hager, Vice Mayor and Assistant Finance Officer Keith Predmore, Councilmembers Roger Carlton, Diana Simon and Craig Keith. Councilmember Keith seconded. All others approved. The motion carried.

6: Status of draft Charter Amendments: Attorney Justus will prepare a draft Resolution for the February Council meeting to amend the charter. If the Town Council votes to change the charter the election will be held in November 2020 and implemented for the November 2021 election.

The Public Hearing is scheduled for 11:30. Mayor Hager announced the Council would break until that time.

7: Public Hearing: Lake Point Investment Variance Request: Mayor Jim Hager called the Council Meeting back in session. Councilmember Predmore made a motion to open the Public Hearing. Councilmember Carlton seconded. All approved. Mayor Jim Hager read the opening statement of rules

and procedures for the Public Hearing (attached). Town Clerk Emily Hooper swore in those who wished to speak as witnesses at the Hearing. Mayor Hager asked if any Councilmember had a fixed opinion or reason why they may not be capable of a fair vote in the matter. All Councilmembers should share any exparte communication that may have occurred between them and other parties of interest. This includes site visits of the property. Councilmember Simons stated she drove by the site, read an email sent by Roger Carlton with procedural questions, opened and downloaded the documents from Jose but did not read them, spoke with Aura Griffith about the developer's plans, but acknowledged the conversation contained no detail as she informed Griffith she could not communicate about the project. Predmore read the email with attachments sent by developer Jose Rosado. Councilmember Carlton sent an email to attorney and other Councilmembers concerning procedure for hearing. Carlton received phone calls from Lakeside homeowners, Bradley, O'Keefe, and Zachrich as well as Bob Wehr and Maxine Williams. Councilmember Carlton spoke with Jose Rosado several months ago briefly about the project prior to any mention of a variance request needed.

Town Administrator Kim Matheson read the staff report (attached for reference).

Jose Rosado, developer, spoke on behalf of Lake Point Investments. Rosado displayed three sketches of the proposed condo units. The project is designed to maintain the high quality standard that Lakeside currently has. The three level unit allows each level to have different views of the lake while avoiding the obstruction of views nearby. The variance is necessary to design the roof in the same manner meeting Lakeside standards. A flat roof would not be sellable. Rosado presented the sketches explaining the views from all sides of the unit. The lot allows for ample separation between the condos and bordering homes. Rosado pointed out the benches, sidewalks, golf cart parking areas, fire pits and other additions to the proposed project. The unit will have ten condos each having 2 bedrooms and 2-1/2 baths.

The design was completed after approximately 1000 surveys were read to conclude what the current market was. The results identified that empty nesters, small families and families with grandchildren were looking for vacation homes in lake areas. The majority of Lakes are undeveloped and it is difficult to find homes of this sort. This is the only location within the Town of Lake Santeetlah that a project like this could be built. The sewer capacity and zoning requirements limit the location possibilities. Rosado stressed that the design was high quality, would increase the tax revenue within the Town, and would not cause encroachment in any areas.

The following documents were submitted as evidence for the record of this hearing:

Staff report

Variance Application

Email sent to Town Hall on January 18, 2020 with attachments

Three sketches presented of Condo units

Variance Hearing Talking points

Questions:

Jack Gross read Town Council minutes to point out that Councilmember Roger Carlton may have a predetermined opinion on this project and should be excluded from the vote.

Attorney Justus asked Carlton if he could confirm that he was capable of making an unbiased decision as a Councilmember on this request. Carlton shared that his opinion in the past regarding a zoning classification could be different than his opinion at this time and he would be able to make an unbiased decision.

OH Yarberry asked the estimated price range for the units. (\$300,000-\$500,000). Yarberry questioned how the developers planned to finance.

Attorney Justus explained that in a Public Hearing only those with standing who could provide evidence were allowed to speak. This question does not associate with a height variance request. Justus ask the developer's if they wish to allow those without standing to speak. The developers agreed to answer all questions.

Approximately 60% of the transactions are cash. If approved the units would be presold and buyers would likely not need assistance with finance.

Jack Gross pointed out that he is the owner of a lot zoned Commercial within the Town and felt as though that could qualify him as having standing in this matter.

Mayor Hager asked if any other project had been considered for this area that would not require such a variance. Rosado shared that there was a plan for town homes in the area, but at this time the market is better for condo units. Rosado also acknowledged that when the condo units were designed the developers were not aware of a height requirement within the Town and was not aware of the need for a variance.

Councilmember Predmore asked if the space was available to build a different unit that would not require a variance or re-design the proposed plan. Rosado explained that changing the project would provide additional depth for the units requiring a smaller variance however this would not provide the view that the purchaser would be looking for when buying a home on the lake. Predmore asked about a design submitted for the record. Is the scale listed correct? Rosado was uncertain as the documents in question were prepared by the architect. Predmore was concerned that if these numbers were correct the building is not to scale. Rosado, pointed out the numbers are likely changed to fit the scale when printing, however would need to confirm with the architect and would like to provide an amended submission if the numbers are incorrect.

Attorney Justus explained that if an amended submission is necessary the hearing would need to be continued. Justus recommended at the end of the hearing the developers make a decision to withdraw the application, move forward with a decision with the evidence provided or continue the hearing for additional submissions.

Predmore asked what the term PL-1, PL-2, PL-3 meant in the records. Rosado was uncertain.

Predmore pointed out the proposed ceiling height was 10ft. Could the ceiling be 8ft 6in? Rosado shared from a sales perspective that it would need to remain. It could potentially be reduced to 9ft. but would require additional research. 10ft. is the optimal ceiling height when marketing high quality units.

The width of the building is approximately 125ft. Predmore pointed out that this would be an excess of 4100sq. ft. facing the lake and north.

Diana Simon asked about the four man holes located on site. Rosado pointed out the man holes are in the parking lot.

Simon asked Rosado to address each hardship in the Statute that would justify the decision to grant the variance. Attorney Justus shared that he would review the statute at the end of the comment period and explain the necessary steps to follow the statute in this process.

Councilmember Carlton explained his frustration with the process as the questions are limited to the height requirement but this will potentially be the last hearing (if approved) concerning the project. Carlton feels the need to ask other questions regarding the proposed project in that regard.

Carlton pointed out he has known Jose Rosado for 25 years and he has completed extraordinary projects all over the United States including Santeetlah Lakeside.

The application lists a specific tax parcel number. Councilmember Carlton is concerned that the tax parcel does not specifically define the perimeters of the site and questioned if an additional survey is needed. Rosado confirmed that the tax parcel does not define the borders and surveyor Terry James was ordered to leave an updated survey at Town Hall for review. James did not comply therefore Architect Bill Tunnel is completing a survey that will be delivered. Rosado said it was his understanding that the updated survey would be considered with issuance of the Zoning Certificate and not necessary for today's hearing.

The survey will also include where the highest point is measured from. The highest point on the site is 1903, will the highest point on the building be 1948? Carlton asked that it be clarified on the new survey. Rosado pointed out that the highest point on the building is 44.9 from the first floor slab (which has been advised as the highest point). This is understood to be the area to measure from according to the current zoning ordinance. There are no chimneys or air units that reach higher than this point.

The Old Lodge Rd. is presented as a two way road into the proposed garage and then one way leading out. Does this road go around the building leading to the parking lot? Carlton is concerned that roads are included in side setbacks and the proposed road is encroaching on the side of the building. Carlton pointed out this could require an additional variance. Rosado explained that his understanding is the project should follow the zoning requirements for PUD and all issues are defined other than height. If there is an encroachment issue with the road it could be addressed and changed to comply if necessary. According to the architect all areas are in compliance other than height.

Carlton pointed out an email from January 17, 2020 including Bill Tunnell's building code analysis was considered the state life safety code. This was confirmed.

Concerning the septic capacity for the project Carlton reviewed a statement from a previous email acknowledging the capacity goes up as state requirements have lowered demand. 70gl. per day are allotted per bedroom. Each unit has two bedrooms allowing 140 gallons. Each additional bedroom also has 70 gallons. Carlton understood this to only include single family homes. Rosado stated that he did confirm with McGill (Engineer group who completed the sewer study) that the condo units are considered single family. Carlton ask for further clarification. Rosado explained that as the study continues it has been confirmed that sewer will be available for this project. It is common to install and operate a system for a specific amount of time and return to the state to review usage. The state then returns with recommendations and guidelines for the system.

Carlton asked Rosado to point out both tanks and drain fields for the Old Lodge building on the sketch. Carlton asked Rosado to identify the repair area location. Rosado explained the repair area was built in the system. Only half of the system's capacity was being used therefore a switch was built in. If one system fails the other half is used as the repair area.

In the email a new governance association was mentioned. Documents were to be sent out in February to Lakeside homeowners regarding the association. Carlton asked Rosado to follow up on the plans for this association. Carlton pointed out that the State requires an Association of some form to take over the sewer plant maintenance once units are sold. Rosado confirmed that new documents would be sent out adding this new project to the area, maintaining common areas and grounds in Santeetlah Lakeside. This would include cost sharing to maintain all areas including the sewer plant.

Within the critical paths document Carlton asked if dates could be associated with the plans to give a guideline for plans such as tearing down the Old Lodge. Rosado confirmed that dates would be more specific and would be included.

Carlton ask if the 1992 Development agreement exists or was invalid. Attorney Justus acknowledged that question was not for this conversation.

