

Describe whether conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control. BCRC 12-234(a) Explain why it is not possible to comply with the ordinance standards. Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.

We are seeking a full variance of ADU Requirements for the space above our garage, now referred to as “bonus space.” The variance will constitute a 50% increase in bedroom count – 3 requested where 2 are allowed. The variance will constitute a 60% increase to ADU size limit – 1440 square feet where 900 square feet is allowed.

The “bonus space,” as constructed, meets all provisions and setback requirements of Title II.

When we had our home built in 2022, our builder ordered the roof trusses incorrectly. Our builder picked up the trusses from Utah, where he ordered them, and drove them to our building site. They soon realized that they were built incorrectly. We tried to return the trusses, but they were custom built, and the truss company wouldn’t refund us or replace them. It would have been too far over our budget to reorder the trusses. The builder tried to make the existing trusses work with our floor plan. However, because of the trusses being incorrectly built, we lost access to the entire “bonus space” from the second floor of our main home. Because of the trusses, there wasn’t enough head space to accommodate the walkway from the main home to the “bonus space,” resulting in no access to that space from the main home, as was originally designed on our house plans. As per our original floor plans, we built a staircase to access the “bonus space” on the outside of the garage (east side). The “bonus space” is approximately 1440 square feet. Our builder also failed to make us aware that the change of access to the “bonus space” from the main home, would make it so we couldn’t use the full space as intended (it being 1440 square feet and the total ADU size allotment being 900 square feet if it isn’t attached to the home). We weren’t made aware of this until the home and “bonus space” were inspected for occupancy.

We originally intended the “bonus space” to have 3 bedrooms, 2 bathrooms, laundry room, kitchen/dining, and living room. This would accommodate visiting family and friends or other guests. We have two grown children who visit often, and that space could accommodate them for short or long-term stays. We also considered using the space to **“...provide affordable housing opportunities throughout the county,” as is under section 12-490: Accessory Dwelling Units – A1.** Richard’s nephew, wife, and 2 young children are looking for more affordable accommodations in the Sandpoint, Idaho area, and have expressed their desire to rent out the “bonus space.” Because we weren’t aware of the consequence of not being able to use the “bonus space” as originally intended, we spent the extra money to have the electrical, plumbing, and HVAC roughed in for future build-out.

Because the “bonus space” was included in the floor plans for the home, we were required to purchase and install extra-large, custom-built septic tanks and accompanying oversized leach fields to accommodate the bathrooms, laundry room, and kitchen drawn in the plans. This requirement was in full anticipation of the “bonus space” being connected by way of the main home, as is reflected on the floor plans.

Explain how special conditions and circumstances do not result from the actions of the applicant. BCRC 12-234(b) Example: Did the applicant reduce the size of his/her parcel, thereby creating an “unbuildable” parcel?

We were relying on our builder to build according to the house plans, codes, and requirements. We fully intended the builder to order the trusses correctly to make the original floor plans be realized. They were able to make the home look similar from the front as compared to the drawings on the floor plans but had to change the roof lines to accommodate the living spaces required in the home. This change of roof lines resulted in eliminating the access to the “bonus space” from the inside of the main home. The ordeal with the trusses was a cause of much confusion, delays, stress, and financial hardship. After exhaustive efforts to work with our builder on this and many other problems, we ultimately ended up firing them and hiring subcontractors to finish the remaining work on the main home. We were unaware and very disappointed that the “bonus space” would not be usable as intended. Upon hearing this, it seemed like another failure on our builders’ part to provide the home that we envisioned.

Explain how granting the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. BCRC 12-234(c) Explain how the proposed use is compatible with adjoining land uses. Example: Will approval of the variance result in a potential obstruction of public access or cause a safety hazard? Are there effects of elements on adjoining property such as noise, light glare, odor, fumes and vibration?

By granting the variance, the building will not look any different to neighbors, as the outside of the structure is completed and will not change. None of the exterior paint, siding, or roofing will be altered in any way. No addition on the outside of the existing building will be required. All work will be on the inside of the “bonus space” structure. Because of this, the variance will still adhere to the following standard: **12-490: Accessory Dwelling Units – A2: “To limit the visual and physical impact of an accessory dwelling unit on surrounding properties and the local infrastructure.”** Because we’ve already purchased and installed the extra-large, custom-built septic tanks, they will be sufficient to accommodate more people in the “bonus space” and no further construction on the surrounding property will be necessary. We hope to be able to use the “bonus space” for our own kids and perhaps grandkids in the future. If this variance is approved, we would have the entire 1440 square feet usable as a shelter for family, friends, and others who may need affordable housing in the Sandpoint, Idaho area.