

**LAKE COUNTY BOARD of ADJUSTMENT**  
**October 11, 2006**  
**Meeting Minutes**

**MEMBERS PRESENT:** Jack Meuli, Lucille Buchmann, James McKee

**STAFF PRESENT:** Sue Shannon, Joel Nelson, Alex Hogle, Lita Fonda

Vice Chairperson Lucille Buchmann called the meeting to order at 4:03 pm.

**Motion by Jack Meuli, and seconded by James McKee to approve the September meeting minutes. Vote unanimous to approve the minutes.**

**STROPE CONDITIONAL USE**

Joel Nelson presented the staff report including public comment, and a letter of public comment received after the report was mailed.

Jack asked if the other house was located inside the property. Lucille asked about the lot line between the 2 properties owned by the applicant. Discussion ensued to clarify building and parcel locations. Joel gave clarifications. The beach house sits on a separate parcel. The 2 little guesthouses lie on the remainder parcel, and the applicant wants to build the new house on the remainder parcel as well. The subject property (the remainder parcel) is 4.17 acres. Combined with tract C, there is 5.35 acres. The beach house parcel is outside of the 5.35 acres referred to.

James McKee referred to the allowances for structures in the Finley Point zoning regulations. Joel added that the application came in prior to the updated Finley Point zoning regulations. Now the regulations say '1 guest house per lot'. Prior to the amendment, conditional uses were 'guest houses'. Lucille elaborated that they were allowed 1 guesthouse, but if they wanted another one, they had to have a conditional use permit.

*Public comment opened:*

Rosemarie Strobe: She explained she never rented her property for more than 3 weeks during any season since she purchased it. She's a private person, and wants to have the guest cabins so her family has a place to come, and they all have some space. She took down the cabin she generally stayed in, so she could build a more modern structure, having sold her Helena home and this is now her permanent residence. The cabins are from the 1920's or 1930's. She's done some work on them and doesn't want to take them down. She doesn't intend to rent them, particularly when she has a nicer home. She doesn't know about the neighbors' complaints, because they haven't brought them to her. She didn't want to build a monster house. She hopes the Board will allow her to retain the 2 guest cottages.

Andy Stark: He's the builder of the new house. He hopes they grant Rosemarie the opportunity to keep the 2 older structures. They did take one structure down. He does see that they have 3 structures rather than the new rule of two. He didn't think the use would increase or decrease whether

the 3<sup>rd</sup> structure is there. As part of the character of the area, it would be nice to leave that structure intact, if possible.

Matt O'Neill: He represents Chip and Georgia Baker, who live next door, the NPH property. He asked when the prohibited uses for Finley Point changed.

Joel: The amended regulations became effective on October 2. Clarification was given that Matt had a copy of the draft amendments as was available in August.

Matt O'Neill: The property isn't in conformity now. Each neighbor has written in opposition to this. He's fielded complaints about her tenants previously. He's opposed to zoning. If you want to live with it, you have to enforce it. When a grandfathered unit has ceased to be used as a grandfathered unit, it ceases, and cannot be rebuilt.

Andy Stark: He corrected Matt's statement. The closest neighbor, right behind the property, did not write a letter opposing this. This is the neighbor in the 'island'.

Jack: He asked about the zoning regulations.

Joel: The effective zoning regulations were listed under conditional uses for Finley Point lakeshore E, guesthouses. It doesn't say that the properties are limited to one guesthouse per tract. The new regulations say that.

Jack: He asked about the density applied here.

Joel: They're in 1.5-acre average density.

Lucille: She thought that's why it was changed. The general idea from the zoning was 1 house and 1 guesthouse, period. She got a lot of calls on that. The intention was 'guesthouse' not 'guesthouses', by the committee she worked on when the original zoning went in. This is why it was cleaned up.

