



Bonner County Planning Department Hearing Examiner Staff Report for November 06, 2024

FILE:	V0022-24	DATE OF REPORT:	October 29, 2024
PROJECT:	Property Line Setback - Variance	APPLICATION DATE:	August 01, 2024
PARCEL No:	RP56N03W308920A	PARCEL SIZE:	1.77-acres
LANDOWNER:	Jo Anne Watt	REPRESENTATIVE:	Glahe & Associates Tyson Glahe 303 Church ST Sandpoint, ID 83864

NOTICE: Mailed - October 08, 2024
Published in newspaper - October 08, 2024
Site posted - October 08, 2024

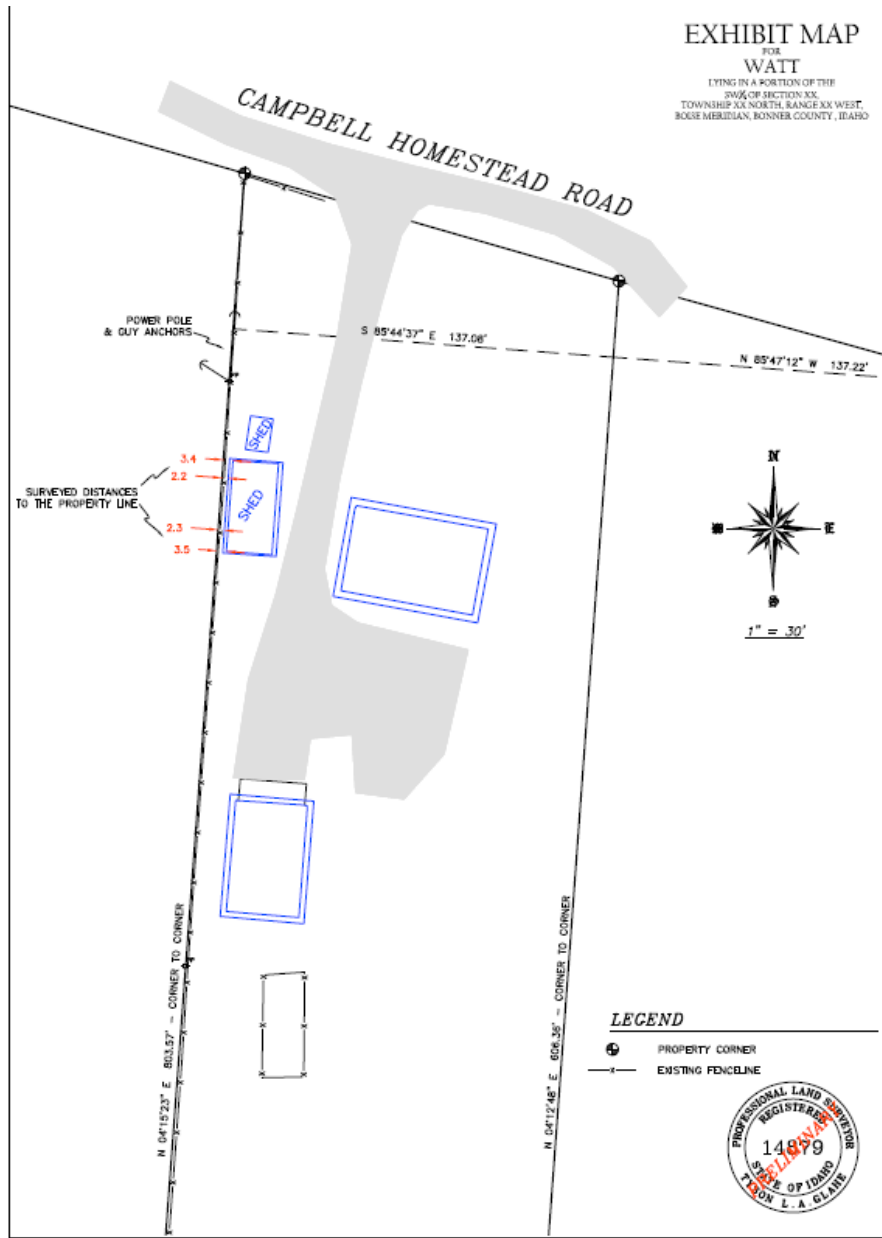
REQUEST: The applicant is requesting a 2.2-foot property line setback where 5 feet is required for the placement of an accessory structure.

**LEGAL
DESCRIPTION:** 30-56N-3W TAX 149

LOCATION: The project site is located off Campbell Homestead Road in Section 30, Township 56 North, Range 03 West, Boise-Meridian.

Annex A- Notice of Public Hearing Record of Mailing

SUBJECT PROPERTY SITE PLAN



PROJECT SUMMARY

The applicant is requesting a 2.2 foot property line setback where 5 feet is required for an existing accessory building. The property is located off Campbell Homestead Road, a privately owned and maintained road. The property is zoned Suburban. The property is generally located in Section 30, Township 56 North, Range 03 West, Boise Meridian.

APPLICABLE LAWS

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-222: Application contents
- BCRC 12-232: General provisions
- BCRC 12-234: Variance standards

BCRC 12-400: Development standards

BCRC 12-412: Density and Dimensional Standards; Suburban, Commercial, Industrial,

Rural Service Center, Recreation and Alpine Village Zones

BCRC 12-800 st seq.: Definitions

BACKGROUND

A. Site Data

Land Use: Residential

Unplatted

Size: 1.77-acres per Assessor's office, 2.5-acres per the application

Zoning Designation: Suburban

Comp Plan Designation: Transition

B. Access

Campbell Homestead Road, a privately owned and maintained road.

