#### TOWN OF LAKE LURE

### **Lake Structure Advisory Board Meeting**

Tuesday, <u>July 23, 2024</u> ☐ 1:30 PM Lake Lure Municipal Center



### **Agenda**

- I. Roll Call
- II. Approval of Agenda
- III. Approval of June 25 Meeting Minutes
- IV. Public comments (if any)
- V. New Business

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

#### VI. Adjournment



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

Tuesday, June 25, 2024 at 1:30 p.m.

## THIS MEETING WAS HELD AT LAKE LURE TOWN HALL.

#### I. CALL TO ORDER

Mr. Gardner Called the Meeting to order at 2:25 p.m.

#### II. ROLL CALL

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

Mr. Greg Gardner, Chair Mr. Melvin Owensby Mr. David Lusk, Alternate Mark Windfeldt, Alternate

Mr. Neil Gurney, Vice Chair

Mrs. Kimberly Sayles

Mr. Al Joyner

#### Absent:

Kimberly Martin, Community Development Support

#### **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

The agenda for the June 25, 2024 Lake Structure Appeals Board Regular Meeting was reviewed.

#### IV. APPROVAL OF MINUTES

The minutes for the May 21, 2024 Lake Structure Appeals Board Regular Meeting were reviewed.

#### IV. PUBLIC COMMENTS

No Public Comments

#### V. OLD BUSINESS

No Old Business to discuss

#### VI. <u>NEW BUSINESS</u>

No New Business to Discuss

#### VII. MAY DEPARTMENT REPORT

Mike Williams, reports to the board the following:

That the cell tower is officially in the works and that they will start the installation by the end of July to Beginning of August - Rick has a project that he was working with hawthorn – they cut the right of way granted.

Mayor Pro-Term, David DiOrio, Council Liaison Mentioned that if people make public comments about big houses then we have to look at the variances.

Mayor Pro-Term, David DiOrio, Council Liaison - made a comment that he wishes to shift everybody to ipads, tablets or laptops and that he will need a headcount of how many ipads we need to buy, to keep them in town hall and board members can borrow

them for the meetings to have the agenda and meeting packets and avoid having to print out the packets, this will help the town save money on paper, all board members are to let the Town clerk know so she can let the town manager know.

All the board members made comments individually that this is all good news for the town, the cell tower and the town saving money on paper.

#### VIII. ADJOURNMENT

Mr. David Lusk made a motion to adjourn the meeting, Mr. Gregg Gardner seconded, and all voted in favor the meeting ended at 2:44 p.m.

ATTEST:	
Elba A. Willette, Town Clerk	Chair, Greg Gardner



# TOWN OF LAKE LURE Community Development Department

#### **MEMORANDUM**

TO: Lake Structure Appeals Board

FROM: Rick Carpenter: Community Development Department

DATE: July 23, 2024 RE: LSP-2023003

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.

#### **Additional Information for the Board:**

- 1) Per §Sec. 6-53(1). Property owners are required to stabilize the shoreline on 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 riprap 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.

#### **Staff Contact**

Rick Carpenter, CZO: Development & Environmental Review Specialist, 828-625-9983 ext. 107; <a href="mailto:rearpenter@townoflakelure.com">rearpenter@townoflakelure.com</a>

P. O. Box 255, Lake Lure, NC 28746 \* Phone 828-625-9983, Ext. 117, Fax 828-625-8371

### TOWN OF LAKE LURE LAKE STRUCTURES APPEALS BOARD APPLICATION FOR VARIANCE

Application Fee: \$480.00 Pecal 29 24	Case No. LSAV-2024003
Approved by Lake Structure Appeals	
Board:	
Rejected by Lake Structure Appeals	Clerk
Board:	Date:
(see attached Order)	
Please complete all	three pages of this form.
APPLICANT:	
(Check one) Owner: Agent:	(If applicant is not the owner, attach
authorization to act as agent)	
Name: Allison Polish & Jeffrey Polis	Date of Application: 5-30-24
Name of Owner (if not applicant): Allison	* Jeffrey Polish
PROPERTY:	
Upland property located at: 219 Haw H	norma. D'ive,
	(144 70 29)  Tax PIN 064 266 7646
VARIANCE REQUEȘȚED:	
Section $6-53(2)$ of the lake structures	regulations requires: OX-WP MOO
	regulations requires.
Stabilization.	
Variance requested: 10 reduce ex	
Moderate Stabilization and	not install riprais on beach
Side.	
JUSTIFICATION FOR VARIANCE:	
Engineer site evaluation Stalailization was sufficie	a determined moderate
Stabilization was sufficie	ent for the needs of this
property. Beach area loca	ated in a no wantzone.
	RECEIVED

## AS PART OF THIS APPLICATION, PLEASE COMPLETE THESE STATEMENTS.

According to § 94.16 of the Lake Structures Regulations, the Lake Structure Appeals Board may, upon application, authorize in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the regulations is observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Lake Structure Appeals Board that certain conditions exist. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.

unomicage.
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. These conditions are:  The conditions are:  The conditions are:  Unusual alaundance of shouleine, and fluctuation
of high walks the was walked and the
of high wake zone to no walk zone.
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 because:  61 Vev amount of shape multiple walls and
no wake zones and topography that very few
owners on lakefront property and we same
Challenges.
A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because:  There are no specifications for large privately owned shouldness that require different types of stabilization processes.
The requested 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 because:  The stall of rip rap MU Lffectively courted wave action while also preserving beautiful stone
retaining way.

Application for Lake Structure Appeal Variance No. LSAV-

#### Structural Field Inspection Report

Following thorough field inspection, Trane Engineering PLLC is of the opinion that the current state of the sea wall with the recently installed layer of geotextile fabric and 2-3 ft of riprap provided above the wall toe at a 2:1 slope is adequate to dissipate the energy from wave action and mitigate erosion effects along the high-wake shoreline. The sea wall works as a high level of erosion protection and the level of riprap provided in front of the sea wall prevents the soil at the base from eroding away while absorbing the waves. Some field observations supported by structural calculations reinforce the stance that additional riprap provided two feet above the waterline is not necessary in this instance and are as follows:

- 1) The sea wall appears to be in satisfactory condition from a structural perspective and does not show any signs of instability including but not limited to overturning, sliding, bearing or differential settlement due to ground saturation or base erosion. The wall dimensions confirmed in the field inspection are sufficient to resist active earth pressure forces from the in-situ soils as well as hydrostatic pressure on the opposite side from waves, wind, and/or elevated lake levels. This is supported by structural calculations which are available upon request. Although effects of passive pressure should be neglected in design on the toe of the sea wall, the recent 2-3ft of riprap provided adds additional stability to the wall as it adds weight above the toe and protects against erosion beneath the base of the toe which could cause the wall to settle or overturn. The sea wall is in a good state of repair and adheres to Lake Lure Code of Ordinances Sec 6-53(6) as no cracking was observed in the wall stem or concrete footing. In addition, the returns at the ends of the sea wall are adequate in terms of length and depth and provide further protection from erosion and/or settlement. The one discontinuation, or break, in the sea wall has been entirely filled with riprap which is sufficient.
- 2) The precise extent of the low wake zone is not entirely clear; thus the extreme stabilization measures outlined in Lake Lure Code of Ordinances Sec 6-53(2)c. may not apply to the entire extent of the wall. Specifically the western edge and private cove and beach area labeled in Figure 1; moderate stabilization would be all that is required along this western edge/private cove area.
- 3) The backfill angle on the heel side of the sea wall is relatively high providing additional protection from the effects of wave impact forces. The increased mass above the sea wall



heel provides additional stabilization compared to retaining walls with level backfills. In the unlikely event that the lake level rises and exceeds the current height of the wall, the higher than usual slope of backfill is desirable and decreases the likelihood of soil saturation should water infiltrate behind the wall. The high sloping backfill is also desirable when considering precipitation which could just as effectively wear the hillside away, especially since there are a large number of trees on the heel side of the wall.

- 4) No riprap is required adjacent to the boathouse or past the extent of the boathouse towards the private cove and beach area (see Fig 1). The boathouse itself acts as shoreline stabilization and protection from wind and/or waves. No riprap is necessary past the boathouse since the sea wall at the private shallow beach area will be unaffected by wave impact or erosion beneath the wall toe. Simply adding fill level with or slightly above the sea wall toe is sufficient past the new boathouse towards the shore.
- 5) Finally, Trane Engineering is of the opinion that no riprap is required along the western edge of the properly line along the shore (see Fig 1). At this location there is an abundance of natural rock formations which protect against erosion. The construction process of adding riprap along this edge could, in fact, facilitate erosion inadvertently.







