



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

**Tuesday, January 28, 2014
1:30 p.m.**

Chairman Webber called the meeting to order at 1:44 p.m.

ROLL CALL

Present: Stephen Webber, Chair
Michael Gray
John Kilby
Melvin Owensby
Roger Jolly, Seated Alternate
David Butts, Alternate
Mark Hoek, Alternate
Bob Cameron, Council Liaison

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

Absent: Patricia Maringer

APPROVAL OF THE AGENDA

Chairman Webber proposed adding agenda item 4 (b) Lake Structure Application Fees under New Business.

Mr. Kilby made a motion to approve the agenda as amended. Mr. Gray seconded the motion. Chairman Webber, Mr. Jolly, and Mr. Owensby voted in favor.

APPROVAL OF THE MINUTES

Mr. Owensby made a motion to approve the minutes of the December 17, 2013 as presented. Mr. Jolly seconded the motion. Chairman Webber, Mr. Gray, and Mr. Kilby voted in favor.

NEW BUSINESS

A. Election of Officers

Chairman Webber reminded the Board members that only regular members can be elected to serve as chair or vice-chair, but all members may vote.

Mr. Owensby nominated Chairman Webber to continue serving as chairman. There were no other nominations. Mr. Butts, Mr. Gray, Mr. Hoek, Mr. Jolly, and Mr. Kilby unanimously voted for Chairman Webber to continue serving as chairman.

Mr. Gray nominated Mr. Kilby to continue serving as vice-chair. There were no other nominations. Mr. Butts, Mr. Gray, Mr. Hoek, Mr. Jolly, Mr. Owensby, and Chairman Webber unanimously voted for Mr. Kilby to continue serving as vice-chair.

B. Lake Structure Application Fees

Chairman Webber stated he feels the lake structure application fees should mirror the Board of Adjustment fees and suggested sending a recommendation to Town Council to review the permit fees. Discussion held. After discussion, the Board agreed to recommend having Town Council review the lake structure application fees and increase/decrease where needed to offset the administrative costs.

HEARINGS

(A) LSP-2013007 continued, a request by Miles Champion, agent for Sylvia Pflum for approval of a decktop accessory structure. The property (Tax PIN 1627043) is located at 304 Seton Road, Lake Lure, North Carolina

None of the Board members seated reported any conflicts of interest. Mr. Champion did not wish to challenge the Board for cause.

Mr. Calhoun presented the case. He stated the packet includes updated drawings from the applicant which suggests a change to the original design. He noted the drawings do not show what the width or height is and are not to scale. He reported they have decided to take the chimney out of the original plans and have integrated a stove pipe system into the pillars which would support the roof. He stated they have also added stone countertops, one of which would have a fireplace in it.

Mr. Gray asked if gas logs or wood would be used in the fireplace. Mr. Champion replied that the applicant wanted to use both gas logs and wood and the fireplace would be built for both. He stated the gas tanks would be located at the house and a gas line would run from the house down to the dock.

Mr. Kilby asked if the fire regulations would allow a wood burning fireplace on top of a wooden structure. Mr. Champion stated yes, if the structure is designed according to their

regulations.

Mr. Champion stated he would like to continue his case to prepare a correct set of drawings. Chairman Webber mentioned to Mr. Champion that he would not vote to approve another continuance.

Chairman Webber asked Mr. Champion questions regarding width, length and height of the structure and Mr. Champion responded with the measurements. Chairman Webber stated that Mr. Champion is within regulations on the length, width, and height of the structure. Chairman Webber then asked if there would be cabinet doors underneath the countertop and Mr. Champion stated no and it would not be used for any type of storage. Chairman Webber read Section 94.05 (F) (2) of the Lake Structure Regulations, which states:

Accessory structures to be used for protection from direct sun and rain may be erected above rooftop decks provided they meet the following standards and are approved by the Lake Structures Appeals Board.

See Lake Structure Regulations Section 94.05 (F) (2) for the Decktop Accessory Structure Guidelines.

Chairman Webber asked Mr. Champion how the fireplaces and stovetops protect from fire and rain. Mr. Champion responded they do not. Chairman Webber pointed out the stone countertops, fireplaces, and stove pipes pointing through the roof are separate decktop structures and would require a variance. Mr. Egan agreed. Mr. Calhoun noted the Lake Structure Appeals Board does not have the authority to grant a variance to permit a use of land, building, or structure which is not permitted within the applicable zoning district, according to Section 94.16 (E) (2) of the lake structure regulations.

Mr. Champion asked the Board to continue this case until the June 24, 2014 meeting.

Mr. Gray moved to continue LSP-2013007 to the June 24, 2014 meeting. Mr. Jolly seconded the motion.

Mr. Kilby pointed out that two seated members on the Board will not be able to attend the June meeting. Mr. Champion requested changing his original request to continue until the July, 2014 meeting.

Mr. Gray amended his motion to continue the hearing until July 22, 2014 meeting. Mr. Jolly seconded. Mr. Kilby, and Mr. Owensby voted in favor. Chairman Webber voted no.

In regards to the amended motion, Mr. Gray, Mr. Jolly, Mr. Kilby, and Mr. Owensby voted in favor. Chairman Webber voted no.

This case was continued until July 22, 2014.

OLD BUSINESS

None

ADJOURNMENT

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

The meeting was adjourned at 2:46 p.m. The next regular meeting is scheduled for February 25, 2014 at 1:30 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary