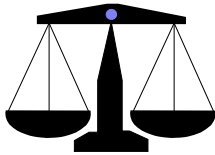


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

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

**HEARING EXAMINER  
SHARON MOHR**

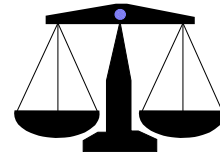
**STAFF PRESENT  
VLAD FINKEL  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**VLAD FINKEL**  
Planner



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**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 6:03 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 6:51 p.m.**

HEARING EXAMINER MINUTES  
DECEMBER 7, 2017

**CASE NO. VAR17-0003**

**Type: Variance, Grant Detweiler and Reithanna Milburn** a request for a 14 ft. variance to the 25 ft. front yard setback from Half Mile Lane and 20 ft. variance to the 25 ft. rear yard setback from E. Hayden Lake Road on a 0.229 acre parcel of land in the Restricted Residential zone. The property is currently undeveloped with very steep slopes, bisected by E. Hayden Lake Road. The intent of the request is to construct a residence as close as possible to Half Mile Lane with minimal fill and disturbance to the hillside. Access to the property proposed residence will be from Half Mile Lane, portions of which are both public and private. The parcel number is 03520000056A and described as: H L Honeysuckle Hills Building Sites, Lot 56, TAX # 15786 EX TAX # 24885 [In Govt Lot 3] in Section 20, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject site is located +/- 400 ft. south of the intersection of E. Hayden Lake Road and Half Mile Lane. (*Vlad Finkel-Planner*)

**Staff Presentation:** Vlad Finkel, Planner, began the public hearing to state on the record the four criterion to consider for a variance. Mr. Finkel introduced the application requesting two variances and referenced a presentation (HE 1000) showing details of the property. The property is waterfront bi-sected by E. Hayden Lake with a right-of-way. He stated in a meeting with the applicant to consider the variance the historical boundaries Road were discussed which gave this parcel a smaller building envelope. He added the site is very steep and is very challenged to develop so a geotechnical report has also been submitted. Public agencies had no concerns that could not be mitigated. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Ryan Neary, Applicant Representative, stated the site is difficult with 40% to 60% slopes and not very wide. The biggest challenge is E. Hayden Lake Road with the significant setback. They would be building on the best portion of the land. With an adequate driveway to the garage which places the home further downhill. He added the site selected is a technically feasible location and not out of character with the other home sites in the area. Reithanna Detweiler, Applicant, added they have been working with the county for a resolution to build their retirement home since they had discovered a design challenge due to historical surveys.

**Exhibits:** HE 1000 – Presentation submitted by Vlad Finkel  
HE 1001 – Summary with documentation submitted by Barb Neal.

**Public Testimony:** Comment Sheets submitted: 8, Applicant/Representatives - 2; In Favor - 1, Neutral - 1, Opposed – 4. The names and address of the individuals speaking or submitting comments are part of the record.

- Area is known for slides which take out sewer lines and block the road
- The soil is unsafe due to the silty clay and generally unstable area
- Multiple slides in the area have closed the road at a cost to the taxpayers
- Most of the homes are within their setback footprint and do not need variance consideration
- Road is not maintained by the county
- Stormwater issues will evolve going down the hill and build up behind the home

**Applicant Rebuttal:** Ryan Neary, Applicant Representative, expressed the hardship detailed for this variance is the extreme slope. He added the site has been engineered and will comply with the Geotechnical Evaluation if approved. The stormwater concerns are remedied with a fully engineered site disturbance plan that handles the runoff of the home and driveway keeping it on site. Once built the area becomes safer when stormwater runoff is maintained and kept within the site disturbance guidelines.

There being no further comments from the public, testimony was closed on this item at 6:36 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,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES  
DECEMBER 7, 2017

**CASE NO. VAR17-0007**

**Type: Variance**, a request by **Kenneth Howard** for a 15 ft. variance to the 25 ft. front yard setback on a 1.459 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to construct a 660 sq. ft. personal storage building on a vacant lot. Due to the steepness of the site, the existing location of a drainfield easement, and rock outcroppings, it is very challenging to construct a personal storage building elsewhere on the property and comply with the front yard setback requirements. As a result, the structure will be located 10' from the front property line. Access to the property is via Cape Horn Drive and Miracle Road, private right-of-ways dedicated to the public, however, not accepted by the Highway District. Concurrently with this request, the Applicant is seeking a Special Notice Permit (SPN17-0005) to construct a personal storage building on a vacant lot prior to establishing a primary use. The parcel number is 0-L012-001-001-0 and described as: Hidden Spring, Lot 1, Block 1 in Section 36, Township 54 North, Range 02 West, B.M., Kootenai County, Idaho.

**Staff Presentation:** Vlad Finkel, Planner, introduced the application and referenced a presentation (HE 1000) showing details of the property. The Kootenai County site is located in the Bayview area and borders a Bonner County waterfront parcel. The applicant owns the parcel in Kootenai County and the adjoining parcel in Bonner County where he resides. Mr. Finkel added the proposed shop will be built before a residence and in Kootenai County that requires a Special Notice Permit. The public agencies with jurisdiction provided comments. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Robert Tate, Applicant Representative, stated this variance is unique due to a storage building setback variance request that is related to a residence in another county. The site has rock outcroppings and the structure can squeeze in 17 feet below the road and be hidden from the road except for the roof area. He added the fire district concerns need further clarification since they may have been commenting on the Bonner County road.

Hearing Examiner Mohr requested clarification regarding having a two-story personal storage structure with a bathroom and deck.

Mr. Tate confirmed the applicant has multiple vehicles and a boat which would be the purpose for a covered non-habitable, personal storage building. The area has beautiful views that he could enjoy from the proposed deck.

**Exhibit:** HE 1000 – Presentation submitted by Vlad Finkel.

**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 6:51 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,

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Kathryn Ford, Recording Secretary