

LAKE COUNTY BOARD of ADJUSTMENT
June 10, 2009

Meeting Minutes

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

STAFF PRESENT: Sue Shannon, Joel Nelson, Lita Fonda

Mike Marchetti called the meeting to order at 4:02 pm. He highlighted that today's main item consists of 3 variances and 2 conditional uses. When the Board is in discussion on each of these, he asked the Board to try to keep the discussion to a single point as much as possible, to avoid confusion of the issues.

Motion by Sue Laverty, and seconded by Jack Meuli, to approve the May 13, 2009 meeting minutes. Vote unanimous to approve the minutes.

SOHLBERG VARIANCES AND CONDITIONAL USES:

Joel Nelson presented the staff report. Two handouts were shared with the Board. (See attachments to the minutes in the June 09 meeting file for the staff report and handouts.) One handout was a letter of public comment rescinding an earlier letter of public comment from the property owner to the west. This letter pertained particularly to item #4 on pg. 15. It was determined that the property pin was not on the corner of the property, but was on the property line. Most of item #4 was not really relative anymore.

Sue L expressed confusion about the 23% impervious surface coverage Joel calculated versus the 40% requested for the conditional use. Mike thought this was in case the surveyor came back with a different number from Joel's. Joel explained they didn't provide exact numbers as to what the percentage would be. He estimated, based on the site plan they submitted. The surveyor could find some area to be 'not buildable' that they're calling 'buildable', or visa versa. He referred to the shaded and unshaded areas on exhibits B and C. He thought the survey was probably calculating slopes exceeding 25% with the shaded area. He thought their estimates were pretty close. Sue L summarized this was to catch it so they wouldn't have to come back should the survey show a greater percent. Joel affirmed. He added the topographic survey was only done in the shaded area, where the topo lines are.

Andy Stark spoke on behalf of the applicants. He said Joel had stated the request accurately. He affirmed at Tim's query that they were okay with the conditions.

Public comment opened: None offered. Public comment closed.

Mike asked if there was discussion on the variance for the 50' setback from the high water line of Flathead Lake. Tim asked if it the proposal made the structure further from the water than it is now. The applicants affirmed. Tim noted that the vegetation was pretty native now, and checked that they were not planning a lawn. The applicants affirmed that they did not want a lawn.

Motion by Jack Meuli, and seconded by Tim McGinnis, to approve the variance for the 50' setback from the high water line of Flathead Lake, including staff recommendations, comments and conditions. Motion carried, all in favor.

Mike opened discussion on the variance for the 20' side property line setback. Tim thought it was currently closer than the 12' proposed. Andy said it was probably about 6 ½ feet for the [inaudible] and the cabin was about 11'.

Motion by Tim McGinnis, and seconded by Sue Laverty, to approve the variance for the 20' side property line setback, with staff recommendations, comments and conditions. Motion carried, all in favor.

Mike moved on to the variance to the vegetative buffer strip requirements. Andy asked for some clarification on this one. Joel explained because they were proposing to build within the 50' setback from the lake, they would disturb an existing vegetative buffer. Any lake setback variance comes with the buffer strip variance, since it's a different section of the zoning regulations.

Motion by Jack Meuli, and seconded by Tim McGinnis, to approve the variance to the vegetative buffer strip requirements, with staff recommendations. Motion carried, all in favor.

Mike opened discussion for the conditional use for impervious surface coverage between 30 and 49 percent of the buildable area of the lot. Sue L was bothered by the large difference between 23% and 40%. She could see that they wouldn't want to come back to the Board if it does get over the 30%, but 40% seemed a lot larger. Joel suggested the Board could clarify that this doesn't approve additional impervious surface coverage beyond what they're proposing now. Sue L thought that would be much better. Mike checked that they would add that this approval of the 40% includes only the proposed plans as set before the Board now. Any variations in the plan that would increase the usage of the impervious use, or however it calculates out, would have to come back to the Board at that time. Sue L summarized that the applicants would be wedded to this plan. Mike agreed that as long as this plan is adhered to, and there are no changes to this plan, the Board would allow up to 40%. Sue L asked Joel how he would say it. He said the approval is for impervious surface coverage up to 40% and limited to the existing proposed impervious surface coverage. Impervious surface coverage beyond 29% that's not shown on the current plans would require Board of Adjustment approval. He noted he could write up something nice to cover that.

Motion by Sue Laverty, and seconded by Jack Meuli, to approve the conditional use for impervious surface coverage with the modification as discussed above, with staff recommendations, conditions and facts of findings. Motion carried, all in favor.

Mike moved on to the conditional use for disturbance of slopes which exceed 25% on a lakefront lot.

Motion by Jack Meuli, and seconded by Tim McGinnis, to approve the conditional use for disturbance of slopes which exceed 25% on a lakefront lot, with staff recommendations, findings of fact and conditions. Motion carried, all in favor.

Sue L noted that she had difficulty finding the site. Discussion ensued about what might help Board members to find sites. Joel suggested they could call staff. He also noted the East Shore Zoning District requires a posted notice on the property.

OTHER BUSINESS

Sue S shared information on depositions with the Board. She referred them to Kurt for other details.

Motion by Jack Meuli to adjourn, and Mike Marchetti seconded. Motion carried, all in favor. Meeting adjourned at 4:30 pm.