



**Minutes of the Special meeting of the
Lake Structure Appeals Board**

**Tuesday, December 17, 2013
1:00 p.m.**

Chairman Webber called the meeting to order at 1:03 p.m.

ROLL CALL

Present: Stephen Webber, Chair
John Kilby
Patricia Maringer
Melvin Owensby
David Butts, Seated Alternate
Roger Jolly, Alternate

Also Present: Clint Calhoun, Environmental Management Officer
Michelle Jolley, Recording Secretary

Absent: Bob Cameron, Council Liaison
Michael Gray

APPROVAL OF THE AGENDA

Ms. Maringer made a motion to approve the agenda as presented. Mr. Kilby seconded the motion. Chairman Webber, Mr. Butts, and Mr. Owensby voted in favor.

APPROVAL OF THE MINUTES

Chairman Webber noted the time of the meeting in the minutes should be changed to 1:30.

Ms. Maringer made a motion to approve the minutes of the October 22, 2013 as amended. Mr. Owensby seconded the motion. Chairman Webber, Mr. Butts, and Mr. Kilby voted in favor.

NEW BUSINESS

A. Adoption of the 2014 Meeting Schedule

Mr. Owensby made a motion to approve the 2014 meeting schedule as presented. Ms. Maringer seconded. Chairman Webber, Mr. Butts, and Mr. Kilby voted in favor.

HEARINGS

(A) LSAV-2013002, a request by Andrew and Melinda Knowles for a variance from Section 94.05 of the Lake Structure Regulations. The property (Tax PIN 1607264) is located at 112 neighborly Drive.

Mr. Calhoun and Melinda Knowles were sworn in.

There were no ex parte communications or conflicts of interest reported. Ms. Knowles did not wish to challenge the Board for cause.

Mr. Calhoun presented the case. He stated Andrew and Melinda Knowles are requesting a variance from Section 94.05 (C) of the Lake Structure Regulations. The property is located at 112 Neighborly Drive. He stated there is currently a dock with an attached boardwalk that follows the seawall to an existing boat slip. Mr. and Ms. Knowles would like to construct a covering over the existing boat slip with a small enclosed storage room located at the back of the structure. They also intend to add a catwalk above the roof as a diving platform, with future plans to add an entire deck above the roof. Mr. Calhoun mentioned there is no setback encroachment on the left side of the property, but a large portion of the existing structure and all of the proposed structure lies completely outside of the projected property line on the right side.

Mr. Calhoun pointed out he was emailed by Mr. Richard Rhodes, an adjacent property owner, who stated he had no objections. This email was included in the packet. Mr. Calhoun mentioned he also spoke with Mr. Robert Knox, an adjacent property owner, who stated he had no objections.

Ms. Knowles presented her case to the Board. Mr. Owensby asked what the hardship would be if denied. Ms. Knowles stated if the variance was denied she would not be able to have a cover for the boat and would have to store it elsewhere.

After reviewing the survey, Chairman Webber pointed out the proposed structure is actually within regulations, according to his interpretation of the regulations. He stated he does not feel this proposed structure needs a variance, as presented in the design. Mr. Calhoun stated he agrees.

Chairman Webber suggested amending the second sentence in paragraph 94.05 (C) of the regulations to add that the projection of the lot line shall be a straight line on the same

bearing as the lot line, but no further into the lake than the allowable distance for building. He pointed out this would have to be recommended to the Lake Advisory Board and then sent for Town Council's approval.

There was no further discussion, so Chairman Webber closed the hearing.

With regard to application number LSAV-2013002 for a variance from Section 94.05 (C) of the Lake Structures Regulations, Mr. Kilby moved the Board to find (1) owing to special or unusual conditions, a literal enforcement of the provisions of the regulation(s) will result in practical difficulty or unnecessary hardship, and (2) in the granting of the variance the spirit and welfare secured, and substantial justice done. Accordingly, he moved the Board to grant the requested variance in accordance with and only to the extent represented in the application. Ms. Maringer seconded the motion.

Chairman Webber, Mr. Butts, Mr. Kilby, Ms. Maringer, and Mr. Owensby all voted no.

Chairman Webber pointed out the variance was denied due to the fact it was not needed.

OLD BUSINESS

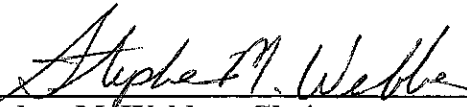
None

ADJOURNMENT

Mr. Kilby made a motion seconded by Mr. Owensby to adjourn the meeting. Chairman Webber, Mr. Butts, and Ms. Maringer voted in favor.

The meeting was adjourned at 1:30 p.m. The next regular meeting is scheduled for January 28, 2014 at 1:30 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary