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**TOWN OF CHARLOTTE  
ZONING BOARD OF ADJUSTMENT  
DECEMBER 3, 2014**

**DRAFT**

**MEMBERS PRESENT:** Frank Tenney, Chair; Jonathan Fisher, Andrew Swayze, Mathew Zucker, Douglas Webster.

**ADMINISTRATION:** Britney Tenney, Zoning Clerk.

**OTHERS PRESENT:** Norman LeBoeuf.

*Minutes subject to correction by the Charlotte Zoning Board of Adjustment. Changes, if any, will be recorded in the minutes at the next meeting of the Board.*

**AGENDA:**

- **ZBA-14-08: Garner and Bayer camp. Conditional Use Review for a proposed “Seawall”. The property is located at 910 Flat Rock Road and is in the Seasonal Home Management District. The property owners, Michael Garner and Susan Bayer will be represented by Norm LeBoeuf.**

**CALL TO ORDER**

Mr. Tenney, Chair, called the meeting to order at 7:01 p.m.

**ZBA-14-08: GARNER AND BAYER CAMP. CONDITIONAL USE REVIEW FOR A PROPOSED “SEAWALL”. THE PROPERTY IS LOCATED AT 910 FLAT ROCK ROAD AND IS IN THE SEASONAL HOME MANAGEMENT DISTRICT. THE PROPERTY OWNERS, MICHAEL GARNER AND SUSAN BAYER WILL BE REPRESENTED BY NORM LEBOEUF.**

Norman LeBoeuf, agent, appeared on behalf of the application.

**STAFF NOTES**

Mr. Tenney reviewed staff notes, and noted that a site visit was conducted prior to the hearing.

Mr. LeBoeuf was sworn in.

**SITE VISIT:**

Mr. Zucker reported that a site visit was conducted on November 30, 2014. Present were Mr. Tenney, Mr. Fisher, Mr. Swayze and Mr. Zucker, ZBA members, and Ms. Tenney, ZBA Clerk. The ZBA members used the existing stairway to the shoreline. The shoreline was walked and the Waters’ existing seawall next door was examined. The design features of the neighboring property’s seawall was viewed as an example of what the proposed seawall would look like, said Mr. Zucker.

**APPLICANT COMMENTS**

46 Mr. LeBoeuf explained that the shoreline along the front of the Garner/Bayer property  
47 has eroded extensively toward the Garner/Bayer camp. A plan to construct a proposed  
48 seawall follows:

- 49 • The intent of the proposed 3' high seawall on the Garner property was to tie into  
50 and link visually with the Waters' existing seawall next door. The two properties,  
51 Waters and Garner/Bayer, comprised a 'family compound'. Mr. Garner was a  
52 cousin of Patricia Waters.
- 53 • The seawall would be 3' high and 75' long. The wall would follow the contours  
54 of the embankment. The wall would be constructed of re-enforced concrete  
55 pinned into the embankment ledge with rebar at both ends of the Garner property  
56 and riprap stone in between. The concrete portion would be faced with a stone  
57 veneer.
- 58 • Riprap stone placed along the embankment ties into the rip rap at the end of  
59 Waters' project in the center with concrete at either end.

60

#### 61 ZBA QUESTIONS/COMMENTS

62 Mr. Tenney asked for clarification of wall height and material used under the existing  
63 stairs to the beach. Mr. LeBoeuf explained that the proposed wall would follow the  
64 contour of the embankment and would tuck under the stairs. On the site plan it shows a 6'  
65 corridor for impervious surface being created. There would be a concrete wall at the  
66 Waters' end and the wall would be a total of 75' long. Just before it reached the property  
67 line it would cut into the embankment at a 90 degree turn and disappear, said Mr.  
68 LeBoeuf.

69

70 Mr. Tenney asked if the wall would be lower under the stairs. Mr. LeBoeuf replied that  
71 the wall would tuck under the stairs at a 3' height and then turn 90 degrees into the bank.  
72 There was a missing section of the stairs that was stored up on the bank. The missing  
73 section would be re-connected to the stairs, said Mr. LeBoeuf.

74

75 Mr. Zucker asked if the concrete wall would be pinned to the bank using 18" rebar. Mr.  
76 LeBoeuf replied yes. The ledge would be cleared and pinned using 3/4" rebar every 2'.  
77 Concrete would be poured into a form. The Waters' project was a template. Access to the  
78 site would be in two ways. There was a family relationship with Waters and Garner.  
79 Waters would allow a rubber-tired skid steer access via an existing ramp, which the  
80 Waters used for their project. The stone would be brought in on the Garner's driveway  
81 and along the Waters' garage, which was set 1' in from the Waters/Garner property line.  
82 The ramp would be cleaned up and re-graded at the end of the project, said Mr. LeBoeuf.

