

LAKE COUNTY BOARD of ADJUSTMENT
July 13, 2011
Meeting Minutes

MEMBERS PRESENT: Clarence Brazil, Sue Laverty, Tim McGinnis, Paul Grinde

STAFF PRESENT: Joel Nelson, LaDana Hintz, Karl Smithback, Robert Costa, Lita Fonda

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

LaDana pointed out typos on pg. 2 (DMRC should be DNRC) and on pg. 4 (next store should be next door).

Motion made by Sue Laverty, and seconded by Clarence Brazil, to approve the June 8, 2011 meeting minutes as corrected. Vote unanimous to approve minutes.

BAUMGARTNER VARIANCE REQUEST—FINLEY POINT

LaDana Hintz summarized the staff report. (See attachments to minutes in the July 2011 meeting file for staff report.) Variances for this project had been before the Board before. Issues came up since work on the project began, so they were requesting changes. The suggested conditions of approval were very similar to those approved previously.

Jim Decker spoke on behalf of the applicants, and showed a visual (mounted map) pertaining to the project. Because of the slope, they began working at the point closest to the lake, and built the retaining walls up. When they were ready to set the platform for the house, they began work on the retaining walls against Finley Point Road. In the original soils investigation, they tested 5 feet down. The excavator found sandy soils when he dug down. Bill Weikel, a retired soils engineer took a look at the situation. The conclusion was that it was better not carve into the hill and disturb the one-to-one slope to South Finley Point Road, and to leave the vegetation and trees for stability. To stay away from the toe of that hill, they proposed pushing the project 10' closer to the lake. This would be advantageous to the lake, in that there would be a little less lawn, with organic growth instead. He referred to the map and pointed out some portions. By sliding forward, they would also reduce the disturbed areas of the variance.

Public comment opened: None offered. Public comment closed.

Motion made by Clarence Brazil, and seconded by Sue Laverty, to approve both of the variances with recommended conditions and findings of fact. Motion carried, all in favor.

SCHUMAN CONDITIONAL USE—UPPER WEST SHORE

LaDana Hintz presented the staff report. (See attachments to minutes in the July 2011 meeting file for staff report.) This project had also been to the Board before.

Tim asked about the condition that addressed moving the building. LaDana pointed to conditions for staking and setbacks, and condition #7, which pertained to no disturbance in the vegetative buffer zone. That would need to be demonstrated before the zoning conformance was issued.

Kevin Treece spoke on behalf of the applicants. He highlighted exhibit #2. He pointed out the boathouse location. They would survey and locate the house 50 feet from the lake. They could probably move and rotate the building 2 feet back. They would be working around the current wellhead location. They would show [compliance] and resubmit it to LaDana. He talked about the accessing work on the west corner. They would have to build the house, and then put the deck on almost at the last point.

Kevin did notice the Schumans intended to have a bathroom, toilet and sink in the structure above the shop. It looked like that wasn't allowed. LaDana noted this was one of the conditions of the zoning conformance permit. Kevin asked when the time to ask for that would be. LaDana suggested after the meeting. If it needed to be requested, it was a difference legal notice. It could not be looked at here [today] if it needed to go to the Board of Adjustment.

Kevin added that he tried to slope the side to the west to try to mitigate the glass and so forth on that side, since the bay circled back into there. LaDana asked Kevin if he thought 2 feet was enough to put the foundation and so forth on those 2 corners. Kevin thought it would be tough to do, and they'd have to put in silt fence and so forth. LaDana explained this was part of the reason for wanting the staking there, so it was very clear where the line was.

Laurie Schuman mentioned the retaining wall. LaDana explained that was a lakeshore item, and was not part of this review.

Public comment opened: None offered. Public comment closed.

Sue thought if it was adequately covered from LaDana's perspective, and as long as they didn't impact that area, with which they seemed to be confident and okay, it seemed to be pretty well addressed in the conditions. Paul agreed that 50 feet was the line.

Motion made by Paul Grinde, and seconded by Clarence Brazil, to approve the conditional use with staff findings of fact and recommended conditions. Motion carried, all in favor.

NEW MOUNTAIN HEIGHTS II CONDITIONAL USE EXTENSION—UPPER WEST SHORE

LaDana Hintz presented a memorandum on the extension request. (See attachments to minutes in the July 2011 meeting file for staff memo.) This project had also been to the Board before. She pointed out the two letters of public comment included in the memo. She highlighted the recommendation that the approval be in compliance with the approval of the Commissioners, so they would not need to continually return to the Board

of Adjustment to get an update. That was why she recommended the July 31, 2014 deadline date. She also recommended specifically that this be only for condition #22A.

Dave DeGrandpre spoke on behalf of the applicants. He reiterated that they would like to extend the conditional use granted previously by this Board to coincide with the preliminary plat approval of the subdivision. This was one of the conditions for the preliminary plat rule for the subdivision. Many of the conditions have already been complied with. The subdivision wasn't completed, but was still moving forward. He requested an extension to coincide with the preliminary approval. He agreed with the recommendation of staff that the approval period would apply to condition #22a and not #22b.

No public present to comment.

Motion made by Sue Laverty, and seconded by Paul Grinde, to grant the extension associated with condition #22A until 2014 with the staff report/memo. Motion carried, all in favor.

OTHER BUSINESS

Joel mentioned to the Board that a legal action had been filed on a recent item.

Tim McGinnis adjourned the meeting at 4:34 pm.