C. Environmental Factors

Site does contain mapped wetlands (USFWS).

Site does contain water frontage.

Site contains SFHA Zone AE and SFHA Zone X per FIRM Panel #16017C0925E, effective 11/18/09.

D. Services

Water: Laclede Water District

Sewage: Individual Septic System

School District: West Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Transition	Suburban	Residential - 1.77-acres
North	Transition	Suburban	Residential - 2.70-acres
East	Transition	Suburban	Residential - 1.56-acres
South	Pend Oreille River	Pend Oreille River	Pend Oreille River
West	Transition	Suburban	Residential - 2.44-acres

AGENCY ROUTING

Bonner County Floodplain Review -

JRJ, 10.24.2024: Parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0925E, Effective Date 11/18/2009. Per site plan and county GIS the project site is within SFHA Zone X. No further floodplain review is required on this proposal.

Email

Idaho Department of Environmental Quality (DEQ) - Email

No Comment

Idaho Department of Fish & Game - Email

No Comment

Kootenai-Ponderay Sewer District - Email

No Comment

PUBLIC COMMENT

Two public notices were returned that stated they had no comment. No public comments have been received at the time of this staff report.

STANDARDS REVIEW & STAFF ANALYSIS:

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

A. Standards Review

- (a) **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.**

Applicant: Site had a previously concrete slab which was going to be utilized for the structure and upon starting the project the concrete had to be removed which changed the building footprint slightly.

Staff: The property does contain some mapped slopes, but the area around the subject accessory building appears to be flat. The property does contain frontage to Pend Oreille River, and is located within FEMA SFHA AE & X. The subject building is located within Zone X, which does not require any floodplain development permitting. The property does contain a mapped wetland to the south of the property. Per the application, the applicant built a structure, intending to use an existing slab foundation, but the slab was removed; the applicant did not provide information on the slab's proximity to the property line. Per the site plan provided by the applicant, the property is 137-feet wide, developed with a single-family-dwelling and two additional outbuildings.

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: We built this in fall/winter of 2022 during COVID and we were concerned in getting machinery covered for the winter.

Staff: The applicant became the personal representative of the estate in 2018 by way of Letters Testamentary Estate of: Charles Thomas Watt, Instrument #918021 and then obtained ownership of this property in 2021 by Personal Representatives Deed, Instrument #981330. There is no evidence

that the applicant has changed the size, shape or topography of the property since obtaining the property. The applicant has applied for a Building Location Permit, BLP2024-0268, after receiving a Building Violation, BV2024-0026. Through Bonner County GIS Data, it appears that the building was under construction between 2022 and 2023.

- (c) The granting of 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.

Applicant: None of the above applies to this project - There is no electric or plumbing in this building.

Staff: No comments from the public or any public agency or taxing district provided comments that stated that the proposed project would be detrimental to the public health, safety, or welfare or be materially injurious to the surrounding properties or improvements within the vicinity of this project.

B. Stormwater Management Review

A stormwater management plan was not required for the construction of this accessory building.

C. Staff Review Summary

The property contains some natural features that could make developing challenging including mapped slopes, mapped wetlands, frontage on Pend Oreille River, and SFHA Zone AE. However, the accessory building is located away from all of those natural features.

There is no evidence that the applicant has changed the property in any way that would require this variance. The applicant received a Building Violation for the subject building. The applicant applied for a Building Location Permit after receiving this violation.

No public or agency comments were received that indicated that the building is detrimental to the public health, safety, or welfare or be materially injurious to the properties and improvements within the vicinity.

Planner's Initials: AF

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

DECISION OF THE HEARING EXAMINER

DECISION TO APPROVE: I approve this project V0022-24, requesting a 2.2-foot property line setback where 5-feet is required, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

DECISION TO DENY: I deny this project V0022-24, requesting a 2.2-foot property line setback where 5-feet is required, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is

based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Hearing Examiner's decision to the County Commissioners.

FINDINGS OF FACT

- 1. The property is zoned Suburban.
- 2. The property is accessed off Campbell Homestead Road, a privately owned and maintained road.
- 3. The property contains mapped wetlands.
- 4. The property contains frontage to the Pend Oreille River.
- 5. The property is located within FEMA SFHA Zones AE & X.
- 6. The subject accessory building received a Building Violation, BV0026-24. The applicant applied for a Building
- 7. Location Permit, BLP2024-0268 after receiving the Building Violation notice.

CONCLUSIONS OF LAW

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

Conditions apply to the property that **do/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.

Conclusion 2

Special conditions and circumstances **do/do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is/is not** in conflict with the public interest in that it **will/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. (Ord. 559, 1-4-2017)

CONDITIONS OF APPROVAL:

Standard Conditions:

- 1. The granting of this variance shall not supersede any deed restrictions.
- 2. Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Some file application material is available online at www.bonnercountyid.gov. Bonner County Revised Code (BCRC) is available at the Planning Department or online.

Annex A-Notice of Public Hearing Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: V 0 0 2 2 - 2 4

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **8th** day of **October, 2024**.



Jessica Montgomery, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email Idaho

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email Lake

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District -Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email