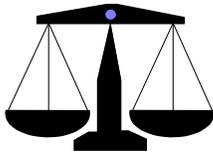


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**OCTOBER 20, 2016
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

**HEARING EXAMINER
STEVEN FRAMPTON**

**STAFF PRESENT
VLAD FINKEL
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner



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 7:06 p.m.

HEARING EXAMINER MINUTES
OCTOBER 20, 2016

CASE NO. VAR16-0005

Type: Variance, a request by Corrina C. Esvelt-Siegford for a variance to the minimum lot size of 5.000 acres in the Rural zone. The subject parcel of land 4.758 acres in size created in error as an unplatted remainder through a subdivision process of Cedar Hollow plat in 2007. Access to the property is off Hidden Valley Road, a public road maintained by the Post Falls Highway District and Crystal Springs Lane, a private road. The parcel number is 52N05W-35-7800 and described as TAX # 21500 {IN NW-SE} in Section 35, Township 52 North, Range 05 West, BM. Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application providing a brief history on how Cedar Hollow subdivision was platted and a parcel created as an unplatted remainder on the west side of Crystal Springs Lane. Mr. Finkel stated the parcel under consideration for this variance does not meet the minimum lot size for the area and cannot be developed. A variance would allow the property owners to legitimize the parcel and bring it into compliance with the Code. He added Agencies with the jurisdiction have provided their review comments which were included in the draft conditions of approval with the staff report. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Gary Siegford, Applicant, provided additional information stating the County staff, at the time, advised them to submit a revised plat with the remainder unplatted parcel across the road to be included for approval. Mr. Siegford submitted information (HE 1000) referencing the guidance given and showing their parcel size is consistent with surrounding land uses.

Exhibit: HE 1000 – Parcel history and information submitted by Gary Siegford.

Public Testimony: Comment Sheets submitted: 2, Applicant/Representatives - 2; 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, 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
OCTOBER 20, 2016

CASE NO. VAR16-0004

Type: Variance, a request for Daniels Real Property Trust by Scott Poorman for a variance of 3.5' to the 25' front yard setback and 7.84' to the 10' side yard setback on a parcel of land 0.13 acres in the Restricted Residential zone. The purpose of the request is to retain an existing non-compliant garage on the property. There is also an existing residence on-site. The property is located at 25254 S. Cleland Bay Road. The parcel number is 47N04W-02-6795 and described as TAX # 4891 {In Sandy Beach, Reserved Lot} in Section 2, Township 47 North, Range 04 West, BM. Kootenai County, Idaho. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application stating the variance is to keep the existing non-compliant garage built by a previous owner and clear-up the code violation. He added a property line adjustment was done with the neighbor to the south so the variance could be requested. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

Applicant Presentation: Scott Poorman, Applicant Representative, stated he appreciated the additional review provided within the staff report and he had no additions or corrections to the report. Mr. Poorman reference his presentation (HE 1000) showing the dateline history of the property with the previous owners. The current owners want to make repairs to their failing deck but with the active code violations they cannot receive a building permit. This variance is for the garage only since there is a lot line adjustment with the neighbors. He added the site is steep and other structures built in close proximity dictated why the garage has been in this location for 10 years. Mr. Poorman acknowledge the concerns regarding parking issues and the Cedar Grove Dock Association issues of infringement on the riparian or littoral rights which may be impose on the beach and dock, however, granting or denying this variance is not going to resolve those issues. The Applicant's are trying to clean up a problem they did not create so they can continue repairs on the home.

Exhibits: HE 1000 – Presentation submitted by Scott Poorman.

- HE 1001 – Exhibit H submitted by Jeff Reed.
- HE 1002 – Exhibit A and B submitted by Jeff Reed.
- HE 1003 – Exhibit G submitted by Jeff Reed.
- HE 1004 – Exhibit C and D submitted by Jeff Reed.
- HE 1005 – Exhibit E submitted by Jeff Reed.
- HE 1006 – Exhibit F submitted by Jeff Reed.

Public Testimony: Comment Sheets submitted: 6, Applicant/Representatives - 1; In Favor - 2, Neutral - 0, Opposed – 3. The names and address of the individuals speaking or submitting comments are part of the record.

- Repairs to the property are needed which need permits for safety inspections
- Neighbor had an access agreement with the previous owner
- Current owner parking issues are created due to the garage space being used for storage
- Garage should be removed since it makes neighboring access difficult
- Dock Association has no issues with the variance but the lot line adjustment needs Tribe comment

Applicant Rebuttal: Scott Poorman addressed the public concerns stating the Easement Agreement signed by the previous owner was providing each neighbor encroachment access and is not an easement for ingress/egress or parking. He believes the parking situation can be fixed but this variance request does not make the situation worse. Also, considering a variance for the garage is irrelevant to the dock discussion.

There being no further comments from the public, testimony was closed on this item at 7:06 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