



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

**Tuesday, June 23, 2015  
1:30 p.m.**

Chairman Webber called the meeting to order at 2:37 p.m.

**ROLL CALL**

**Present:** Stephen Webber, Chair  
Ronald Erickson, Seated Alternate  
John Kilby  
Mark Hoek, Alternate  
Patricia Maringer  
Norman McGlohon, Alternate  
Melvin Owensby  
Bob Cameron, Council Liaison

**Also Present:** Dean Givens, Lake Operations Director  
Michelle Jolley, Recording Secretary

**Absent:** David Butts  
Clint Calhoun

**APPROVAL OF THE AGENDA**

Ms. Maringer made a motion to approve the agenda as presented. Mr. Kilby seconded the motion. All voted in favor.

**APPROVAL OF THE MINUTES**

Chairman Webber mentioned that Mr. Butts made the motion for LSAV-2015001 on page 5, not Mr. Kilby.

Mr. Owensby made a motion to approve the minutes of the February 24, 2015 as amended. Mr. Kilby seconded the motion. All voted in favor.

**NEW BUSINESS**

None

## **HEARINGS**

- (A) **LSV-2015002, a request by Jonathan Hinkle on behalf of Elizabeth Jones from Section 94.05 of the Lake Structure Regulations. The property (Tax PIN 1632534) is located at 144 Dockside Drive, Lake Lure, North Carolina.**

Mr. Givens, Ms. Spicer and Mr. Hinkle, agent for Elizabeth Jones, were sworn in.

Chairman Webber asked if Mr. Hinkle received copies of the email from June 12 and June 15, 2015 and Mr. Hinkle stated yes. He then asked if Mr. Hinkle was provided the notes from Mr. Egan, and he stated yes. Chairman Webber asked Mr. Givens and Mr. Hinkle if they had received a copy of the email from Freida Webb dated June 12 and a copy of the notes from June 16 of a conversation with Carmel Mendoza They stated they did not and Chairman Webber provided a copy to them. Mr. Owensby disclosed that he and Chairman Webber visited the property. There was no other ex parte communications or conflicts of interest reported.

Chairman Webber labeled the five pages of conversations as 'Staff Exhibit 1'. He explained the conversations he had via email. He asked Mr. Hinkle if he would like him to recuse himself because of those conversations and Mr. Hinkle stated he did not. Chairman Webber then asked the Board if they felt he should recuse himself and they stated they did not. Mr. Hinkle did not wish to challenge for cause.

Mr. Givens presented the case. He pointed out that Mr. Calhoun included a memo in the packet. He mentioned he was not aware of any responses from neighboring property owners. He conveyed to the Board that Mr. Calhoun reviewed him on the lake structure regulations.

Mr. Hinkle mentioned he received an email and a letter from Freida Webb this morning, neighboring property owner at 102 Dockside Drive, and he submitted the letter to Chairman Webber. Chairman Webber read the letter to the Board. He labeled this as 'Applicant Exhibit 1,' which consists of two pages. He stated that in the letter, Ms. Webb gave her approval for the 4' boardwalk to be built up to, but not beyond, Ms. Jones' property line bordering her property.

Mr. Kilby stated when he visited the property, he saw a boat tied up to the side of a dock to which the property line extends through. Mr. Hinkle stated he believes the boat dock belongs to Ms. Mendoza and the boat belongs to Ms. Jones. He pointed out to the Board that Ms. Mendoza has given permission for Ms. Jones to use her dock.

Mr. Hinkle mentioned the pier he is proposing to build is 20' in length and this is the maximum length he could build the pier without crossing the projected boundary lines. He stated the requested pier would cross all setback lines and Chairman Webber

explained he would need a variance to encroach into those setbacks. Chairman Webber stated the dock and pier would cross the property line and Mr. Hinkle explained, as projected, it would cross onto Ms. Webb's property but not Ms. Mendoza's. Discussion ensued.

Chairman Webber pointed out that a boardwalk is allowed by regulation to extend from property line to property line with the property owners' approval, but stated a variance would be required for the boardwalk altogether. He also stated that a variance is required for a pier to cross the setbacks and to extend to the property lines as projected into the lake. Mr. Kilby accessed a picture of the area via his cell phone. Chairman Webber noted this would be 'Board Exhibit 1' and a copy would need to be included into the record. Further discussion ensued.

Chairman Webber explained that the application is for a 20' pier that would cross projected property lines and a boardwalk that is not currently authorized. He asked Mr. Hinkle the hardship for the boardwalk. Mr. Hinkle answered the lot is a unique shape which creates a hardship. He stated the property owner does need a pier to park her boat but stated she would not have to have a boardwalk. He stated her boat is currently parked at the Mendoza's boathouse. Chairman Webber asked the Board if they felt they could make a vote as presented on the variances and the Board members all stated no. He also stated he would probably vote no. Mr. Kilby felt that Mr. Hinkle would need to work with Mr. Calhoun to try and find a solution if possible.

Chairman Webber suggested Mr. Hinkle requesting a continuance to the July meeting to allow for more time to make modifications. He explained that Mr. Hinkle would provide the modifications to Mr. Calhoun before next month's meeting to be distributed to the Board members. He stated he would not vote for a variance to cross property lines and also mentioned he does not feel there is a hardship for a boardwalk.

The Board briefly recessed the meeting. After the recess, Mr. Hinkle requested a continuance to come back with a new plan at the July 28<sup>th</sup> meeting.

**Mr. Owensby made a motion to continue LSV-2015002 to the July 28<sup>th</sup> meeting. Ms. Maringer seconded the motion. Mr. Erickson, Mr. Kilby, Ms. Maringer, Mr. Owensby, and Chairman Webber voted in favor.**

### **OLD BUSINESS**

Chairman Webber announced the Zoning and Planning Board had a board member resign and stated Mr. McGlohon has expressed interest in that position. He pointed out that Town Council will appoint a new member to the ZPB at their next meeting. He conveyed that if Mr. McGlohon is appointed to ZPB it would leave a position open for an alternate member on this board.

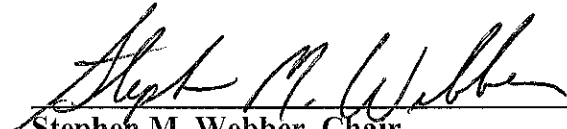
Ms. Maringer asked Ms. Spicer if there were any training modules for lake structures and Ms. Spicer stated the BOA training would tie in with LSAB training.

**ADJOURNMENT**

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

The meeting was adjourned at 3:39 p.m. The next regular meeting is scheduled for July 28, 2015 at 1:30 p.m.

**ATTEST:**

  
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Stephen M. Webber, Chair

  
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Michelle Jolley, Recording Secretary