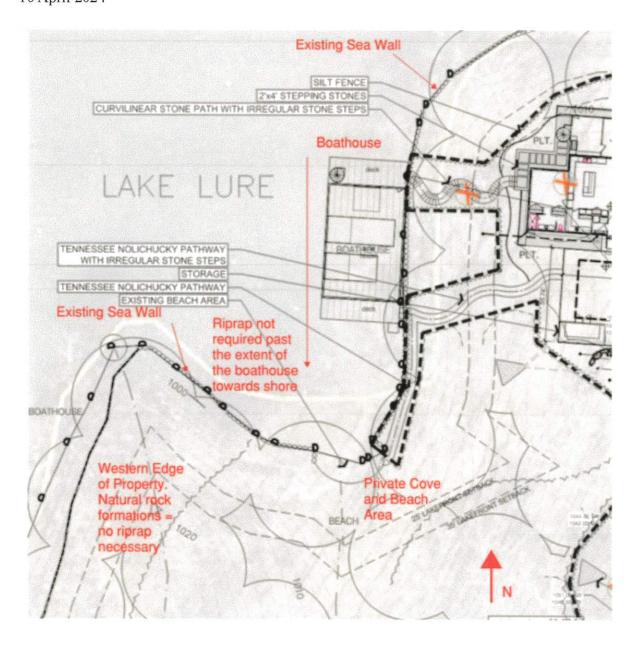


Figure 1: Polish Property w/ Sea Wall Extents



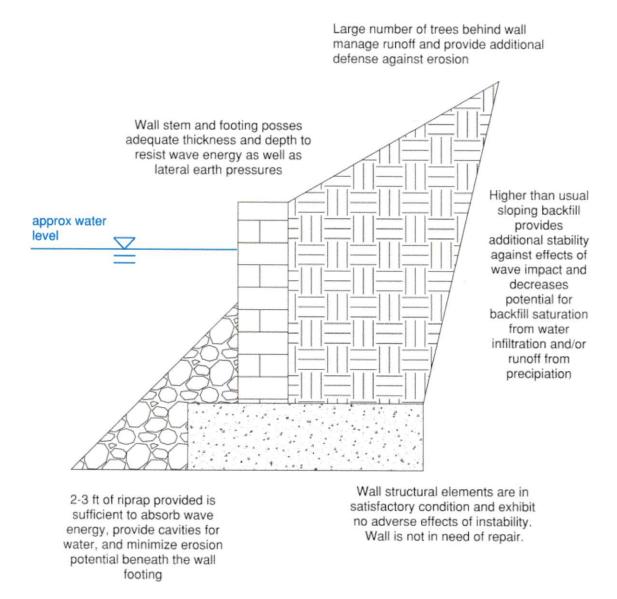


Figure 2: Existing Sea Wall Cross Section



## 2-3 ft Riprap stabilization as provided is sufficient along north shore edge

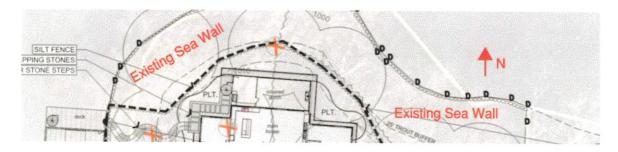


Figure 3: North Extent of Property/Sea Wall where 2-3 ft of riprap stabilization is needed

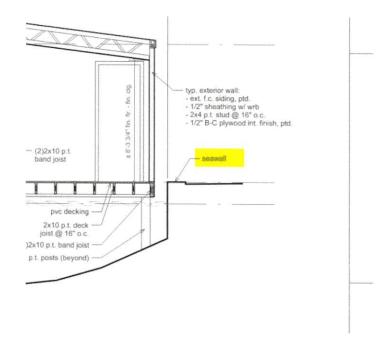


Figure 4: Riprap not needed adjacent to boathouse



### Pictures from Field Inspection:

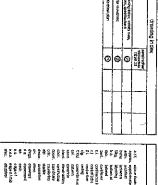




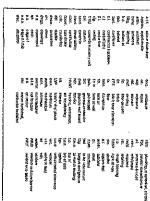


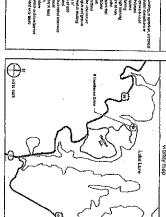
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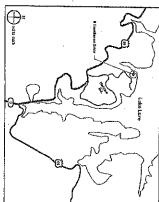


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#### **Michael Williams**

From:

Cameron Stone, MD <cs@aea1961.com>

Sent:

Friday, July 12, 2024 3:41 PM

To:

Michael Williams

Subject:

Variance 219 Hawthorne Drive

Dear Mr. Williams,

I am concerned about the requested structure variance application for 219 Hawthorne Drive. As the adjacent property owner, I am intimately aware

of the shoreline topography of the subdivided lot on noted parcel. I am concerned that any variance from existing ordinance will compromise the stability of this shoreline and result in progressive erosion, ultimately jeopardizing the health of Snug Harbor Cove.

Existing ordinance is designed by experts to protect our lake and our lands. To disregard these codes directly threatens just that, especially in these days of intensifying weather patterns.

I appreciate your consideration of my concerns and am sorry that I am unable to attend the meeting scheduled to discuss this issue.

Respectfully,

Cameron Stone