

BONNER COUNTY PLANNING DEPARTMENT

DECISION LETTER/REASONED STATEMENT

ADMINISTRATIVE VARIANCE



This application has been reviewed against the standards for a variance in Bonner County Revised Code 12-234 and it has been determined that the request **has met** the criteria based on the findings of fact and conclusion of law. The referenced application is hereby administratively **approved** per the review below.

FILE #: VA0013-25		DATE OF REPORT: June 18, 2025	
APPLICANT: Dustin & Lisa Sellers		REPRESENTATIVE: Jeremy Grimm	
PARCEL NUMBER(S): RP56N01E170722A			
SUMMARY OF PROPOSAL: The applicants are requesting a variance to the depth to width standards to allow for a depth to width ratio of 3.85:1 where 3.2:1 is the maximum allowed, to complete a Boundary Line Adjustment on a 2.03-acre parcel.			
DOES PROJECT CONFORM TO VARIANCE CRITERIA BCRC 12-234?			
<p>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.</p>		<p>APPLICANT: <i>"The subject parcel was recently created through a BLA and is legally nonconforming. The action to create this parcel originated from a previous legally nonconforming parcel, where a minor discrepancy in the specific boundary occurred, resulting in an attempted refileing under a new application, File BLA0043-24. This characteristic is unique to the subject parcel and the need for the variance only exists due to the timing of applications and on-the-ground truthing."</i></p> <p>STAFF: Both Parcels being adjusted through the Boundary Line Adjustment, File #BLA0043-24, are non-conforming. The applicants began designing the parcels and structures prior to Bonner County Code changes regarding depth to width, and sought to modify the plans to adjust for structures and setbacks. Once plans had been finalized, it was found that they did not comply with the revised code sections, which they had no control over being changed.</p>	
<p>B. Special conditions and circumstances do not result from the actions of the applicant.</p>		<p>APPLICANT: <i>"Special conditions and circumstances are not the result of the owner's actions. Residing out of the area, the specifics of the originating survey and layout could not be affirmed on the ground and rather, took place between the surveyor and the owner over the internet – a difficult task. When the owners returned to the area and confirmed the layout, they became aware of the undesirable situation, necessitating the minor changes to</i></p>	

	<p><i>the parcel dimensions reflected in File BLA0043-24."</i></p> <p>STAFF: The applicants adjusted the parcel lines between their two non-conforming parcels, to accommodate structures on both parcels, while accounting for the slopes, shoreline, and wetland areas. Applicants found that the building envelopes created did not align with the structural plans and setback requirements for the structures that had been intended to be placed when the parcels were created.</p>
<p>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:</p>	<p>APPLICANT: <i>"The County is required to find that the granting of a variance will not be in conflict with the public interest, public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel. We believe that the requested Variance from Bonner County Code will have no detrimental impact on the safety of property in the area. The existing and previous arrangement and parcel dimensions were legally nonconforming and as such the request would still result in a more conforming parcel arrangement and dimension than what existed in 2023."</i></p> <p>STAFF: The granting of this variance adjusts lines between two parcels owned by the applicant and allows for structures to meet county setback standards. The size of the smallest parcel does not decrease and provides a better building envelope for the parcel. The lot dimensions do not appear to have any affect on the public, or be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel. There were no agency comments, or public comments received to suggest otherwise.</p>
<p>AGENCY ROUTING</p> <p>This notice was mailed to political subdivisions, property owners within 300 feet of the subject property, and the media on May 13, 2025.</p> <p>The following agencies commented:</p> <p><i>Bonner County Historical Society</i> <i>Northern Lights Inc.</i></p> <p>The following agencies replied "No Comment":</p> <p><i>Idaho Department of Environmental Quality</i> <i>Idaho Department of Fish and Game</i> <i>Idaho Transportation Department</i> <i>Panhandle Health District</i></p> <p>All other agencies did not reply.</p> <p>Public Comment: At the time of this Staff Report, no public comments have been received.</p>	

STAFF ANALYSIS:

Bonner County Revised Code (BCRC) 12-231 Provides for a variance process where the County "may grant relief from the strict application of the provisions of this title where proposals conform to the standards set forth in this subchapter." BCRC 12-238 allows for an administrative review and decision if the request is a 30% deviation or less.

Staff concluded this project **is** consistent with Bonner County Revised Code based upon the following:

The subject parcel was created by the applicants, as part of a larger development plan, and approved on February 16, 2023, under File #BLA0005-23. The applicants found that the overall plans did not align, and sought to adjust the plan, however the Bonner County Revised Code changed during the process, on July 12, 2023, and the depth to width ratio calculation changed, making the adjustment non-compliant. The applicants had no control over the code changes, and are still seeking to improve the conditions that existed prior to the 2023 application, while allowing for the planned development that they were originally seeking.

This variance would allow the planned structures to meet all other county standards, and does not appear to conflict with public interest. No comments were received from the public or notified agencies, that the proposal would be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel.

FINDINGS:

1. This proposal was reviewed for compliance with the criteria and standards set forth in BCRC 12-238 Administrative Variances, BCRC 12-234 Variances, Standards for Review of Applications, BCRC 12-400, et seq., and BCRC Density and Development Standards if affected by the variance.
2. The property is zoned Rural 10 (R-10).
3. The subject parcel is 2.030-acres.
4. The property contains slopes of 15-30%+ along the shoreline to the East, and along the Western property lines.
5. KS 05/27/2025: Parcel is within SFHA Zone AE and Zone X per FIRM Panel Number 16017C1000E, Effective Date 11/18/2009.
6. The parcel is accessed by Elliot Bay Road, a privately owned and maintained easement.
7. The parcel is served by individual well, and individual septic system.
8. The proposed depth to width ratio is 3.85:1, a 20.3% deviation from the required 3.2:1.

CONCLUSIONS: Based on the foregoing findings, the following conclusions are adopted. The proposed administrative variance **is** in accord with the purposes of Title 12. This action does not result in a taking of private property. The action that could be taken to obtain the administrative variance is to complete the Conditions of Approval as adopted.

1. This proposal was reviewed for compliance with the criteria and standards set forth at Sections 12-233 and 12-234, Bonner County Revised Code, storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.
2. 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.

3. Special conditions and circumstances **do not** result from the actions of the applicant.
4. 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. (Ord. 559, 1-4-2017)

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 will not supersede any deed restrictions.

NOTE: Any determination made by the Planning Director in the administration of this decision may be appealed to the Board of County Commissioners by notifying the Planning Director in writing of the intent to appeal within ten (10) calendar days from the date of this determination. (BCRC 12-261)

Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code* §67-6535(3)).

Please contact this department if you have any questions.

Sincerely,



Alex Feyen, Assistant Planning Director