

LAKE COUNTY BOARD of ADJUSTMENT
October 12, 2005

Meeting Minutes

MEMBERS PRESENT: Fred Mueller, Jerry Winkley, Lucille Buchmann

STAFF PRESENT: Sue Shannon, Joel Nelson

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

Lucille Buchmann moved to approve the September Meeting Minutes.

Fred Mueller seconded.

Vote unanimous to approve minutes.

ROSS CONDITIONAL USE

Joel Nelson verbally presented the staff report and recommended conditional approval. Jerry Winkley suggested two additional conditions. Mr. Ross explained the septic and septic system placement.

Fred Mueller moved to approve with the additional conditions that manufactured housing comply with state & federal standards and short-term rentals have state approval and sanitation approval.

Lucille Buchmann seconded. *Vote unanimous.*

GRIFFITH VARIANCE (Garage)

Joel Nelson presented the staff report. The Board Members questioned alternatives and Jim Griffith explained that there are not alternatives short of blasting. Griffith also explained that accesses to the garage would be through Lot 21.

Jerry Winkley questioned the applicant's intent of two variance requests and Griffith said he won't rent his buildings. The Board discussed impervious surfaces and building heights.

Lucille Buchmann moved to approve with restrictions of less than 35% impervious surface coverage and a maximum building height of 30'. Fred Mueller seconded. *Vote unanimous.*

GRIFFITH VARIANCE/CONDITIONAL USE (Set-backs, house)

Joel presented the staff report. He noted that impervious surface coverage was 29% +/- depending upon how you figured it.

Jim Griffith doesn't want a second story on his house because he is getting old. He explained that his neighbor, Heather Steiner, is protesting because she was denied her variance in 1999.

Fred Mueller moved to deny. Lucille Buchmann seconded. *Vote unanimous.*

MARSENICH / MCMULLEN APPEAL

Sue Shannon presented the appeal to the Board and explained the events leading to the appeal.

Leslie Ann Buttowitz of Wold Law Firm represented Marsenich - McMullen. She explained the previous rental history. She explained the Marsenich - McMullen letter to Jerry Sorenson, and said that Marsenich - McMullen didn't get the (year) 2000 Staff Report for their conditional use approval for a guest house and were subsequently unaware of the rental restriction listed on the back of the building permit. Ms. Buttowitz claimed that this is a 'grandfather' issue.

Bob Marsenich suggested that Lake County is practicing "zoning by complaint." He understood that he was grandfathered in 1991 and that it continued through today.

Robert Ford owns Lots #4 & #5 on Mellett Point and says the guest house was built in the year 2000 and therefore its usage could not be grandfathered because zoning was already in place.

Les River has known Marsenich - McMullen for a long time and as far as he knows the structure has always been a guest house/rental.

Janet Hardy owns property nearby and is in support of the zoning regulations.

Brian Campbell wants to uphold the zoning laws.

Leslie Ann Buttowitz says that her clients are in support of zoning, but that they want the full effect of grandfathering in 1991.

Fred Mueller stated that not knowing the regulations does not make it legal and that he didn't feel the grandfathering argument was valid.

Lucille Buchmann agreed with Fred Mueller and expressed her desire to uphold zoning.

Fred Mueller moved to deny the appeal and support the Zoning Administrator's decision. Lucille Buchmann seconded. *Vote unanimous.*

Sue Shannon requested direction from the Board concerning the time that should be granted for the renters to vacate the premises. The Board agreed that six months was adequate.

FISHER CONDITIONAL USE/VARIANCE

Joel Nelson presented the staff report and recommended conditional approval.

Jerry Winkley expressed concern about stormwater during & after construction, and requested formal approval from the Architectural Control Committee (which is condition #2).

Jeff Fisher stated that he is not going to rent the building. He will build it and other people will buy it. He inquired about the "non-transferable" permit and whether or not the new owners will have to go through this process again if he sells it. Sue Shannon explained that the permit was for the property, not the person.

Bob Bets is the Chairman for the Architectural Control Committee. The site plan was officially approved by the Committee with conditions.

Fred Mueller moved to approve with the staff recommendations. Lucille Buchmann seconded. *Vote unanimous.*

TAYLOR CONDITIONAL USE

Joel Nelson presented the staff report and recommended conditional approval.

Pam Reznak reported having talked to Robbie Taylor who expressed that she was okay with the conditions of approval and was sorry to be unable to attend.

Fred Mueller moved to pass with staff recommendations. Lucille Buchmann seconded. *Vote unanimous.*

MEYER CONDITIONAL USE

Joel Nelson presented the staff report and recommended conditional approval.

Cathy Meyer doesn't want a guest house, she wants an exercise/sewing room, but according to the Planning Staff's interpretation of the zoning regulations she must obtain a Conditional Use permit just to put a bathroom into this building.

Fred Mueller moved to pass the proposal with staff recommendations. Lucille Buchmann seconded. *Vote unanimous.*

NICHOLSON VARIANCE/SPECIAL EXCEPTION

Joel Nelson presented the staff report and recommended approval with conditions. He read conditions 1-8 aloud.

Rob Nicholson reported working with Joel & Sue to reach acceptable results. He read all the conditions and had no objections. He didn't understand the stormwater issues, but plans to work with Environmental Health & Planning.

Lucille Buchmann moved to grant a special exception and the variance with the staff recommendations on 182' of lake frontage. Fred Mueller seconded. *Vote unanimous.*

Fred Mueller thanked Rob Nicholson for reworking his proposal so well.

OTHER BUSINESS

The Board Members discussed next month's agenda, particularly the Metz review and caboose rentals.

The meeting ended without any formal motion to adjourn.