



BONNER COUNTY PLANNING DEPARTMENT

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VARIANCE APPLICATION

FOR OFFICE USE ONLY:

FILE # V0013-19 Administrative Variance Public hearing required	RECEIVED: Bonner County 5/28/2019 Planning Department
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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 checked="" type="checkbox"/> Water front setback |

The applicant is requesting a 12 foot setback to allow for the construction of:
(Specify the type of structure and use)

A wall taller than 36" (BCRC 12-712(a)) and stairs wider than 4' (BCRC 12-711-B1) within 40' waterfront setback

- Other (Please specify) _____

APPLICANT INFORMATION:

Landowner's name: Dwayne and Margaret Eliuk

Mailing address: 282 125 Symons Valley Road PO Box 1171

City: Crossfield

State: Alberta

Zip code: T0M 0S0

Telephone: 403-619-7636

Fax:

E-mail: emptymag@shaw.ca / dwafty@shaw.ca

REPRESENTATIVE'S INFORMATION:

Representative's name: Same as applicant

Company name:

Mailing address:

City:

State:

Zip code:

Telephone:

Fax:

E-mail:

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project:

Company Name:

Mailing Address:

City:

State:

Zip Code:

Telephone:

Fax:

E-mail:

PARCEL INFORMATION:

Section #:6	Township:56N	Range:2W	Parcel acreage:0.53
Parcel # (s): RP02453000011AA			
Legal description: Lot 11 & T53 of Sunset Bay Estates			
Current landowner's name: Dwayne and Margaret Eliuk			
Current zoning: R-5		Current use: Rural Residential	
What zoning districts border the project site?			
North: R-5		East: R-5	
South: R-5		West: R-5	
Comprehensive plan designation:			
Uses of the surrounding land (describe lot sizes, structures, uses):			
North: Rural Residential, private house, 16,434 SQFT Parcel			
South: Rural Residential, private house, 25,939 SQFT Parcel			
East: Rural Residential, private house (Across Bay Inlet, Not part of Sunset Bay Estates)			
West: Rural Residential, private house (Not part of Sunset Bay Estates)			
Nearest city: Sandpoint		Distance to the nearest city: 7 miles	
Detailed directions to site: <u>South on highway 95 till you cross the long bridge after the bridge turn west on Lakeshore drive.</u> <u>Follow Lakeshore drive for 7 miles and turn right at Sundowner Lane. The property address is 235 Sundowner Lane the first vacant lot on the right</u>			

NARRATIVE STATEMENT:

Explain the effects of elements such as noise, light glare, odor, fumes and vibrations on adjoining property: Retaining walls with stairs to the waterfront are consistent with residential uses in the R-5 Zone. There is no effects on elements listed.

Explain how the proposed use is compatible with adjoining land uses: Three properties were developed at the same time to create a cohesive and aesthetically pleasing look. The walls have all used the same large boulders and the walls were developed and built by the same company (Mountain Scape). The wall follows the contour and topography of the natural land and the stairs fit into the wall. The wall is required to provide a safe and secure means of accessing the waterfront.

Explain why it is not possible to comply with the ordinance standards: The wall is made of large granite boulders that have been strategically placed to add support to the bank while giving safe access to the waterfront. The ordinance would require a terraced landscape using 3 foot rises and 4 foot switchback paths, to do that with the present material of the wall would take up about 18 ft of the depth of the property cutting into the useable land available for house development. In order to create the terraces approximately 5600 cubic feet (310 tonnes) of natural earth would have to be removed from the property. The retaining wall is the best way to stabilize the bank in a way that is consistent with the neighborhood.

Describe whether an undue hardship exists because of site characteristics, and whether special conditions and circumstances exist that are peculiar to the land, structures, or building involved that the applicant has no control over. BCRC 12-234(a) *Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.* The property sits alongside of an inlet into the bay which was created steep banks along the entire waterfront of the property and extends from the upstream southern properties. The original bank was steep and hazardous for the entire width of the property along the waterfront. The property is part of a homeowners association, which has rules for minimum size of house. If the land were terraced to follow the ordinance, it would significantly decrease the developable area of the lot and would force the development much closer to the road, which would not be consistent with the other homes on the street. The tall retaining wall is the best option for bank stabilization and maintaining the consistency of the neighborhood

Explain whether special conditions and circumstances 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?* Special conditions and circumstances of the existing wall did not result from the actions of applicant as the construction of the wall was contracted out to a local company in 2014, Mountain Scape, who built the wall in violation of the county ordinance. The contractor was asked to leave a gap in the wall for some stairs and the landowners assumed all was to code and built the stairs to fill the gap. The violation only came to the attention of the applicant after the property was conditionally sold in March 2019.

