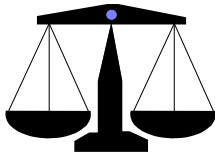


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**APRIL 15, 2021
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

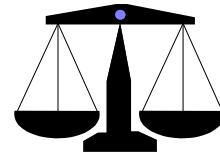
**HEARING EXAMINER
JOAN WOODARD**

**STAFF PRESENT
ZACH TREVINO
VLAD FINKEL
DAVID CALLAHAN
KATHRYN FORD**



**MINUTES
PREPARED BY:**

KATHRYN FORD
Recording Secretary



**MINUTES
REVIEWED BY:**

VLAD FINKEL
Planner



JOAN WOODARD
Hearing Examiner

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Joan Woodard 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 a written recommendation to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:26 p.m.

HEARING EXAMINER MINUTES

APRIL 15, 2021

CASE NO. CUP20-0009

Type: Conditional Use Permit, a request by New Life Community Church and Classical Christian Academy for a Conditional Use Permit to expand a Place of Worship and School on an approximately 10.056-acre parcel of land in the Agricultural zone. The subject parcel is developed with a nonconforming church, used as a place of worship and school, which was established prior to the requirement that such uses receive a conditional use permit to operate in the Agricultural zone. The Applicant is proposing to establish three modular classroom buildings on the parcel initially, to be followed by an additional building if needed, in order to provide additional classroom space for the K-12 private Christian school. The school will operate from September through early June annually, and will have a maximum daily capacity of 250 people. The four proposed modular classroom buildings would add over 7,000 total square feet of space to the facility. Access to the subject parcel will be gained directly from Hayden Avenue, a public road maintained by Post Falls Highway District. The parcel number is 51N04W-20-3000, described as: TAX #13145 EX W 3 FT, N 10 FT OF TX #13146 [IN NW-NW] in Section 20, Township 51 North, Range 04 West, Boise Meridian, Kootenai County, State of Idaho. The Assessor's Identification Number (AIN) is 182821. The church is located at address 6068 W. Hayden Avenue in the Shared Tier of the Coordinated Area of City Impact. *(Zach Trevino-Planner)*

Staff Presentation: Zach Trevino, Planner, provided a brief update regarding the status of the application. Recent information was brought forward regarding a code violation. A meeting with the New Life Church representatives discussed the violations on an adjoining Parcel 51N04W203150 to the west. That parcel is also owned by the New Life Church. He stated with violations on properties a land use application cannot move forward until resolved. The discussion involved the steps needed to remedy the violations prior to proceeding with this CUP request. Mr. Trevino added the Applicants were provided with contact information for the Building Division, and requested that the hearing be postponed to a future date uncertain.

Hearing Examiner Woodard agreed the violation needed to be resolved and postpone their hearing to a date uncertain.

Applicant Presentation: None.

Exhibit: None.

Public Testimony: None.

Applicant Rebuttal: None.

There being no further comments, testimony was closed on this item at 6:04pm.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 15, 2021

CASE NO. VAR20-0008

Type: Variance, Sarah Baker is requesting the following variances on a 0.22 acre parcel of land in the Restricted Residential zone in order to construct a primary residence on-site: 1) 25' variance to the 25' front yard setback from English Point Road public right-of-way/easement (0' setback); 2) 25' variance to the 25' front yard setback from Waverly Loop private road easement (0' setback). The subject waterfront property is currently vacant with very steep slopes. The Applicant states that a drainfield easement for a septic system is located off-site. The northwestern property line abuts English Point Road, a public road maintained by the Lakes Highway District. Furthermore, the subject parcel is bisected by Waverly Loop, a private road which provides direct access to the property. The parcel number is 0220200A17AA and described as: English Point Replat A, TAX # 20842 [IN LOT 17A BLOCK A] in Section 16, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject parcel is located at 5636 E. Waverly Loop. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application providing a brief overview referencing a presentation. The Applicant is requesting two variances from the easements on a parcel in the Restricted Residential zone to construct a primary residence. He added inspection of the site shows steep slopes, limited space for development and location of the public and private right-of-ways adjacent to the parcel being the challenge on development of this site. Mr. Finkel stated a comprehensive Geotechnical Report was provided and shows the site is reasonable for development. Agencies with jurisdiction reviewed the request and provided comments. Staff would support this request with the conditions presented in the staff report which would include a design professional site disturbance plan.

Applicant Presentation: Sandy Young, Applicant Representative, testified the area has many homes built with no variances since the current ordinance was not in effect at the time. This home would be compatible with the neighborhood. She provided a detailed color related site plan to show the intersecting easements and building footprint. The proposed home is within all of the property line setbacks and the variance would be for the easements. Ms. Young added the footprint does include the garage and all overhangs and desks to make the lot useable. The site and bi-section of the roads are showing the hardship and the shoreline protection is a priority.

Exhibits: HE 1000 – Presentation submitted by Vlad Finkel.
HE 1001 – Setback detail submitted by Sandy Young.

Public Testimony: Comment Sheets submitted: 1, Applicant – 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 6:16 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report addressing the remand to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES

APRIL 15, 2021

CASE NO. VAR21-0003

Type: Variance, CB Richards Properties LLLP, requesting a 6 ft. variance to the 10 ft. side yard setback on a 0.26-acre waterfront lot in the Restricted Residential zone. The subject property has an existing non-conforming residence and wrap around deck constructed in 1960. The footprint of existing deck is currently located 4 ft. from the (*northern*) side yard property line. The Applicant wishes to reconstruct the existing deck due to its current structural condition and needs to expand/reconfigure a portion of the staircase landing to meet the current Building Code requirements. The new staircase configuration will comply with the code for a safe rise over run ratio and will include two intermediate landings. The request does not propose to encroach further into the setback area than the existing non-conforming structure already does. Due to the steepness of the site, location of septic tank, garage, driveway, the Applicant cannot maintain the required side yard setback. No changes are proposed to the water and sewer services. Access to the property is via Cleland Bay Road, public/private (*mixed status*) road. The parcel number is 071200010020 and described as: Sandy Beach, Lot 2, Block 1 in Section 2, Township 47 North, Range 04 West, B.M., Kootenai County, Idaho. The subject parcel is located at 25102 S. Cleland Bay Road. (*Vlad Finkel-Planner*)

Staff Presentation: Vlad Finkel, Planner, introduced the application providing a brief overview referencing a presentation. The variance request is for a side yard setback on a waterfront lot in the Restricted Residential zone located on the west side of Lake Coeur d'Alene in Worley. He stated the cabin on-site is non-conforming and they need to reconstruct the destroyed deck. The new design will parallel the deck with a landing which is a minor impact.

Applicant Presentation: Charles Richards, Applicant, stated the staff report and presentation provided the details of his application. They have owned the property for more than 25 years. The deck was deteriorating and removed due to safety issues with their 20 grandchildren. He added the non-conformity was discovered when they submitted the re-design of the stairway to the Building Department. The characteristics of the site being on a slope with a septic tank by the garage create the hardship since it is difficult to move the location of the deck. In conclusion, Mr. Richards stated they love their home and want it to be safe for their family in the years to come.

Exhibit: HE 1000 – Presentation submitted by Vlad Finkel.

Public Testimony: Comment Sheets submitted: 2, Applicant – 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 6:26 p.m. The Hearing Examiner, Joan Woodard will review this case and submit her written report addressing the remand to the Board of County Commissioners within two weeks.

Submitted by,

Kathryn Ford, Recording Secretary