

**BONNER COUNTY PLANNING
DEPARTMENT
HEARING EXAMINER
STAFF REPORT FOR MAY 7, 2025**



Project Name: **Wassif – Street Setback**

File Number,Type: **FILE #V0007-25**

Request: The applicant is requesting a variance to the street setback standards, to allow for a 10-foot setback, where 25-feet is required.

Legal Description: 33-57N-1W BOTTLE BAY TRACTS 1ST ADDN LOT 15

Location: The project site is located off Bay Drive in Section 33, Township 57 North, Range 1 West, Boise-Meridian.

Parcel Number: RP000350000150A

Parcel Size: 0.216-Acres

Applicant: Joseph & Ellen Wassif
205 S Lincoln Ave
Sandpoint, ID 83864

Project Representative: Travis Haller

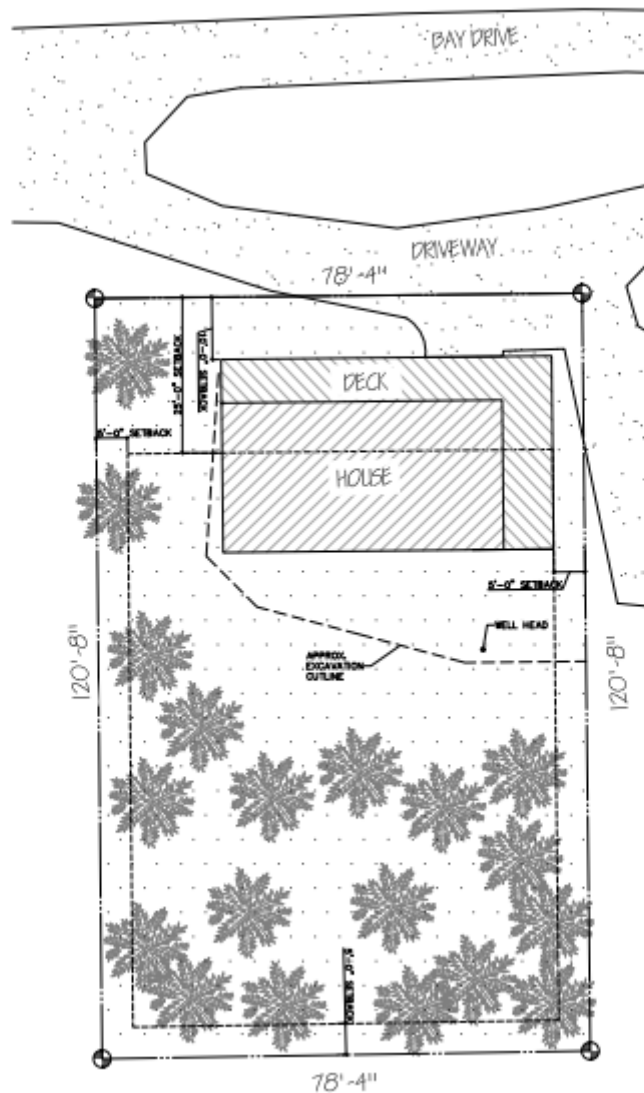
Property owner: Joseph & Ellen Wassif
205 S Lincoln Ave
Sandpoint, ID 83864

Application filed: March 3, 2025

Notice provided: Mail: April 9, 2025
Site Posting: April 17, 2025
Published in newspaper: April 9, 2025

Appendix: Appendix A – Notice of Public Record of Mailing

Site Plan



Project summary:

The applicants are requesting a variance to the street setback standards, to allow for a 10-foot setback, where 25-feet is required. The 0.216-acre property is zoned Recreation. The project site is located off Bay Drive in Section 33, Township 57 North, Range 1 West, Boise-Meridian.

Applicable laws:

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

BCRC 12-222, Application, contents
 BCRC 12-231, Variances, general provisions, application, standards, procedures
 BCRC 12-234, Variance standards
 BCRC 12-328, Recreation District
 BCRC 12-400, et seq., Development standards
 BCRC 12-7.2, et seq., Grading/erosion/stormwater management
 BCRC 12-800 et seq., Definitions

Background:

A. Site data:

Land Use: Residential - Vacant
 Platted
 Size: 0.216-acres
 Zoning Designation: Recreation (Rec)
 Comp Plan Designation: Resort Community (0-2.5 AC)

B. Access:

Bay Drive, a 50-foot Bonner County owned, and privately maintained public right-of-way.

