

LAKE COUNTY BOARD of ADJUSTMENT
March 14, 2007
Meeting Minutes

MEMBERS PRESENT: Lucille Buchmann, Jack Meuli, Clarence Brazil, James McKee, Sue Laverty

STAFF PRESENT: Sue Shannon, Joel Nelson, Lita Fonda

Lucille Buchmann called the meeting to order at 4:00 pm

Motion by James McKee, and seconded by Jack Meuli, to approve the February meeting minutes as written. Vote unanimous to approve minutes.

ZIMMERMAN/HERRING CONDITIONAL USE—EAST SHORE: *POSTPONED*

BARONE CONDITIONAL USE—FINLEY POINT

Joel Nelson presented the staff report.

Marc Carstens spoke on behalf of the applicant. He reiterated that the applicant was asking for conditional use of a guesthouse with more than 1000 square feet of living area. He was uncertain, in response to Lucille's query as to the current number of bedrooms in the current house, which would become the guesthouse. She noted there are 5 bedrooms in the proposed new house. Marc said that the major reason for the need for the permit is that the basement had been finished and is included in the living area.

Joel said that the 1740 square feet does not include the garage, in response to Sue L's question. She asked if the owners had considered converting some of the living area to something else. Marc thought that they did not want to waste the improvements.

Lucille checked for other public comment. Given none, public comment was closed.

Jack confirmed with Joel that the guesthouse is on the end of the property away from the lake. He asked about the concerns with the garage doors. Joel clarified that these are for the proposed new house. Sue S explained that when an existing structure is to revert to the guesthouse when the new house is built, typically the primary structure is reviewed at the same time.

James asked if approval of the conditions by the Board was needed for the new structure. Sue S affirmed. A permit for the new structure won't be issued until they have approval for the guesthouse. This is combining that. It is a conditional use, rather than a permitted use. Lucille said that this probably saves the Board from having the same thing come back for a variance in another area. If the Board puts the conditions on, then the applicant knows they can't build close to the wetlands, and that they can't put the garage doors where they'd drive over the buffer strip. James wanted to make sure this Board was the proper authority for this, and Sue affirmed that they are the authority for the zoning. Staff are authorized to issue permits on the permitted activities in the zoning district. Conditional use activities have to come to the Board of Adjustment for approval.

Motion by James McKee, and seconded by Jack Meuli, to approve the conditional use with the requirements set forth by the staff. Motion carried, all in favor.

YACAVONE CONDITIONAL USE—FINLEY POINT

Joel presented the staff report. He noted after #2 and 3 of the staff analysis (pg. 8) that an email from the architect has been received, and the Board had been provided with copies.

Erik Eckert spoke on behalf of the applicants. He explained that they stayed within the setback, which has limited the options of what to do with the structure. The structure has been built in 3 sections. They are trying to salvage the newest section, to remodel that, and remove the center section, which is in the worst condition, and make a nice 3-bedroom home out of this. The impervious surface area has expanded. Other criteria are met.

Other public comment:

Robert Yacavone: They've done what they've felt necessary to meet the issues at hand, including anticipating the storm water drainage issue and getting that plan developed. He hoped the communication over the past few days has clarified issues.

Public comment was closed.

Sue Laverty verified with Sue that the only issue is the impervious coverage. Lucille noted that the first part was done prior to zoning and was grandfathered in. Joe Magaddino thought Shawn addressed the conflicting situations that were addressed in here through the email. Is that sufficient? Joel replied Joe needs the survey plans. Joe said that he received an electronic file of the survey, overlaid his plan and found that the angles didn't jive at the northern boundary. The survey showed a 3' space at the corner of the deck. He had it on the property line. He chose to show the worst-case scenario. They will cut the deck back and make sure they don't go over the property line, if it's truly all the way on the line. It's still a non-conforming use either way, and they'll have to have some surveys done to resolve what the truth there is.

Shawn asked if he was sufficiently clear about Joel's answer. Sue L felt he was clear. The setbacks are not a subject for variance here, just percent coverage. These items were addressed, because they were submitted in question. Eric said because this is such a tight footprint, that when they go to do the footers, they will stake out the front and northern setback, then make sure the eave overhangs, as depicted in the drawings, will not encroach into the setback area. James confirmed with the applicants that they were comfortable with the staff conditions.

Motion by James McKee, and seconded by Sue Laverty, to approve the conditional use with the conditions set forth by the staff recommendations. Motion carried, all in favor.

OTHER BUSINESS

Sue S alerted the Board to the availability of information from the Flathead Board Training. This training for general boards is done yearly.

Motion by James McKee to adjourn, and seconded by Jack Meuli. Vote unanimous. Meeting adjourned at 4:44 pm.