

LAKE COUNTY BOARD of ADJUSTMENT
Meeting Minutes January 11, 2006

MEMBERS PRESENT: Jack Meuli, James, McKee, Jerry Winkley, Clarence Brazil, Lucille Buchmann

STAFF PRESENT: Sue Shannon, Joel Nelson, Pam Repnak

Jerry Winkley called the meeting to order at 4:00 pm.

Lucille Buchmann commented on the December minutes concerning the Graham Conditional Use that an audience member “inquired if the other house were able to be rented and Jerry Winkley replied no...that a single family residence can be rented but not the guest house.” She envisioned every single family residence around the lake being rented and the owner living in the guest house and thereby doubling the density.

Jack Meuli said nothing is supposed to be rented.

Lucille Buchmann said the owner should live in his house not the guesthouse and that what Jerry said leaves a loophole so people can live in one house and rent the other.

Jerry Winkley said he thought that was the case.

Clarence Brazil agreed to primary residence rental if there is not guest house on the property. Lucille Buchmann agreed. Jerry Winkley didn't feel the zoning was specific enough.

Jack Meuli thought that if there were two-acre density and a property owner had two acres, he could have a guest house. If he has four acres he can rent that guest house because then he's within the density. Jerry Winkley said that applied only in the Rollins area. Sue Shannon said that did not apply in Finley Point.

Jack Meuli said it shouldn't matter where he lives – the guest house or the main house – he can only have one residence and the other's a guest house.

Clarence Brazil argued that in 1992 you were allowed to rent a guest house if you met the density. He was involved in that type of situation and appeared before the Board for that reason. The Board said he could rent because he met the density and his money was refunded.

Sue Shannon related a situation on Eight Mile Lane where a man had a house and two rentals over his garage. The neighbors told on him so he came in for his permits. He had enough acreage to have two dwellings on his property so we said he could rent one and live in the other, and the other could be a guest quarters. The Board denied that proposal which left her under the impression that the Board did not want guest houses rented.

Jack Meuli stated that they've also approved rental if there were enough acreage to meet the density. He thinks the Board has to stick with the 'no rental' policy without deviation.

Sue Shannon reported that Sue Brueggeman wants to implement licensing for short-term rentals and write that into the zoning.

Lucille Buchmann moved to approve the December 2005 Meeting Minutes.

Jack Meuli seconded.

Vote unanimous to approve minutes.

WELCOME TO JAMES MC KEE, New Board Member

BOARD ELECTIONS

Lucille Buchmann nominated Jerry Winkley as Chairman again. Clarence Brazil and Jack Meuli seconded. Lucille Buchmann included herself as the Vice-Chair in the nomination.

Vote unanimous.

STONE CONDITIONAL USE / VARIANCE

Joel Nelson presented the Staff Report and recommended conditional approval.

Sue Shannon established that there is no bathroom in the gatehouse and that the cabin was one room with electricity only [no running water].

Brad Reedstrom, the owner's agent, explained his understanding about which building would be used as the primary residence and which the guest house. He thought the architects labeled the plat creatively. He expects the cabin to remain intact. He explained the residence/guest house relationship on the southern property and explained that the guest house – the smaller one without a kitchen - is the one the Stones expect to reside in.

Jack Meuli asked if the Stones were going to rent out any of the buildings and Sue Shannon explained that rental of the whole property is acceptable, but that rental of any one building on a single property is not acceptable.

Jack Meuli asked if condition #10 was contradictory. Sue Shannon clarified that the cabin on the northern property and the "master" home on the southern property could not be rented.

James McKee asked if the buildings met the setbacks and Sue Shannon responded that they did.

Jerry Winkley asked about sprinklering in the Lodge. Brad Reedstrom said they would sprinkle all new construction with the exception of the garage.

Brad Reedstrom developed a drainage plan and thought that was his stormwater management plan – condition #3. Joel Nelson said he needed a stormwater calculation for a two-year one-hour storm event.

Jerry Winkley asked the total impervious surface coverage. Brad Reedstrom didn't think they were close to exceeding the 29% on either property. Joel Nelson reported that these lots are large and didn't think the developer was exceeding the limits of impervious surface coverage.

Brad Reedstrom asked the Board for a 20' buffer instead of a 50' as in the zoning regulations.

Sue Shannon wanted to know what ‘cabin lawns’ were. Brad Reedstrom said it’s a landscaped grass area. Jerry Winkley expressed concern with fertilization.

Jack Meuli asked why Staff requested a 50’ setback when 20’ was required. Sue Shannon said that it was because of the drainage and seepage on the property, to minimize erosion. Sue suggested verbiage that would eliminate lawns or vegetation requiring chemical treatment in the 50’ buffer zone. The Board and Brad Reedstrom was pleased with the wording.

Jack Meuli asked if the soil conservation district had looked at the creeks. There is a meeting on Jan 18th with soil conservation and fish & game.

James McKee asked if the Board wanted clarity on condition #10 concerning what could be rented and what could not be rented. Sue Shannon suggested verbiage designating the cabin on the northern property and the smaller building on the southern property as guest houses and neither could be rented. She asked the Board to strike the language that “the permits are valid...” She suggested permit verbiage allowing a single family residence and the log cabin becoming the guest house. The permit for the southern tract would be valid for construction of the lodge, considered as the primary single family residence, and a guest house [without a kitchen] and that neither structure will be independently rented or leased.

Jerry Winkley added that any further modifications require additional approvals. Jerry Winkley asked Brad Reedstrom if the Stones had received and agreed to the conditions of approval. Reedstrom said they received and agreed.

Jack Meuli moved to accept the staff recommendations and change condition #10 to the way that Sue stated it, and then on condition #4 retain a 20’ buffer zone and no lawn or fertilizer within the 50’ buffer.

Jerry Winkley suggested changing the statement at the end concerning what would be permitted and add the condition that any further modification required approval. Jack Meuli said further modification was addressed in condition #2. He agreed with the primary residence/guest house designation in the permit verbiage.

Lucille Buchmann seconded. Vote unanimous.

OTHER BUSINESS

Sue Shannon commented that the Marsenich-McMullen Appeal would be postponed. There may be issues with available sanitation on the property. The Board discussed rentals and the Marsenich-McMullen claims. James McKee thought they changed the use of the property when the Marsenich-McMullens built the second home on the property. Sue Shannon suggested clarifying the zoning regulations concerning rentals where properties can be rented as a whole, but buildings on a property cannot be rented while the owners live in the primary or secondary residence.

Jack Meuli moved to adjourn. Lucille Buchmann seconded. Vote unanimous.