

**Minutes of the Regular Meeting of the  
LAKE STRUCTURES APPEALS BOARD**

**Tuesday, March 22, 2005  
4:00 p.m.  
Lake Lure Municipal Center**

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

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

Chairman Dotson called the meeting to order at 4:00 p.m.

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

The minutes of the regular meeting from January 25, 2005 were accepted with the following corrections: Chairman Dotson had a correction on the motion for LSA-05-01, she voted no with Mr. Noble. Also, Mr. Webber added to his statement that 'the *silt* problem could be resolved in other ways besides the granting of a variance'. Mr Webber made the motion to accept the minutes; Mr. Maringer seconded, and the minutes were approved unanimously.

**1. Appeal LSA 04-05, a continuation from November 30, 2004; a request by Mark Hammond for a variance for a boathouse upper deck to exceed 15' from the 990 level of the lake and for a deck top accessory (not to exceed the stated 10' height limit) per Section 94.05-1. The variance requested is for eleven inches to allow for proper structural design on a minimum 3:12 roof pitch.**

Mark Hammond, Lisa Duffy, architect for Mark Hammond and Shannon Baldwin were sworn in.

Mr. Hammond addressed the board and brought the board up to date on this issue for the benefit of Mr. Noble who did not sit in on the original meeting. Lake structure permit LSP-04-58 was issued and approved by Terri Potts; after construction was virtually complete, Chuck Place, Lake Lure Town Manager notified Mr. Hammond that there may be a concern with the height of the boathouse. Employees from town hall came out to measure the height of the boathouse and their

approximation was there was roughly an eleven inch overage in height.

Mr. Hammond contracted with a civil engineer/surveyor who measured the entire boathouse with the deck top accessory and found that it's twenty eight hundredths of a foot too tall (roughly a quarter of a foot). The entire structure is 25.28 feet above the 990 mark. Chairman Dotson asked Mr. Hammond how high the boathouse is to the decktop. Mr. Hammond replied 15.28 feet. Mr. Maringer asked Mr. Hammond what the .28 feet would be in inches; Mr. Hammond answered approximately 3 ½ inches.

Chairman Dotson questioned Mr. Hammond about the side set backs. Mr. Hammond said the concern was the setback on the north boundary which was thirteen feet; the regulations require fifteen feet. Ms. Duffy met with the zoning administrator with additional information from Mr. Hammond; the zoning administrator allowed construction to continue. Mr. Webber questioned Mr. Hammond on the discrepancy between the difference in the plans with a two foot gaps vs. the actual 31/2 inches. Mr. Hammond replied that 'as built's are often a little different than the drawing submitted. Mr. Hammond suggested Ms. Duffy address the board as it was she that met with the zoning administrator to resolve the issues of the height of the building and the setbacks. Construction did not commence until Mr. Hammond received a telephone call from the zoning administrator allowing the construction to begin per the drawings Ms. Duffy submitted. The board addressed Ms. Duffy and Mr. Hammond. A new survey was submitted to the board reflecting the existing seawall and the boathouse's construction. Mr. Maringer brought to the board's attention that the roof eave is actually shorter than the dock itself so the sidelines are respected as far as the drawings; Mr. Webber and Chairman Dotson agreed. The survey Mr. Hammond produced are per the regulations; the sideline setbacks are more than 15' and less than 20'.

Mrs. Larkin Hammond was sworn in. She apologized to the board for not doing this variance in the proper time frame as there were deaths and illnesses in the family. This was the first available time Mr. & Mrs. Hammond could find to meet with the board.

**After the vote of the review of facts from the Lake Structure Regulations, Mr. Noble moved that LSA-04-05 be granted with a six (6) inch variance. Mr. Maringer seconded. Mr. Webber added the condition that the variance be granted today for *the life of the structure*. Mr. Noble agreed to the amended motion; all were in favor.**

#### **OLD BUSINESS PRESENTED BY CHAIRMAN DOTSON: BY-LAWS, ELECTIONS, AND SCHEDULE**

**ELECTIONS:** Mr. Noble nominated Ms. Dotson to be re-installed as chairperson, and Ms. Rose to be re-installed as vice-chairperson of the Lake Structure Appeals Board. Mr. Maringer seconded, all in favor.

**SCHEDULE:** Mr. Baldwin addressed the board. If the board has a set day to meet, a schedule may not be needed; this is at the board's discretion. Ms. Rose brought to the attention of the board that the meetings are the fourth Tuesday of the month.

**BY-LAWS:** No discussion.

**NEW BUSINESS:**

Chairman Dotson presented changes to the Lake Structure Appeals regulations for consideration and clarification for Section 94.03, D & E. After extensive discussion between board members, Mr. Baldwin and Mr. Cox the consensus was a survey trigger for lake structures would be the 5/20/20 rule: **five feet height above the lake level, structure placed twenty feet into the lake, and placed within twenty feet of the side lot line.** Also, Mr. Webber asked Mr. Baldwin to consult with local surveyors, namely Tim Turner, Nathan Odom, and John Terry to check on the cost of surveys. The board wants to be assured that the cost of surveys (preliminary and final) would be reasonable and fair for owners to absorb. Mr. Webber requested the definition of footprint (including showing the top-down approach for overhangs) for the glossary in the zoning as well as lake structure regulations. Mr. Baldwin will take the Lake Structure Appeal's boards recommendations to the Lake Advisory Board.

**Mr. Webber moved that the Lake Structure Regulations be revised to include the word footprint in the glossary. Mr. Maringer seconded, all were in favor.**

**Ms. Rose moved to recommend to the Lake Advisory Board the 5/20/20 rule for preliminary and final surveys for construction. Mr. Noble seconded, all were in favor.**

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