Carlton questioned if Rosado had met with volunteer fire departments or local EMS. Rosado pointed out that these meetings would occur if the height variance was approved and the project moved forward.

Carlton asked Rosado if it had been addressed or studied if the Town of Lake Santeetlah during peak season would have a sufficient amount of water supply if these units were added. If a fire occurred would there be sufficient amount of fire hydrants within the Town. Rosado confirmed that if the variance is approved this would all be considered.

Carlton asked if there had been any consultation with Brookfield as to how drainage would be removed from the site. The site itself (slope) would not be changed. Rosado stated that at this time no communication of this matter had occurred, but again if the height variance was approved all guidelines would be followed to remain in compliance.

Carlton asked if any plan for garbage removal had been considered. Rosado explained that each floor has a trash chute that goes into a large dumpster in the parking garage. The plan is to hire a removal service for the site if available.

Councilmember Craig Keith points out under the statute it states that unnecessary hardship must be proven in order to request a variance. Keith asked if this was being considered.

Attorney Justus reviewed the Statute passed in 2013 (NC 160A-388 (d)). Prior to that time Municipalities were more lenient in creating ordinances and guidelines. Justus reminded the Council that the law is to be applied to all individuals uniformly. This is done by creating zoning districts. The property in question is zoned commercial. The topography of the Town can make it difficult to maintain uniformity requiring the need to make variance request.

Justus provided an example. If a town had a sign ordinance that stated at what height the sign could be displayed. For most individuals the guideline would be sufficient. The sign height would likely be measured from the base of the sign. However, there may be a situation where a property owner's lot

was low and in a hole. His property is an exception and unique. If he/she followed the requirement the sign would not be visible. In this case a variance would be necessary.

When following through the statute it is important to point out hardship. The applicant has a burden (being the need for a variance). It is the applicant's responsibility to present evidence that meets all the standards in order to prove hardship.

The evidence presented and submitted should be:

1. Competent material and substantial evidence (is the evidence factual)
2. Material (is it relevant to the request)
3. Quantum of evidence (what is presented is enough to convince a reasonable person that the applicant has met the four standards (below)).

The following standards that should be met from the applicant.

1. The applicant must prove unnecessary hardship (it is more than just hardship, everyone does not have the same property lay out. Just because it is inconvenient or a financial hardship does not justify unnecessary hardship)
2. The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood may not be basis for granting a variance. Those needing a variance should be an exception and not the majority. (for example. In order to follow the sign ordinance only a special circumstance would require the need for a variance while most homeowners could follow the ordinance and comply. If the majority cannot comply then the ordinance should be amended).
3. The hardship did not result from actions taken by the applicant or the property owner. It has to be presented to him by the uniqueness of the property.
4. The request of the variance is consistent with the spirit and purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

An ordinance is created to avoid the need for a variance and in order to request a variance the applicant must follow the standards and supply the evidence needed in order to prove unnecessary hardship.

Councilmember Carlton ask if there was a possibility if the variance request was approved the final certificate could be issued pending the questions and concerns asked today be addressed. Attorney Justus acknowledged that no pending requirements could be attached if approved.

Attorney Justus asked the applicant if they felt that more records were needed prior to moving forward. The hearing can be continued, completed or the application can be removed.

Jose Rosado asked for a moment to confer with fellow developers.

After discussion the applicant has requested a continuation of the Hearing. The hearing will be February 11, 2020 at 11:00AM.

At the close of the hearing if the variance is approved, Councilman Carlton stressed that if the Zoning Administrator felt confident in the issuance of a certificate this would be the final hearing on this matter. If the ZA was unable to certify then the Town Council who currently acts as the Board of Adjustments would make the decision.

Councilman Predmore made a motion to continue the hearing, Councilman Keith seconded. All others in favor. The motion passed.

8: Variance Deliberation: No action needed

9: Action from Public Hearing: No action needed

Town Attorney Justus has a conflict with the Council meeting date presented for February. The updated schedule will be: February 11, 2020

9:30-11:00 workshop session

11:00 Council meeting and continuation of Public Hearing

Councilmember Diana Simon made a motion to change the Council meeting date for February. Councilman Keith seconded. All others approved the motion carried.

Announcements:

The Planning Board meeting will be January 28, 2020 at 1:00PM.

With no further business at this time Councilmember Predmore made a motion to adjourn the meeting. Councilman Carlton seconded, all others agreed. The motion carried. Mayor Hager adjourned the meeting at 1:38PM.

Meeting Adjourned

Jim Hager, Mayor

Emily Hooper, Town Clerk

Town of Lake Santeetlah Variance Application Form

Name of Applicant: **Lake Point Properties on Santeetlah, LLC**

Address: **1815 Griffin Road, Suite #404, Dania, FL 33004**

Telephone: **786-271-3850**

Description of Property: **Santeetlah Lakeside, lot comprising proposed 10-unit condominium development located on Old Lodge Road.**

Zoning: **CS**

Street Address: **90 Old Lodge Road, Lake Santeetlah, NC, 28771**

Tax Parcel Number: **564204210005**

1. What variance is requested?

A height variance is requested based on current provisions for CS zoning, which permits a maximum height of 30 feet, as measured from the "highest base elevation of subject property" as per Article IX of the Town Zoning Ordinance.

Application is submitted for a height variance allowing the building height to increase ~~to~~ a total of 15 feet, as measured above, as per Article IX of the Town Zoning Ordinance. (Please see elevation drawing submitted herewith.)

By 

2. Describe the unnecessary hardship created by strict enforcement of the Zoning Ordinance.

The proposed condominium building will contain a total of three stories and an underground parking garage, as shown in the attached schematic plans. The first two above ground stories will contain 4 units each with the top story containing 2 units. The design requirements adopted by this community under its approved PUD call for a certain style fitting appropriately in mountain communities. This style includes sloped roofs and well-articulated roof designs that tend not to be "boxy" in appearance. In addition, the living room and other public living area heights are encouraged to be of a volume ranging from 9 to 10 feet. Keeping with these design guidelines requires somewhat larger spacing between stories and a sloped roof.

This specific parcel is the only parcel in the Santeetlah Lakeside development intended for a multifamily use. The construction of a multifamily building on the site is imperative to the economic success of the development. The developer has contemplated the placement of 6 townhouse units or 10 condominium units on the site. Extensive market studies have been conducted on the market and it was determined that the current market will not support townhouse units, but that there is a strong market for appropriately designed and targeted condominium units, with the characteristics shown in the schematic plans submitted. These market studies have been conducted by Ralph Bowden of Country Club Communities in West Virginia and by Harry Redfearn of Private Mountain Communities in Asheville.

Given the price points expected for the condominium units at this location, the project can only make economic sense with a minimum of 10 units. Given the dimensions of the lot, a three-story building would be required to allow for the construction of said 10 units.

It should be noted due to its location, (the building will be located in front of forest service land, where the additional requested height will not impair any views from anywhere in the Town of Lake Santeetlah.

3. Explain how the site can be used if the variance is not granted.

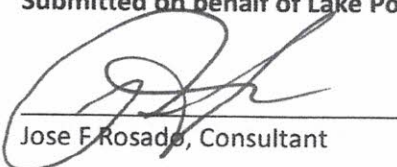
Since the site does not allow construction of the required 10 units with a lower height, should the variance not be granted, it will cause significant economic hardship to the development and any construction on the site will be abandoned for the time being. Other solutions may be found to fit the building within the height limitation, but this may imply further excavation and a partial submersion of the building below grade and/or the construction of a building that will not adhere to the design guidelines. These possible solutions would be detrimental to 1) the economic viability of the condominiums project; 2) the overall design conformity and value of the Santeetlah Lakeside project; and 3) the potential increase in tax revenues to the Town. Since there are no views being blocked by the additional proposed height, we feel that the granting of the variance would be appropriate and not a detriment to the Town and its residents. The proposed building will be in keeping with the superior design and construction quality as the other homes that have been built in Santeetlah Lakeside and will be an overall and significant enhancement to the esthetics and value of the properties in the Town.

4. Explain how the land can be used if the variance is granted.

Should the variance be granted, the site will be used to build a condominium building containing 10 units, as shown in the schematic plans accompanying this application. It will be the only building on the lake offering this type of product, which will be of great convenience to smaller families, and particularly to retired couples who would like to live in this lake community, but do not want to be burdened by the maintenance requirements involved with a single family home. It is expected that some of these units may be purchased by current Town residents who otherwise may decide to sell their current homes and move away.

The units will be priced in the upper end of the market, bringing quality residents and conforming with the quality standards established in the Santeetlah Lakeside project. The units are designed specifically to appeal to "Empty Nesters" who will have children and grandchildren visiting them at different times of the year. The type of residents expected should be a benefit to the community in terms of community participation, quality of homes, and increasing the Town's tax revenues.

