



BONNER COUNTY PLANNING DEPARTMENT

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VARIANCE APPLICATION

FOR OFFICE USE ONLY:

<p>FILE #</p> <p><input type="checkbox"/> Administrative Variance <input checked="" type="checkbox"/> Public Hearing Required</p> <p style="font-size: 1.5em; color: blue; text-align: center;">V 0012-19</p>	<p>RECEIVED:</p> <p style="font-size: 1.5em; color: blue; text-align: center;">RECEIVED</p> <p style="color: red; text-align: center;">MAY 22 2019</p> <p style="text-align: center; font-size: 0.8em;">BONNER COUNTY PLANNING DEPARTMENT</p>
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PROJECT DESCRIPTION:

The applicant is requesting a variance from a:

<input type="checkbox"/> Front yard setback	<input type="checkbox"/> Rear yard setback
<input type="checkbox"/> Side yard setback	<input type="checkbox"/> Water front setback

X Other (Please specify): The applicant is requesting a 7 foot front yard setback where 25 feet is required from an ingress/egress easement to allow for the construction of (specify the type of structure and use): Changing room/bathhouse. By placing the structure where proposed, the waterfront setback remains compliant and the structure is outside of the flood plain.

BCRC, SECTION 12-411: DENSITY AND DIMENSIONAL STANDARDS; RURAL ZONES: TABLE 4-1 DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District			
				R-10
Minimum front yard setback (9)				25 feet

Requirements Or Exceptions:

(9) From property line or from ingress/egress easement boundaries, whichever distance is greater.

APPLICANT INFORMATION:

Landowner's name:	Patrick Gavin c/o James A. Sewell & Associates, LLC		
Mailing address:	1319 N. Division Ave.		
City:	Sandpoint	State: ID	Zip code: 83864
Telephone:	208-263-4160	Fax: 208-234-4670	
E-mail:	mtaylor@jasewell.com		

REPRESENTATIVE'S INFORMATION:

Representative's Name:	Martin E. Taylor, AICP, Project Planner		
Company Name:	James A. Sewell & Associates, LLC		
Mailing Address:	1319 N. Division Ave.		
City:	Sandpoint	State: ID	Zip Code: 83864
Telephone:	208-263-4160	Fax: 208-234-4670	
E-mail:	mtaylor@jasewell.com		

PARCEL INFORMATION:

Section #: 17	Township: 56N	Range: 1E	Parcel acreage: 0.99
Parcel #: 0047800109A0A			
Legal description: Lot 9A, Block 1, 1 st Addition to Walston's Lake Lots (Book 10, Plats, Page 134)			
Current landowner names: Patrick and Kathy Gavin			
Current zoning: R-10		Current use: Single family residential and accessory structures.	
What zoning districts border the project site?			
North: R-10		East: R-10	
South: R-10		West: R-10	
Comprehensive plan designation: Rural Residential			
Uses of the Surrounding Land (Described lot sizes, structures, uses):			
North: Properties to the north are developed with single family residences on 5 acre or larger unplatted properties.			
South: Lake Pend Oreille lies to the south.			
East: Properties to the east include Walstons Lake Lots and Walstons Lake Lots 3 rd Addition properties developed with single family homes.			
West: Properties to the west include Walstons Lake Lots 1 st and 2 nd Addition properties developed with single family homes.			
Nearest City: Sandpoint		Distance to the Nearest City: ±17	
Detailed Directions to Site: From Sandpoint, head south on Hwy 95 to Sagle Road. Turn left and proceed east on Sagle Road to Camp Bay Road. Turn right and head southeast to Elliot Bay Road. Turn left and follow Elliot Bay Road to Driftwood Shore. The structure is located between Driftwood Shore and Lake Pend Oreille.			

NARRATIVE STATEMENT:

Explain the effects of elements on adjoining property such as noise, light glare, odor, fumes and vibration: The project is limited to the proposed ±6' x 6' structure. Therefore, the placement of this structure will have no effect on adjoining property.

Explain how the proposed use is compatible with adjoining land uses: A site visit confirmed the placement of about 14 structures likewise located within the 25 foot Driftwood Shore easement setback, ranging from simple sheds to multistory residences.

Explain why it is not possible to comply with the ordinance standards: Repositioning the shed to comply with the 25 foot easement setback would result in an encroachment into the 40 foot lake setback. As such, the project area has overlapping setbacks resulting in a "negative" or "minus" building envelope. Therefore, it is not possible to comply with both easement and waterfront setback standards.

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) *Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.* The subject lot's shoreline was platted in 1961, establishing a narrow strip of land between the lake shore and Driftwood Shore, a 16' wide easement depicted on the plat of the 1st Addition to Walston's Lake Lots (Book 2 of Plats, Page 83). This narrow strip will be developed with the subject structure, as well as numerous outbuildings and residences located on similarly platted lots. Thus, the 40 foot lakefront setback and the 25 foot easement setback overlap, negating any compliant building envelope, resulting in an undue hardship due to site characteristics peculiar to this strip.

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?* The property was platted in 1961 by the Walston's. The applicants acquired Lot 9 in 2004 and replatted same in 2012. Accordingly, the applicants did not create the narrow strip of land between the Pend Oreille lake shore and Driftwood Shore. Thus, this site constraint was not a condition or circumstance resulting from the actions of the applicants.

