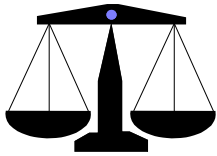


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**APRIL 4, 2019
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

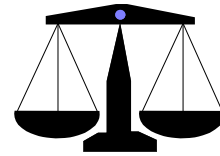
**HEARING EXAMINER
SHARON MOHR**

**STAFF PRESENT
BEN TARBUTTON
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

BEN TARBUTTON
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 6:31 p.m.

HEARING EXAMINER MINUTES

APRIL 4, 2019

CASE NO. VAR18-0009

Type: Variance, a request by Patrick Magajna for an 18' variance to the 25' front yard setback on a parcel in the Restricted Residential zone. Due to common ownership assessment reasons, the Assessor has this Lot 4 Block 1 and Lot 3 Block 2 of Split Rock Subdivision depicted as one 0.96 acre parcel. However, according to the recorded plat, they are still two separate lots. Specifically, the Applicant wishes to construct a residence with an attached garage on the south side of N. Split Rock Road. Due to the steep topography of the site, the Applicant cannot maintain the front yard setback. As a result, the residence with attached garage would be located 7' from the property line. Access to the property is via N. Split Rock Road, a road dedicated to the public. The parcel number is 0-7480-001-004-A and described as: Lot 4 Block 1 of Split Rock Subdivision in Section 17, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. (*Ben Tarbutton-Planner*)

Staff Presentation: Ben Tarbutton, Planner, provided a brief update regarding the requested front yard 18' variance. The Applicant provided a revised site plan just prior to the hearing for a lesser variance request to be for the structure 13' 3" and for the eaves 17' 4 7/8". The location is on the northern side of Hayden Lake and all other setbacks are met except the front yard. Mr. Tarbutton added there is an existing cabin structure that will be demolished and the retaining wall has the driveway access to the building site. The request meets the standards for a variance and the Applicant will demonstrate that this is the minimum request necessary.

Applicant Presentation: Kyle Capps, Applicant Representative, stated the cabin on the site has been there since the 50' or 60's when setbacks were not applicable. The cabin pad is level for building with the garage and driveway on another lot to access the home site due to the steep slopes. Mr. Capps added with the steep slopes moving any dirt results in moving closer to the lake with an unstable dirt slope. The variance would be the minimum to allow entry and exit from the home site and garage safely.

Exhibits: HE 1000 – Presentation submitted by Ben Tarbutton.
HE 1001 – Revised site plan submitted by Kyle Capps.

Public Testimony: Comment Sheets submitted: 3, Applicant/Representatives – 3; 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 6:15 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

HEARING EXAMINER MINUTES

APRIL 4, 2019

CASE NO. VAR19-0002

Type: Variance, a request by Randy Heidenreich for a 22'-8" variance to the 25' front yard setback on a 0.415 acre parcel in the Restricted Residential zone. Specifically, the Applicant wishes to improve an existing residence with the addition of a master bedroom suite, entry-way, and storage area. Due to the topographic constraints and the location of the existing septic tank, the Applicant cannot maintain the front yard setback. As a result, the proposed improvements would be located 2'-4" from Geneva Lane, a private road. The parcel number is 0-1535-001-005-0 and described as: Lot 5 Block 1 of Cove Point and 1/33 interest in the private road in Section 11, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. (*Ben Tarbutton-Planner*)

Staff Presentation: Ben Tarbutton, Planner, introduced the application referencing his presentation. He stated the site has limited space to improve the existing residence due to the steep lakeside slopes and septic tank. The agency comments had no concerns and if needed conditions were provided. Mr. Tarbutton added the criteria for this variance has been met with the undue hardship on the topography and septic placement. The Applicant will demonstrate that this is the minimum request necessary.

Applicant Presentation: James Dahl, Applicant Representative, stated they will meet all of the codes and conditions as referenced in the staff report. He provided details that the bi-secting of Geneva Lane, extreme slope topography with the septic and propane tank placements promotes the building site issues. The neighborhood does have structures closer to the road than this request and the Neighborhood Association submitted an approval letter. Mr. Dahl added parking will be on the other side of Geneva Lane so the structure can be improved to serve a family.

Exhibits: HE 1000 – Presentation submitted by Ben Tarbutton.

HE 1001 – Grade profile of elevation submitted by James Dahl.

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 6:31 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