Submitted on behalf of Lake Point Properties on Santeetlah, LLC



Jose F. Rosado, Consultant

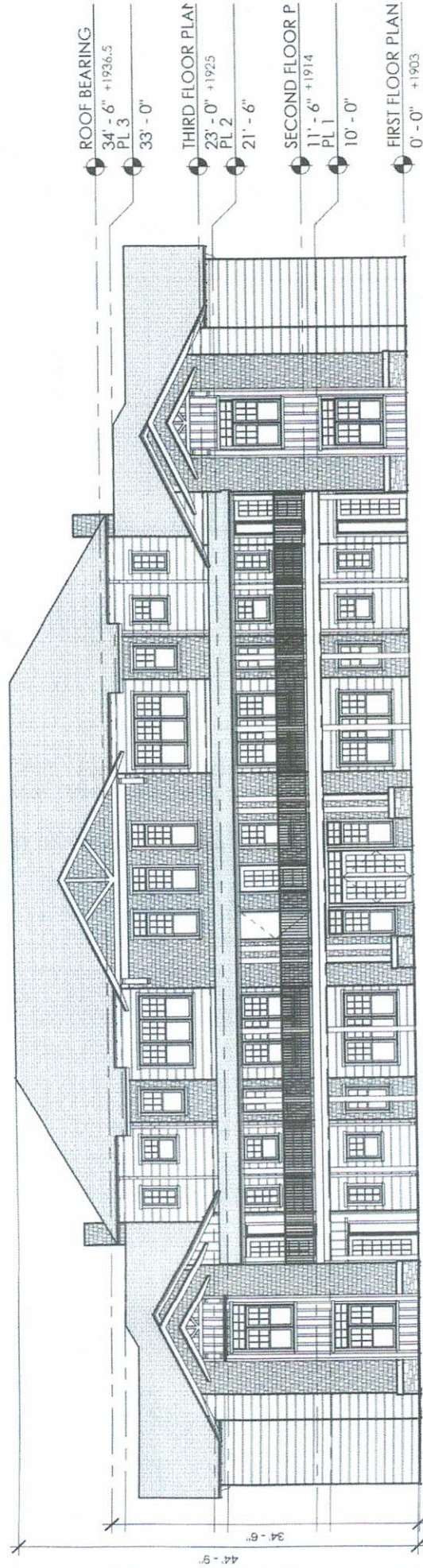
ARTICLE IX

Minimum Setback Requirement in Ft.
Front yard

3)

District	From front property line adjacent to rd.	side yard	rear yard	Max. Height in feet ↓
R-1 Single Family Residential	25'	10'	10'	30' from highest base elevation of subject pty.
R-3 Multi-Family High Density Resi.	25'	10'	10'	"
CS Commercial Services	85'	10'	10'	"
PS Private-Public Services	25'	10'	10'	"

1. Minimum lot area shall be subject to approval from the Graham County Health Department. In no case, however, shall lot areas be less than specified in this Article.
2. In the R-1 and R-3 districts, lots shall have a minimum of 30 feet in width at the front lot line.



① DD-FRONT ELEVATION
 3/32" = 1'-0"

LAKESIDE LODGE CONDOMINIUMS AT LAKE SANTEEITLAH

Scale 3/32" = 1'-0"
 5.29.18

for: Owner
 by: TSW



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Info

From: Jose Rosado <rosado.jf@gmail.com>
Sent: Friday, January 17, 2020 3:36 PM
To: Kim Matheson
Cc: James Hager; Keith Predmore; halfmoonbay@mindspring.com; Roger Carlton; craig@wnctransportation.com; Jack Minski; Jose Minski
Subject: Re: Staff Report for Lake Point Properties
Attachments: Response to Staff Report.docx; Santeetlah Lakeside Condo.pdf; Santeetlah FR Approval 19.12.31.pdf

Hello Kim

Thank you very much for copying us on the Staff Report regarding the height variance to be considered next Tuesday, January 21.

For your and the Council's convenience and information, I have prepared the attached letter addressing the different issues that you bring up in the Report. Please distribute these to the Council members and any other appropriate individuals prior to the hearing so all can have a full update on where things stand with the project and the proposed building.

If you or anyone has any questions regarding this matter, please feel free to contact me.

Thank you very much,
Jose

On Fri, Jan 17, 2020 at 9:34 AM Kim Matheson <info@townoflakesanteetlah.org> wrote:

I have attached the Staff Report for the Variance Requested by Lake Point Properties on Santeetlah LLC. Public Hearing is scheduled for January 21st at 11:30am.

Kim Matheson

--

Lake Point Properties of Santeetlah, LLC

January 17, 2020

Ms. Kim Matheson
Town Administrator
Town of Lake Santeetlah, NC 28771

Dear Kim:

I make reference to the Staff Report prepared for the Town Council regarding the requested height variance for the condominium building to be located within the Santeetlah Lakeside Project. I would request that you distribute this response to the recipients of the Staff Report as an update.

With regards to the items you point out in this report that have been requested from the property owner as part of the Zoning Certificate request, please let me provide an update:

1. **Scope of Request. Detail of exactly what is going to be built.** This has been provided previously to the Town, although perhaps not in the form of an official submittal. Please find attached to this email a presentation showing the building proposed, its location within the lot and several exhibits (elevations, perspectives, renderings, floor plans, individual unit floor plans, parking layouts (underground and surface), view corridors oriented toward the lake, etc.). The last page also contains a building code analysis and shows how the proposed building project complies. Please consider this an official submission of this item to the Town for purposes of the Zoning Certificate Request.
2. **Actual Dimensions of the Lot.** A surveyed plan of the entire project, containing the dimensions of every lot was requested from the surveyor, Terry James, and I was informed that this was delivered to the Town several months ago. This shows the dimensions of the lot that you require. Please confirm that you have this. If not, I will request Mr. James to deliver another copy as soon as possible.

Regardless, I have asked the architect to prepare a specific site plan for the condominium lot and indicate building placement, setbacks, green areas, parking locations, etc. This will be ready and be submitted before the final Zoning Certificate is considered by you.

3. **Building Height Variance Request.** You currently have this application and exhibits and, I understand, is in a form that meets your requirements.
4. **Sceptic Plan.** As I may have mentioned to you, we have hired McGill Engineers to review, report and resolve any sewer issues that concern either the proposed building or the overall future development of the project. We have made request and have been granted an expansion of the current engineered system through a reduction in the flow guidelines to 70 GPD per bedroom. I am attaching a letter from the NC Dept. of Environmental Quality.

Likewise, we have made application to the Graham County Health Dept. for the expansion of what is known as the "Hotel System", which is a combination of two large septic tanks and two large drain fields to which we have the capacity to connect 8 units, with the required repair areas. The County and the State have both indicated that they will use the NC Dept. of Environmental Quality guidelines for this expansion and should increase the capacity of that system.

A full report will be prepared for the Town by McGill, once this last application has been approved. The report will show all connections, system capacities and excess capacities. This will be submitted to the Town prior to the Zoning Certificate Request. Just to let you know at this time, the calculations show that we will have ample and excess capacity (between both systems, and the approved and existing lot on-site systems) to service the entire project, as proposed.

5. **Association Governance.** There is a currently inactive Homeowners Association for the project, for which no dues have been collected in several years. In order to overcome the previous period of inactivity and deferred maintenance of the project, the Owner has, at its own cost:
 - a. Brought current all deferred maintenance in landscaping and other needed repairs.
 - b. Dedicated the project roads to the Town, along with a \$10,000 contribution for the current and future maintenance of the roads.
 - c. Reinstated and paid for the Marina Agreement, which gives the upland lot and unit owners access to the lake through dedicated slips at the project's marina dock. The Owner continues to pay for this.
 - d. Paid for all continued maintenance and repairs of the common areas of the project and has not charged the homeowners for this.
 - e. Prepared legal documents for the reinstatement of the HOA and its future governance. Upon the reinstatement of the HOA, the homeowners will be responsible for their individual dues, their contribution to a repair reserve for the operation and maintenance of the corresponding sewer system, and their dues for the marina slip, if applicable. Until reinstatement, the Owner/Developer will be responsible for the payment of all such costs, and after reinstatement it will be responsible for all dues corresponding to the lots that it still owns, until they are sold.
All these documents are being finalized and will be circulated in mid-February and we expect to reach a final resolution and reinstatement sometime in March.
 - f. In addition, Condo documents are being prepared for the condo building, making the condo owners responsible for all of the common areas of the building itself. These dues and responsibilities will be in addition to their dues responsibilities to the overall project HOA.

6. **Critical Path.** I am not sure what exactly this entails. We would appreciate a sample from a previous submission so we may understand the information that you require and the form in which you expect it. Below is our internal critical path, showing the critical items to resolve before being able to commence the construction of the condominium building. Let me know if this is sufficient for your purposes. (Each subsequent stage is commenced once the items in the previous stage have been completed.)
 - a. Stage 1
 - i. Submission of Height Variance Application

- ii. Preparation of HOA documents and distribution to current homeowners for approval.
- iii. Finalization of sewer expansion approvals with State and County
- iv. Preparation of preliminary budgets
- v. Preparation of Marketing Material and start of marketing campaign
- b. Stage 2
 - i. Preparation of full sewer report by McGill
 - ii. Execution and reinstatement of HOA documents
 - iii. Request and obtention of Zoning Certificate from Town
 - iv. Commencement of marketing campaign, securing of presale reservations for condos.
- c. Stage 3
 - i. Repair and re-permitting of engineered sewer system
 - ii. Preparation of working drawings
 - iii. Demolition of Lodge Building
 - iv. Preparation of Sub-HOA documents for the condominium common areas.
- d. Stage 4
 - i. Final construction budget
 - ii. Construction bids
 - iii. Satisfying project General Conditions
 - iv. Conversion of sales reservations into sales contracts
 - v. Continued marketing of project (lots and condo units)
- e. Stage 5
 - i. Execution of construction contract
 - ii. Commencement of construction
 - iii. Repair of any remaining common areas, including Marina Pavilion
- f. Stage 5
 - i. Building construction
 - ii. Surface parking and site construction
 - iii. Condo Building Landscaping
 - iv. Finish surfacing of unfinished portion of Old Lodge Rd. below condo building
- g. Stage 6
 - i. Dedication of remainder of Old Lodge Rd to Town
 - ii. Closing of condo units upon CO

Please feel free to contact me with any questions.

