

**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**JANUARY 15, 2015
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
MEL PALMER
BEN TARBUTTON
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner II



STEVEN FRAMPTON
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Community Development.

Steven Frampton called the meeting to order at 6:00 p.m.

The Hearing Examiner explained that the purpose of the public hearing is to take testimony on the items that appear on the agenda.

The Hearing Examiner will review the testimony presented and make written recommendations to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:37 p.m.

HEARING EXAMINER MINUTES
JANUARY 15, 2015

CASE NO. VAR14-0005

Type: Variance, a request by Matthew M. Marron, for two separate variances to the Kootenai County Zoning Ordinance front yard setback requirements. The Applicant is requesting a variance of 20'6" variance from the twenty-five (25') foot front yard setback requirements to acknowledge the existing residential structure setback is 4' 4" from the front property line and a variance to allow an addition to the existing residence, beginning at the north-west corner of the existing structure and progressively moving further from the front property line with a varying horizontal front yard setback. If approved, the Applicant will then make application to consolidate the two lots into one lot, eliminating the common lot line. The project site includes two parcels totaling approximately 0.476 acres in the Restricted Residential zone. The Parcel Numbers are 0-8970-001-004-0 and 0-8970-001-005-0 and are described as: WOODLAND SHORES DEVELOPMENT, LT 4 BLK 1 and LT 5 BLK 1, in Section 17, Township 48N Range 04W, B. M., Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner II, introduced the application which is requesting two separate variances. This request would remove the non-conforming status of the existing single family residential structure and allow a front yard setback for an addition to the existing residence. If this variance were approved the Applicant would consolidate the two existing lots into one lot, through the Minor Replat process. The consolidation would remove the common lot line between the two lots and eliminate side yard setbacks in that area. The side yard setback requirements would then apply as measured from the consolidated exterior lot boundary, or as determined through the variance process. Ms. Palmer submitted for the record two public comments that were received after the deadline (HE 1000). The site is not in the Area of City Impact. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Matthew Marron, applicant, provided a brief history of the site and how they acquired the property which is to be their permanent retirement home. They were not aware of the encroachment until their engineer verified the setbacks for the home remodel. The addition would include a safe and easier access off of Watson Road. The variance would minimize the hill erosion and improve emergency vehicle access. Mr. Marron added the neighbor's comments in opposition did not provide a reason for him to address. Also, they have no issues with the staff report conditions. Scott McArthur, applicant engineer, added the Marron's are excited about getting the site issues resolved. They are good caretakers of the land and the new build would be consistent with the surroundings. The property line is not consistent with the road which was discovered when they were trying to correct the non-conformance. He added the existing structure was developed in the most sound area of the property not knowing they were in the setback.

Exhibits: HE 1000 – Two public comments submitted by Mel Palmer
HE 1001 – Presentation packet submitted by Matthew Marron.

Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives - 3; In Favor - 1, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony referencing the above applications had comments regarding:

- This section of Woodland Hills Subdivision has created some issues of access with the residents
- Property owners are responsible for road maintenance
- Marrons have met with the neighbors
- Site disturbance would return to the original state upon completion of construction

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:24 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES
JANUARY 15, 2015

CASE NO. VAR14-0008

Type: Variance, a request by Pierre Gallant for a variance to the Kootenai County Flood Damage Prevention Ordinance No. 441, Sections 11-1-2, Flood Protection Elevation, and 11-1-3 (B) 1. The variance is for 1.3 feet (rounded to 15.5 inches) variance, to allow the “top of the lowest floor” elevation at 2141.0 feet instead of at 2139.9 (three feet above Base Flood Elevation). The subject parcel is approximately 0.265 acres in the Restricted Residential zone. The Parcel Number is: 0-5420-000-003-A, and is described as: MORROWS SUB, TAX #6777 in Section 31, Township 49 North, Range 03 West, B. M. Kootenai County, Idaho. Located at 32297 S. Highway 97, Harrison, ID 83833.

Staff Presentation: Mel Palmer, Planner II, introduced the application for a variance of 15.5 inches to the Kootenai County Flood Damage Prevention Ordinance No. 441, in order to receive a Certificate of Occupancy for his single family residence, which has been constructed with the “top of the lowest floor” elevation at 2141.0 feet. The structure should have been constructed at 2142.3 feet. Because of the height issue, this request also includes a request for variance to flood vent requirements. Ms. Palmer submitted for the record a public comment that was received after the deadline (HE 1000). Ben Tarbutton, Planner II-Flood Plain Administrator, was available for clarification. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Pierre Gallant, applicant, stated the entire issue could be summed up by understanding the architectural firm was not clear enough and the plans received County approval. The intent was to build as close to the lake within code then there was a change in plans to go higher to increase the safety factor. Mr. Gallant added there was never a conscious purpose not to comply with the codes. It was a shock to discover they were too low for code. He provided two corrective scenarios if the variance was not granted which involves an intense process to raise an extremely secure structure or they could tear it down which would be incredibly wasteful.

Exhibits: HE 1000 – A public comment submitted by Mel Palmer.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 1; In Favor - 1, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony referencing the above applications had comments regarding:

- Neighbor assisted with the build since he knew the lake area
- Louvers are engineered to protect the lake side of the foundation
- The elevation on the plan was wrong and the cabin was placed back and higher for flood safety

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:37 p.m. The Hearing Examiner, Steven Frampton will review this case and submit his written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary