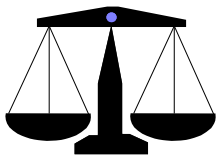


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING**

**DECEMBER 15, 2011
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

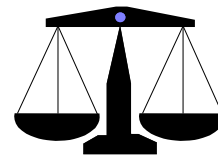
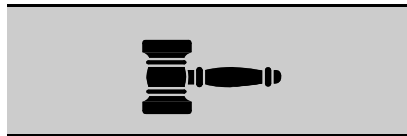
**HEARING EXAMINER
LISA KEY**

**STAFF PRESENT
MEL PALMER
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

MEL PALMER
Planner I

LISA KEY
Hearing Examiner

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 6:01 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 6:43 p.m.

HEARING EXAMINER MINUTES
DECEMBER 15, 2011

CASE NO. VAR11-0007

Type: Variance, a request by John Penning for a variance of nineteen feet (19') from the required twenty five (25') feet front yard setback and a variance of three (3') feet from the required ten (10') feet side yard setback. The variance will allow the Applicant to construct an enclosed garage for vehicle parking and storage of personal items. The project site is located at 4318 Deepwater Court, Hayden, on approximately .477 acres in the Restricted Residential zone. The parcel number is 0-7500-003-005-A and described as 1st Addition to Split Rock Sub-Div, Tax #23010 IN Lots 4 & 5 Block 3, Section 17, Township 51N, Range 03W. B. M., Kootenai County, Idaho.

Staff Presentation: Mel Palmer, Planner I, introduced the application stating the variance was requested for front and side yard setbacks to allow construction of an enclosed garage. The Area of City Impact (ACI) is with the City of Hayden Lake which submitted a letter requesting that any approval include conditions that minimize any adverse impacts on Hayden Lake or the Lake's overall aquatic health. Public agencies provided comments which were included in the staff report. A previous application for a variance in 2009 was heard before the Board of County Commissioners and denied referencing two actions the applicant could take to try and gain approval 1) The Applicants could reduce the size and/or reposition the garage structure on the parcel in compliance with the required setbacks of the Restricted Residential Zone, so as to eliminate the necessity of a variance or 2) The Applicants could reduce the size and /or reposition the garage structure on the parcel so as to require a variance of lesser scope. A letter referencing a retaining wall near the garage site was submitted (A-9)(HE 1001). The site was posted and based on the signed affidavit, the public notice requirements have been met.

Applicant Presentation: Mike Dodge, applicant representative, stated this variance would be feasible to approve since it is the minimum variance based on the location selected between the retaining wall, the home and the needed use for storage and two vehicles. This request is of a lesser scope by 1.5 feet at the side yard setback. Additional photographs (HE 1000) were submitted to show the neighboring parcels and concerns expressed about the visual impact of a future garage. Other sites considered would create tremendous site disturbance issues with a large elevation change closer to the roadway and not the home. Mr. Dodge added the request is not so out of the ordinary for the neighborhood. It fits within the character and reflection of the neighborhood and gives the Penning's direct access into the house. The parking pad is there and the site disturbance is minimal. To have approval to build on this site would not be a hardship but other locations within setbacks on the site would create a hardship. John Penning, applicant, gave a brief history of the site and remodel of the home. The original plans did not include a new foundation, however, structural integrity was needed to continue to build on the same footprint. During the remodel chaos a garage was not considered. Having a place to park your car in Idaho would be useful. With the properties in the area a garage adds value to the home. A reasonable use would be to locate the garage on this site due to the slope and road locations. They are very conscious of the eco-system in the lake area and want to have the least site disturbance.

Exhibits: HE 1000 – Photographs submitted by Mike Dodge.
HE 1001 – Letter 07-26-11 regarding retaining wall submitted by Mel Palmer.

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's Rebuttal: None.

There being no further comments from the public, testimony was closed on this item at 6:43 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