Truly Yours,
Lake Point Properties of Santeetlah, LLC

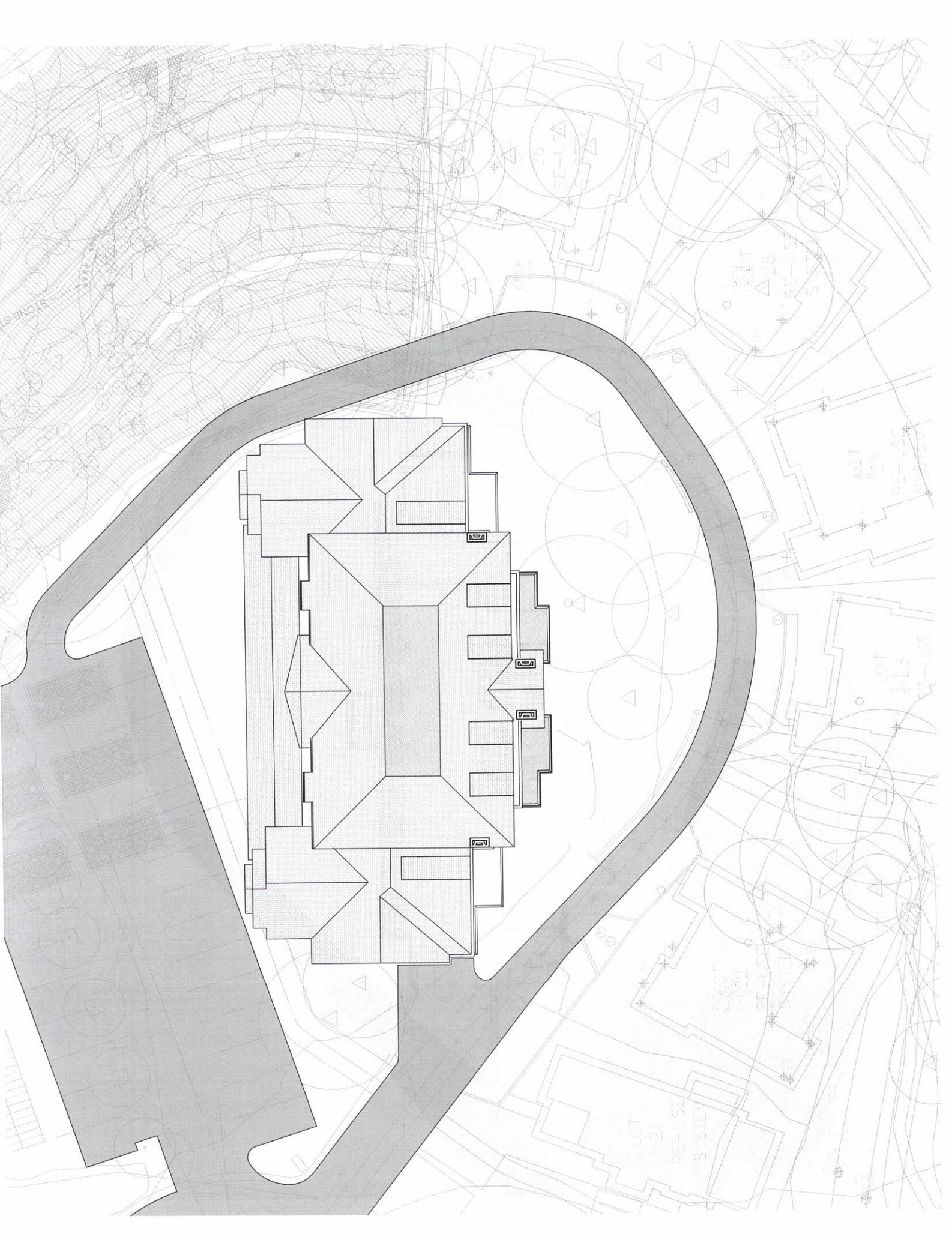
Jose F Rosado
Consultant

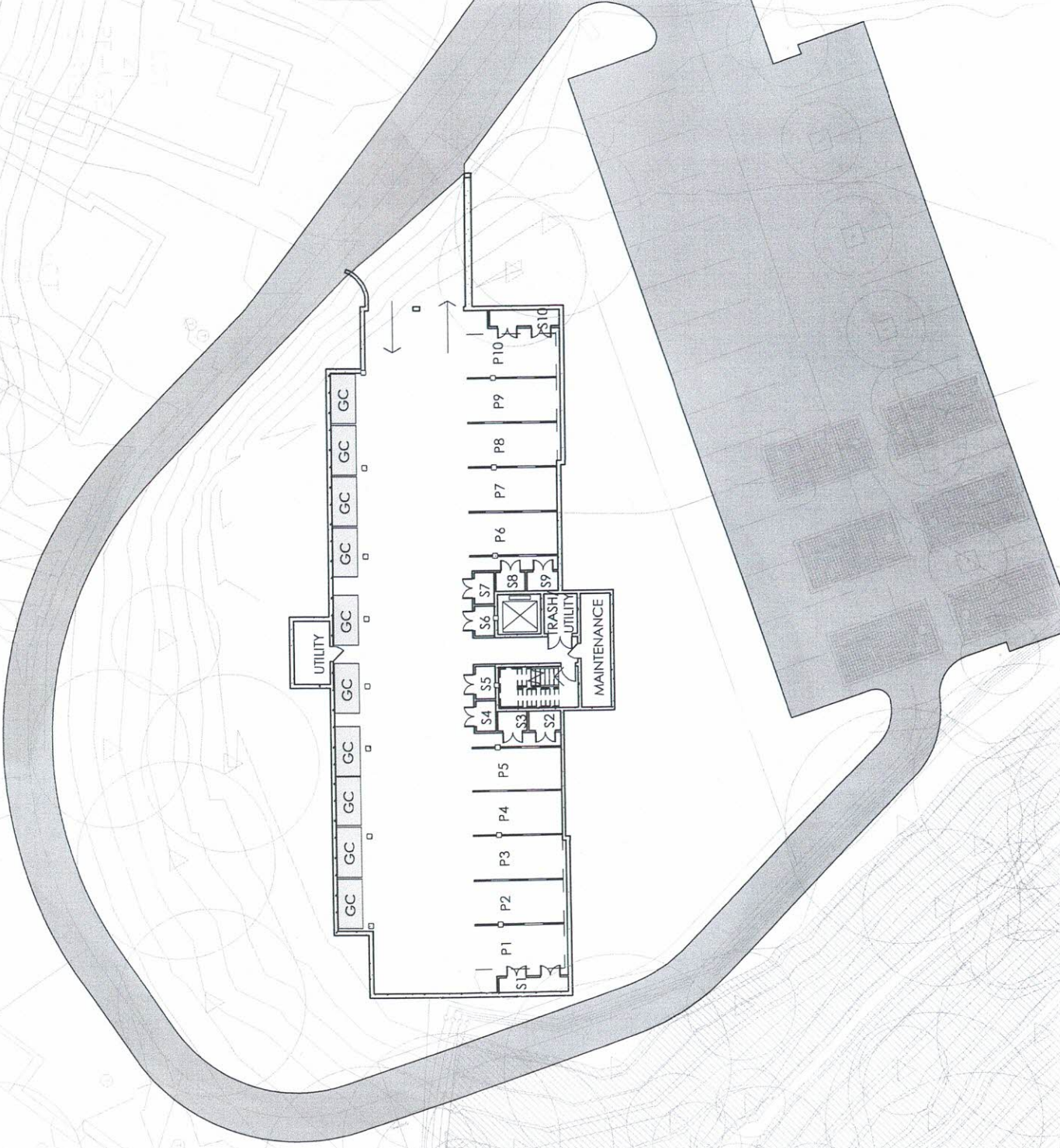
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rosado.jf@gmail.com



