

**LAKE COUNTY BOARD of ADJUSTMENT**  
**December 10, 2014**  
**Lake County Courthouse Commissioners Office (Rm 211)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Sue Lavery, Paul Grinde, Steve Rosso, Don Patterson, Frank Mutch

**STAFF PRESENT:** LaDana Hintz, Robert Costa, Jacob Feistner, Lita Fonda

Sue Lavery called the meeting to order at 4:00 pm.

For the November 12, 2014 minutes, corrections were offered. Sue changed the heading date from December 10 to November 12. On pg. 2 in the next-to-last paragraph, Steve changed 'put on the house' to 'put it on the lot' in the 4<sup>th</sup> line, and 'manufacturer' to 'manufactured' in the 7<sup>th</sup> line. Frank added commas before and after 'probably' in the 4<sup>th</sup> line of that same paragraph. Steve changed 'month' to 'months' in the first line of the last paragraph on pg. 2. Frank added 'if' after 'Don said' at the beginning of the 3<sup>rd</sup> paragraph on pg. 2. In the last paragraph on pg. 1, Frank corrected 'on the cost' to 'about the cost' in the first line.

**Motion made by Don Patterson, and seconded by Sue Lavery, to approve the Nov. 12, 2014 meeting minutes as amended. Motion carried, all in favor.**

**DELANEY VARIANCE—CITY COUNTY (4:05 pm)**

Robert Costa presented the staff report. (See attachments to minutes in the December 2014 meeting file for staff report.) He mentioned public comment in support of the proposal that was received after the staff report went out, which the Board had as a handout. (See attachments to minutes in the December 2014 meeting file for handout.)

Steve asked if an adjustment of the commercial district boundary had been discussed. LaDana replied that was a long and difficult path. The applicants wanted to begin construction activities soon. This was the best option at this point. Steve noted future development here would have to go through the same process. Changing the zoning district boundaries would alleviate that. LaDana explained that the zoning district was currently under review, as it had been for some years. The County was also going through other processes with that zoning district so she didn't know when it would be updated although they realized it did need updating. This was one of the sites recognized by the update committee to update. Sue said that had been her question also, since it would make it cleaner and easier for the applicants in the future.

Wes Delaney said the board called him over three years ago to ask about changing the zoning to commercial. He told them that was fine and assumed it would happen sometime. Frank said the zoning should reflect reality. He would go even further along Highway 35 with commercial to reflect the reality that it was de facto commercial along the strip in a lot of areas.

Frank asked where the zoning district line was on Attachment 4. Robert described the location. LaDana reiterated [the commercial use] had been like this since 1984. The zoning had been updated. They didn't know why it wasn't addressed in 1993.

Wes Delaney spoke on behalf of his application. After 30 years, those who had been in their building knew the place needed an uplift. They were going to have to do this.

*Public comment opened:* None offered. *Public comment closed.*

**Motion made by Steve Rosso, and seconded by Don Patterson, to approve the variance request with findings of fact as stated in the staff report. Motion carried, all in favor.**

**ROBERTSON CONDITIONAL USE—EAST SHORE (4:14 pm)**

Jacob Feistner presented the staff report. (See attachments to minutes in the December 2014 meeting file for staff report.) He noted that Dan and Jan Robertson were present.

Steve asked about the history of this request. Robert explained that he had the application in March. The applicants worked very diligently to address a number of things. Two site plans were submitted. The site plan presented in the staff report as Attachment #2 showed the slopes. The other site plan did not. This was the site plan that he worked with; he missed the one that clearly indicated there were slopes over 25%. Steve asked if the fee had been waived and Robert confirmed this. LaDana noted the owners didn't catch this through the permit conditions either. The zoning conformance was already issued. They needed to deal with the conditional use, which would update that impervious surface coverage amount. Paul said this was his question also.

Frank didn't think the definition of buildable area was realistic. Sue thought it was saying these types of properties might need a little extra scrutiny or look to make sure they didn't have impacts.

The applicants had no comment.

*Public comment opened:* No comment offered. *Public comment closed.*

Steve checked that the applicants were aware they were close to the 49% limit with their proposal of 48%, and they wouldn't be able to pave the driveway. LaDana noted the East Shore Zoning District was the one district that would allow someone to get a variance for over 49%.

