

**LAKE COUNTY BOARD of ADJUSTMENT**  
**June 11, 2008**  
**Meeting Minutes**

**MEMBERS PRESENT:** Jack Meuli, Tim McGinnis, Mike Marchetti, Sue Laverty, Clarence Brazil

**STAFF PRESENT:** Sue Shannon, LaDana Hintz, Lita Fonda

Tim McGinnis called the meeting to order at 4:00 pm.

**Motion made by Sue Laverty and seconded by Jack Meuli to approve the April 9, 2008 meeting minutes as written. Motion carried, 4 in favor (Jack Meuli, Tim McGinnis, Mike Marchetti, Sue Laverty) and one abstention (Clarence Brazil).**

**NORTHCUTT VARIANCE**

Sue Shannon presented the staff report. On pg.2, she noted the strip of mature trees was between the home (not yard) and beach.

Mike Northcutt was present on behalf of the application. He said the proposal was explained pretty well in the staff report. He offered to explain further or answer questions. Mike Marchetti asked if the applicant had something in writing from Ken Pinkerman regarding their discussion. Mike N did not, but could check with Ken about getting that. Sue S asked if the eaves were included in the measurements submitted. Mike N said no, that he measured from the edge of the building. Sue S pointed out that they would not meet the 14' and have the roof extension that they desired on the south side of the building. He guessed that the eaves were probably about 1'. Sue S said it would probably be 13', then.

Tim asked Mike N if he was okay with the conditions suggested in the staff report, with maybe the exception of the 14' versus 13'. Mike N looked at the conditions again. He said they were considering having the property line surveyed. The neighbor, Ken Pinkerman just did this informally. He went through the conditions, and explained how he could deal with them. He didn't know exactly what a stormwater management plan consisted of, but he thought they were willing to comply with that.

*Public comment:* No members of the public were present.

Sue L thought it was imperative that they have a survey done. She thought they needed to have plans to scale, and felt this should be a condition. Other Board members agreed.

Mike M proposed amending 7B on pg. 4 to say 'written consent' rather than just 'consent' from the affected landowner. Sue L suggested adding the requirement to have plans to scale in 7A. She was concerned about having the overall plans to scale, showing what's actually happening on the property. Sue S summarized that this would be a survey of the property showing the existing structure and also location from property lines and high water mark. Sue L said to ensure they're going to follow their plans, and not discover that it doesn't match down the road.

Tim asked about the 13' instead of the 14'. Sue said 7B could say it will be 14' unless they have written consent from the property owner to the south for 13'. Mike M said the written consent should be required from the adjacent property owner to be in the setback, whether it's 14' or 13' or some other width. Sue S noted they want 2 things. Tim wanted to be sure the adjacent landowner knows it would be 13' not 14'. Jack expressed concern with precedent, where if the adjacent landowner doesn't want to do anything, whether it's good or not, can sink a variance. Sue S said in this case, the applicant indicated he talked to the neighbor about 14'. If it were changed to 13' at this stage, some sort of acknowledgement from Ken Pinkerman would be wanted. Jack didn't have a problem with that, but was concerned about a possible problematic precedent. Tim thought since the applicant brought the information from the neighbor to the Board, that this made it different. The Board discussed this further.

Jack asked Sue S to summarize the changes. She listed the survey, adding written consent in 7B, and adding a requirement for written consent from the property owner to the south to modify it to 13' or else it will be 14'.

**Motion made by Jack Meuli, and seconded by Sue Laverty, to approve the variance with the recommended staff conditions, along with the above changes made, and also with a stormwater management plan. Motion carried, all in favor.**

#### **MC QUARRIE-NELSON VARIANCE**

Sue Shannon shared some pictures and a recent email with the Board and presented the modified staff report. On pg. 9 and 10, she pointed out some late changes related to numbers.

Kent Means spoke on behalf of the applicants, who recently inherited the property and want to upgrade it. He apologized for the confusion on the numbers. He thought a conversation would clarify this. He thought the information provided was accurate, with the exception of one typographical-type errors. He explained their reasoning for this proposal. He referred to the Polson Development Code, V.C.2. There are constraints on this odd-shaped lot with an existing house that's against the property line. He pointed out some features and existing patterns on the map, and the existing septic on the south side of the building. They would agree with the conditions suggested in the report, but he wanted to comment on the stormwater management plan condition. There was a comment about an increase in impervious surface area over the existing, and he disagreed. It depends how you view impervious surface area. He asked if the slatted deck was considered impervious surface area. Sue S said it's a percentage. She explained that she was talking about their variance is to allow an increase as to what's allowed, not that their proposal is increasing.

Kent talked about the confusion with the numbers and the 154 square feet that's being taken out. He showed a diagram, and pointed out where the 154 square feet is going away, and where the entry porch would be added. The square footage includes the porch. They included the porch roof in the calculation. Sue S said the numbers still don't work. It's still over. Mike M asked if the porch is over existing concrete. Kent affirmed. He added that they reduced the concrete drive down to 80 square feet. The numbers came off the computer. Sue L could not get the

numbers to work either. The numbers were further discussed. Kent said they wanted a line that they would not go over, that's still a reasonable amount that they can design to. Can a decision be made based on the existing numbers that they agree on? Sue S explained that typically something very specific is reviewed, not just an idea. She and Kent discussed further what information was needed and what was supplied. He said they could provide more information.

