

MINUTES
KOOTENAI COUNTY HEARING EXAMINER
PUBLIC HEARING

May 18, 2023

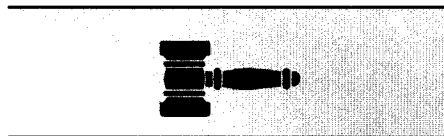
HEARING EXAMINER
JOAN WOODARD

STAFF PRESENT
VLAD FINKEL
DAVID CALLAHAN
REBA GRYNNESS
BEN TARBUTTON



MINUTES
PREPARED BY:

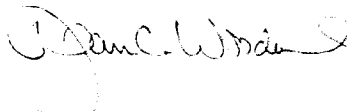

REBA GRYNNESS
Recording Secretary



MINUTES
REVIEWED BY:

Vlad Finkel

VLAD FINKEL
Planner III



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.

CASE NO. VAR22-0007 ZIMMERMAN:

Staff Presentation: Vlad Finkel, Planner III, presented the case with a PowerPoint presentation. This is a request for a 15-foot variance to the front yard setback requirements of 25 feet in the restricted residential zone by applicant Jarom Zimmerman. The property is located on the south side of Hayden Lake, is approximately a quarter acre in size and is currently undeveloped. Initially the original request was for multiple variances, a zero foot setback on the front yard

HEARING EXAMINER MINUTES
MARCH 16, 2023

and additional setbacks on both side yards. The applicant was encouraged by staff to ask for the front yard variance only as it would qualify as a hardship due to steep slopes and would minimize the amount of excavation and retaining walls. Staff did not feel they could support the implementation of the variance on the side yards and a zero foot setback on the front yard. Mr. Zimmerman modified his request to remove the variance to the side yards but was still requesting a zero-foot setback to the front yard on Lower Hayden Lake Road and see how the agencies with jurisdiction would respond. Mr. Finkel explained to the applicant that it was unlikely the highway district would be supportive of this request on the right-of-way line. The applicant did submit a geotechnical analysis that states the subject property is suitable for development as long as they comply with the recommendations within that report. Public agencies had no concerns with the exception of the Highway District who had concerns with the zero foot setback in regards to egress and ingress and safety issue for entering onto the public right-of-way. Mr. Zimmerman then proposed a 10-foot setback and a 15-foot variance that was acceptable to the Highway District. During the public comment period, there were 3 responses, two in support and one in opposition. Staff is in support of this revised application as there is undue hardship based on the characteristics of the site. Mr. Finkel asked the Hearing Examiner to discuss with the applicant the retaining wall and what is going to happen with it as it could change the proposed footprint of the residence.

Applicant Presentation: Applicant Jarom Zimmerman, via Zoom, clarified that the retaining wall will be removed to build the residence. With the steep slope they are trying to avoid excavating back into the hillside for safety of the construction site, road above, and nearby residences. The proposed plan is to build a two-story house above a garage for three stories total. They would not be able to build without the setback as the lot is too narrow and steep. Final plans for the home will be brought forward after the variance is approved. A new retaining wall will be engineered behind the house to withstand the slope and also the water drainage to make sure the foundation is secure and sound.

Hearing Examiner, Joan Woodard, after a site visit, stated that it would seem ideal to pull into the garage from the western edge where the retaining wall is currently set and come in with a driveway up above giving the applicant a way to turn their car around and leave the space on Lower Hayden Lake Road for visitor parking. She asked Mr. Zimmerman why he isn't utilizing the property where it is relatively flat.

Mr. Zimmerman replied that they do not own the property to the west. There are two separate parcels, the second being owned by his parents who would like to build on their site as well.

Joan asked if they could do a shared driveway with an easement agreement.

Mr. Zimmerman responded that this had been a consideration but they decided not to go that way.

Public Comment: Comment Sheets submitted: - : Applicant –; In Favor –, Neutral –1, Opposed – 0.

Geoff Harvey 5925 East Hayden Lake Road: Neutral-representing the Hayden Lake Water Shed Association. He is concerned about the quality of the lake and the impact of development. He is supportive of the variance as it will reduce the disruption to the site from excavation, which is good for the lake. Concern remained with regard to protecting the lake during construction.

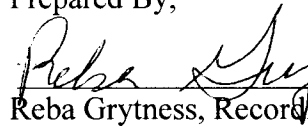
Applicants Rebuttal: Mr. Zimmerman stated they would make sure they are in full compliance with filtering water from the site prior to it entering the lake in both the construction and post-construction phases.

Exhibits: HE-1000 PowerPoint presentation by Vlad Finkel

There being no further comments or testimony, Hearing Examiner, Joan Woodard, closed the public hearing for VAR 22-0007 at 6:22 pm.

HEARING EXAMINER MINUTES
MARCH 16, 2023

Prepared By,


Reba Grytness, Recording Secretary