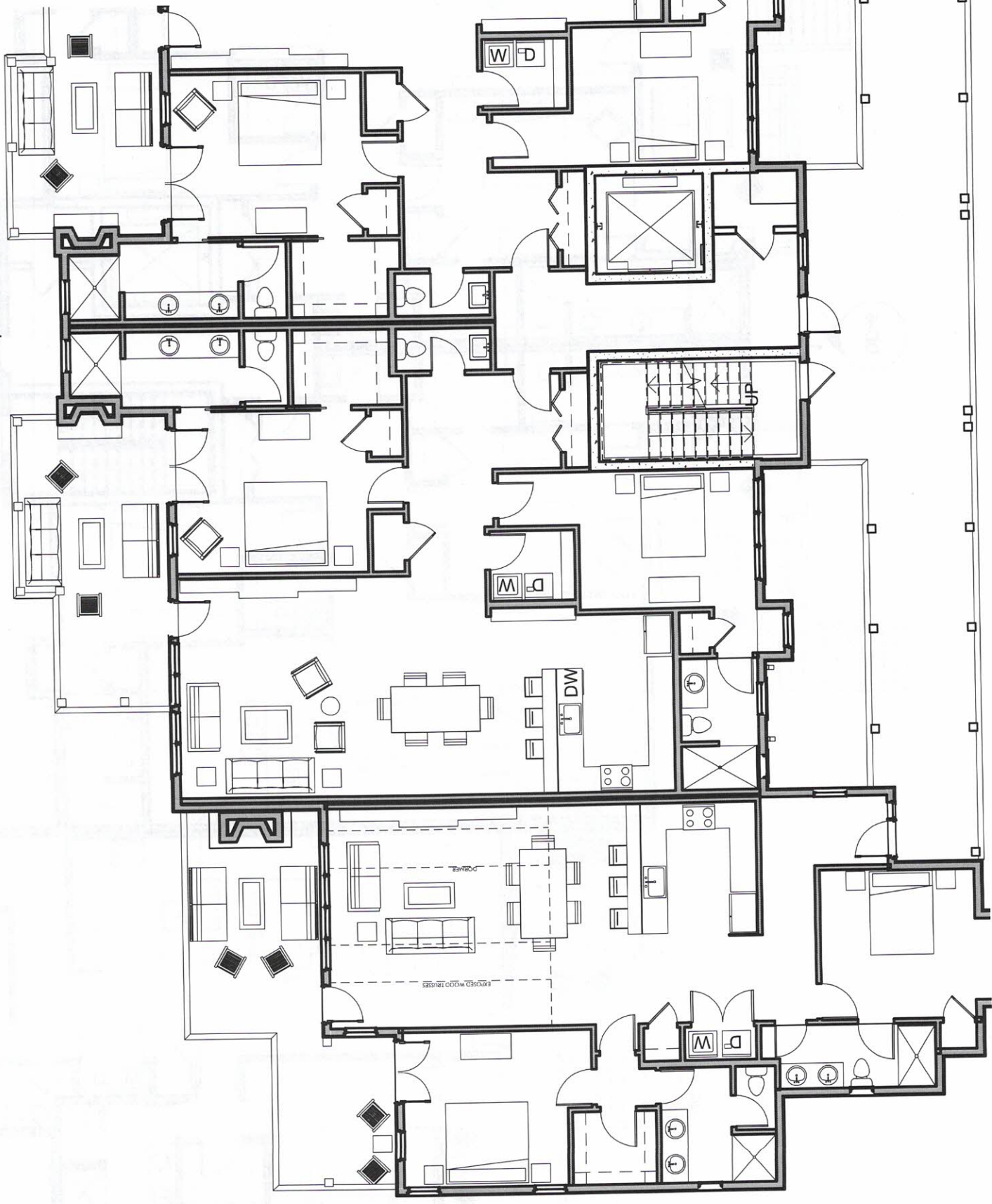






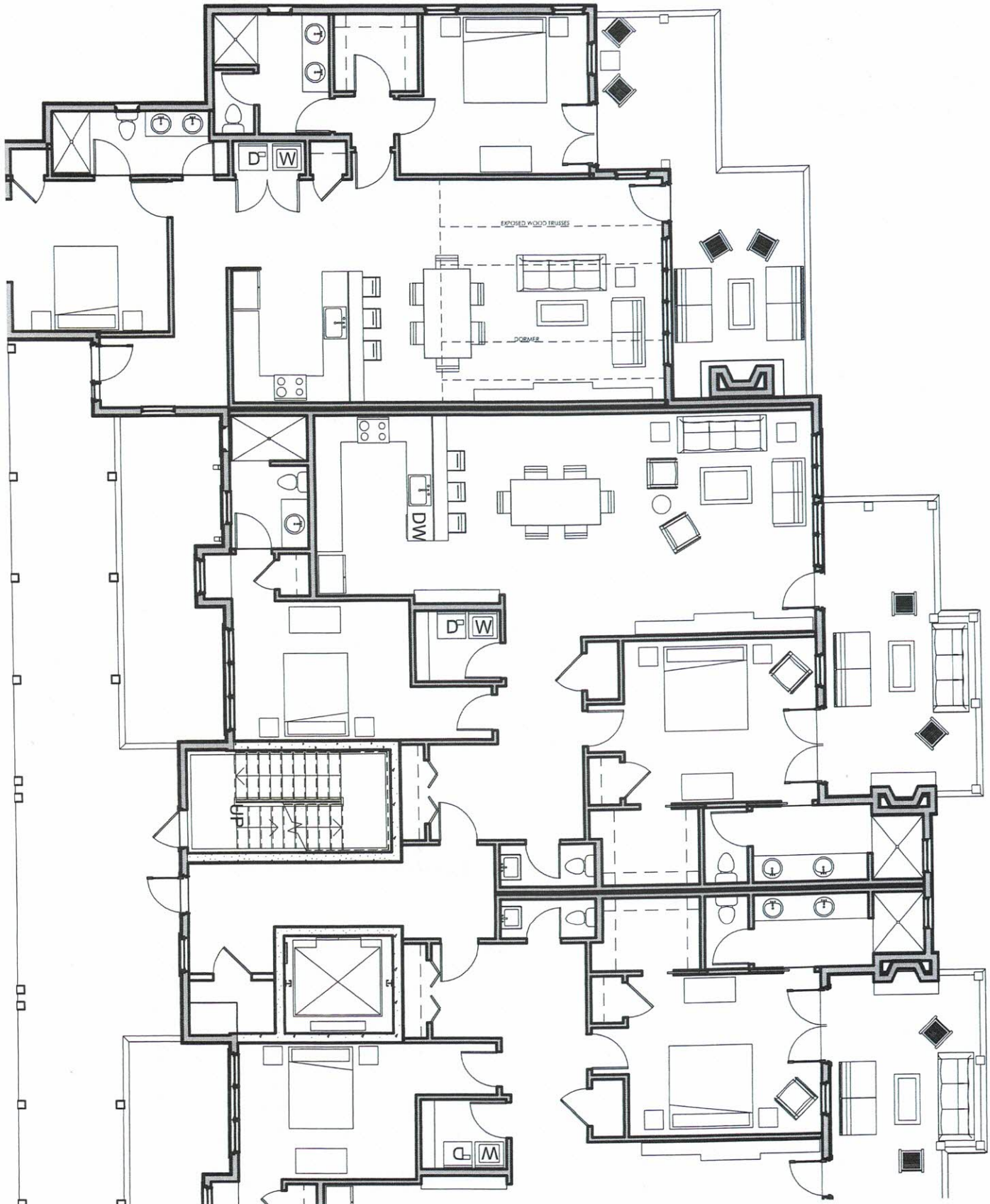


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