

TOWN OF LAKE LURE

Lake Structure Advisory Board Meeting

Tuesday, August 27, 2024 □ 1:30 PM

Lake Lure Municipal Center



Agenda

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of July 23 Meeting Minutes**
- IV. Public comments (*if any*)**
- V. Adjournment**



**MINUTES OF THE REGULAR MEETING OF THE TOWN
OF LAKE LURE LAKE STRUCTURE APPEALS BOARD
REGULAR MEETING**

Tuesday, July 23, 2024 at 1:30 p.m.

THIS MEETING WAS HELD AT LAKE LURE TOWN HALL

I. CALL TO ORDER

Greg Gardner called the meeting to order at 1:53 p.m.

II. ROLL CALL

Board Members Present:

Greg Gardner, Chair
Melvin Owensby
David Lusk, Alternate
Neil Gurney, Vice Chair
Kimberly Sayles
Al Joyner

Absent: Mark Windfeldt, Alternate

Town Council Members present:

Commissioner David DiOrio, Council Liaison

Town Hall Staff Members Representative Present:

Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

III. APPROVAL OF AGENDA

Melvin Owens made a motion to approve the agenda as presented Greg Gardner seconded and all voted in favor.

IV. APPROVAL OF MINUTES OF THE JUNE 25, 2024 MEETING

Greg motion amend the minutes and approve with the changes mentioned below, Melvin Owensby Seconded and all voted in favor

1. Kimberly Sayles and Al Joyner were not present at the last meeting.
2. Omit the Section the highlighted sections.

IV. PUBLIC COMMENTS

No Public Comments

V. OLD BUSINESS

No Old Business to Discuss

VI. NEW BUSINESS

A. Variance request: LSAV2024003 regarding 219 Hawthorne Drive to reduce the Section 6-53 Lake Structure requirement for extreme stabilization and riprap on the shoreline. The property is tax parcel #1647029 and is zoned R1.

Additional Information for the Board:

Per §Sec. 6-53(1). Property owners are required to stabilize the shoreline on Rick Carpenter addressed the board and present the following: Allison & Jeffrey Polish (property owners) have applied for a variance to reduce the shoreline stabilization requirement for areas of their property & modify the requirement for the remainder. The property is addressed as 219 Hawthorne Dr., Lake Lure, NC (Parcel #1647029) and is in the Residential 1 Zoning District.

- 1) any lot with a lake structure. The lake structures appeals board may waive this requirement if the property is determined by to be substantially free of erosion potential by the town's erosion control officer and is also determined to be eligible for exemption from this requirement by the lake structure administrator.

If necessary, the construction of sea walls for shoreline stabilization shall only disrupt the contour of the shoreline to a minimum.

- 2) Per §Sec. 6-53(2) (c). Extreme stabilization is required where the land disturbance on the upland lot creates moderate to severe erosion potential and the lakeside is threatened from the wind and by boat traffic at wake speed. If sea walls are utilized, underwater reinforcement of the toe with rip-rap extending to a height of two feet above the shoreline is required.
- 3) Applicant has requested a reducing the stabilization to rip-rap only extending to the shoreline height instead of two feet above.
- 4) Applicant has requested the LSAB waive the stabilization requirement for the beach area, and for the area to be subdivided from the parcel.

Staff Recommendation:

- Variances should only be granted when all criteria, including hardship, have been proven by an applicant. Mere preference for a more lenient standard is not grounds for a variance. Staff do not support the proposed reduction in stabilization for the area of property abutting the main channel of the lake and find that this request does not meet the intent of the ordinance.
- Staff support the request to waive the stabilization requirement for the beach, and adjacent lot to be subdivided. If the lot is not subdivided, staff recommend stabilization.

The Board should review the application and make a decision to approve or deny based on the conditions of §6-62(e)(2).

Variances. Upon application, the lake structure appeals board may authorize in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. The lake structure appeals board shall not have authority to grant a variance when to do so would permit a use of land, building or structure which is not permitted within the applicable zoning district. In judging an application for a variance, the lake structure appeals board shall be guided by the following:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

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

e. The special circumstances are not the result of the actions of the applicant.

f. The variance is the minimum necessary for the proposed use of the land, building or structure.

g. A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, will not be considered grounds for the issuance of a variance.

In granting any variance, the lake structure appeals board may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this article and punishable under section 6-65.

Johnathan Hinkle - 2520 memorial hwy- explained the issue, he is the contractor, who agreed that it is steep from the shore line and if they sub-divide may be a minor stabilization.

AL Joyner made a comment that this should be discussed with zoning and planning and have them re-examine.

David DiOrio – what maybe an option is to have an engineering assessment in place.

Neil Gurney made a Motion to approve and sub-divide in 6 months Greg Gardner seconded and all voted in favor.

VII. JULY DEPARTMENT REPORT

Nothing to report

VIII. ADJOURNMENT

Neil Gurney made a Motion to Adjourn the meeting Greg Gardner seconded and all voted in favor, the meeting ended at 2:43 p.m.

ATTEST:

Elba A. Willette, Town Clerk

Chair, Greg Gardner