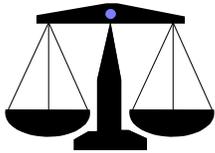


MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
ROOM 1 and VIRTUAL PUBLIC HEARING

MAY 19, 2022  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1

HEARING EXAMINER  
JOAN WOODARD

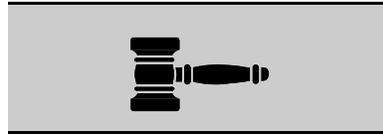
STAFF PRESENT  
DAVID CALLAHAN  
VLAD FINKEL  
BETSY ANDERSON



MINUTES  
PREPARED BY:

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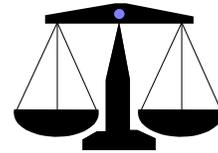
BETSY ANDERSON  
Recording Secretary



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A handwritten signature in blue ink that reads "Joan C. Woodard".

JOAN WOODARD  
Hearing Examiner



MINUTES  
REVIEWED BY:

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VLAD FINKEL  
Planner III

The Official Record of Public Hearing is available on-line at  
[www.kcgov.us](http://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 7:11 p.m.**

HEARING EXAMINER MINUTES

MAY 19, 2022

**CASE NO. VAR22-0003**

**Mark Lazar Intervivos Trust** for a 15 ft. variance to the 25 ft. front yard setback on a 0.47 acre parcel of land located in the Restricted Residential zone. The subject property is bisected by E. Hayden Lake Road. A residence exists on the north side of the road, while a portion of the property south of the road is currently vacant. The southern portion of the property is steep and forested at this location. Due to the steepness of the site and in order to minimize the amount of hillside excavation and extensive retaining walls, the Applicant wishes to locate a detached garage with an accessory living unit (ALU) 10 ft. away from the public right-of-way. The subject property is located within the City of Hayden Area of City Impact. Access to the subject parcel is from E. Hayden Lake Road. The parcel number is 03520000111A and described as: H L Honeysuckle Hills Building Sites, Lots 111, 112 EX W 50 FT, TAX # 14302 Block 1 in Section 19, Township 51 North, Range 03 West, B.M., Kootenai County, Idaho. The subject parcel is located at 2959 E. Hayden Lake Road.

**Staff Presentation:** Vlad Finkel, Planner III, introduced the case with a power point presentation. The request by Mark Lazar is for a variance of 15 feet from the front yard setback of 25 feet on a parcel of land in the Restricted Residential zone. The property is bisected by Hayden Lake Road with the house on the north side of the road. The parcel to the south of Hayden Lake Road is heavily vegetated and quite steep. Mr. Finkel acknowledged the site has a recurring drainage issue, resulting in run off from the site onto the road. A preliminary Geotechnical analysis was submitted with the application and the engineer of record will elaborate on the report. Public Agencies with jurisdiction were solicited and comments were not unusual for a site like this; Lakes Highway District is requiring the applicant to apply for an approach permit for the newly proposed structure. The parcel is located within the Area of City Impact of the city of Hayden who stated they are neutral to the project. Three comments from the public were submitted, one in favor, and 2 opposed. Concerns from the opposing letters dealt with drainage and run off, particularly into the road and into Hayden Lake. Mr. Finkel stated the hardship is not self-imposed and concerns can be reasonable mitigated.

**Applicant Presentation:** Jeramie Terzulli, representing Olson Engineering, presented a Power Point and briefly explained the history of Hayden Lake Road. Prior to Lake Highway District taking over the care and maintenance of the road, the Right of Way was never clearly defined and there is a prescriptive easement. The proposed structure will be approximately 24 feet from the edge of the physically built road. Mr. Terzulli mentioned the variance is consistent with development patterns along the road and the site lines along Hayden Lake Road will be improved with the removal of trees and vegetation.

Chris Comstock, Geotech Engineer, stated he is familiar with the geology of the area. He reviewed the site prior to accepting the assignment and entering a contract with the Applicant, and acknowledged the site does have run off and drainage issues. Mr. Comstock detailed the differing soils on the property, as well as the age of the soils and detailed information on drainage issues. The proposal to mitigate the drainage problems will be finalized once he has had a chance to review the building permit and engineered plans for the structure. He will not sign off on the final Geotech Report until he is satisfied the site is stable and run off mitigated.

**Exhibit:** HE-1000 – Presentation by Vlad Finkel  
HE-1001 – Presentation by Jeramie Terzulli

**Public Testimony:** Comment Sheets submitted: 4, Applicant – 3; In Favor – 1, Neutral – 0, Opposed – 0. Several people appeared via Zoom, two spoke in opposition, while one did not wish to speak, but stated she was in favor. Those speaking in opposition stated they are not opposed to the building, rather their concerns are regarding the run off, drainage, surface water on the road and whether or not those issues can be effectively mitigated. The names and address of the individuals speaking or submitting comments are part of the record.

**Applicant Rebuttal:** Eric Olson, Engineer for Olson Engineering provided rebuttal stating he appreciated the public testimony during the hearing and noted his proposal is an opportunity to solve the drainage and run off problems with this site. He will follow the County's site disturbance regulations in order to prevent run off and will not make groundwater issues on the property toward the lake any worse.

Chris Comstock said, there will be differences between the preliminary and final Geotech reports and until he understands how the structure will be engineered to fit the site, he won't make a final determination. Should this

HEARING EXAMINER MINUTES

MAY 19, 2022

variance be approved, Mr. Comstock will make regular observations during the site preparation and construction process. He is of the opinion that the issues with the site will be improved, not exacerbated.

There being no further comments, testimony was closed on this item and the Hearing Examiner concluded the hearing at 7:11 pm.

Submitted by,

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Betsy Anderson, Recording Secretary