*Public comment closed.*

Lucille asked if the cabins were rented to the general public over the years, and when the property was purchased. Rosemarie explained that they were rented to personal friends. She doesn't do that anymore. She didn't realize it wasn't supposed to be done. The purchase was in 1989. Lucille explained that most of the grandfathering has been sunsetted, because people have come and wanted something different done. Joel added that the structure has been gone for 18 months, which is why the existing use section is not included in the 'applicable regulations' section of the staff report. James wanted to understand how those regulations apply to the 2 existing guesthouses. Joel clarified that the 2 are actually existing single-family residences. Lucille said that they were cabins for rent, which is a business, and that is out. Joel explained she needs to be in compliance with the zoning regulations, since she wants to build a new structure, for the whole lot. The zoning regulations under which she submitted this do allow for multiple guesthouses, with a conditional use permit.

Jack asked about rental. Joel read conditions #3 and #4. They don't necessarily disallow short-term rental of the property of a whole, but she'd have to go through the licensing procedure to do so. Jack pointed out that #3 takes out individual rental of the guesthouses. Lucille explained that the property as a whole could be rented, but not the individual structures. The owner lives in the house, and the guesthouses are for his guests. No guesthouse can be rented out. James had a hard time requiring her to tear down one of the homes that's been there for a long time; the regulations under which she submitted the request allowed for multiple guest houses.

**Motion by James McKee, and seconded by Jack Meuli, to grant the conditional use permit with the staff recommendations. Motion carried, all in favor.**

### **MC GREEVEY VARIANCE REQUEST**

Joel presented the staff report.

Joel affirmed to Jack that the patio itself is not in violation. The only violation is the 2 feet of overhang of the roof. James thought that in the old plan, it did stick out farther. Alex explained that the original proposal in the spring hung over more. A condition of approval required that it be brought back behind the setback line. The walls were brought back and the design of the porch on the second story. He didn't keep the roof edge flush with that line. The slope to the south is a steep bank. A confining element of the location is that he hasn't had much leeway to scoot the structure back without significantly changing the floor plan. James pointed out that to take off the 2-foot eave, they'd have to cut the trusses and do something with them. The trusses are engineered for structural, and would need to be reengineered. Alex elaborated that it's a complex structure.

#### *Public comment opened:*

John McGreevey explained that the earlier meeting was for a variance with regard to the southern property line, for 5-foot rather than 10-foot setback. It turns out they are actually 12 feet from the property line with the edge of the foundation. For the patio in question, it was originally designed as 10 feet, and was changed to 7 feet because they were 3 feet into the setback from Flathead Lake. With the 2-foot soffit, it doesn't cover a great deal of the patio. Without that covering, the deck probably won't get used. The deck is sealed so water doesn't go down through it. The material is similar to linoleum. If there is water on it, it won't be used. He's talking about the upstairs deck. After a few days of work had been performed, John got there and realized what had happened with the eaves. He immediately notified the Planning staff. He was required to submit a letter that if the variance is not approved, he will tear that down and get it reengineered. It's tarped over and unfinished, at present time.

In response to James' question, John explained that when the plans were redone, the eaves came down to the end of the deck, which was 7 feet long. The plans had no eaves on them. He clarified that the revised drawing had a line that ended where the deck ended. When the trusses came and were put up, they had the 2-foot overhand. James and John discussed the amended drawings, as John explained that the roofline originally stopped at the end of the deck, but that's not how it got engineered. There were actually 3 drawings.

*Public comment closed.*

Lucille gave the applicant credit for coming in when he discovered something was wrong.

**Motion by James McKee, and seconded by Jack Meuli, to grant the variance request.  
Motion carried, all in favor.**

**OTHER BUSINESS**

Board and staff agreed that Jerry Winkley will be missed. A card was circulated. Joel mentioned an upcoming ALERT donation in his name. An opening is being advertised.

Lucille asked how the Board wanted to proceed for a new chair. James thought everyone should be present, including the new Board. He thought Lucille was doing a fine job as vice-chair.

**Motion by Jack Meuli to adjourn at 5:10 pm.**