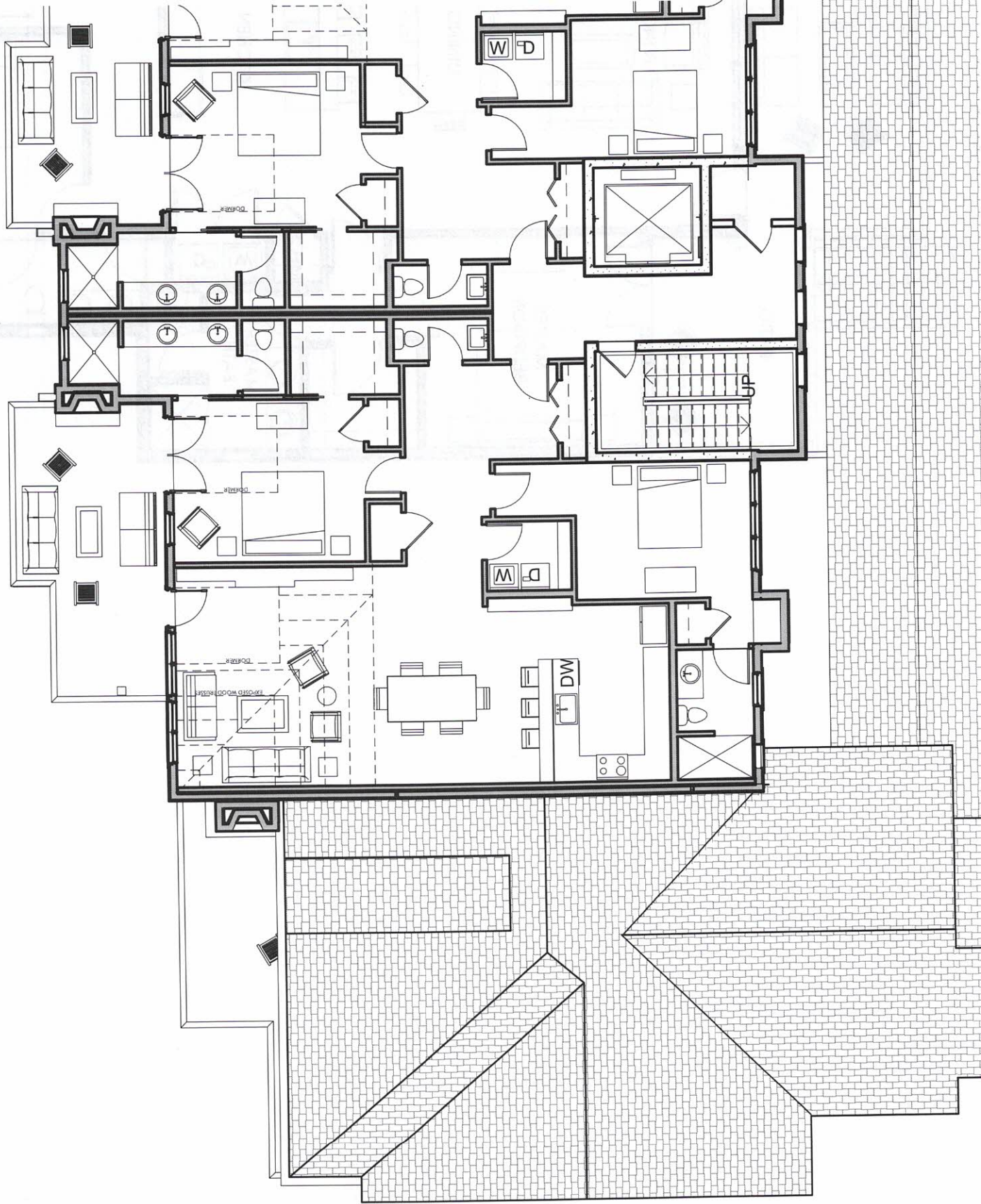
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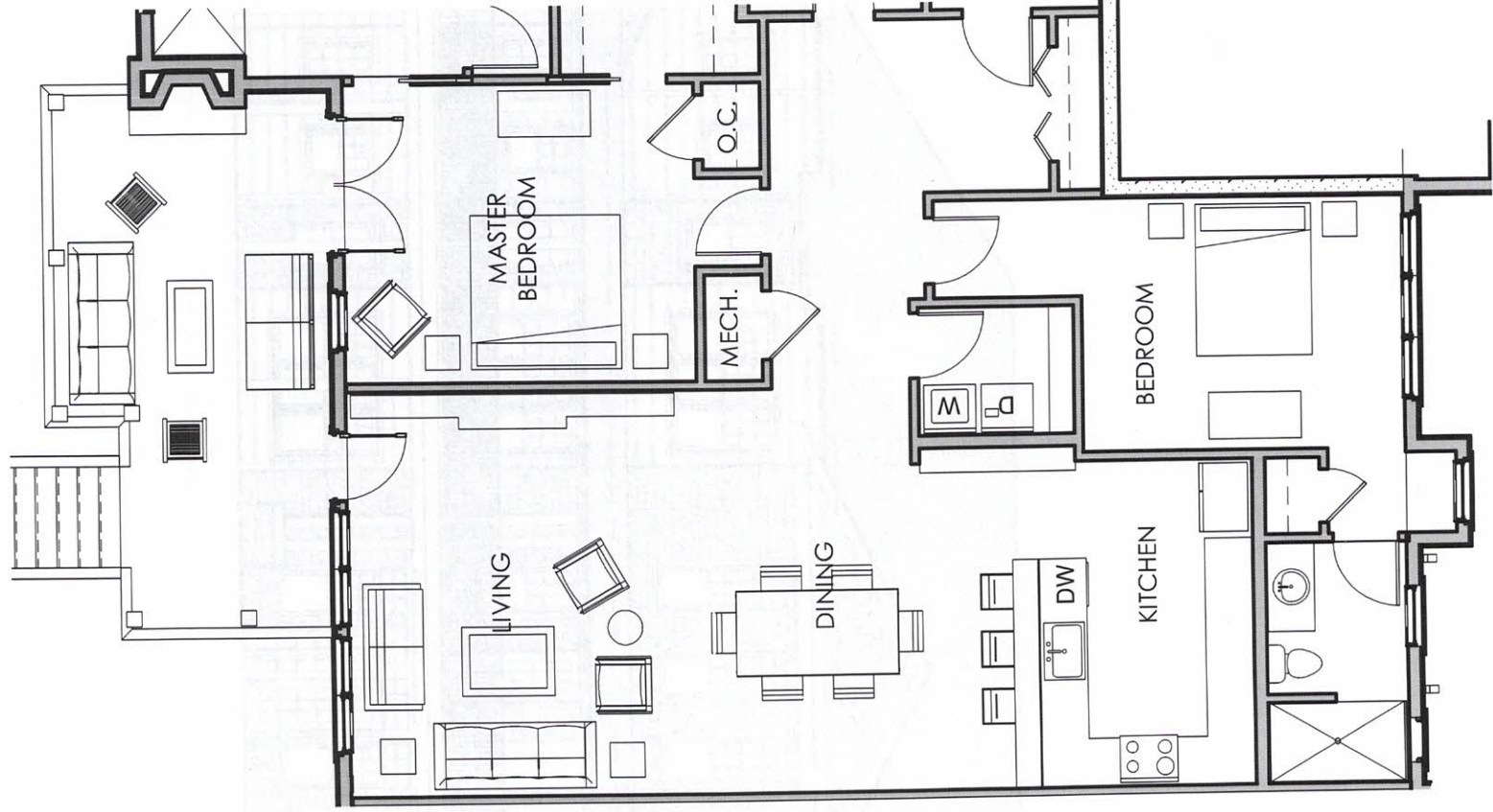


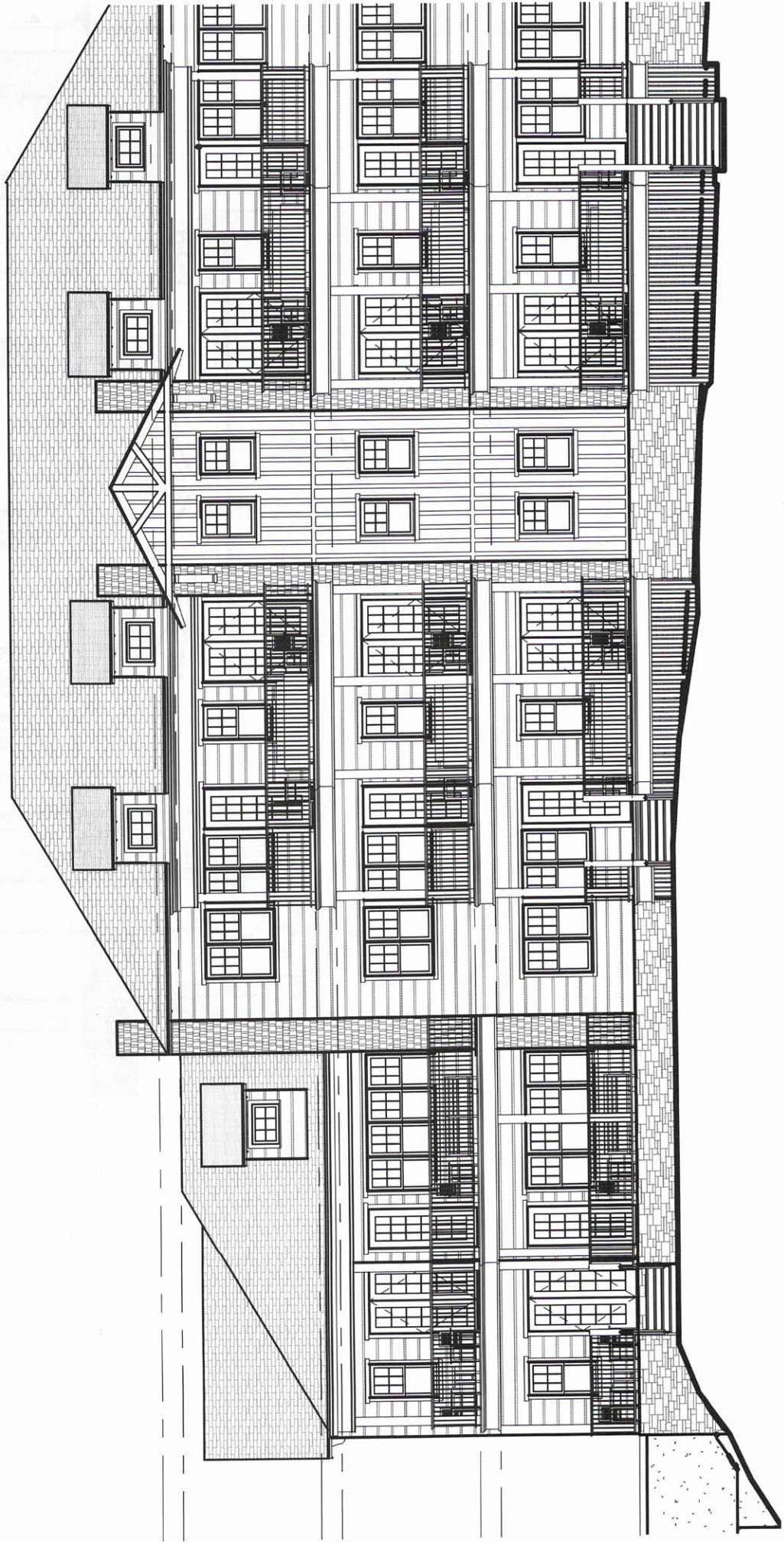
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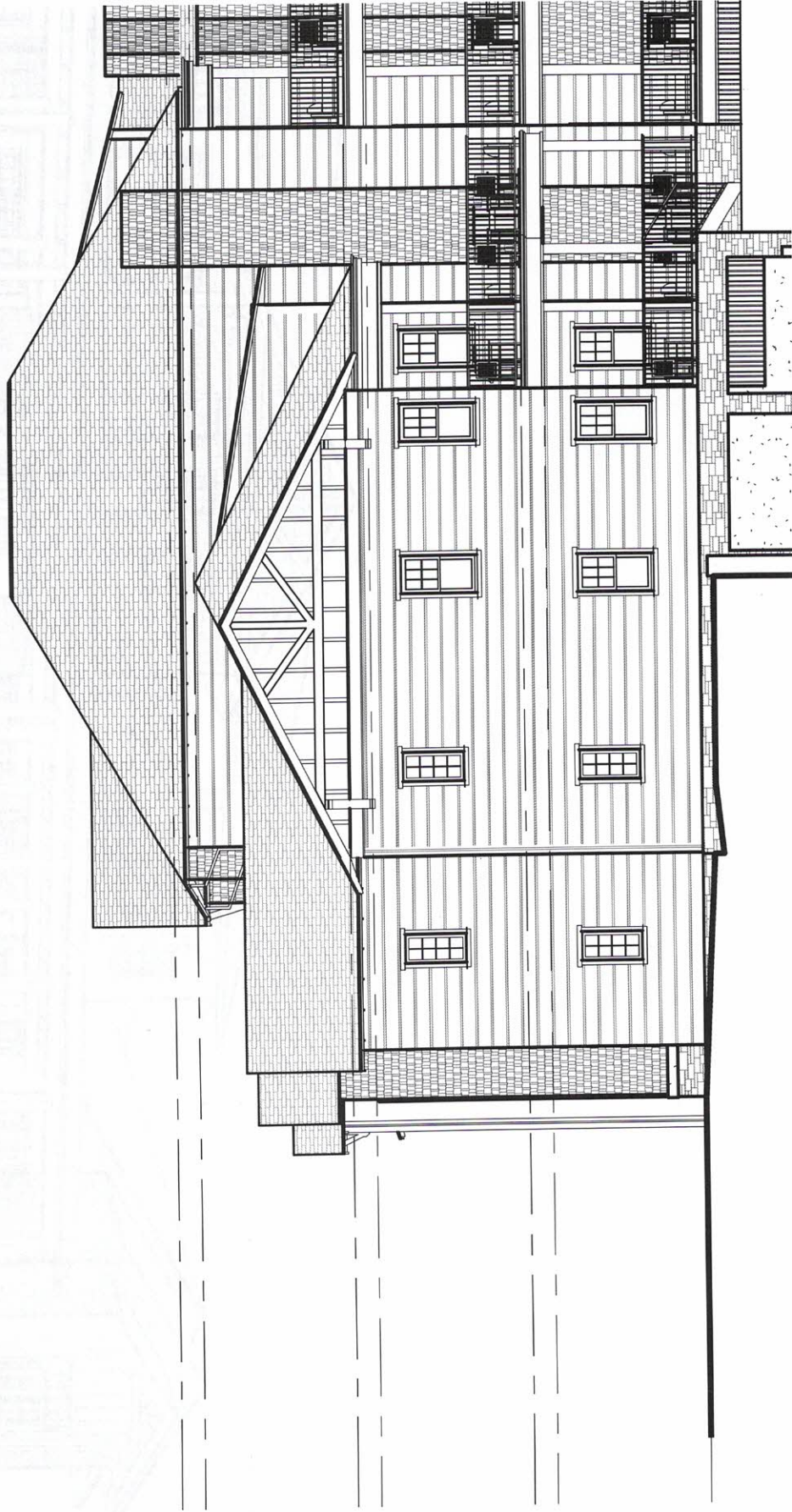
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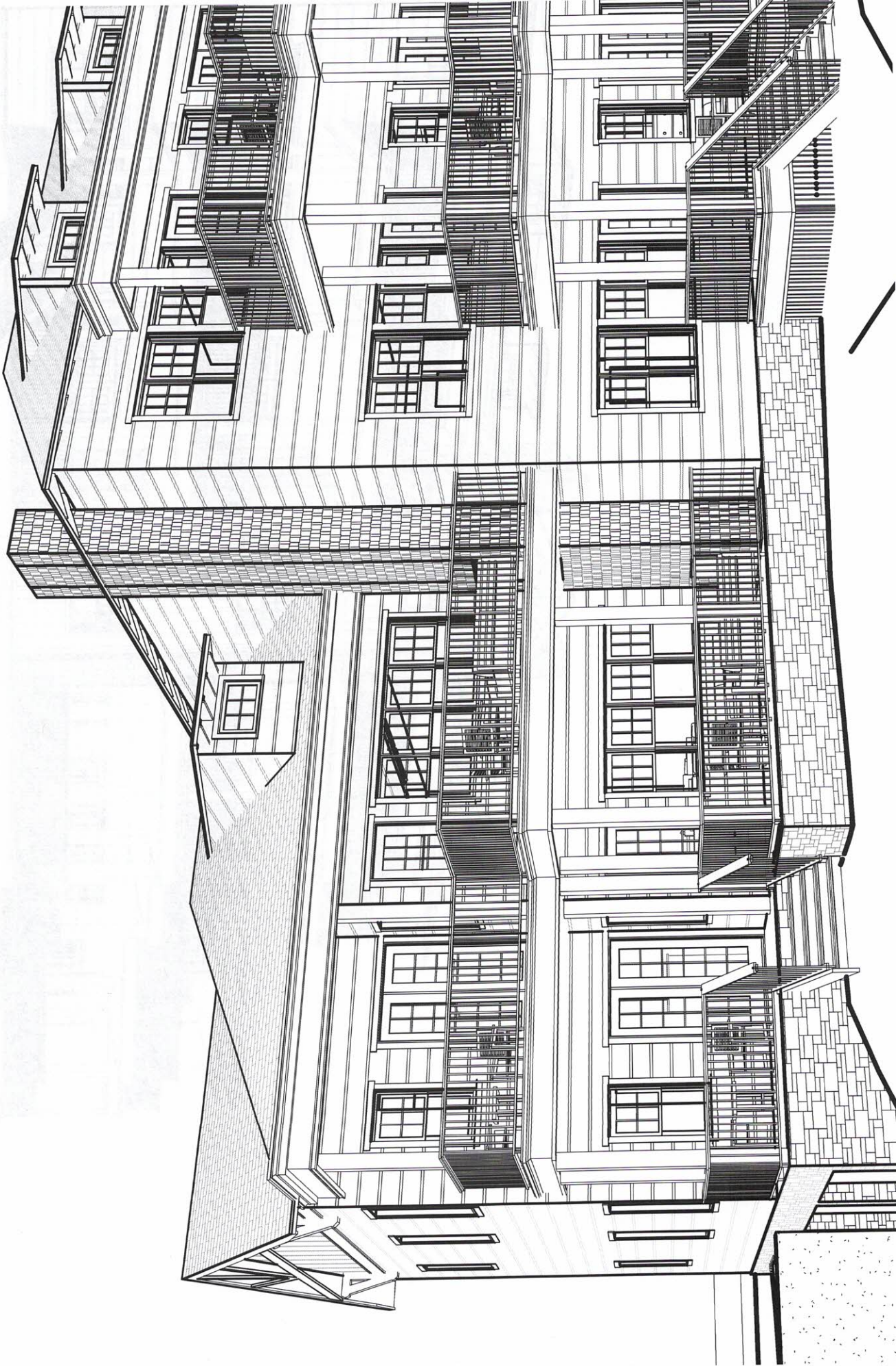


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December 5, 2017

Code Analysis

1. The dwelling units are classified as R-2; and the enclosed, parking garage is classified as S-2.

Enclosed Parking Garage:

1. Mechanical ventilation system shall be provided in accordance with the international mechanical code.
2. The deck shall be equipped with an automatic, sprinkler system.

Number of Exits:

1. R-2 Occupancy can have ONE exit if:
 - i. Exit distance is 125 feet or less.
 - ii. Max # of dwelling units is 4, per floor.
 - iii. Building is not greater than 4 stories.
 - iv. Building has an automatic sprinkler system.

Required Fire-Separation for Parking Garage

1. IBC requires a 1-hour fire separation between the garage and dwelling units, if the building has an automatic, sprinkler system.
2. Life Safety requires a **2-hour** fire separation between the garage and dwelling units, and THEREFORE, takes precedent.

Allowable Floor & Building Height

1. The building must be Type 5A Construction.
2. Type 5A allows R-2 occupancy to be 3-stories (including the Garage). However, if the building is equipped with an automatic sprinkler system, the number of stories can increase by ONE. 4-stories is NOW acceptable.
3. Type 5A Construction requires that all exterior walls have a 2-Hour rating.
4. **UL M521**, Wood Open Web Truss (2-Hour Rating) is required to separate the dwelling units from the parking garage.

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Ben Woodrow Giles
David Lintott
Alex Fite-Wassilak
Lionel Johnson
Sarah McColley

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

December 31, 2019

Jack Minski, Managing Member
Lake Point Properties on Santeetlah LLC
1815 Griffin Road, Suite 404
Dania, FL 33004

Subject: Santeetlah Lakeside WWTP (WQ0031396)
Residential Flow Reduction Approval
Graham County

Dear Mr. Minski:

On September 4, 2019, the Division of Water Resources (Division) received a request for an adjusted daily sewage flow rate (flow reduction) that would apply to all permitted but not yet tributary residential connections and all future residential connections within the Santeetlah Lakeside WWTP (WQ0031396) service area.

In accordance with 15A NCAC 02T .0114(f)(2), the Division has evaluated the request, and based on the data submitted and the Division of Water and Infrastructure (DWI) guidance, the Division hereby approves for use by Lake Point Properties on Santeetlah LLC an adjusted daily sewage design flow rate for residential connections tributary to the Santeetlah Lakeside WWTP with the following conditions:

- The flow reduction is applicable to residential single family dwellings only.
- The minimum flow for 1 and 2 bedroom dwellings shall be 140 gallons per day.
- Each additional bedroom above two bedrooms shall increase the volume by 70 gallons per day per bedroom.
- This flow reduction shall not apply to sewer extension applications and/or permits for any other public or private organizations whose wastewater flows are or might become tributary to the Santeetlah Lakeside WWTP collection system.

