

LAKE COUNTY BOARD of ADJUSTMENT
December 9, 2015
Lake County Courthouse Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Sue Laverty, Paul Grinde, Steve Rosso, Don Patterson, Frank Mutch

STAFF PRESENT: LaDana Hintz, Jacob Feistner, Lita Fonda, Wally Congdon

Sue Laverty called the meeting to order at 4:02 pm.

For the Nov. 12, 2015 minutes, the following corrections were offered. Steve changed 'side' to 'size' on pg. 1 in the 3rd line of the last paragraph. Sue changed 'lot' to 'lots' on pg. 2 in the third line of the last paragraph, and 'zone' to 'zoning' in both the second and third lines of the last paragraph on pg. 3. Don had changes on three pages. 'That so' changed to 'so' on pg. 7 in the sixth line from the top. 'Back' was removed from the beginning of line 5 of the last paragraph on pg. 9. On pg. 10, in the first line of the fourth paragraph, 'the comments of' got added after 'he had with' and in the page's last line, 'tank was it already was at' was improved to 'tank was that it was already at'. Frank made changes on four pages. On pg. 3 in the first line, 'lake' replaced 'lot [line]' and 'it should' became 'there should' in the second line of the third paragraph. In the first line of the third paragraph of pg. 5, 'it' was added after 'explained that'. On pg. 12, 'site' was corrected to 'cite' in the last sentence of the second paragraph and 'zone' changed to 'zoning' in the second line of the fourth paragraph. Between 'limit' and 'ability' near the end of the second paragraph on pg. 13, 'the' was added.

Frank referred to the note to file recommended by Wally at the November meeting for the Vines item. Steve recalled that Wally suggested a note be put in the file for the lot next door, so when they apply to build a house, they could try to match that curve of the land. LaDana thought they'd be hard-pressed to push this on the neighbor, who wasn't even involved in that discussion. The planners could talk with them about it if they came in.

Motion made by Steve Rosso, and seconded by Frank Mutch, to approve the November 12, 2015 meeting minutes as amended. Motion carried, 3 in favor (Steve Rosso, Don Patterson, Frank Mutch) and 2 abstentions (Sue Laverty, Paul Grinde).

MENDENHALL CONDITIONAL USE—EAST SHORE—WITHDRAWN

HOPKINS VARIANCE—EAST SHORE (4:15 pm)

Jacob Feistner noted that Jon Marshall of Kingston Construction was here to represent the Hopkins. Jacob presented the staff report. (See attachments to minutes in the Dec. 2015 meeting file for staff report.)

Steve highlighted that in the lakeshore regulations for a boat shelter, the highest point was not to exceed 12 feet in height without referring to average height. The drawing showed 20 feet 2 inches from the grade to the peak. How was the regulation to be interpreted without the term 'average'? Jacob explained it was written that way over the water because there was no slope. Since this one was built over land, there was a slope so they used the average slope. LaDana mentioned they blended the regulations since it didn't really fit. There was a provision in the lakeshore regulations that talked about unique proposals. Steve checked with Jacob that the conditions as written with the 18-foot average height would allow this to be built as designed.

Frank asked what would happen with an open shelter if they wanted to put siding on it some day. LaDana pointed to the condition addressing that. It would stay open as part of the mitigation because that was his proposal tonight. Frank said aesthetically siding might look better, depending on the boat. LaDana clarified that he would have to come back for approval for that. Jacob pointed to the first condition. The approval was based on the boat shelter having and maintaining open sides. The location was heavily vegetated and only enough for the structure would be removed. It would only be visible from the lake.

Steve noted the applicants owned this lot and a neighboring lot. The lots were being developed as if that would always be the case. Setbacks to the line between the properties were met. One reason this wouldn't affect the view of the neighbor was that they were a long distance away. If one lot was sold, the neighbors would be a lot closer and the view might become an issue. Conditions (such as vegetation) could change. He didn't know that they should worry about that but wanted to point it out. LaDana pointed out someone would know that when they bought the property. [The Board was] looking at the proposal on this separate lot. The applicants would be bound by the conditions of the permit. One lot was owned under a trust with other parties involved. Don said they might or might not cut trees down. Jacob added there was already a house on that lot. LaDana said they could have a house and a guest house.

Jon Marshall thought staff did a good job of representing what they wanted to do. They didn't want something flashy. It would be tucked into the trees. It would be very difficult to stay under 12 feet and shed rain.

Frank noticed boats were getting taller and asked how much room an average boat took up currently along with the slab and the rails, which were slanted and above the slab. Was the [height] rule still appropriate? LaDana replied they had to apply what was in the regulations. She agreed they need to look at changing that because boats were changing. The group talked about measuring average height. LaDana said it also depended on the zoning regulations.

Sue said the report mentioned you could separate this into two separate boat houses. Using one structure, she guessed that it would need to be a little taller because it would contain two boats and Jon agreed. Don and Jon agreed the height would still be in

trouble with two shorter structures. Paul noted it had a hip roof, which also helped mitigate visual impact.

Public comment opened: None offered. *Public comment closed.*

Motion made by Sue Lavery, and seconded by Steve Rosso, to approve the variance with findings of fact and conditions. Motion carried, all in favor.

OTHER BUSINESS

LaDana and the Board thanked Paul Grinde, as this was the last meeting of his term.

Sue Lavery, chair, adjourned the meeting at 4:40 pm.