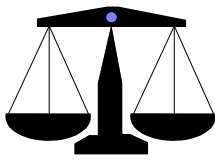


**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**AUGUST 18, 2011  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
LISA KEY**

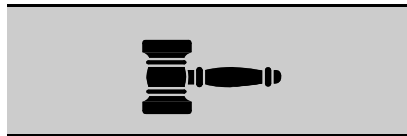
**STAFF PRESENT  
MEL PALMER  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

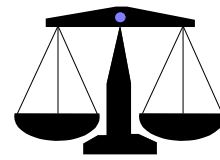
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**KATHRYN FORD**  
Recording Secretary



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**LISA KEY**  
Hearing Examiner



**MINUTES  
REVIEWED BY:**

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**MEL PALMER**  
Planner I

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

**Lisa Key called the meeting to order at 6:04 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  
AUGUST 18, 2011

**CASE NO. VAR11-0003**

**Type: Variance, a request by Julia Nagle** for a variance of approximately thirty-two (32') feet from the front setback requirement of twenty-five (25') feet from the road easement. The variances will allow the Applicants to remodel the existing structure and increase the footprint parallel with S. Silver Beach Road. The site is located at 2351 S. Silver Beach Road, Coeur d'Alene, on 0.6416 acres located in the Agricultural-Suburban zone. The property is described as Silver Beach Park, S2-LT 21, LT 22, LT 23 ALL EX HWY R/W, PTN VAC RD in Section 29, Township 50 North Range 03West, B. M., Kootenai County, Idaho. The parcel number is 0-7320-000-022-A.

**Staff Presentation:** Mel Palmer, Planner I, introduced the application stating the variance is requested for the front yard setback. The structure on the site is a single family residence constructed in 1957 prior to any ordinances and setback requirements. A site plan (A-9) showing the multiple setback requirements including the Highway District prescriptive road easement by color detail was submitted into the record (HE 1000). The construction equation for repairs will exceed half of the assessed market value. The request also includes constructing an attached garage, Section 9-8-11 in the Restricted Residential Chapter outlines that a minimum of one (1) off-street parking space is required for each residential dwelling. It appears compliance with this requirement would require at a minimum a parking pad. The public agencies have commented with no objection. East Side Highway District included a statement regarding prescriptive easements and granted a variance to the easement. Staff research has found no judgment granting a prescriptive easement. The improvements would be parallel with Silver Beach Loop Road as shown on the site plan. The site was posted and based on the signed affidavit in the file, the public notice requirements have been met.

**Applicant Presentation:** Julia Nagle, applicant, stated this home was originally built with a two car garage over the living room and basement. The foundation is aging so part of the garage was changed into a living area since having a car parked over the living room was unsafe. The southside of the foundation has large cracks and should be replaced. The photographs show how the home sits next to Silver Beach Loop Road (HE 1001). The improvements requested would be to build out six feet to the lake side and along the road to include a large garage for storage and parking to keep things off the road since the road is not that wide. The repairs are essential to maintaining the structure. The parcel is very steep on the lakeside and a lot of fill or piers would be needed if the structure has to be moved. The less they have to fill-in and dig up the hillside the better it would be for the area.

**Exhibits:** HE 1000 – Site plan (A-9) color detail submitted by Mel Palmer.  
HE 1001 – Photographs submitted by Julia Nagle.

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

- No feasible way to move away from the road without bringing in a lot of fill or piers.
- Improvements would be consistent with the neighboring homes.

**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,

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Kathryn Ford  
Recording Secretary