

LAKE COUNTY BOARD of ADJUSTMENT
December 14, 2005

Meeting Minutes

MEMBERS PRESENT: Jack Meuli, Fred Mueller, Jerry Winkley, Lucille Buchmann

MEMBERS ABSENT: Clarence Brazil

STAFF PRESENT: Sue Shannon, Joel Nelson, Margaret Parodi

Jerry Winkley called the meeting to order at 4:00 pm

Lucille Buchmann moved to approve the November Meeting Minutes.

Fred Mueller seconded.

Vote unanimous to approve minutes.

GRAHAM CONDITIONAL USE

Jerry Winkley explained the procedure for commenting on agenda items.

Margaret Parodi presented the Graham staff report and discussed the applicant's request for a guest house in Finley Point Zoning. She described the proposed building and the topography and reported that the present house would change to guest house status and the new house would become the main residence. She discussed set-backs and recommended conditional approval with requirements such as submitting a site map, physically delineating property boundaries to ensure set-back compliance, restricted lighting, restriction to not lease the guest house.

Jerry Winkley suggested house plans should be submitted to the Planning Department as part of condition #2.

Jack Meuli asked if acquiring the house plans is necessary. Jerry Winkley thought plans were necessary. Fred Mueller thought plans were unnecessary as long as the applicant met the setbacks.

Buddy Bonner is with Lindal Cedar Homes and the Grahams originally contacted him to build their house. He offered to attend this meeting on the landowner's behalf but does not have a contract or commitment from them. If he gets the contract he will submit detailed blueprints.

Jerry Winkley wanted to ask the applicant if they received a copy of the staff report and do they accept the conditions, but they were not in attendance. Buddy Bonner said they have the staff report and doesn't think there's any problem.

Bob Munson lives at 8505 East Shore. He thinks the variance [sic] is reasonable.

Audience member: Is the other house able to be rented? Jerry Winkley replied no.

David Novis: Even if it's rented now?

Jerry Winkley replied that a single family residence can be rented, but not the guest house.

David Novis questioned the property line locations. He would also like to know where the pins are for the property lines. To meet setbacks the property lines needed to be located & identified. He expressed concern about the location of septic systems and water and how this proposal would effect his current use. He is curious if they were going to rent both places out. He clarified that he heard Jerry Winkley say that they could rent the new one, but not rent the one on the lake. Jerry Winkley agreed.

Sue Shannon reiterated that the existing structure will revert to a guest house and the new house will have the potential to be rented.

David Novis tried to find the property lines, but can't find the pins.

Jerry Winkley said the first condition of approval is an accurate site plan.

David Novis said there were stakes there with flags on them going to the guest house, but he was unsure if that was the property line. He suggested seeing the existing garage on a site plan.

Margaret Parodi explained the layout of the site.

David Novis thinks if they build they will infringe on the zoning setbacks.

Jerry Winkley asked when construction was supposed to begin.

Margaret Parodi said there wasn't any proposed start date.

Buddy Bonner reported that Graham's surveyor said get the permits then do the planning. Bonner thinks they will get the surveyor as soon as possible.

Jack Meuli has no problem with the project. He feels everything is covered in the staff report and conditions. Meuli moved to approve the conditional use.

Fred Mueller seconded. *Vote unanimous to approve.*

WICKERSHAM CONDITIONAL USE

Margaret Parodi presented the staff report. The request is for a second guest house in Finley Point Interior and Lakeside zoning areas. The property is bisected by the North Finley Point Road. All existing structures are on the lakeside of the road and the interior section of the lot is undeveloped. She explained the topography and the bench topography, the density and setback requirements. She described the height of the house and the footprint. Legal notice resulted in two public responses. Neither respondent had objections to the proposal. The Planning Staff

recommends conditional approval. Parodi reviewed the key elements of the conditions of approval.

Jerry Winkley asked if any work had begun on the project. Margaret Parodi didn't think so other than possibly some vegetation removal.

Tom Greenwood is an agent for the applicant. He says that the Wickershams agree with all nine conditions of approval and will act accordingly.

Eileen Dolezol says she and her husband have no reservations or qualms about the additional guest house whatsoever.

Lucille Buchmann doesn't see any problem since there is a stipulation that no more houses will be built and the property will not be subdivided and sold. She moved to approve the conditional use with the conditions of approval.

Jack Mueli seconded. *Vote unanimous to approve.*

RICHARDSON VARIANCE

Jerry Winkley announced the Richardson variance request in the Finley Point Zoning District.

Margaret Parodi presented the Staff Report and stated that the applicant wishes to build a garage 15' from the northern property line in an area zoned for 20' setbacks. She described the dimensions of the garage and related that the neighbor's home is only 4' from the property line. She provided color photos for the Board Members. Mr. Richardson submitted a letter stating the reasoning for his variance request after the Staff Reports had been mailed and claims steep driveway conditions and property size limitations would not allow him to enter the garage if built to zoning standards. Margaret Parodi expected that he could meet setbacks and enter his garage.

Jerry Winkley questioned the alternate garage location. Margaret Parodi felt that the position of the garage could be changed slightly and coincide with the zoning setbacks.

Jerry Winkley said 20' is close from a fire protection standpoint and is concerned for public safety. Margaret Parodi said the guest house is only about 5' away from the proposed garage.

Jack Meuli stated that the neighbor most affected by the variance is not opposed to the project.

Ralph Lasche stated that one of the concerns is the spruce tree that was moved away from the house in consideration of future growth and would prohibit easy access if the garage is built to setback standards. He feels that driving directly down the driveway and then turning into the garage would be better than turning into the garage on the way downhill. He suggested the aesthetics of a building that is squared to the other buildings is more pleasing than one askew. He suggested that we are a symmetrical society.

Fred Mueller asked if they could elevate the garage.

Ralph Lasche said that it is already elevated two feet now. Picturing that, approaching on the slope and raising the pad and allowing for drainage and having to turn up into the garage would create a bowl effect.

Jerry Winkley asked to see the color pictures of the property.

Ralph Lasche suggested that Richardson would have to back around the spruce tree without the variance. Jack Meuli countered that he would have to back around the tree regardless of where the garage was positioned. Ralph Lasche explained possible driving surfaces, entering and exiting the property.

Jerry Winkley noted that a 16' x 22' space would allow one car. Ralph Lasche agreed and said Richardson had a little Volkswagen.

Margaret Parodi explained how the driveway enters the property.

Ralph Lasch asked that the Board grant the variance.

Jerry Winkley said he's not excited to grant five feet.

Fred Mueller moved to disapprove the variance. Jack Meuli seconded because he doesn't see why it won't work with the twenty foot setback.

Jerry Winkley thinks the project can work with the 20' setback.

Lucille Buchmann doesn't want to set a precedent.

Jerry Winkley said it's very close to the neighbor's house, too. The close proximity has an effect on fire protection and he would rather see it the greater distance.

Lucille Buchmann thinks fifteen feet is not much. Jerry Winkley agreed.

Vote unanimous to disapprove the variance.

OTHER BUSINESS

Sue Shannon reported that the Marsenich-McMullens are coming back before the Board next month to appeal the Board's decision or try for a variance. The variance would allow the applicants to rent their guest house.

Fred Mueller asked if these were the people who said we [the Board] raped them. Lucille Buchmann asked if these were the ones who were going to take the Board to court.

Sue Shannon replied yes, the Marsenich-McMullens [or their attorney] talked to Bob Long who suggested one more shot at the Board Of Adjustment before taking it to court. Sue Shannon felt Bob Long was trying to keep the case out of court after listening to their argument.

Jack Meuli asked if Bob Long was is trying to tell the Board to approve the variance or overturn the Board's decision. Sue Shannon thought it was a due diligence tactic.

Jerry Winkley said they never even asked to rent it. They came before the Board and the Staff twice and never asked to rent it. Sue Shannon countered that the Marsenich-McMullens asked to rent during the appeal.

Jack Meuli asked to be updated on the appeal. The Board & Sue Shannon updated him with the happenings of the prior Board appeal.

Jerry Winkley said they had errors of omission and they hadn't grandfathered in year-round rental. They said they grandfathered in rental related to their business, but not year-round.

Sue Shannon didn't think that they specified the time frame for the rental longevity. One lady stayed there for approximately six months.

Lucille Buchmann thought that was a seasonal rental. Sue Shannon said there was only one house on the property at the time, which as a primary residence could be rented. Lucille Buchmann thought that seasonal rental was grandfathered in, but not full time.

Jack Meuli doesn't understand Bob Long is remanding the case to the Board.

Sue Shannon said the application arrived today and she hadn't had time to review it.

Jerry Winkley said the Marsenich-McMullens stressed the point that the rental was temporary beforehand, and he thinks it was business related according to what they were trying to grandfather.

Jack Meuli asked when they had two houses on the property. Sue Shannon said they got a zoning conformance permit for a garage on their property with an office in the garage and then within a couple of years they were going to build a home onto the garage. We (Planning Department) suggested doing it all at once and change the existing building into a guest house and get another permit when you build the primary residence and they claimed they never got the paperwork that said guest houses cannot be rented.

Lucille Buchmann remembers that someone stated that the building permit was hung and nobody read the back of it. Fred Mueller recalls the same statement but ignorance is not excuse.

Jerry Winkley said discussion on grandfathering was in Sorenson's court before there was a Board of Adjustment.

Sue Shannon suggested that if they used it as part of their business and have weekend retreats, with that letter she could see it being considered, but not full-time year-round rental.

Jerry Winkley thinks if they intended to rent it they should have said something. They never did.

Jack Meuli thinks like Fred: They should have turned the damned paper over.

Jerry Winkley said there's no excuse for not reading it especially when there's a note saying additional conditions on reverse.

Sue Shannon said Pam Repnak read the proposal and asked if she had anything to add.

Pam Repnak reported that the law that was quoted a lot and their reasoning is compelling.

Jack Meuli moved to adjourn. Lucille Buchmann seconded. *Vote unanimous.*