LAKE COUNTY BOARD of ADJUSTMENT
May 14, 2014
Lake County Courthouse Commissioners Office (Rm 211)

Meeting Minutes

MEMBERS PRESENT: Sue Laverty, Paul Grinde, Don Patterson, Frank Mutch

STAFF PRESENT: LaDana Hintz, Matt Ellermann, Lita Fonda

Sue Laverty called the meeting to order at 4:01 pm

Motion made by Frank Mutch, and seconded by Don Patterson, to approve the April 9, 2014 meeting minutes as written. Motion carried, all in favor.

POLER VARIANCE & CONDITIONAL USE—UPPER WEST SHORE

LaDana Hintz noted the names on the first page of the staff report were corrected to show Lisa Poler as the applicant and to remove Architects Northwest. She presented the staff report. (See attachments to minutes in the May 2014 meeting file for staff report.) Fire Dept. comment was yet to be obtained so a suggested condition was included to cover this.

LaDana addressed public comment. Comment was received from M. Carson, who was concerned about construction activities trickling onto her neighboring property since this was a narrow lot. She wanted to make sure that work didn't occur on her property without her permission. One way to address that might be through best management practices (BMP's) as discussed in #10 on pg. 17 and putting up silt fencing or something to definitely mark the property boundary. They would know clearly where the property boundary was and that they couldn't drive on the neighbor's lot. The conditions included something on implementing BMP's, which also helped to protect the lake and to protect from silt and such running off onto the neighbor's property. Brent Zubot, another neighbor, had called. He didn't have a problem with the slope disturbance or placing the structure on slopes exceeding 25%. He wondered why the guest house wasn't being put by the residence.

Given the various deadlines in condition #21, Frank thought the timeline was short. Would the applicants have to complete everything within the year, including the sanitary approvals? LaDana explained that Lisa Poler had been working with the sanitation department for a long time. This was a redesign of the original proposal. The Board of Adjustment approval would have a one-year timeline, if granted. They would need to get their zoning conformance permit before the year ran out. The zoning conformance permit was also for a year. If they weren't finished with the project in a year, they could get a one-year extension. If they had to grant another six months on a Board of Adjustment approval, the planning staff could do that. Frank thought this looked like a boiler plate-type condition. He thought government should conform with the timeline too. LaDana replied that the Planning Dept. couldn't say that the Environmental Health Dept. had to comply with the one-year requirement. The condition was put in so the applicants had time to get

their additional items so they didn't have to come back to the Board and get additional approval. She understood his concern. Frank thought if there was a problem like that, an extension would be granted although there was no guarantee. LaDana pointed to a recent item, where an approval had almost expired and a reapproval was requested from the Board. LaDana said one reason for giving a timeframe was so an approval didn't hang out there forever. It would eventually expire if someone didn't do something with it.

Doug Peppmeier, the applicant's agent, gave a brief overview. Originally the house was sited lower. He pointed to the topography of the lot, where it was kind of flat and then went up steep. They left the guest quarters down lower and the house was slid up above the drainfield, which was left "as designed" and wasn't moved. They tried to limit the amount of slopes they impacted. The slopes below were less than the 25%. Originally, they wouldn't have gone through this. The guest house sat where the house was originally going to sit. If they were to build right now, the adjacent Zubot house was right there, and the applicants were trying to space it out so it wasn't a bunch of houses sitting together, and it gave them a view. When they slid the house up, they noticed they were just over the 25% so they came before the Board. Lisa Poler said that the original plan was to have the house in the easier spot. When the neighbor built, it was obstructing. The septic work was done years ago so she wasn't as concerned on that. They would have level 2 treatment. The neighbor did standard treatment. She wanted level 2; it was important for the lake. Doug said he would follow up with Rollins Rural Fire District. He needed to set up a meeting and walk the project with them.

Public comment opened:
Gale Lewis said he lived 2 houses down from Lisa's lot. He was concerned with the number of variances given along Rollins Lakeshore Drive. He realized Lisa wanted to build two houses, and thought that was too much. He had to subdivide his piece of property. His dock was only 16 feet from the dividing line. When he had to build a new dock, he had to get a variance. Lisa and her neighbor each had a dock and they only had 50 feet. Using the same rationale where 0.72 acres could have 2 houses, the 17-acre piece of land at the end of the bay could have 23 houses and he could put 10 houses on his 7.33 acres. They'd worked hard to get planning and zoning for that area. He didn't think 2 houses with two drainfields were feasible on a 0.72-acre parcel. The person next to Lisa built one big house. He thought 2 houses were out of line.

Lisa explained the guest house was the size of her trailer. The kids, grandkids and old people could have a facility closer to the water where they could avoid climbing the hill.

Sue thought that was why the zoning was reviewed periodically, so everybody could voice opinions, and why they had the Board of Adjustment for variances or conditional uses. It wasn't just a blanket that they approved variances. The zoning said they could have a single-family residence and a guest house under the permitted uses.

Gail asked about a property of less than an acre.

Sue gave specifics from the zoning regulations.

Public comment closed.

Paul didn't see a problem. They were allowed a guest house. Both buildings' footprints were minimal. He thought it was a reasonable use of the lot. Sue thought the question of why the guest house was located as it was had been answered.

Frank referred to the attachment 1 map. It looked like there was subdivision with lots of various dimensions all along the lakeshore. He estimated the lot widths went from 50 feet to maybe 300 feet. To address the concern, he was swayed by the fact that this appeared to be a subdivision with platted lots. The issue of lot size would seem to have been long established. It seemed that zoning and regulations and other issues related to use would come after the subdivision. He thought zoning should not reverse a plat or subdivision that had been approved. He understood the concern. Gale Lewis said these were government lots back at the turn of the century rather than subdivisions. Frank said it was a platted lot.

Motion made by Paul Grinde, and seconded by Don Patterson, to approve the conditional use and variance along with staff recommendations and findings of fact. Motion carried, all in favor.

OTHER BUSINESS (4:25 pm)
LaDana mentioned there would be an item for June. She introduced the new planner, Matt Ellermann.

Sue Laverty, chair, adjourned the meeting at 4:28 pm.