



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

**Tuesday, September 23, 2014
1:30 p.m.**

Chairman Webber called the meeting to order at 2:14 p.m.

ROLL CALL

Present: Stephen Webber, Chair
David Butts, Seated Alternate
John Kilby
Roger Jolly, Seated Alternate
Mark Hoek, Alternate
Patricia Maringer
Bob Cameron, Council Liaison

Also Present: Clint Calhoun, Environmental Management Officer
Michelle Jolley, Recording Secretary
Sheila Spicer, Zoning Administrator

Absent: Michael Gray
Melvin Owensby

APPROVAL OF THE AGENDA

Chairman Webber suggested hearing both cases together since they are on the same property, and having two separate motions.

Mr. Kilby made a motion to approve the agenda as amended. Mr. Jolly seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Ms. Maringer made a motion to approve the minutes of the July 23, 2014 as presented. Mr. Butts seconded the motion. All voted in favor.

NEW BUSINESS

None

HEARINGS

(A) LSAV-2014002, a request by Vince Weigman, agent for Paige Gibson for a variance from Section 94.05 of the Lake Structure Regulations. The property (Tax PIN 227600) is located at 103 Lakeview Drive, Lake Lure, North Carolina.

(B) LSP-2014011, a request by Vince Weigman, agent for Paige Gibson for approval of a decktop accessory structure. The property (Tax PIN 227600) is located at 103 Lakeview Drive, Lake Lure, North Carolina.

Mr. Calhoun, Mr. Weigman, and Mr. and Ms. Gibson were sworn in.

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

Mr. Calhoun presented the case. He stated there is currently a boathouse on this property that is structurally attached to the house. He stated the existing structure meets the setback requirements but does not meet the projection from shoreline requirements. He mentioned that the Gibson's would like to tear the existing boathouse down and build a new boathouse in the same footprint with the changes that are indicated on the plan. He noted the structure will be disconnected from the main house but will add some length to the front, which is parallel to the shore. According to the plans submitted, he stated the encroachment into the lake will not be increased. He added that the Gibson's also plan to add a rooftop deck to the new structure which does not currently exist on the boathouse now. Mr. Calhoun stated in addition, the Gibson's are also requesting to construct a Decktop Accessory Structure, to be located on the rear shoreward corner of the boathouse, also shown on the boathouse plans. He noted that the house and the boathouse would be two separate, independent structures but would still be within the same footprint as the existing boathouse. He pointed out the boathouse would be separated from the house by two inches.

Mr. Weigman mentioned that the requested improvements will lengthen the existing structure along the shoreline by 6 feet. Chairman Webber asked when the boathouse was built and Mr. Gibson stated he believes it was built sometime in the 1950's. Mr. Calhoun mentioned the property card states the boathouse was built in 1972.

Mr. Butts asked if a variance would be required if no extension was added to the boathouse. Mr. Calhoun answered it is his understanding that only a Lake Structure Permit would be required if no major modifications are added to the footprint or dimensional aspects of a nonconforming structure.

Mr. Calhoun added that he had a response from the Neumann's, who live across the cove from the Weigman's, stating they had no issues as long as the encroachment was no greater than it currently is now. He pointed out the sides of the boathouse would not be enclosed.

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

Ms. Maringer felt that a discussion should be held at a later time in regards to variances not being required for rebuilding of a nonconforming structure.

With regard to application number LSAV-2014002 for a variance from Section 94.05 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 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. Ms. Maringer seconded the motion. Mr. Butts, Mr. Jolly, Mr. Kilby, Ms. Maringer, and Chairman Webber voted in favor.

With regard to application number LSP-2014011 for a decktop accessory structure, Mr. Butts moved the Board to find that the proposed structure (1) meets the standards for a decktop accessory structure contained in §94.05(F)(2) of the Lake Structures Regulations, and (2) will not materially obstruct the view of the lake from any adjacent or nearby properties, Accordingly, he further moved the Board to approve the application in accordance with an only to the extent represented therein. Ms. Maringer seconded the motion. Mr. Butts, Mr. Jolly, Mr. Kilby, Ms. Maringer, and Chairman Webber voted in favor.

OLD BUSINESS

None

ADJOURNMENT


Mr. Kilby made a motion seconded by Ms. Maringer and Mr. Jolly to adjourn the meeting. All voted in favor.

The meeting was adjourned at 2:35 p.m. The next regular meeting is scheduled for October 28, 2014 at 1:30 p.m.

ATTEST:



Stephen M. Webber, Chair



Michelle Jolley, Recording Secretary