Future sewer extension applications should be made using the flow reduction amount stated above. All other aspects of the permitting process remain unchanged, and all applications must be in compliance with the statutes, rules, regulations and minimum design criteria as certified by the owner and engineer.

Regardless of the adjusted design daily wastewater flow rate, at no time shall the wastewater flows exceed the effluent limits defined in the permit for the treatment facility or exceed the capacity of the sewers downstream of any new sewer extension or service connection(s).



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

The granting of this flow reduction does not prohibit the Division from reopening, revoking, reissuing and/or modifying the flow reduction as allowed by the laws, rules, and regulations contained in 15A NCAC 02T, NCGS 143-215.1, or as needed to address changes in State and/or Federal regulations with respect to wastewater collection systems, protection of surface waters and/or wastewater treatment.

If you have any questions, please contact Christyn Fertenbaugh, P.E., at (919) 707-3625, or via email at Christyn.Fertenbaugh@ncdenr.gov.

Sincerely,



for Linda Culpepper
Director, Division of Water Resources

by Christyn L. Fertenbaugh, P.E.
Pretreatment, Emergency Response and Collection Systems Branch

Cc: Mike Dowd, P.E., McGill Associates (Mike.Dowd@mcgillassociates.com)
Nathaniel Thornburg, Non-Discharge Branch (Nathaniel.Thornburg@ncdenr.gov)
Asheville Regional Office, Water Quality Regional Operations
Water Quality Permit Files: WQ0031396
PERCS (electronic copy)

Staff Report for Variance Request for Lake Point Properties on Santeetlah LLC

Lake Point Properties on Santeetlah LLC ("LPP") requested a Zoning Certificate on May 31, 2019 for a multi-family condominium building on its property. This Zoning Certificate application was incomplete. As zoning administrator, I requested additional information on June 18, 2019, but it has not yet been provided to me. 1) Scope of the request, detail of exactly what is to be built. 2) Actual dimensions of the plot to be built upon, to include setbacks. 3) Building Height, this is the Variance you are considering on January 21st. 4) Septic Plan to include the proposed Condominium's and existing Lakeside Homeowner's. 5) Association Governance, 6) Critical Path for the development.

LPP has requested a Height Variance for a proposed multi-family condominium building located at 90 Old Lodge Road.

The request is for approximately a 15 foot height variance.

The current zoning ordinance has 2 different definitions of height. First in the list of definition it states height is the mean between the highest and the lowest footing. The second is listed in the setback chart stating height is 30 feet from the highest base elevation of the subject property. To give the benefit to the property owner, we have used the 2nd definition for purposes of calculating height.

This request is only a small part of the incomplete Zoning Application. A Zoning Certificate and Building Permit are required before any construction can be authorized. Resolution of allowable height is only one item (among several) needed to complete an application for a Zoning Certificate.

I have attached state statute 160a-388: Board of Adjustment

It should be noted due to its location, (the building will be located in front of forest service land, where the additional requested height will not impair any views from anywhere in the Town of Lake Santeetlah.

3. Explain how the site can be used if the variance is not granted.

Since the site does not allow construction of the required 10 units with a lower height, should the variance not be granted, it will cause significant economic hardship to the development and any construction on the site will be abandoned for the time being. Other solutions may be found to fit the building within the height limitation, but this may imply further excavation and a partial submersion of the building below grade and/or the construction of a building that will not adhere to the design guidelines. These possible solutions would be detrimental to 1) the economic viability of the condominiums project; 2) the overall design conformity and value of the Santeetlah Lakeside project; and 3) the potential increase in tax revenues to the Town. Since there are no views being blocked by the additional proposed height, we feel that the granting of the variance would be appropriate and not a detriment to the Town and its residents. The proposed building will be in keeping with the superior design and construction quality as the other homes that have been built in Santeetlah Lakeside and will be an overall and significant enhancement to the esthetics and value of the properties in the Town.

4. Explain how the land can be used if the variance is granted.

Should the variance be granted, the site will be used to build a condominium building containing 10 units, as shown in the schematic plans accompanying this application. It will be the only building on the lake offering this type of product, which will be of great convenience to smaller families, and particularly to retired couples who would like to live in this lake community, but do not want to be burdened by the maintenance requirements involved with a single family home. It is expected that some of these units may be purchased by current Town residents who otherwise may decide to sell their current homes and move away.

The units will be priced in the upper end of the market, bringing quality residents and conforming with the quality standards established in the Santeetlah Lakeside project. The units are designed specifically to appeal to "Empty Nesters" who will have children and grandchildren visiting them at different times of the year. The type of residents expected should be a benefit to the community in terms of community participation, quality of homes, and increasing the Town's tax revenues.

Submitted on behalf of Lake Point Properties on Santeetlah, LLC



Jose F. Rosado, Consultant

§ 160A-388. Board of adjustment.

(a) **Composition and Duties.** – The zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The council may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(a1) **Provisions of Ordinance.** – The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(a2) **Notice of Hearing.** – Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(b) **Repealed by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.**

(b1) **Appeals.** – The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to

- appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
 - (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
 - (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
 - (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
 - (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
 - (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

(10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(c) Special and Conditional Use Permits. – The ordinance may provide that the board of adjustment may hear and decide special and conditional use permits in accordance with standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(e) Voting. –

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that

member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(e1) Recodified as subdivision (e)(2) by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.

(e2) Quasi-Judicial Decisions and Judicial Review. –

(1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(f) Oaths. – The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. – The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. (1923, c. 250, s. 7; C.S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1; 1977, c. 912, ss. 9-12; 1979, c. 50; 1979, 2nd Sess., c. 1247, s. 37; 1981, c. 891, s. 7; 1985, c. 397, s. 2; c. 689, s. 30; 1991, c. 512, s. 2; 1993, c. 539, s. 1088; 1994, Ex. Sess., c. 24, s. 14(c); 2005-418, s. 8(a); 2009-421, s. 5; 2013-126, ss. 1, 2(a), 2(b); 2013-410, s. 25(a).)

VARIANCE HEARING TALKING POINTS
January 21, 2020

Lakeside Project and Overall Building Placements

1. Lakeside Project has the highest quality architectural standards in Western NC. The homes built on the project reflect these standards.
2. The project was designed with three elevation tiers to maximize the view corridors. This building is at the uppermost tier. The upper tier was intended to providing views over the other houses while **not blocking any views whatsoever.**
3. All land behind the project is National Forest... so **no view corridors for anyone are blocked by the building.**

Condominium Building Placement

1. The building will be built using the same high standards and architectural guidelines of the overall Lakeside Project
2. The proposed building is three stories tall, with 10 flat units... 4 units in each of the first two floors and 2 units on the top floor.
3. The variance is requested so we can include the articulated roof lines that are a principal feature of the architectural guidelines of the project
4. A flat roof would not benefit anyone and would make the building very ugly.
5. The Condo building sits on a site with ample separation from all surrounding buildings, both vertically and horizontally.
 - a. East Side: The building abuts on a very large dedicated green area (show site plan) with walking trails and benches, which is available to all project residents and sites the building with significant visual separation from any other building.
 - b. North Side: The building and surface parking area abuts a landscaped Activity / Park Area, providing significant separation from the street.
 - c. West Side: The building abuts Old Lodge Rd, at this point being a two way road with the underground garage entrance. The nearest building on this side is separated by more than 40 feet, but also note that the roofs on all buildings on the West Side will be lower than the first floor of the Condo Building. So, from an eye-level point of view there will be just empty space to the West of the building.
 - d. South Side: The slope on this side of the building is heavily landscaped with old trees over 60 – 70 feet in height. This area is being built as a common green area with a firepit and paths into the landscaped area and on to the East Side green area. The separation on this side is about 80 to 100 feet to the roofs of the nearest buildings and the roofs of these buildings are well below the first-floor slab of the Condo Building.
6. **The Condo project also provides car and golf cart parking for the five homes in front of it.** These homes do not have adequate parking at this time.

Condominium Project

1. This is a small building with only 4 units in the first two floors and two in the top floor. (See perspective board) The building is approximately 125' wide. There are single family homes in the Town with similar dimensions and higher elevations.
2. Only the middle part of the building rises to the full requested variance. This portion of only 58' in width, or less than 50% of the overall building width. The wings on either side only go 3' past the height limit due only to roof articulation.

3. The building contains 10 two-bedroom / 2.5 bath units. Four units on the first two floors and two penthouses. All units have terraces overlooking the lake with outdoor fireplaces. Each unit has an assigned slip at the Project's Marina Dock.
4. The building has an underground parking garage providing covered parking, golf cart parking and storage area to all units.
5. The condo project will have its own sub association covering all of the common areas, as well as paying overall project dues for the maintenance of the whole project.

Other Considerations

1. The financial feasibility of the project depends on the two penthouses. The sale of the rest of the building pays back costs.
2. If the building is lowered, we could only build 8 units, the project would not be feasible and would not be built
3. There is a strong market for this type of product. It is the only project of its kind in the overall three-county market. It addresses the primarily empty nester and small family market. It is also a means of Town residents to be able to move to a low maintenance home without having to leave the community. (Harry can address any market issues if the Council allows.)
4. The building is serviced by a \$1MM sewer system with ample capacity for the proposed building, and a number of the other lots. The whole project served by sewer.
5. This is the only piece of land in the entire Town where this project can be built... only one where zoning allows it and where the sewer system has been provided
6. Increase in tax base for the town, which is very limited in expansion possibilities.