



## **Lake Structure Appeals Board Regular Meeting**

**December 20, 2022**

### **Call to order**

Vice Chair Hardy called the Lake Structure Appeals Board regular meeting to order at 2:01 p.m.

### **I. Roll Call**

#### **Board Members Present:**

Mr. Neil Gurney, Chairman  
Mr. Wyn Hardy, Vice Chairman  
Mr. Melvin Owensby  
Mr. Greg Gardner  
Mr. Al Joyner  
Mrs. Kimberly Sayles, Alternate  
Mr. Rick Spruill, Alternate

#### **Absent:**

Mr. Mark Windfeldt, Alternate  
Commissioner David DiOrio, Council Liaison

#### **Town Council Members and Town Representatives present:**

Commissioner Scott Doster, Council Liaison (filling in)  
Michael Williams, Community Development Director  
Richard Carpenter, Development and Environmental Review Specialist

### **II. Approval of Agenda**

The agenda for the December 20, 2022 Board Meeting was reviewed. **Chair Neil Gurney 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 November 15, 2022 Board meeting were reviewed. **Mr. Greg Gardner made motion to approve the minutes, as presented. Mr. Al Joyner seconded and all voted in favor.**

**IV. Public Comment**

There were no comments for the public.

**V. New Business**

**A. Review Lake Structure Permit Application #2022033 for Adding a Boathouse to an Existing Lake Structure on Less than 100' Shoreline Parcel and a Deck-top Accessory. Structure Property Address: 203 Hawthorne Drive.**

Vice Chair Hardy explained the quasi-judicial hearing process. Vice Chair Hardy asked if there were any conflicts of interest and Mr. Owensby noted that Mr. Jonathan Hinkle is his neighbor, but that has no reflection regarding his ruling on the case. Mr. Greg Gardner noted that he is also in close proximity to Mr. Hinkle, but there are no other issues. Mr. Hinkle expressed no issues.

Vice Chair Hardy asked if anyone would like to swear in and the following were sworn in:

Michael Williams, Community Development Director  
Jonathan Hinkle, Marathon Builders

Director Williams noted that Marathon Builders is requesting to add a new structure to an existing structure on less than 100 ft. shoreline. Director Williams noted that there is no hindrance of views for others. Director Williams explained property details and cited Code of Ordinance Sec. 651-1(c). Director Williams expanded that the determination is from the Board as to whether or not the structure will materially obstruct the view of the Lake. Board members were provided plans and the permit application. It was noted that in the staff position, there is indication that there are no obstruction to views. It was also noted that a survey will be completed at the end of construction to confirm that the structure is within setback. Mr. Gardner noted that the structure is in a cove and is lower than adjacent properties.

Mr. Owensby asked Mr. Hinkle if all requirements can be met beside shoreline and Mr. Hinkle answered yes, and that the existing structure has a deck top and the new structure will be no higher. Commissioner Scott Doster asked if the existing structure will be demolished and Mr. Hinkle answered that the upper deck and upper roof will be replaced and enclosed. Mr. Hinkle noted that the top deck will be wider but still in compliance, and a new slip will go right to the setback. Mr. Joyner asked if the existing

foundation will remain the same and Mr. Hinkle said most of it and provided the board with a visual. Mr. Joyner asked staff to confirm setbacks and staff confirmed that the proposed structure is 15 ft. from the sides. Mr. Hinkle noted that proposed numbers are based on the survey.

Mr. Joyner asked for clarification that the roof will not exceed 15 ft. and staff confirmed that is correct. Chair Gurney asked if any neighbors have expressed issues and Development and Environmental Review Specialist Richard Carpenter stated no.

Vice Chair Hardy closed the hearing at 2:15 p.m.

Chair Gurney expressed that he does not think the structure will hinder the view. Mr. Owensby noted that it will be in compliance with all other aspects.

Mr. Gurney made a motion to approve Lake Structure Permit Application #2022033 for Adding a Boathouse to an Existing Lake Structure on Less than 100' Shoreline Parcel and a Deck-top Accessory. Mr. Owensby seconded and all voted in favor.

**B. Review Lake Structure Permit Application #2022006 for Adding a Deck-top Accessory Structure. Property Address: 141 Falcon Avenue.**

Mr. Gardner chaired the hearing and detailed an overview of case. Mr. Gardner explained the quasi-judicial hearing process. There were no conflicts of interest. The following were sworn in:

Michael Williams, Community Development Director

Director Williams was formerly sworn in. It was noted that the contractor is requesting to build a deck top access structure and noted that it is the same situation as the prior request, and the Board must determine if the structure will structurally obstruct the view of the lake. Director Williams noted that all other plans will need to be met, and that staff thinks that it will meet all other setbacks. It was noted that there was one call from an anonymous neighbor who asked questions and claimed indifference.

Chair Gurney asked if construction had already started and Director Williams answered that boat house is under construction, but the request is for an addition. Board members and staff discussed issues and recourse in regard to people proceeding to build without permits. Mr. Owensby asked if the boathouse is permitted and Specialist Carpenter said yes, but it was started without a permit and noted that it will meet code. It was noted that this conversation does not relate to the particular variance request at hand.

Director Williams noted that he had spoken with the contractor Saturday and they were not planning to attend the meeting.

Mr. Gardner closed the haring at 2:25 p.m.

Vice Chair Hardy noted that there was no obstruction to the lake view. Mr. Owensby agreed. Board members asked if it was code compliance and Specialist Carpenter said yes.

Mr. Joyner made a motion to approve Lake Structure Permit Application #2022006 for Adding a Deck-top Accessory Structure. Vice Chair Hardy seconded and all voted in favor.

**VI. Adjournment**

Board members and staff discussed enforcement and education of regulations and permitting operations. Commissioner Doster mentioned the responsibility of Zoning and Planning Board in regard to Lake Structure ordinances, and noted that Zoning and Planning Board will be reviewing "grey area" ordinances. Commissioner Doster detailed the connection between Zoning and Planning Board and the Board of Adjustment/Lake Structure Appeals Board and expressed personal opinion of wanting to address fines, other issues. Director Williams agreed and expressed his goal to be consistent with enforcement. Specialist Carpenter noted that many individuals ask about similar variances due to the community fairness principle. Chair Gurney noted that lack of permits should not be discussed or taken into consideration when hearing requests. Specialist Carpenter agreed unless the lack of permit tied to a hardship. Chair Gurney asked if all criteria should be met and Specialist Carpenter said yes. Board discussed additional logistics.

**Vice Chair Hardy asked for a motion to adjourn the Lake Structure Appeals Board meeting at 2:45 p.m. Mr. Owensby made motion to adjourn and Chair Gurney seconded. All voted in favor.**

ATTEST:



Olivia Stewman, Town Clerk



Neil Gurney, Board Chair