



**Meeting of the  
Lake Structure Appeals Board**

**Tuesday, June 22, 2021**

**1:30 p.m.**

**This meeting was held in Council Chambers**

The Chairman called the meeting to order at 1:38pm

**ROLL CALL**

**Present**      **Melvin Owensby, Chairman**  
**Neil Gurney, Vice Chairman**  
**Greg Gardner, Board Member**  
**Wyn Hardy, Board Member**  
**Al Joyner, Board Member**  
**Kimberly Sayles, Alternate**  
**Scott Doster, Alternate**

**Absent: Betty Ross, Alternate**  
**Patrick Bryant, Council Liaison**

**Also Present: Mike Williams, Assistant Community Development Director**  
**Sha'Linda Pruitt, Recording Secretary**

## **APPROVAL OF THE AGENDA**

**The Chairman asked for a motion to approve the agenda. Mr. Gardner made a motion to approve the agenda and Mr. Hardy made the second. All voted in favor.**

## **APPROVAL OF THE MINUTES**

**The Chairman asked for a motion to accept the minutes as amended. Mr. Gardner made the motion to approve and Mr. Gurney made the second. All voted in favor.**

## **NEW BUSINESS**

The Chairman read aloud the case:

- (a) LSP\_2021010, a request from Matthew Taub (property owner) for approval of a decktop accessory structure. The property (#1627043) is located at 304 Seton Road, Lake Lure, NC.

All parties were sworn in who wished to testify. Mr. Williams was sworn in.

The Vice Chairman asked if anyone has any ex-parte communications with the applicant? No board member had any previous discussions concerning this case which would present a conflict.

Staff began presentations.

Mr. Matthew Taub is requesting approval to build a decktop accessory structure (DAS) as required by section 94.05(E)(3) of the Lake Structure Regulations:

- (3) Decktop accessory structures shall be approved by the Lake Structures Appeals Board upon a finding that the structures meet the standards in this subsection and that they do not materially obstruct the view of the lake from any adjacent or nearby properties.

The property (parcel #1627043) is located at 304 Seton Road and has 1951 Buffalo Shoals Road. The property has a measurable shoreline length of over 180’.

Based on review of the submitted plans, the proposed DAS does not exceed the required height of 10’ above the surface of the rooftop deck, or 25 feet in height above the shoreline elevation of 990 feet MSL;

The DAS does not exceed 50% of the area of the rooftop deck or 150’ square feet, whichever is less;

The DAS is completely open on all sides with the decktop railing height no greater than 42", and the structure is located on the shoreward end of the rooftop deck, not to extend beyond the midpoint of the deck;

The DAS does not include more than one container not more than 42 inches in height that may be used to store deck furnishings.

The proposed DAS will be constructed within the usable shoreline, over a pre-existing dock containing one slip. This project will be built on top of a dock roof project that is currently underway (LSP2021009).

The notice was submitted to neighbors.

The board had no questions or issues with the application

The board agreed that the submitted application meets all of the requirements to be granted.

**The Chairman asked for a motion to approve these the decktop accessory. Mr. Joyner gave the motion and Mr. Gardner.**

- (b) Discussion of intention to renew enforcement of §94.08 – Lake Structure Certificate and Tag: Maintenance of Structures.

Staff began presentations.

It’s been around 20 years since the last tagging was done. This hasn’t been updated or enforced in years. The town owns the lake and therefore any structures that are located in the lake are

subject to be regulated. The town must create a new program. All docks must demonstrate that they are structurally sound. We don't have a team to formally go review this Rutherford county building inspectors will not do it. We will likely have to hire a group of engineers to inspect each property. Either they will pass or fail the inspection and will have so many days to come into compliance.

The meeting was turned over to the Chairman.

Mr. Owensby asked whether once the property passed inspection whether it would be done for good.

Staff responded that the docks would go through it again every 5 years because the lake is town property. The pier docks can become a hazard over time due to wear and tear.

Mr. Gardner asked would you have to buy the tag or would it simply be issued by the town of now charge?

Staff stated that it is yet to be determined because the program hasn't been developed yet

Mr. Doster shared his experience with going through various regulations and inspections and how that process was implemented in other areas.

Mr. Gurney asked what does the town see this board's role in creating this new program?

Mr. Williams stated that the town would like the board to provide feedback in creating the new system and guidelines.

The board agreed that some type of plan like this needs to be in place it needs to involve smart planning especially where the budget is concerned. The town also suggested that a committee but put in place to oversee this program to take the weight off of the town staff. It will allows the community to come together to contribute towards making decisions for their properties.

### **OLD BUSINESS**

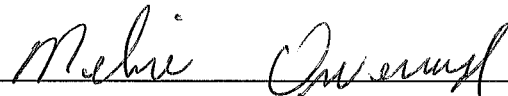
None

### **ADJOURNMENT**

**Chairman Owensby requested a motion to adjourn. Mr. Gurney made the motion to adjourn. Mr. Gardner made second the motion. All voted in favor.**

The meeting was adjourned at 1:52 pm.

ATTEST:

  
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Melvin Owensby, Chairman

  
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Sha'Linda Pruitt, Recording Secretary