C. Environmental factors:

Site does contain mapped slopes. (USGS)
 Site does not contain mapped wetlands. (USFWS)
 Site does not contain a river/stream/frontage on lake
 Parcel is within SFHA Zone X per FIRM Panel Number 16017C0975E Effective Date 11/18/2009. No further floodplain review is required on this proposal.

D. Services:

- Water: Individual Well
- Sewage: Individual Septic (Lot is within Bottle Bay Sewer & Water District)
- Fire: Sagle Fire District
- Power: Avista Utilities
- School District: Lake Pend Oreille School District #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community (0-2.5 AC)	Recreation	Vacant, 0.216-acres
North	Resort Community (0-2.5 AC)	Recreation	Residential, 0.183 & 0.276-acres
East	Resort Community (0-2.5 AC)	Recreation	Residential, 0.191-acres
South	Resort Community (0-2.5 AC)	Recreation	Residential, 2.250-acres
West	Resort Community (0-2.5 AC)	Recreation	Vacant, 0.233-acres

F. Standards review

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: [Insert specific findings addressing each of the standards.]

- (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: "The back half (southern half) of the property is very steep, making it difficult to access and build on. The road goes along the north property line and it makes sense to build on the north half of the property where the driveway will be coming from. The further back the structure is the more costly it becomes"

Staff: The subject lot is relatively small and appears to have a small building envelope. The area near the road appears to be the flattest and most buildable area of the lot. The center of the lot appears to be the steepest, and any use of the southern portion would require disturbance of the steep grade. BCRC 12-7.6 outlines Hillsides, with the purpose of protecting life and property from slope slippage, and BCRC 12-626 identifies steep slopes as a natural hazard.

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

Applicant: "A well was constructed on site and this requests allows us to be further away and downslope from the well which allows us to gravity feed instead of installing a costly pump."

Staff: The subject lot was platted in 1957 under instrument #61802, and purchased by the applicants in 2020 under instrument #966645. The applicants did not create the size or shape of the lot, nor did they change the natural slope existing on the lot.

- (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: "The owners have addressed the two biggest issues, snow storage and adjoining neighbor's views. Both have been addressed through the community and building design from Selkirk Design. Bay Dr. is a public, privately maintained road. Homeowners in the area maintain this road. It is known that snow storage can be tricky sometimes but this is apparent when homes are within the 10-foot setback. This proposal is asking up to the 10 foot setback, not within, from the right-of-way which is app. 5' foot back from the actual travel way of Bay Drive. This proposal, if granted, would still allow for snow storage. Lastly, the proposed setback would not 'stick out' in front of adjoining neighbors homes. Therefore everyone's beautiful views would be maintained, including the owners. No other conflicts or effects with the public interest or hazards are anticipated with this proposal."

Staff: Bay Drive is a privately maintained, dirt right-of-way. The right-of-way is 50 feet wide, however the currently constructed travel way is only built to

approximately 10-12 feet in width and located on the opposite side of the right-of-way than the subject parcel. Bonner County Road and Bridge stated that they have "no objections to the proposed 10ft setback variance request," and that "the requested setback will provide sufficient space to avoid future conflicts with utility installations and neighborhood maintenance of the roadway." The reduced setback may reduce parking availability, and BCRC 12-432 requires 2 off-street parking spaces per dwelling. This proposal does not appear to be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject lot; there were no other public or agency comments that suggested such.

G. Stormwater plan

A stormwater management plan was required pursuant to BCRC 12-720.2. The plan shall be submitted at the time of the Building Location Permit.

H. Agency Review

Agencies were notified of this project on April 9, 2025. A full list of the agencies notified can be found in the attached Appendix A.

The following agencies commented:

Bonner County Road and Bridge

The following agencies replied "No Comment":

Bonner County Historical Society
Idaho Department of Environmental Quality
Idaho Department of Fish and Game
Idaho Transportation Department
Kootenai/Ponderay Sewer District
Northern Lights Inc.
Panhandle Health Department

All other agencies did not reply.

Public Notice & Comments

At the time this Staff Report was written, public comments have been received.

Staff Review Summary:

The subject lot appears to be constrained by size, and steep slopes, neither of which are due to actions of the applicants. The proposed site would allow construction with minimal slope disturbance, while maintaining space for roadway and utility improvements. Title 12 of BCRC considers steep slopes as a natural hazard, and requires development to be designed around these hazards. The proposal allows for snow storage, as well as future utility and roadway improvements. BCRC 12-432 requires a minimum of 2 off street parking spaces per dwelling. The proposal may make this difficult, and if approved, would require the parking spaces to be shown in the Building Location Permit plans. The

applicants have addressed the issue of views for their neighbors. No public agencies or members of the public commented to suggest that there would be any detrimental effects to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject lot.

