

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

**Tuesday, June 28, 2005
2:00 p.m.**

Lake Lure Municipal Center

Present: Beth Rose, Chairperson
Stephen Webber
Fred Noble
Mary Ann Dotson
Werner Maringer

Also present: Shannon Baldwin, Community Development Administrator
Susan Lynch, Code Enforcement Clerk, Recording Secretary
Blaine Cox, Council Liaison

Absent: Nancy McNary
Harvey Jacques

Chairman Rose called the meeting to order at 2:00 p.m.

Mr. Maringer moved to approve the agenda. The motion was seconded by Mr. Noble and approved unanimously.

The minutes of the regular meeting from May 24, 2005 were accepted upon the motion of Mr. Noble with the correction to the spelling of LaStrada (Mr. Webber submitted the correction). The motion was seconded by Mr. Maringer and approved unanimously.

Appeal ZV-05-01, a request from Mike and Diane Sheehan to relax the minimum front (street) yard setback from stated fifty feet (50') for a primary road to requested twenty-seven feet (27').

Mr. Baldwin, Mike Sheehan, and Kim Warner, Engineer for Mr. Sheehan were sworn in.

Mr. Baldwin reviewed with the board Section 92.086-D-3 which states a building permit or certificate of occupancy need to be procured within a six month period after the decision or the variance will expire. Unfortunately, Mr. Sheehan did not procure a building permit within the time frame of his original variance, and is reapplying with a modification of the plans.

Mr. Sheehan and Mr. Warner addressed the board. Mr. Sheehan confirmed what Mr. Baldwin

stated to the board. It was an accident on his part that a building permit was not procured.

Discussion ensued between the board and Mr. Baldwin, Mr. Sheehan, and Mr. Warner. Questions arose as to the width of the ramp (31/2 feet), the covered stoop and how each would be affected by the variance. Mr. Noble voiced concern over the original variance being a twenty-five foot (25') variance versus the current one which is requesting twenty-seven feet (27'); the percentage is raised from 50% to 54%. Mr. Webber asked what necessitates the increase; Mr. Sheehan answered the covered stoop. Mr. Noble asked if it was conceivable for the stoop to be moved back one foot six inches so the variance could be in line with the original one. Mr. Warner answered it was conceivable but there is a need for five feet square wheel chair turnaround. To move back the stoop would cause considerable construction for re-arranging. Mr. Webber had three questions to ask Mr. Sheehan. The first one was when did he buy his property on the lake; he answered end of 1997. The second one was Mr. Sheehan aware of the ordinances when he bought the property; Mr. Sheehan answered no. The third question was his wife's condition known at that time; the answer was no.

Ms. Dotson was concerned with the view of the lake being disrupted by the addition. Mr. Sheehan replied that before he removed eight trees from his property, there was no view.

Mr. Webber brought to the Mr. Sheehan and the board's attention that the variance is insufficient with the plans; Mr. Maringer and Ms. Dotson both would like to see plans that reflect the elevations of the existing building and the proposed building. Mr. Sheehan also needs another variance for the front (lake) yard setback. Mr. Webber also queried Mr. Baldwin if the variance is granted, is it for the length of the property or just for the structure. Mr. Baldwin answered the board would have to specify if the variance would be for the length of the property or just for the structure.

Mr. Webber moved the board review the findings of fact. Mr. Noble seconded, all were in favor.

In accordance with the findings of fact, Mr. Noble moved ZV-05-01 be approved with the condition the front (yard) street setback does not exceed 50% of the amount designated in the zoning ordinance (50'), the setback being twenty-five feet (25') or less. Chairman Rose seconded; the motion was approved four to one. Mr. Webber disagreed.

Mr. Webber brought to the board's attention that granting the above variance does not grant Mr. Sheehan a variance for the front (lake) yard setback. He suggested Mr. Sheehan appear before the board with the exact plans for his construction with a new application for a variance for the front (lake) yard setback. Ms. Rose added that Mr. Sheehan submit more definitive measurements and dimensions. Mr. Sheehan agreed that he would fill out a new application for the thirty-five foot (35') front (lake) yard setback and he would submit it at the next Board of Adjustment meeting.

OLD BUSINESS

ELECTIONS: Mr. Maringer nominated Ms. Rose to be re-installed as chairperson; Mr. Webber seconded, all in favor. Chairman Rose moved the nominations be closed; Mr. Webber seconded, all in favor. Mr. Noble moved Ms. Rose be re-elected as chairperson; all in were in favor.

Mr. Noble nominated Ms. Dotson to be re-installed as vice-chairperson of the Board of Adjustment. Mr. Maringer seconded, all in favor. Mr. Webber moved nominations be closed; Mr. Maringer seconded, all in favor. Chairman Rose stated since there was one nomination for the vice-chairman, it was not necessary to vote; Ms. Dotson is re-elected as vice-chairman.

NEW BUSINESS

Mr. Webber commended Chairman Rose on a job well done during the John Cloud case. The entire board was in complete agreement and thanked Chairman Rose.

ADJOURNMENT: MR. NOBLE MOVED TO ADJOURN THE MEETING; MR. MARINGER SECONDED; ALL IN FAVOR.