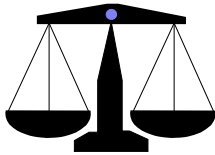


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**SEPTEMBER 7, 2017
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

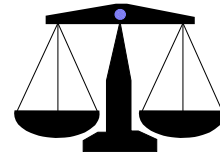
**HEARING EXAMINER
SHARON MOHR**

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



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner



SHARON MOHR
Hearing Examiner

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

Sharon Mohr 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 6:16 p.m.

HEARING EXAMINER MINUTES
SEPTEMBER 7, 2017

CASE NO. VAR17-0002

Type: Variance, a request by Raymond and Cynthia Fox, for a variance of 25' to the twenty-five (25') foot front yard setback requirements, to allow a new garage building to be constructed at the edge of the W. Tule Lane road right-of-way. The project site consists of approximately 0.737 acres, located in the Restricted Residential zone. The parcel number is: 0-1762-001-005-0 and is described as: DEWEYS COTTONWOOD BAY SUB 2ND ADD, LT 5, BLK 1, in Section 4, Township 47 North, Range 04 West, B. M., Kootenai County, Idaho. The subject property is located at 3953 W. Tule Lane, Worley, ID. (*Mel Palmer-Planner*)

Staff Presentation: Mel Palmer, Planner, addressed Hearing Examiner Mohr referencing a presentation (HE 1000). She stated the new garage site requested is to be constructed at the edge of the W. Tule Lane right-of-way which bi-sects the parcel. Agency reviews resulted in Panhandle Health District (PHD) having concerns which have been included in the conditions of approval. Ms. Palmer added under further review the rendering of the site plan profiled for the proposed garage shows the eaves would encroach into the easement. She submitted a staff report edit on page 6 to include Condition 7.07 referencing no eaves to extend into the 40' easement (HE 1001). The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Rob Elmer, Applicant Representative, stated due to PHD's comments they have updated the site plan photographs and renderings to submit for reference (HE 1002). He was not aware of the addition of Condition 7.07 regarding the extension of eaves into the easement, however, he would agree to that condition. They tried placement of the garage at various locations on the parcel but with the road, well and septic in place this site was the most viable location and requires a variance approval. To stay within the 25 foot setback requirements would necessitate a large retaining wall holding back an enormous amount of soil at a very large expense. Mr. Elmer added if the variance was approved it would be the maximum and safest use of the land. The garage would be elevated 1 foot above Tule Lane and set back in place at a 9% grade which is standard. In conclusion, he stated the owners have decided to reside at this location as a permanent residence and a garage will keep the vehicles and boat stored for all weather coverage and the garage would not obstruct the minimal traffic from the seasonal homes of the neighbors.

Exhibits: HE 1000 – Presentation submitted by Mel Palmer
HE 1001 – Addition of Condition 7.07 to staff report by Mel Palmer.
HE 1002 – Updated photographs and renderings submitted by Rob Elmer.

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

Applicant Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:16 p.m. The Hearing Examiner, Sharon Mohr will review this case and submit her written report to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary