

Bonner County Planning Department

Hearing Examiner

Staff Report for April 16, 2025



FILE:	V0003-25	DATE OF REPORT:	April 7, 2025
PROJECT:	Grove - ROW setbacks - Variance	APPLICATION DATE:	January 27, 2025
PARCEL No:	RP000720110010A	PARCEL SIZE:	0.128 acre
LANDOWNER:	Randy & Tara Groves	REPRESENTATIVE:	Jesse Bailey, Sewell and Associates 600 4th ST W Newport, WA 99156

NOTICE: Mailed - March 18, 2025
Site posted – March 26, 2025
Published in Newspaper - March 18, 2025

REQUEST: The applicant is requesting a variance to the street setbacks standards to allow for a 5' setback where 25' is required, along both Handy Street to the north and the alley way to the east of the subject lot.

LEGAL

DESCRIPTION: 10-59N-4W 1ST ADD TO COOLIN BLK 11 LOT 1

LOCATION: The project site is located off Scranton Avenue in Section 10, Township 59 North, Range 4 West, Boise-Meridian.

APPENDIX A – Agency Notice Record of Mailing

SUBJECT PROPERTY SITE PLAN



PROJECT SUMMARY

The applicant is requesting a variance to the street setback standards to allow for a 5' setback where 25' is required, along both Handy Street to the north and the alley way to the east of the subject lot. Both of these are platted rights-of-way, that have never been constructed.

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 12-328: Recreation District
BCRC 12-400: Development standards
BCRC 12-7.2, et seq.: Grading/erosion/stormwater
BCRC 12-800 et seq.: Definitions

BACKGROUND

A. Site Data

Land Use: 0.128 acre, residential, vacant
Platted
Size: 0.128 acre
Zoning Designation: Recreation (REC)
Comp Plan Designation: Resort Community (0-2.5 AC)

B. Access

Scranton Avenue, an existing 60' wide Bonner County owned, privately maintained, dirt right-of-way.

C. Environmental Factors

Site does contain mapped slopes of 0-30+% (USGS).
Site does not contain mapped wetlands (USFWS).
Site does not contain water frontage.
Soils present on site are Bonner silt loam, cool, 0 to 4 percent slopes.
Site contains SFHA Zone X per FIRM Panel #16017C0430F, effective 7/7/14.

D. Services

Water: Individual Well
Sewage: Coolin Sewer District
School District: West Bonner School District #83
Fire District: Coolin/Cavanaugh Bay Fire District
Power: Northern Lights Inc.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Resort Community (0-2.5 AC)	Recreation (REC)	0.128 acre, residential, vacant
North	Resort Community (0-2.5 AC)	Recreation (REC)	0.1 acre, residential, vacant
East	Resort Community (0-2.5 AC) & Rural Residential (5-10 AC)	Recreation (REC) & Rural 5 (R5)	0.129 acre, residential, 3 units
South	Resort Community (0-2.5 AC)	Recreation (REC)	0.129 acre, residential, vacant
West	Resort Community (0-2.5 AC)	Recreation (REC)	0.17 acre, residential, 1 unit

AGENCY COMMENT

A full list of the agencies and taxing districts notified of this file can be found in attached Appendix A.

The following agencies provided comment:

Bonner County Road and Bridge Department

The following agencies replied “No Comment”:

Idaho Transportation Department
Panhandle Health Department
USDA Forest Service
Idaho Department of Fish and Game
Idaho Department of Environmental Quality
Kootenai-Ponderay Sewer District

All other agencies did not reply.

PUBLIC COMMENT

At the time this staff report was written, no public comments had been received.

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: Currently, where the well head is located, combined with the setbacks, it would not be possible to build the size we need (24' wide 35' long).

The back and side yard is critical for our build. Without it the width and length would be too altered that it wouldn't be worth building.

Staff: The subject parcel is small and narrow, with platted rights-of-way on three sides. The two rights-of-way being addressed for this variance are currently undeveloped, and one is a platted alleyway. The western portion contains slopes greater than 30%, while the area being proposed to be built on the eastern portion is relatively flat. These conditions do appear to apply to many of the other parcels in the area, however many of the neighbors have been granted similar variances for the same conditions.

The current setback standards create a building envelope of approximately 20' x 50'. The lots were designed prior to current county setback standards, and in 2003, at the time of purchase, the lot was subject to 5' setbacks on the northern and eastern property lines. As a result of Ordinance 606 on July 14, 2020, these setbacks were increased to 25' creating the current building envelope.

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

Applicant: Similar setback reductions have been allowed with the same community

Staff: This lot was platted/created on October 5, 1909, under instrument #10217. The applicant purchased the lot April 30, 2003, under instrument # 624215. The applicant has not built on, or modified the parcel in any way since purchasing it. The applicant has applied for a Lot Line Adjustment, on November 26, 2024, to combine the lot with their properties to the south. This was proposed under file #LS0047-24, and is still under review by the Planning Department.

(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 existing roads are fairly undeveloped and would not affect the building area of the neighboring properties.

Staff: The subject lot and associated rights-of-way were created on October 5, 1909, under instrument #10217, and the rights-of-way have never been developed. Portions of these same rights-of-way have already been vacated. In addition, several neighbors, including the applicant's neighbor directly to the east, across the alleyway, has received similar street setback variances. Bonner County Road and Bridge provided a comment in opposition to this file for potential future development constraints. No other agencies provided comment that suggested that the granting of this variance would be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject lot.

B. Stormwater Management Review

A stormwater management plan was not required as a part of this proposal. At the time of the submittal of the Building Location Permit, a Grading/Stormwater/Erosion Control plan may be required.

C. Staff Review Summary

The lot was not created by the applicant and is bordered by road rights-of-way on three sides. It is small and narrow in configuration. The western portion of the lot includes steep slopes, while the area identified for the proposed structure is relatively flat. The adjacent rights-of-way were platted in 1909 and remain undeveloped. Similar variances have been granted in the surrounding area. Comments received from Bonner County Road and Bridge reference the potential for future development within the existing rights-of-way as a consideration in evaluating the variance request.

Planner's Initials: DF

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 V0003-25, requesting a variance to the street setbacks standards to allow for a 5' setback where 25' is required, along both Handy Street to the north and the alley way to the east of the subject lot, 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 V0003-25, requesting a variance to the street setbacks standards to allow for a 5' setback where 25' is required, along both Handy Street to the north and the alley way to the east of the subject lot, 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 project is located off Scranton Avenue, a 60 foot, Bonner County owned, privately maintained roadway.
2. The property is served by individual well for water, and Coolin Sewer District for septic.
3. The property is served by Northern Lights, Inc., and Coolin/Cavanaugh Bay Fire District.
4. The property is zoned Recreation (REC).
5. The property does not contain wetlands, or frontage on a waterway, but does contain some slopes over 15%. The property is within FEMA SFHA X, as per FIRM panel #16017C0430F, effective 7/7/2014.
6. The applicant purchased the property on March 20, 1997, under instrument #624215.
7. The lots and associated roadways were platted on October 5, 1909, under instrument #10217.
8. Both right-of-ways being addressed with this variance; Handy Street and the alleyway, were created with the original plat in 1909, and have never been constructed.

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.

CONDITIONS OF APPROVAL:

Standard Conditions:

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. An approved Building Location Permit shall be obtained prior to construction.
4. An approved Stormwater Management Plan may be required as part of the 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.

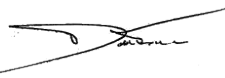
APPENDIX A – Agency Notice Record of Mailing

RECORD OF MAILING

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File No.: V 0 0 0 3 - 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 **18th** day of **March, 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