

TOWN OF SILVER CREEK
SPECIAL MEETING – WAKEFIELD PERMIT & VARIANCE REQUEST
October 29, 2013

A special meeting of the Town Board of the Town of Silver Creek was held on Tuesday October 29, 2013 at 7:00 p.m. at the Town Hall for the purposes of discussing an after the fact building permit submission from Ray Andre Wakefield at 2790 Highway 61 and to set a hearing date for a variance request that Mr. Wakefield will be submitting. Present were Supervisors – Greg Hull, Larry Lampart; Clerk – Frederick R. Whitney; Road Foreman – Rick Grupe. Supervisor Hoops was not present while in Montana.

Hull called the meeting to order at 7:00 p.m.

Whitney updated the Board that we were made aware of a building move in Castle Danger, after the contractor cut the power to the shared grinder station of Hasse and Wakefield. Upon investigation, both the cabin and the garage had been moved. The Clerk contacted the contractor, who in turn reconnected the power. Rick Grupe made minor repairs to the grinder station. The Clerk has instructed the contractor that except for emergency repair work to the embankment, as well as to the cabin due to the approaching winter weather, he is to stop all further work until a building permit is received. The Clerk contacted the mother and father of the now known property owner, their son Ray Andre Wakefield.

Whitney indicated that we are now in receipt of an after-the-fact application for a building permit, as well as a deed indicating that the son Ray Andre Wakefield is the owner. All contact from this point forward has been with the contractor, the son and the parents. Further, in reviewing the permit, it is clear that a side-yard setback variance is required. An after-the-fact variance permit application has been requested.

In light of this, the Clerk requested that the Board direct him regarding the fees that need to be assessed; “after-the-fact” or “regular”? Additionally, the Clerk requested that a hearing be set for December 10, 2013, allowing enough time for notification to adjacent land owners within a ¼ mile, as well as the proper publishing of a hearing notice in the Northshore Journal.

Hull made a motion, second by Lampart, to assess the “after-the-fact” fees - \$400 Building Permit, \$400 for the additional structure, \$800 for the variance permit/hearing. Motion carried.

The Board instructed the Clerk to contact the owner requesting that both the proper fees and variance application need to be received prior to acting further on this issue.

Hull made a motion, second by Lampart, to hold a public variance hearing on Tuesday, December 10, 2013, at 7:00 p.m. Motion carried.

Hull made a motion, second by Lampart, ratifying the letter that the Clerk has submitted to the Wakefield’s and the contractor dated October 22, 2013. Motion carried.

October 22, 2013

*Ray Andre’ Wakefield
470 W. 8th Street
Claremont, CA 91711*

*RE: PID# 29-5451-32050
2790 Highway 61, Two Harbors
“After-The-Fact” Building Permit & Site Variance*

Dear Mr. Wakefield:

I am writing you today as landowner of record of the above stated property. As Land Administrator, it has come to my attention that a contractor has moved both the cabin and garage on your property in Castle Danger away from the eroding embankment without first acquiring a building permit. (After speaking with your mother, I understand that you are aware of the work needing to be done and that it was done in order to prevent the cabin “from falling into the lake”).

While I am aware of the need for this work due to the severe erosion caused by the heavy rains in June 2012, over a year has passed since the "floods" and, as we must all follow the well published and signed requirements of obtaining building permits in our jurisdiction – Castle Danger, Castle Danger Subordinate Sewer District within the Township of Silver Creek – I have asked the contractor, Mr. Doug McCorsen, to cease non-emergency work until further notice.

I would like to bring you up to date as to where we stand. I am copying both your parents and the contractor with this letter and enclosures.

- I have instructed the contractor to cease work on the site, except for any work that needs to be done in his, and in your opinion, **to prevent any damage to the site and to the buildings as a result of this stoppage and the upcoming cold weather.**
- I am informing you via this letter, as well as the contractor and your parents, per the building permit application that was submitted by the contractor, that "side-yard setback variances" are required.
 - The cabin is too close to the adjacent property owner to the East per ordinance.
 - The garage is too close to the other adjacent property owner to the West per ordinance.
 - It appears that the distance from the vegetation line is within ordinance limits.
 - It appears that the distance from Highway 61 right of way is within ordinance limits.
- A site variance application **needs to be submitted before we can proceed and before any non-emergency work can proceed;** see enclosed and again, both your parents and contractor have this letter and all enclosures.
- All necessary fees will need to accompany the application before we will proceed; refer to the enclosure regarding fees "After-The-Fact".
- A site variance hearing will require me to publish a notice in our newspaper for a period of time after we receive the application, and a notice to all registered land owners within the "statute assigned area".
- Again, in that the variance process is lengthy, I have asked the contractor to prepare the site and the building to prevent any damage from the cold weather that is rapidly approaching. Use of the cabin will therefore need to be suspended.
- The Town Board has set a Special Meeting to address this entire issue on Tuesday, October 29, 2013, at 6:00 p.m. It will be at this meeting where they will decide upon the future direction of the site and of assessing either the usual Permit Fees or the "After-The-Fact" Permit Fees; refer to the enclosed "Land Use Application Process" package.

Finally, I have asked the Soil & Water officials (they have no jurisdiction) to visit the site and to make recommendations as to erosion control and embankment protection. I have asked that they prepare a list of suggestions that could be done immediately, as well as procedures that could be performed next Spring and beyond; if you so choose. As I receive this list, I will pass along to both you, your parents and the contractor.

Sincerely,

Frederick R. Whitney, Land Administrator
Silver Creek Township – Castle Danger Subordinate Sewer District

CC: Ray & Margit Wakefield
Doug McCorsen, Contractor

Lampart made a motion, second by Hull, directing the Clerk to issue a letter to the Wakefield's and the contractor that allows further construction items to be performed on the job site, specifically – connecting the shower and kitchen sink to the sewer line, redirecting and connecting the sewer line to the grinder station, final grading after the sewer trench is complete, final seeding of the entire area. Motion carried.

October 30, 2013

Ray Andre' Wakefield
470 W. 8th Street
Claremont, CA 91711

RE: UPDATE - Variance
PID# 29-5451-32050
2790 Highway 61, Two Harbors

Dear Mr. Wakefield:

The Silver Creek Town Board met yesterday to address your property and the need for a variance as a result of the cabin and garage move on your property. Their decisions and findings are as follows:

- The Board ratified the letter and its contents that I sent to you on October 22, 2013.
- Acknowledged that a variance and variance hearing is required per ordinance.
- Per ordinance, set a variance hearing date for Tuesday, December 10, 2013 at 7:00 p.m.
- Per ordinance, assessed the "after-the-fact" fees that must accompany your variance application - \$400 for the cabin permit application, \$400 for the garage, \$800 for the variance; a total of \$1,600 is due before we will proceed.
- Will allow your contractor to perform all emergency procedures on the site and within the cabin in order to protect the site and cabin from any damage.
- In order to protect the embankment in the spring time from further erosion, they are allowing your contractor to connect the toilet, shower and sink drain to the sewer, as well as reconnect and retrench the sewer line from the house to the grinder station.
- Emergency procedures that you and your contractor deem necessary in order to protect the cabin and embankment are allowed; final grading, hydro-seeding.

- *Under no circumstances is the cabin to be occupied until after December 10, 2013.*

Per my previous letter to you, the Lake County Soil and Water department has prepared a list of potential procedures that your contractor could implement to aid in the embankment preservation; a copy is attached.

Finally, your contractor and parents are receiving a copy of this letter and attachments.

Sincerely,

*Frederick R. Whitney, Land Administrator
Silver Creek Township – Castle Danger Subordinate Sewer District*

*CC: Ray & Margit Wakefield
Doug McCorsen, Contractor*

There being no further business, meeting adjourned at 7:37 p.m. upon motion by Hull, second Lampart.
Motion carried.

Respectfully submitted,
Frederick R. Whitney, Clerk