Explain whether granting this variance is 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?* Other properties in the same zone and vicinity feature similar retaining walls with stairs to the waterfront due to the naturally steep slopes and small building windows available on the properties

ACCESS INFORMATION:

Please check appropriate boxes:

<input checked="" type="checkbox"/>	<u>Private Easement</u> <input checked="" type="checkbox"/> Existing <input type="checkbox"/> 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: <u>Sundowner Lane is a private 18' wide road that is paved and maintained by the homeowners association.</u>	
<input type="checkbox"/>	<u>Public Road</u> <input type="checkbox"/> Existing <input type="checkbox"/> Proposed
Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade right-of-way width and name, if existing: _____	
<input type="checkbox"/>	<u>Combination of Public Road/Private Easement</u> <input type="checkbox"/> Existing <input type="checkbox"/> 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.: Presently with the wall in question the property has a staircase to the "beach" area and water front, there is a path for wagons etc. along one side of the property and the majority of the property is a nice open level area ready for the development of a house. The rock retaining wall creates a secure bank starting at 12 feet off the waterfront, at the bottom, to 18' off the waterfront, at the top. The stairs in the middle of the wall were built to fit a gap left when the wall was built. In addition, a dock runs parallel to the wall along the high water mark of the property.

Watercourses (lakes, streams, rivers & other bodies of water): The property has 104' of waterfront along a stream that dumps into a bay on the south side of the PendOrielle River.

Is site within a floodplain? Yes No Firm Panel #: 0950E Map designation: AE

Springs & wells: N/A

Existing structures (size & use): 90' long retaining wall with a maximum height of 9'. The wall has a set of stairs built in to allow access to the waterfront. There is also a 6' wide X 50' long marine dock along the north end of the property waterfront.

Land cover (timber, pastures, etc.): The perimeter of the lot has tall pine trees and the main lot is natural grass and regional vegetation

Are wetlands present on site? Yes No Source of information: Delineation report

Other pertinent information (attach additional pages if needed): See ZV1088-14
Also, see Wet Land delineation report attached. The report states the retaining wall forms a natural separation between two distinct zones in the land Area I the building area and Area II the lower beach front area. When the wall was contracted the land owners spoke to the constructor about leaving a gap in the wall so stairs could be built to allow access to the waterfront. The stairs were built to fit the gap left by the wall contractor.

SERVICES:

Sewage disposal will be provided by:

Existing Community System - List name of sewer district or provider and type of system:
The property is part of the Sundowner Lane homeowners association and when developed will tie into the community water coop for water supply, sewer is available through Sagle sewer system.

Proposed Community System - List type & proposed ownership: _____

Individual system - List type: _____

Explain the type of sewage system, capacity, maintenance plan, location of facilities, if applicable and other details: _____

Water will be supplied by:

Existing public or community system - List name of provider: Sundowner Lane Water Co-op

Proposed Community System - List type & proposed ownership: _____

Individual well

Please explain the water source, capacity, system maintenance plan, storage and delivery system and other details: _____

Distance (in miles) to the nearest:

Public/Community Sewer System: 0 miles Solid Waste Collection Facility: Dufort 9 miles

Public/Community Water System: 0 miles Fire Station: Selkirk Fire Rescue 6 miles

Elementary School: Sagle Elementary 6 miles Secondary Schools: Sandpoint 7 miles

County Road: Less than 1 mile County Road Name: Lakeshore Drive

Which fire district will serve the project site? Selkirk

Which power company will serve the project site? Avista (Existing metering pedestal on property)

How is the use/plan in accordance with the general and specific objectives of the Comprehensive Plan? (Copy of goals and objectives attached)

Property Rights: The project will have no affect and is consistent with the goals, objectives, and policies for section 2.1 Property Rights

Population: The property is already zoned R-5 and the variance does not intend to change zoning so remains consistent with section 2.2 Population

School facilities & Transportation: The project will have no affect and is consistent with the goals, objectives, and policies for section 2.3 School Facilities & Transportation

Economic Development: The wall will have no affect and is not relevant to section 2.4 Economic Development

<p>Land Use: This variance supports section 2.5 Land Use of the Bonner County Comprehensive Plan as it maximizes the land available for rural development and maintains the unique qualities of both areas of the property as mentioned in the delineation report.</p>
<p>Natural Resources: The project will have no affect and is consistent with the goals, objectives, and policies for section 2.6 Natural Resources</p>
<p>Hazardous Areas: The wall stabilizes the steep slope and therefore supports the goals, objectives, and policies of section 2.7 Hazardous Areas</p>
<p>Public Services: The project will have no affect and is consistent with the goals, objectives, and policies for section 2.8 Public Services</p>
<p>Transportation: The project will have no affect and is consistent with the goals, objectives, and policies for section 2.9 Transportation</p>
<p>Recreation: The wall creates safe access to the waterway, which is used for recreational purposes and therefore supports the goals, objectives, and policies of section 2.10 Recreation</p>
<p>Special Areas or Sites: The delineation report proves this project does not violate the goals, objectives, or policies of section 2.11 Special Areas or Sites</p>
<p>Housing: The property is already zoned R-5 and the variance does not intend to change zoning so remains consistent with section 2.12 Housing</p>
<p>Community Design: This variance is required to meet the goals, objectives, and policies of section 2.13 Community Design, by maintaining the particularized characteristics and consistency of the neighborhood's waterfront developments.</p>
<p>Implementation: (Not required to complete this element)</p>

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:  Date: MAY 15, 2019

Landowner's signature:  Date: May 15 2019