

LAKE COUNTY BOARD of ADJUSTMENT
September 8, 2010
Meeting Minutes

MEMBERS PRESENT: Sue Laverty, Mike Marchetti, Tim McGinnis

STAFF PRESENT: Joel Nelson, Tiffany Lyden, Lita Fonda

Michael Marchetti called the meeting to order at 4:02 pm

Sue Laverty asked for clarification on a confusing point on pg. 2 of the minutes. She did not request a change in the wording. On pg. 4 at the beginning of the next to last paragraph, she noted a typo to be changed from Time to Tim.

Motion made by Mike Marchetti, and seconded by Tim McGinnis, to approve the August 11, 2010 meeting minutes as corrected. Vote unanimous to approve minutes.

SCHUMAN VARIANCE—UPPER WEST SHORE

Tiffany Lyden summarized the staff report. (See attachments to minutes in the Sept 2010 meeting file for staff report.) Tim asked what the easement would do. Tiffany replied it was for utilities and road maintenance. She had not been part of those discussions. She thought perhaps to get an easement that extended beyond the surface portion of a road when a new road was constructed when possible might be policy. Tim thought it had more to do with precedent setting than functionality. Tiffany listed two corrections to the staff report. On pg.11, item f, the last sentence should be labeled as item iv. On pg. 12 in a. of the staff recommendation, the wording should be ‘all other requirements’ rather than ‘all the requirements’.

She explained why the sunset clause was recommended. This was a blanket variance for the whole property, and it would be difficult to administer otherwise. The owner planned to develop soon. The sunset clause would also help avoid possible confusion when the Upper West Shore zoning regulations underwent changes in the routine reviews that were recommended every 5 years.

Mike asked how close the proposed building was to the right-of-way. Tiffany said there was no proposal currently. The idea was to come up with a plan based on the variance request. Mike asked if the road was not heavily traveled. Laurie Schuman replied there were 3 cars yesterday.

Tim asked if the structure would be out of compliance in 3 years. Tiffany explained it would be a permitted structure. Tim asked what would happen if the applicants wanted to do an addition down the road. Joel said if expansion was in the setback, they would have to come back for a variance after the 5 years. Tim thought it seemed like a good thing to get the road away from the lake. Tiffany said you were swapping it for a house, so there'd be more impervious surface area. Tim observed that a lot more ‘yuck’ came

off of a road than a house. Larry commented further on the changes with the old house and road.

Sue L asked how they could determine how much of a variance to consider giving, since they didn't know the building site particulars. Tiffany thought they would give a variance to allow the Planning staff to approve zoning permits within that setback within the next 5 years, or whatever timeframe the Board chose. Sue L checked that the 20' setback would still be in effect, but that would be from the driving surface. Tiffany affirmed.

Laurie said it was 12' wide for everyone else, then 16' wide at theirs. The setbacks on both of them were all 20'. They would be at 56' as compared to 52'. Sue L summed that it put it back to being the same as for everyone else in the neighborhood.

Tiffany noted one neighbor comment was received. The neighbor had no problem with the plan, but wanted the County to pave the road in that area if they were going to be out there. Laurie would be doing the work, however. Shortly before the meeting, she received an email of documents to be filed for the new road. She didn't think this was germane to the decisions today. The documents were available if the Board would like to see them. (See attachments to minutes in the Sept 2010 meeting file for email copy.)

Laurie Shuman spoke on behalf of the application. He described the way the lot was configured.

Public comment opened: No public present to comment. *Public comment closed.*

Motion made by Sue Laverty, and seconded by Mike Marchetti, to accept the variance with staff findings of facts and recommendations, and with the two corrections mentioned (for pg.11 in f and for pg. 12 in a.) Motion carried, all in favor.

OTHER BUSINESS

Tim asked about the relationship of the Planning Board and Board of Adjustment, with last month's Many Springs item in mind. Joel explained a variance from the BOA was subject to the appeals procedure to the district court. The Planning Board had the authority through the subdivision regulations to talk about impacts on the natural environment, but the variance to the zoning had already been done. If the Planning Board wanted to make some motion that effectively changed something the BOA had done, it wouldn't be through zoning. It would be through a finding regarding the primary review criteria of subdivisions.

The BOA rules draft update timeline was touched upon. It wasn't yet known if there were items for the Board for October.

Motion made by Mike Marchetti to adjourn, and Sue Laverty and Tim McGinnis both seconded. Motion carried, all in favor. Meeting adjourned at 4:23 pm.