83

84 Mr. Tenney asked if any trees would be disturbed for the project. Mr. LeBoeuf said that  
85 there were no trees on the Waters' property. There were four trees on the Garner's  
86 property that were almost at the bottom of the embankment. The four trees were located  
87 where the wall would be built. The erosion that occurred had gone up to where the four  
88 trees were, so the trees would need to be removed. The four trees had been flagged.  
89 Waters' wall was started a year ago and completed last spring. Michael and Susan didn't  
90 commit to a seawall until the Waters' project was almost completed. After they saw what  
91 the wall looked like they wanted to do the same thing, said Mr. LeBoeuf.

92

93 Mr. Swayze asked if there were any photographs of the Waters' seawall to look at. Mr.  
94 LeBoeuf replied yes. The photos were in the Waters' file, said Mr. LeBoeuf.

95

96 Mr. Swayze asked if the riprap stone would match the seawall veneer in color. Mr.  
97 LeBoeuf replied no. It was difficult to match stone with the veneer.

98

99 Mr. Tenney asked if the top of Garner's seawall would be on the same elevation as the  
100 Waters' seawall. Mr. LeBoeuf explained that where Waters' seawall terminated and the  
101 Garner's riprap started the ledge dropped. There was a fair amount of dirt over the ledge  
102 in that area, which would be cleared off. The seawall could have continued at the same  
103 elevation as the Waters' wall except that the 3' high concrete wall would have ended up  
104 7' high, said Mr. LeBoeuf.

105

106 Mr. Swayze asked if riprap was less durable than a concrete wall. Mr. LeBoeuf said that a  
107 reinforced concrete structure pinned to a ledge would last indefinitely. Riprap was more  
108 prone to shifting, clarified Mr. LeBoeuf.

109

110 Mr. Swayze asked if a gray-ish riprap would match up better to the veneer. Mr. LeBoeuf  
111 reiterated that riprap stone and veneer stone were different. Riprap stone was a gradation  
112 of #4 size stone of various species of rock. The Corinthian granite chosen was the most  
113 compatible rock available to the site. The bigger the rock the more stable the riprap  
114 would be. However, the access controlled what size rock could be brought in. The bigger  
115 the rock the bigger the equipment needed, explained Mr. LeBoeuf.

116

117 Mr. LeBoeuf said that Al Pigeon was the contractor. The seawall would be tucked as  
118 tightly to the embankment as possible. The linear curve and shape of the Garner's wall  
119 would be different from the Waters' wall. The riprap portion of the Waters' seawall  
120 ended slightly on the Garner's property. Where the ledge dropped a kind of 'cove' was  
121 created. The Waters' riprap tended to spill out onto the ledge. The high water event was  
122 at 103.24' water mark and that precipitated building a seawall on the Waters' property.  
123 The top of the Waters' wall was at the 103' water mark, said Mr. LeBoeuf.

124

125 Mr. Swayze asked if there were any gray faced stone walls on Thompsons Point that  
126 could be looked at for comparison. Mr. LeBoeuf replied there was a large Pantan block  
127 stone wall done (past the tennis courts). The blocks were 4'x5'. There were variations of  
128 stone and color when natural materials were used. There were other stone veneer walls in  
129 the area, said Mr. LeBoeuf.

130

131 Mr. Fisher said that Pantan stone was not indigenous to the area. Mr. LeBoeuf replied no.  
132 Shore line ledge could look gray or brown. The contractor was trying to hit that variable.  
133 Once the natural vegetation grew and cascaded down over the wall that would reduce the  
134 visual impact over time. Same with the riprap - in 3-4 years the rock would look different  
135 then it would now, said Mr. LeBoeuf.

136

137 Mr. Fisher asked if the plan was to dispose of the old concrete stairs. Mr. LeBoeuf  
138 explained that Susan had said that was her grandmother's 'spot', and the old stairs would  
139 stay.

140

141 Mr. Swayze asked if the maximum wall height was 46". Mr. LeBoeuf replied yes. No  
142 portion of the wall would be any higher, and some would be lower.

143

144 Mr. Fisher asked if any fill would be used on the Garner property. Mr. LeBoeuf said no.  
145 The riprap stone would be dumped from above and cascade down. The skid steer could  
146 weave around the trees. The only trees to be removed were the four trees, said Mr.  
147 LeBoeuf.

148

149 Mr. LeBoeuf explained that a pile of rocks in the 'cove' area was left over from the  
150 Waters' project. Those rocks would be used as drainage material behind the seawall.

151

152 There were no further questions.

153

154 **MOTION by Mr. Webster, seconded by Mr. Swayze, to close the hearing for ZBA-**  
155 **14-08, a Conditional Use Review for a proposed "Seawall" on the Garner/Bayer**  
156 **property located at 910 Flat Rock Road in the Seasonal Home Management District.**  
157 **VOTE: 5 ayes; motion carried.**

158

159 **ADJOURNMENT**

160 **MOTION by Mr. Webster, seconded by Mr. Swayze, to adjourn the meeting.**

161 **VOTE: 5 ayes; motion carried.**

162

163 The ZBA meeting was adjourned at 7:37 p.m.

164

165 Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.

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