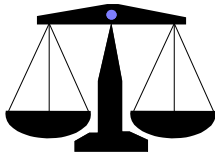


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**FEBRUARY 17, 2011
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

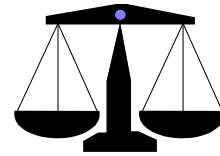
**HEARING EXAMINER
LISA KEY**

**STAFF PRESENT
JAY LOCKHART
MEL PALMER
SCOTT CLARK
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

JAY LOCKHART
Planner II



LISA KEY
Hearing Examiner

The Official Record of Public Hearing is on a CD recording available at the Kootenai County Building and Planning Department.

Lisa Key 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 6:24 p.m.

HEARING EXAMINER MINUTES
FEBRUARY 17, 2011

CASE NO. ZON10-0005

Type: Zone Change, a request by Duane and Karin Wentz, to change the zoning classification of a portion of their parcel from Rural to High Density Residential on approximately 18.4439 acres. The subject site is located on the east side of Highway 41, at 28128 N. Highway 41. The site is described as Tax #22342 [IN S2-SW] in Section 21, Township 53 North, Range 04 West, B. M., Kootenai County, Idaho. The parcel number is 53N04W-21-6500.

Staff Presentation: Jay Lockhart, Planner II, stated the request by Duane and Karin Wentz is to change the zoning classification of a portion of their parcel from Rural to High Density Residential. In 1973 the applicants went through the zone change process to allow a mobile home park on parcel 53N04W-21-6500. After the approval of the zone change the applicants began construction of the park. At that time it was discovered that the interior roads in the northern section of the park extended into the adjoining parcel to the north (53N04W-21-6120). Since the applicants owned that parcel they did a lot line adjustment so that all of the interior roads would be on the same parcel. The mobile home park has operating this way since 1975. It was recently discovered that the area lot lined into the parcel was not included in the initial zone change. The applicants are requesting a zone change for that portion of the parcel to bring the parcel more into conformity and to allow them to continue to use that section of the mobile home park as they have for the past 38 years. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Duane Wentz, applicant, added the mobile home park began in 1975 and was granted a zone change. Before purchasing the park in 2004 they checked with the Building and Planning Department to make sure it was in compliance but there was an error. They want the property in compliance and are requesting a recommendation to approve the zone change.

Exhibits: None.

Public Testimony: Comment Sheets submitted: 4, Applicant/Representatives – 2; In Favor-1, Neutral-1, Opposed-0. The names and address of the individuals speaking or submitting comments are part of the record. The Public Testimony had comments regarding:

- Expansion of the mobile home park use

Applicant's Rebuttal: Duane Wentz, applicant, added the remaining portion of their parcel would not be allowed to have a mobile home park or expansion of the current park since it is not zone High Density Residential and is not included in this zone change request.

There being no further comments from the public, testimony was closed on this item at 6:10 p.m. The Hearing Examiner, Lisa Key, 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
FEBRUARY 17, 2011

CASE NO. VAR10-0009

Type: Variance, a request by Ronald Schlerf for a variance to the Kootenai County Zoning Ordinance front yard setback requirement of twenty-five (25) feet. The Applicant is requesting a variance of twenty three (23') feet from the required twenty five feet (25') front yard setback from the road easement. The Variance will allow the Applicant to construct a single family residential structure and attached garage. The structure is proposed to be approximately 2,900 sq. ft. footprint, including garage and will be located on the east side of Fishhawk Court, a private road within the East Side Highway District. The proposed project is on approximately 0.659 acres in the Restricted Residential zone. The site is located along the westerly shore of Squaw Bay on Coeur d'Alene Lake in the subdivision of Coeur d'Alene Lake Estates. The parcel number is 0-1450-001-010-0 and is described as Coeur d'Alene Lake Estates Amend Lot 10 Block 1 in Section 05, Township 49 North Range 03W, B. M., Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner I, stated that the applicant is requesting a 23 foot variance from the front yard setback. The property has two private road easements which require a 25 foot front and rear yard setback. Ms. Palmer referenced a correction change to Condition 6.03 to state the eaves shall not encroach into the setback and not just the footprint. The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Ryan Neary, applicant representative, testified the applicant was applying for a building permit and discovered they needed a variance due to the 25 foot setback requirements. The setbacks were not required by any other residences constructed in the development. They had purchased the parcel when other homes were already built near the road and had assumed their parcel would be buildable for their future home. The slope of the property and the county guidelines changing after they purchased the property creates the hardship since the only buildable portion of the property is the lower portion of the parcel. The difficulty in building the house increases dramatically when moved down the hill and it would move closer to the 25 foot no disturbance zone at the edge of the lake. The small footprint allowed does not allow them to occupy a livable family space year around. To even consider a smaller home would still not solve the slope feasibility issues. The current location selected for the pad does not have an excessive slope but building any size home moves it into the setback.

Exhibits: None.

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

Applicant's Rebuttal: None.

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

Submitted by,

Kathryn Ford
Recording Secretary