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) *Example: Will approval of the variance result in a potential obstruction of public access or cause a safety hazard?* The location of the structure is similar to that of about 14 buildings located within the 25 feet Driftwood Shore easement setback. Additionally, the structure will be situated on a gravelly area. Therefore, no additional impervious surface will be created. Lastly, the structure will be located on the downhill side of, and is set back about 10 feet from, the Driftwood Shore travelway. Vehicles traveling southwesterly are thus not affected by the shed's location. Two ponderosa pines are located immediately adjacent to the Driftwood Shore travelway. Vehicles traveling northeasterly are thus not affected by the shed's location

ACCESS INFORMATION:

Please check appropriate boxes:

X Private Easement Existing Proposed
 Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and easement width. Include recorded instrument number for existing easements & name, if existing: Private Driftwood Shore is gravel surfaced to width of about 10'-12' and is located within a ±16' platted easement. (See 1st Addition to Walston's Lake Lots, Book 2 of Plats, Page 83. See also Records of Survey, Instruments 452403 and 467366, and the Replat of Lot 9, Block 1, 1st Addition to Walston's Lake Lots, Book 10 of Plats, Page 134.)

Public Road Existing Proposed
 Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade right-of-way width and name, if existing:

Combination of Public Road/Private Easement X Existing Proposed
 Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and right-of-way/easement width and road name, if existing:

SITE INFORMATION:

Please provide a detailed description of the following land features:

Topography (lay of the land), including estimated maximum slope, rock outcroppings, benches, etc.: The subject strip of land slopes toward Lake Pend Oreille at about 13 percent. The shed is located on a bench.

Water courses (lakes, streams, rivers & other bodies of water): The property includes about 81 feet of Lake Pend Oreille frontage.

Is site within a floodplain?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Firm Panel #: 1000	Map designation: X
Springs & wells: Lot 9A is developed with a well.				
Existing structures (size & use): The project area is developed with a shed.				
Land cover (timber, pastures, etc.): The project area is vegetated with mixed evergreens and ornamental shrubs.				
Are wetlands present on site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Source of information: USFWS NWI	
Other pertinent information (attach additional pages if needed): Because this variance application does not result in the creation of additional impervious surface, a stormwater management plan is not required (BCRC, §12-720.3[k] and BCRC, Section 12-721.2[b]).				
The variance application is in response to Building Location Permit 2018-0960.				

SERVICES:

Sewage disposal will be provided by:	
<input type="checkbox"/>	<u>Existing Community System - List name of sewer district or provider and type of system:</u>
<input type="checkbox"/>	<u>Proposed Community System - List type & proposed ownership:</u>
<input checked="" type="checkbox"/>	<u>Individual system - List type:</u> Individual septic tank and leach field (PHD Permit 09-09-118491).
Explain the type of sewage system, capacity, maintenance plan, location of facilities, if applicable and other details: The property is served by a subsurface drainfield.	
Water will be supplied by:	
<input type="checkbox"/>	<u>Existing public or community system - List name of provider:</u>
<input type="checkbox"/>	<u>Proposed Community System - List type & proposed ownership:</u>
<input checked="" type="checkbox"/>	<u>Individual well</u>
Please explain the water source, capacity, system maintenance plan, storage and delivery system and other details: Twelve wells in the subject section produce an average of 5.3 gallons per minute (IDWR well data).	
Distance (in miles) to the nearest:	
Public/Community Sewer System: ±6 (Garfield Bay Sewer District)	Solid Waste Collection Facility: ±5 (Garfield Bay Cut-Off)
Public/Community Water System: N/A	Fire Station: ±12 (Sagle)
Elementary School: ±11 (Sagle)	Secondary Schools: ±17 (Sandpoint)
County Road: 0.5	County Road Name: Elliot Bay Road
Which fire district will serve the project site? Sagle	
Which power company will serve the project site? Avista	

How is the use/plan in accordance with the general and specific objectives of the Comprehensive Plan?

Property Rights: The project as proposed is set back about 10 feet from the Driftwood Shore travelway, and therefore does not impact the Driftwood Shore travelway, and thus does not affect users of this travelway, thereby protecting the rights of adjoining.

Population: The subject accessory building does not impact Bonner County's population.

School facilities & Transportation: The subject structure has no effect on school facilities. Busses do not travel on Driftwood Shore.

Economic Development: The building placement is not related to economic development.

Land Use: Development as proposed is consistent with at least 14 similarly placed buildings located within the easement setback along Driftwood Shore.

Natural Resources: The placement of the building where proposed will not prove detrimental to stormwater management and water quality.

Hazardous Areas: The site is not located within the mapped Lake Pend Oreille flood hazard area.

Public Services: All public services are in place and are thus not affected.

Transportation: Because the shed is located downhill of, and about 10 feet from, the Driftwood Shore travelway, motorists are not impacted by the proposed building's location. In addition, two ponderosa pines are located immediately adjacent to the Driftwood Shore travelway. Vehicles traveling northeasterly are thus not affected by the proposed building's location.

Recreation: The purpose for this and similar outbuildings located between the lake shore and Driftwood Shore is to accommodate water front users. In this instant case, the proposed structure will provide sanitation facilities.

Special Areas or Sites: The subject area has been developed with fill, patio pavers and a storage building since at least as early as 1977.

Housing: Though not providing housing, this and similar outbuildings provide a necessary accessory structure beneficial to upland homes.

Community Design: As noted, a site visit confirmed the placement of about 14 structures likewise located within the 25 foot Driftwood Shore easement setback, ranging from simple sheds to multistory residences. Consequently, the proposed building's position remains compatible with the neighboring use of Driftwood Shore.

Implementation: (Not required to complete this element)

I hereby certify that all the information, statements, attachments and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Bonner County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature: Martin E. Taylor, AICP, Project Planner Date: 5/22/19
Martin E. Taylor, AICP, Project Planner and Representative for
Patrick and Kathleen Gavin