



**MINUTES OF THE RECONVENED MEETING OF THE  
TOWN OF LAKE LURE ZONING AND PLANNING BOARD**

WEDNESDAY, JUNE 29, 2022  
10:00 A.M.

**Present:** Thomas McKay, Chairman  
Randall Nelson, Vice Chair  
Dave Keenan  
Charlie Ellis  
Mac Hillabush  
  
Scott Doster, Town Council Liaison

**Absent:** N/A

**Staff:** Michael Williams, Community Development Director  
Rick Carpenter, Development & Environmental Review Specialist  
William Morgan, Town Attorney  
Wendy Terry, Deputy Town Clerk

**The recessed regular meeting from June 21, 2022 was reconvened at 10:00 a.m.**

**I. ROLL CALL**

Board Chair Thomas McKay opened with a prayer and invocation.

**II. APPROVAL OF THE AGENDA**

**Mr. Charlie Ellis made a motion to approve the agenda, as presented. Mr. Dave Keenan seconded. The board voted unanimously in favor.**

### **III. OLD BUSINESS RECONVENED FROM JUNE 21, 2022**

Board began with discussion regarding Chairman Tom McKay's question of a need to recuse himself from the discussion and decision due to fact that he owns property on Bald Mountain Lake. The board, Town Attorney William Morgan and staff agreed that recusal was not necessary unless Chairman McKay had personal reasons that he felt it would be appropriate. It was then agreed that Chairman McKay would participate in the decision.

Director Mike Williams reviewed the discussion from the June 21, 2022 board meeting concerning the recently identified issue that lake structures on lakes not owned by the Town, specifically Bald Mountain and Shumont Lakes, are not covered by the Lake Structure Regulations and, therefore, must be covered the Town's Zoning Regulations. Staff reports that applying the Zoning Regulations as written, would require that those lake structures meet the 10' setback requirement, literally requiring those structures to be 10' from shore. Mr. Williams requested that the board make a recommendation to Town Council for a text amendment to address the problem. He presented two recommendations for the board's consideration: 1) to add a lake structure definition to the Zoning Regulation, based upon the definition that currently exists in the Lake Structures Regulations, and 2) add language to exempt lake structures from a Zoning shoreline setback and require written authorization from the lake's owner.

Director Williams had distributed handouts which were discussed including 1) location map of Lake Lure, Bald Mountain Lake and Shumont Lake; copy of section 6-47 of Lake Structures Regulation highlighting the intent and application of the Lake Structure Regulation to apply to the body of water known as Lake Lure only; copy of section 36-140 and 36-142 of the Zoning Regulations highlighting the requirement of a zoning certificate of zoning compliance and a building permit for any building or structure erected, moved, added to or structurally altered; recommendations for a Zoning "lake structure" definition and an exception procedure for handling lake structures on lakes other than the Town-owned Lake Lure; and a copy of a Certificate of Zoning Compliance Application highlighted to indicate how it would be used.

After lengthy discussion, **Chairman Tom McKay asked for a motion regarding a recommendation to Town Council for text amendments to address handling lake structures on lakes other than Lake Lure within the Town.**

**Mr. Dave Keenan made a motion to recommend copying the definition of *Lake Structure* from the Lake Structure Regulations into Section 36-5 of the Zoning Regulations with the addition of *Lake Structures built within the boundary of the waters of Lake Lure at full pond will be regulated by the Town's Lake Structure Regulations. Lake Structures built with the boundary of other lakes or navigable waters will be regulated by the Town's Zoning Regulations.***

**Mr. Charlie Ellis seconded the motion. The board voted unanimously in favor.**

**Mr. Dave Keenan then made a motion to recommend staff's proposal of an addition to the zoning ordinance, Section 36-296, to state that *lake structures within the full pond boundary of the waters of Lake Lure are regulated by the Lake Structure Regulations, rather than this***

*Zoning Regulations chapter. Lake structures within the boundary of any other lake or navigable body of water will be regulated under this chapter with the following provisions:*

- (1) Lake structures not within the full pond boundary of the waters know as Lake Lure will be exempt from setback requirements at the point where the lake structure connects with the lakeshore property line.*
- (2) The owner of the lake or other navigable body of water must provide authorization for the structure to be built on that property, including but not limited to the owner's signature on the zoning permit application.*


**Mr. Charlie Ellis seconded the motion. The board voted unanimously in favor.**


**VIII. ADJOURNMENT**

**Mr. Dave Keenan then made a motion to adjourn the meeting. Mr. Charlie Ellis seconded the motion and the board voted unanimously in favor.**

The meeting adjourned at 10:55 am.

**ATTEST**

  
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Wendy Terry, Deputy Town Clerk

  
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Thomas McKay, Board Chair