



Lake Structure Appeals Board Regular Meeting

March 28, 2023

Call to order

Chair Gardner called the Lake Structure Appeals Board regular meeting to order at 2:17 p.m.

I. Roll Call

Board Members Present:

Mr. Greg Gardner, Chair
Mr. Wyn Hardy
Mr. Melvin Owensby
Mr. Al Joyner
Mrs. Kimberly Sayles, Alternate (serving)
Mr. Rick Spruill, Alternate

Absent:

Mr. Mark Windfeldt, Alternate
Mr. Neil Gurney, Vice Chair

Town Council Members and Town Representatives present:

Commissioner David DiOrio, Council Liaison
Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

II. Approval of Agenda

The agenda for the March 28, 2023 Board Meeting was reviewed. **Mr. Melvin Owensby made a motion to approve the agenda, as presented. Mr. Al Joyner seconded. All present members voted in favor.**

III. Approval of the minutes

The minutes for the February 28, 2023 Board meeting were reviewed. **Mr. Owensby made motion to approve the minutes, as presented. Mr. Wyn Hardy seconded and all voted in favor.**

IV. Public Comment

There were no comments for the public.

V. Old Business

A. Board Membership and Elections

It was noted that this was covered during the BOA meeting. Mr. Greg Gardner will serve as the Lake Structure Appeals Board Chair and Mr. Neil Gurney will serve as the Lake Structure Appeals Board Vice Chair.

VI. New Business

- A. LSV2023001 by Jim and Robin Stickney, 255 Tryon Bay Circle, requesting variance from section 6-51(2)(3) of lake structures regulations limiting lake structures from extending more than 1/3 the distance to the opposite shore, and no closer than 15' from the side lot line as projected into the lake.**

The following individuals were sworn in:

Richard Carpenter, Town Development and Environmental Review Specialist
Jim Stickney, Applicant

There were no conflicts of interest and no challenges from the applicant.

Specialist Carpenter detailed the request and displayed graphics. It was explained that the overhang is more than 1/3 the distance to the opposite shore and that the property owner had it constructed to protect their boat.

Mr. Joyner asked if the property owner owns the properties on each side and Specialist Carpenter answered yes, that it is all on one parcel.

Specialist Carpenter explained that the Army Corp of Engineers did opine and expressed no concerns because the structure is cantilevered. It was noted that the applicants reasoning for extending the structure more than 1/3 the distance to the opposite shore is because they cannot moor a boat due to accelerated erosion. There were no concerns from County building code.

Specialist Carpenter explained that if the variance were granted, he recommends that the Board specify that it is granted only for the requested footprint. Mr. Joyner asked about alternatives and Specialist Carpenter explained that the property owner would have to remove about half of the deck overhang, which would barely cover a boat. Mrs.

Sayles asked if the cover extend from one deck to and Specialist Carpenter answered yes, but expressed that it would not be practical.

Mr. Jim Stickney thanked the board and explained that protecting the boat requires covering it and that there is spotty access to the cover because of sediment buildup. Mr. Stickney added that he was trying to protect the bottom and the top of the boat and that he expedited the cover to be built for it without a permit. Mr. Stickney noted that neighbors are happy with the addition and he does not think it is causing any harm.

Mr. Joyner asked if the Board can consider boat protection in reviewing variance guidelines. Specialist Carpenter answered no, but expressed that there are actual hardships on the property such as erosion and lack of lake shore.

Mr. Gardner closed the case and deliberation took place.

Mr. Hardy expressed that the property is unique and that it would be a hardship if the property owner was unable to make use of the property. Mr. Hardy also expressed that Board should take property dimensions into consideration. Mr. Owensbys explained that erosion from the development is not Mr. Stickney's fault. Chair Gardner noted that the request does not cause any issue for neighbors and because it is one parcel, he does not have any concerns.

Chair Gardner reviewed the variance guidelines.

1. Extraordinary or exceptional conditions

Board members expressed that there are extraordinary or exceptional conditions due to sediment issues.

2. Granting the variance will not confer upon the applicant any special privileges that are denied to other residents of the district

Board members found that there were no special privileges.

3. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents in the district

Board members determined that the literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other residents in the district.

4. The variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare

Board members determined that the variance will be in harmony with the purpose and intent of the chapter and will not be injurious to the neighborhood or to the general welfare.

5. Special circumstances that are not the result of the actions of the applicant

Board members expressed that there are special circumstances that are not the result of the actions of the applicant.

Mrs. Sayles made a motion to grant LSV2023001 by Jim and Robin Stickney, 255 Tryon Bay Circle, requesting variance from section 6-51(2) (3) of lake structures regulations limiting lake structures from extending more than 1/3 the distance to the opposite shore, and no closer than 15' from the side lot line as projected into the lake, based on the existing footprint. Mr. Joyner seconded and all voted in favor.

VII. Adjournment

Chair Gardner asked for a motion to adjourn the Lake Structure Appeals Board meeting at 2:51 p.m. Mr. Owensby made motion to adjourn and Mr. Joyner seconded. All voted in favor.

ATTEST:



Olivia Stewman, Town Clerk



Greg Gardner, Board Chair