

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

**Tuesday, August 31, 2004
4:00 p.m.
Lake Lure Municipal Center**

Present: Mary Ann Dotson, Chairperson
Stephen Webber
Harvey Jacques, Alternate
Werner Maringer
Fred Noble

Also present were: Chuck Place, Town Manager & Acting Zoning Administrator
Nancy McNary, Alternate
Blaine Cox, Council Liaison
Susan Lynch, Recording Secretary

Absent: Beth Rose

Chairperson Dotson called the meeting to order at 5:00 p.m.

Approval of Agenda: Mr. Noble moved to approve the agenda. Mr. Jacques seconded, and the motion was approved unanimously.

Approval of Minutes: Mr. Noble moved to approve the minutes. Mr. Maringer seconded, and the motion was approved unanimously.

1. Appeal LSA-04-02, a request from Michael and Dayna Cole from section 94.05A, minimum shoreline width: requesting a variance of 24.07'. Also, Appeal LSA-04-03, a request from Michael and Dayna Cole from section 94.05A, minimum shoreline width: requesting a variance of 13'.

Mr. Place reviewed the appeals with the Board; the previous Zoning Administrator, Terri Potts, made an error in approving LSP-03-26 and LSP-03-27 (applications to construct sea walls and piers). While the structures were under construction, there was a question about the number of slips being created. The approved plans showed two slips at each lot, without taking in consideration the seawall being a structure therefore increasing the number of slips from two to four (the definition of a slip being an area within or alongside a lake structure that is confined by at least two sides of the structure and that is designed for temporary or permanent mooring of boats). An agreement had been reached by Mr. Cole and Mr. Place that permanent pilings could be placed in the center of the outside slips to reduce the slips to Mr. Cole's requested two. During this process, it was discovered that Ms. Potts had overlooked the widths of both lots.

At this time, Mr. Cole and Mr. Forest Emerson (previous owner and applicant of LSP-03-26 and LSP-03-27) were sworn in. Mr. Cole re-enforced with the LSA Board that his intention is to have just two slips on each lot. His request is for a variance on the width of the shoreline, not a variance on the number of slips. After extensive discussion by the Board, with the crux of the hearing being number of slips vs. the variances to extend the shoreline width, the following action was taken:

On Appeals LSA-04-02 and LSA-04-03, Mr. Webber moved that both appeals be denied based on the following findings of fact: Section 94.05 (A) “The minimum shoreline width required to construct any lake structure shall be 100’; provided that the minimum shoreline width required to construct any lake structure on lots of record that existed prior to December 15, 1992, shall be 80’; and further provided that seawalls and one pier not more than four feet in width may be constructed on any lot, regardless of width. Mr. Werner seconded. Mr. Webber, Mr Werner, Ms. Dotson, and Mr. Jacques were in favor of denial, Mr. Noble was in favor of approval. Both appeals were denied with a four to five vote.

Mr. Webber informed Mr. Cole that his recourse was to present his appeals to the Town Council.

- 2. Old Business**
No discussion
- 3. New Business**
No discussion

Adjournment: Mr. Webber moved to adjourn, Mr. Maringer seconded, all voted in favor. Meeting adjourned at 6 p.m.