Planner's Initials: __DF__ Date: __4/30/25__ 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.

Motion by the governing body:

HEARING EXAMINER

DECISION TO APPROVE: I hereby approve this project FILE V0007-25, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

Conclusion 1

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.

Conclusion 2

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

Conclusion 3

The granting of the variance **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)

This 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 written (or as amended). 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 hereby deny this project FILE V0007-25, based upon the following conclusions:

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)

This 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 written (or as amended). 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 decision to the County Commissioners.

Findings of Fact

1. The project is located on Bay Drive, a Bonner County owned and privately maintained public right-of-way.
2. The project is served by individual septic and individual well, although it is within the Bottle Bay Sewer and Water District.
3. The project site is served by Avista Utilities, and Sagle Fire District.
4. The property is zoned Recreation (REC).
5. The property contains mapped slopes of 0-30%+(USGS).
6. The property does not contain water frontage, or wetlands (USFWS + NHD).
7. The property was platted on July 15, 1957, under instrument #61802, Records of Bonner County.
8. The applicant purchased the property on September 28, 2020, and recorded deed on September 30 2020, under instrument #966645, Records of Bonner County.

Conditions of approval:

1. 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.
2. This variance shall not supersede any deed restrictions.
3. A stormwater plan shall be required at time of Building Location Permit.
4. Per BCRC 12-432; A minimum of 2 off street parking spaces to be included as part of Building Location Permit application.

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.

Appendix A – Notice of Public Record of Mailing

RECORD OF MAILING

Page 1 of 1

File No.: V 0 0 0 7 - 2 5

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 **9th** day of **April, 2025**.



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

Record of Mailing
Property Owners within 300 Feet

Page 1 of 1

File Number: V0007-25

Record of Mailing Approved By: _____

Hearing Date: May 7, 2025

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this 9th of April 2025.



Jessica Montgomery, Hearing Coordinator

RP000350000170A	Mc Guire, Marc K	342 Cassou Rd	San Marcos	CA	92069
RP000360020010A	Mc Kee, Kirby J & Cheryl L	255 Bay Dr	Sagle	ID	83860
RP000350000090A	Schaffer, John B	475 Lewis Trail	Sagle	ID	83860
RP0003500013A0A	Ferguson, Robert & Emilie	254 Bay Dr	Sagle	ID	83860
RP000360020020A	Lewis, Robert & McKinzie-Lewis, Pamela	16071 W Eagle Ridge Dr	Surprise	AZ	85374
		2605 Bluestream Willow			
RP000350000140A	Walter, Angela & Brian	Dr	Loveland	CO	80538
RP000350000100A	Hendrickson, Susan E	PO BOX 202	Valleyford	WA	99036
RP000360010100A	Cole Family LLC	1417 E Estates Rd	Spokane	WA	99224
RP000350000200A	Seckman, Donald & Sharon	237 Jeb Stuart Dr	Wilmington	NC	28412
	Fargo, Mumtaz A & Marilyn A, C/O Roland				
RP57N01W336900A	Fargo	576 Sierra Meadows Dr	Sierra Madre	CA	91024
RP000360020040A	Contino, Mark A & Cullin	448 W Wilson Ave	Spokane	WA	99208
			Spokane		
RP000350000210A	Mottram Family Trust	11315 E 37th Ave	Valley	WA	99206
RP000350000160A	Mc Guire, Marc K	342 Cassou Rd	San Marcos	CA	92069
RP000360020030A	Avenell, David E & Ann E	12101 N Riverwood Dr	Spokane	WA	99218
RP034390000010A	McGuire, Marc & Amy	342 Cassou Rd	San Marcos	CA	92069
RP000350000180A	Rancho De Marcos LLC	342 Cassou Rd	San Marcos	CA	92069
RP000350000190A	Turner, Steven & Mary Jena	PO BOX 116	Powell Butte	OR	97753
RP034390000020A	Brigzee Properties LLC	3822 Westlake Dr	West Richland	WA	99353
	Gosling Trust, Gosling, Burton & Judith				
RP00035000011AA	Trustees	7139 North Austin Rd	Spokane	WA	99208
RP000360020050A	Burkwist, Stephen W & Linda K	347 Bay Dr	Sagle	ID	83860
RP000350000150A	Wassif, Ellen & Joseph	205 S Lincoln Ave	Sandpoint	ID	83864
RP0003600111A0A	Satkoski, John J	251 Bay Dr	Sagle	ID	83860