Mike M asked if an electronic CAD program was used, and if they calculated the impervious surface of the house by the total roof square footage or footprint, since the roof was greater. Kent replied they did it by the roof. Mike M noted they have multiple rooflines, with rooflines overhanging rooflines. Kent explained they used the outside perimeter.

Tim asked what thoughts Kent had on the alternatives given in the staff report. Kent thought at a glance that all the alternatives reduce the house. Sue S suggested Kent look at page 11. Tim asked how attached the applicants were to the shed. Removal of the shed would solve a lot of problems. Kent thought the applicants would be reluctant to lose the storage in the shed. He thought they might accept losing the shed if it were necessary for the project to happen.

Returning to the alternatives, Kent and Sue reviewed the alternatives. Kent preferred a 5<sup>th</sup> alternative, which would be 2464 on the house and 80 on the concrete, and keep the deck size at 525, and get rid of the shed. This would still keep it under the existing lot coverage. In response to Jack's question, Kent explained the email contained a correction on the numbers in one of the alternatives. He wasn't saying that he agreed with the alternative.

*Public comment:* No members of the public were present.

Sue L commented that the style of the house was really changing. She asked if this was enough to be considered increasing the nonconformity, particularly with the addition of the 3<sup>rd</sup> story. Mike M's opinion was that some setback would be added, from almost nothing. The nonconforming structure stays. They can add on to it, remodel it, maintain it as long as they don't tear it down. As long as they don't add to the existing percent coverage or the existing total square feet, he thought it was okay. Clarence agreed. Kent handed out a sketch of the lot.

Sue S noted that the adjacent structure to the north is an RV sitting on blocks. The owner is looking at developing a home on his property. The structure on property to the north of him is right on the property line, so he is squished in between two existing structures.

She said this property is on a holding tank. There's no place for a drainfield. They will need to access and be able to pump the holding tank, so they need to be able to get around the house on that side of the structure.

Mike asked about the location of the dock. Sue and Tim said it was pretty close to the northern property line. Mike said if alternative #5 were used, with the footprint square footage limited to 3177, they could tear the shed down and build a 100 square foot shed 30' from the property line and still be within 3177. Sue said alternative #5 was 3069 not 3177. Mike gave alternative #6, which was like alternative #1 but with the shed size down to 100 square feet.

Sue L said with the shed eliminated, the Board could limit the coverage of the lot to what is existing today, which would be 3177, and they could do whatever they wanted with the extra 100 square feet. That would not be increasing the nonconformity. She thought the shed had to go, with any of the plans. Jack asked if there was another place on the property that a 100 square foot shed could be built. Mike said they'd have to build it with the proper setbacks. Sue L said they didn't even need to say that. The shed has to go but the lot coverage is limited. Sue S pointed to pg. 12, #7, regarding lot coverage. Jack summarized that the Board could say they want them to stay with the existing square footage. Sue L offered the alternative wording that the lot coverage could not be covered more than 16.2%, now or future. The house, concrete and deck are okay as is, and the shed has to go. Jack said a 100 square foot shed could go somewhere else that wasn't right on the property line.

Sue S asked for specifics. Sue L detailed the house at 2464 and the concrete at 80. Mike M listed the deck at 525 and the shed at zero. Sue L totaled these at 3069. Total lot coverage could never exceed 16.21 %. Sue S said [inaudible] the maintenance of the existing lot coverage, and the proposed house, concrete surface and decking, with the removal of the shed. She thought the Board would have to be specific about the removal of the shed, to get it removed. She didn't want [the applicants] to change the plans to get the impervious surface, since if the plans change substantially, there would be pressure to issue a permit for something totally different from the Board has seen. The shed needs to be removed. They could build another one, up to the 16.21%. They're only utilizing somewhere between 15.52 and 16%.

Kent asked 2 questions. The owner wants to make what he thought was a minor change, and move the front porch. It wouldn't change the numbers. He wanted to check if it would make a difference. He indicated the location on a map. Mike said as long as the impervious surface doesn't change. He affirmed for Sue L that they meet the setback on that side. Kent asked about overhangs and setbacks, given the discussion from the earlier variance heard today. He asked if the 11.35' setback is approved, the overhangs couldn't overhang that. The survey measures from the foundation. Sue S said it wasn't an issue for the existing structure. For moving the front entryway it may be. Kent showed some locations on the map. Sue S said Sarah gave her the dimension from the overhang to the property boundary.

Sue L returned to the suggested conditions to consider on pg.12. She wondered if #7 would be the place to put in that total impervious surface coverage could not exceed 16.21% or 3177 square feet.

Sue S said that what the approval would say is that the plans that were submitted for the house, the concrete driveway and the deck area were approved. They have to remove the shed. They are approved for an impervious surface area of 16.21% or the square footage number. Then it would say subject to these conditions.

**Motion by Jack Meuli, and seconded by Mike Marchetti, to approve the variance with the suggested staff conditions, and the changes as discussed. Motion carried, all in favor.**

Mike checked with the other Board members that the 3 conditions they needed to meet were met. Sue S asked the Board if they would adopt the application and staff report into their findings.

**Motion by Mike Marchetti, and seconded by Sue Laverty, to adopt the application and staff report into their findings. Motion carried, all in favor.**

**OTHER BUSINESS:**

Sue S gave the Board an update on the Slacks from the April hearing.

**Motion by Jack Meuli, and seconded by Mike Marchetti, to adjourn. Meeting adjourned by general acclaim at 5:29 pm.**