



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

**Wednesday, February 24, 2016
1:30 p.m.**

Vice Chairman Kilby called the meeting to order at 3:12 p.m.

ROLL CALL

**Present: John Kilby, Chairman
Ronald Erickson, Seated Alternate
Mark Hoek
David Lusk, Seated Alternate
Melvin Owensby
Rick Stockdale, Seated Alternate
Stephen Webber, Council Liaison**

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

Absent: David Butts

APPROVAL OF THE AGENDA

Mr. Owensby made a motion to approve the agenda as presented. Mr. Erickson seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Erickson made a motion to approve the minutes of the January 26, 2016 as presented. Ms. Stockdale seconded the motion. All voted in favor.

NEW BUSINESS

- (A) LSAV-2016001, a variance request by Jonathan Hinkle, on behalf of Charles O'Cain, from Section 94.05 of the Lake Structure Regulations. The property (Tax PIN 219063) is located at 213 Lakeview Road.**

Mr. Calhoun, Mr. O'Cain, and Mr. Hinkle were sworn in. Mr. Stockdale disclosed he spoke with Mr. Hinkle while at a gas station but did not discuss the case. There were no other ex parte communications or conflicts of interest to report. The Board felt they could make a fair and unbiased decision. Mr. Hinkle and Mr. O'Cain did not wish to challenge the Board for cause.

Mr. Calhoun presented the case. He stated that Mr. Hinkle of Marathon Builders of WNC, Inc., on behalf of Charles O'Cain is requesting a variance from Section 94.05 of the Lake Structure Regulations for the purpose of reconstructing an existing boathouse that has collapsed. The subject lot has 91.65 feet of shoreline. The existing boathouse currently lies within the setback, three feet from the projected property line on the east side. The current projection into the lake is 34 feet. He read from Section 94.06 (C) of the Lake Structure Regulations. He stated the applicant is essentially asking to re-build the boathouse in exactly the same footprint it currently exists, but the new structure will only be covered and not enclosed. He mentioned that letters he received from the neighbors in support of the variance were included in the packet.

Mr. Hinkle conveyed that the best scenario would be to re-build the boathouse as is and to pressure the seawall. He stated that Mr. O'Cain would need a lift for his pontoon. He mentioned that the boathouse would remain open except for the four corners. He pointed out that the boathouse experiences a lot of wave action and sedimentation.

Mr. O'Cain stated he has owned the property for about 30 years and stated the ski boat used to fit inside the boathouse. He mentioned it would now need a lift because the water depth has changed.

There was no further discussion, so Mr. Stockdale made the following motion:

With regard to application number LSAV-2016001 for a variance from Section 94.05 of the Lake Structures Regulations, Mr. Stockdale 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 of the Lake Structures Regulations shall be observed, the public safety and welfare secured, and substantial justice done. Accordingly, he further moved the Board to grant the requested variance in accordance with and only to the extent represented in the application.

Mr. Lusk seconded the motion. Mr. Erickson, Mr. Hoek, Mr. Lusk, Mr. Owensby, and Chairman Kilby voted in favor.

Commissioner Webber mentioned that draft changes to the Lake Structures Regulations would be discussed at the next meeting.

OLD BUSINESS

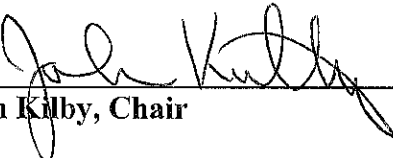
None

ADJOURNMENT

Mr. Owensby made a motion seconded by Mr. Stockdale to adjourn the meeting. All voted in favor.

The meeting was adjourned at 3:28 p.m. The next regular meeting is scheduled for March 22, 2016 at 1:30 p.m.

ATTEST:



John Kilby, Chair



Michelle Jolley, Recording Secretary

