

**LAKE COUNTY BOARD of ADJUSTMENT**  
**February 10, 2010**  
**Meeting Minutes**

**MEMBERS PRESENT:** Clarence Brazil, Mike Marchetti, Paul Grinde

**STAFF PRESENT:** Joel Nelson, Tiffany Lyden, Lita Fonda

Mike Marchetti called the meeting to order at 4:00 pm

**Motion made by Paul Grinde, and seconded by Mike Marchetti, to approve the January 13, 2010 meeting minutes. Two in favor (Mike Marchetti, Paul Grinde) and one abstained (Clarence Brazil).**

**CONRAD LAKE PROPERTY LLC VARIANCES & CONDITIONAL USE**

Joel Nelson presented the staff report. (See attachments to minutes in the February 2010 meeting file for staff report.)

Mike asked if there were two roads on the property. Paul Conrad explained there was one road, shown twice. He confirmed it switchbacked.

Paul Conrad spoke on behalf of his application. His goal had been to acquire a lot and build at some point. This lot was described to him and his family as being developable with a house. It already had a drainfield in place. He thanked the staff for their work. He wanted to be environmentally conscious, with minimal impact and as a conscientious steward of the lake. This lot has been taxed as residential for about 10 years. The plans here were preliminary. He spoke to an architect and did want to have the flexibility to build to the 30' height rather than 25'. The trees were about 50' high. He wanted to be part of the lake community and to be a steward of the lake.

Mike asked if Paul C had thought of ways to work around the concerns of the fire chief. Paul C said when he met with the fire chief, the fire chief said if it was going to burn, it was going to burn. Fire there was dangerous to the volunteer fire fighters. There was some potential to look at creating a defensible space around the home. He wouldn't look to the fire department or the fire staff to save him or his house because it wasn't very feasible for them to get there in a timely and effective manner. Paul G noted the access road was narrow, and the insurer would deal with it accordingly. Clarence said he'd built homes in such areas. One-hour fireboard was used instead of sheet rock. He spoke of a new innovation for house protection in forest fires that he'd read about. Paul G thought technology was coming up with some solutions that would be helpful in fire.

Mike asked about the drawings. Joel referred to attachment D which was downstairs. Option A was the upper floor, and the big room shifted back. Mike asked if the site drawing was the one used for the guideline for setbacks. Joel affirmed. Even with the deck contemplated on the lower floor plan, they'd still be over 50' from the lake.

*Public comment opened:*

Steve Rosso: He lived about a mile south. He disclosed he was coincidentally a friend of Tom Abel's. He was involved with a project on a non-lakeshore lot on Rocky Point, with slopes up to 60%, where care with the environment was important. The instructions were to make it look as if a helicopter set the house on the lot. He showed some pictures, and mentioned an excavation company that had equipment to minimize soil disturbance. The home was built on stilts, so very little ground was disturbed. He thought the developer's heart was in the right place for tonight's project. Steve's experience was minimizing impact depended on leaving the existing vegetation, duff and soil properties as undisturbed as possible. The idea was to minimize the damage to the surface ground that was currently successfully containing the stormwater runoff and preventing erosions and reducing the chance of stormwater runoff carrying increasing nutrients to the lake. In evaluating the combination of variances and conditional uses, he suggested to pick a combination that minimized the ground disturbance. He thought looking at adjusting the definition of buildable area by allowing the impervious area to go above the percentage, and have the buildable area include slopes above the 25%. It was confusing to determine what combination of variances and conditional uses would minimize the amount of ground disturbance. He thought it would be better to build on stilts and with specialized footings in order to not disturb the soils rather than disturbing the ground to make a flat spot. He was in favor of allowing the project to go ahead.

*Public comment closed.*

Paul G saw no reason not to allow a 30' building. If there were a footing issue, it should be addressed in their final plans. Clarence thought it was acceptable. The applicants could try to make it 25' and go with 30' if they had to. Joel asked if the Board wanted to modify condition #10 (pg.22). Joel said the Upper West Shore zoning regulations allowed for up to 30'. The Board was reviewing this as a modest structure. Joel didn't see a problem with that. He pointed on pg. 14, item #4.b of the staff analysis talked about visual impact of structures on slopes. He thought a structure up to 30' in average height would probably still conform with this review, as long as the Board addressed it.

Paul G didn't think it could be seen from the highway. The Board mentioned the view from the lake. Joel thought if the applicant maintained the vegetative buffer in compliance with the zoning regulations it would provide some screening. Mike confirmed with Paul C the trees were about 50' tall. Clarence said the submitted plans showed a height of about 23'. Joel mentioned the height could affect the fire department concerns. Mike checked with Paul C that his designer wanted to go 30'. Paul C said she would like the possibility of that, with the idea that stilts for the foundation being such would increase the height. He liked the idea of what Steve talked about with the excavator. He and Tom had similar discussions. He didn't think it could be seen from the lake; there wouldn't be a silhouette on the skyline.

Mike said if they were coming into the banks and disturbing the slopes, he would have a much harder time with 30'. If it was going on stilts, and they were doing something a little bit more innovative and different to try to keep the ground undisturbed, he wouldn't have a problem raising the height limit to accommodate the fact that they were going to have the building higher

and do something a little bit more environmentally friendly on that slope. Joel checked that it would still be a two-story structure, and that they were okay with the 18' limitation for the garage. Paul C thought that would be fine.

Joel checked that the Board was modifying condition #10 by changing 25' to 30'. They could clarify that it was still going to be a 2-story structure. He wondered if revised cross-sections would be needed for a 30' building. Paul G said the zoning district allowed 30' structures. As long as the structure complied with Upper West Shore zoning regulations, he thought that would cover it.

**Motion made by Mike Marchetti, and seconded by Paul Grinde, to modify condition #10 (pg. 22) to allow for the average height of the residence to not exceed 30'. Motion carried, all in favor.**

**Motion made by Clarence Brazil, and seconded by Paul Grinde, to approve the variance to allow the structure to be located on slopes exceeding 25%. Motion carried, all in favor.**

**Motion made by Mike Marchetti, and seconded by Clarence Brazil, to approve the variance about slopes exceeding 25%, up to 35%, to be deemed buildable areas of impervious surface coverage calculations, contrary to the regulation's definition of building areas. Motion carried, all in favor.**

**Motion made by Paul Grinde, and seconded by Clarence Brazil, to approve the conditional use to allow the disturbance of 500 square feet or more of natural grade of slopes greater than 25% within 300 feet of the high water mark of the lakefront. Motion carried, all in favor.**

**Motion made by Mike Marchetti, and seconded by Paul Grinde, to add or incorporate the staff comments and conditions laid forth in the staff proposal, and within that, all the plans must be approved and commended to the staff, prior to moving forward. Motion carried, all in favor.**

#### **OTHER BUSINESS**

None.

**Motion made by Mike Marchetti to adjourn. Motion carried, all in favor. Meeting adjourned at 4:50 pm.**