**Motion made by Sue Laverty, and seconded by Frank Mutch, to approve the conditional use request with the staff report, findings of fact and conditions and terms. Motion carried, all in favor.**

**ULLMAN VARIANCE—EAST SHORE (4:29 pm)**

Robert Costa presented the staff report. (See attachments to minutes in the Dec. 2014 meeting file for staff report.) Robert mentioned that they would call the owner and agent after the staff report presentation. He noted that an additional condition was proposed which would state that the structure was allowed to have a sink, however, no facilities for eating and/or sleeping are allowed without variance approval from Lake County. He clarified for Attachment #5 that the proposed structure was in the upper right hand corner. In the lower left corner, an existing attached boathouse was shown, attached to the residence. On pg. 14 of the staff report, #11 was to be ignored; it was covered in #10.

Steve checked whether the entire boathouse was located in the 50-foot vegetative buffer or whether the 50-foot line ran through the boathouse. Robert said whether it was partially or entirely located in the 50-foot vegetative buffer, it still needed this process. Based on the site plan, Steve would be correct that it was not entirely in the buffer. Steve asked about the calculation of height. Robert explained the calculation and discussion from the Board on general height calculation ensued. Robert noted the applicants changed the plan and reduced [the height] as much as they could. Their proposal was what was being reviewed.

The agent, Stan Converse, and the applicant, Curt Ullman, were not present and participated via conference call on the speaker phone.

Curt spoke on behalf of his application. He was fine with the conditions mentioned and was willing to answer questions. He pointed to his two-page letter in the staff report and explained the history of the project. The original plan was to have the boathouse for a pontoon boat and maybe a bathroom and maybe laundry. In meeting with LaDana, they decided they didn't want the laundry and the bathroom there. If you looked at the existing rails, they went into the bottom of the house. A bunch of space there was currently used for storage. In the existing house, they could put in a bathroom that would be accessible to the beach area and a little laundry down there. The idea became one to put in a building with as low a profile as they could to allow a pontoon boat on the one side and storage space on the other side. At this point, the height was the issue. They'd gone back and forth on how to measure height and whether it made sense. They requested the variance and that's where things were today.

Stan Converse spoke as the agent for the applicant. They appreciated what had been done to work through this. Curt had done a really good job with his property. He planted a lot of trees and actually ran irrigation into the forest to preserve the environment and the trees that existed on the site. From the perspective of a builder, it felt good to have a client who did wonderful things with the property and wanted to protect it in a way that people wanted to have it on the lakeshore.

Curt added that there was a lot of bark beetle and mistletoe damaged trees that he and his neighbor had removed. He was sympathetic to environmental interests. They proposed a sink because if you had a boat, you needed water and you needed to be able to get rid of liquid. They didn't need a bathroom or a laundry here. Those could go in the house and

that was probably better for everyone. He thought his interests aligned with what [the group here] was trying to accomplish and trying to avoid. The well was a total and expensive diversion but that was fixed and resolved. He was open for questions.

*Public comment opened:*

Ward Marshall: He came here to say he unequivocally supported Curt Ullman in building the boathouse right where he had it with the stakes and so forth. The gradient of the slope up to where his land lay negated a problem with a view of the lake. He thought Curt had been more than diligent in his construction and engineering on that house. He supported this variance for Curt Ullman 100%.

*Public comment closed.*

Steve asked about the comment on ‘squared off’ in the building definition. Robert explained.

Paul said if you were talking about 17 feet and looked at the lower picture on pg. 2, the existing structure would probably be taller in comparison. He thought it was a non-issue.

Sue asked about the added condition. Robert reiterated that staff had intended to include a condition in the recommendation that related to having the sink. The condition would be, *“The structure is allowed to have a sink. However, no facilities for eating and/or sleeping are allowed without variance approval from Lake County.”* That just addressed the requirement in the lakeshore protection regulations that no living quarters were allowed within the lakeshore protection zone, which extended to the buffer.

Sue asked Curt if he wanted to comment on that. Curt mentioned it was hard to hear everything. He heard reference to the sink and the condition that there were no eating or sleeping quarters. There wouldn’t be any. They had plenty of beds and eating 50 yards away in the house. Sue thought they were trying to be clear that they would be adding another condition stating there was a sink but no living quarters associated with that [boathouse] unless the applicants came back for a variance. Curt said he was fine with that.

**Motion made by Paul Grinde, and seconded by Don Patterson, to approve the variance request with staff recommendations, conditions and terms and with added condition #19 to which Robert had given the wording. Motion carried, all in favor.**

**OTHER BUSINESS (4:58 pm)**

There might be an item for next month already; the deadline was a week away. Sue mentioned she’d be gone in March.

**Sue Laverty, chair, adjourned the meeting at 5:02 pm.**