

10.20.2023

Bonner County Planning
Attn: Jacob Gabell, Planning Director
1500 US 2
Sandpoint, ID 83864

614 Creekside Lane
Sandpoint, ID 83864
208.946.9944 | www.whiskeyrockplanning.com

Via email

RE: Variance Application Deviation From Minimum Lot Size on RP0068700000SLA allowing the creation of ONE 0.42 acre parcel and one 1.35 acre parcel through subsequent MLD application and approval.

Dear Director Gabell,

On behalf of Caliber Land Company II LLC, we are submitting a variance application for parcel RP0068700000SLA also known as 468226, 468178 and 468146 United States Highway 95. Originally, the owner believed the parcel to be 2.45 Acres per information provided by Bonner County GIS. The owner hired Glahe & Associates to survey the property and is now aware that the total acreage is 1.78 Acres.

The subject parcel has been improved with numerous outbuildings, a residence and commercial retail offices. As it exists today, the numerous uses on the site (retail, storage, residential) make it challenging for the owner to manage. The original thinking by the owner was that the parcel, due to its assumed 2.45 acre size, would be suitable and able to be split through the MLD process. The owner intended to proceed with this action until the realization of area limitations (less than 2 net acres) which without a variance would make this impossible. Although the subject parcel does sit within the Sagle Water and Sewer District and will eventually be served by said services, today this is impossible due to the distance to utility lines and capacity of the district.

As can be imagined, it was a devastating moment when the owner understood that the subject parcel would not meet the criteria for a MLD due to minimum 1-acre per lot area requirement of the zoning. The owner's intent upon purchasing the parcel was to split the residence off from the commercial improvements resulting in two legal parcels. Without approval of a variance to minimum lot size, the parcel will be constrained and the individual sale of the commercial and residential improvements is impossible.

There are a number of supportive reasons for approving this request to deviate from the minimum 1-acre parcel size identified in BCRC 12-412 Table 4-2. First, the property is "built out" with substantial improvements in existence. Demands for water, sewer, septic and access would not change if the variance were approved as structures are already in existence. In fact, approval would make the parcel and related improvements more conforming by separating these uses onto individual parcels. Next, due to the parcel being located within the Sagle Water and Sewer district boundary, it is very likely that at some point in the future, line extensions will make urban services available to the property. At such time, and based on current Suburban and Commercial zoning standards, the parcel would be capable of being split to the minimum 10,000 square foot lot size. Finally, the Bonner County GIS information listed the total area of the parcel at 2.45 acres. Despite most professional users of the GIS knowing that area statements are sometimes incorrect, as a layperson looking to purchase property, this fact is frequently relied upon for presuming future use and arrangements of lot configuration.

Despite these very rational reasons to support the request for a variance to minimum lot size, we understand that per BCRC and Idaho Code, further factual findings must be considered.

Basis for Request BCRC 12-234 A, B and C

At times under certain circumstances, property owners may not be able to strictly comply with the bulk dimensional and performance requirements or restrictions governed by the zoning designation of their property. In such circumstances, especially when historical nonconforming structures are involved, it is often appropriate to seek a variance. The subject parcel has been improved with numerous commercial and residential structures and presently can be considered a legally nonconforming parcel. The application before you is less of a “New” variance, and rather could be viewed as a modification recognizing the historical and present use of the land

BCRC 12-234(A)

The subject parcel is currently legally nonconforming due to a variety of characteristics including uses, and density. The owner has no control over the now recognized size of the parcel. General publicly available information on the Bonner Count GIS parcel map shows the parcel being 2.45 acres in size when in fact the survey results show the parcel to be 1.78 acres, thereby falling under the minimum size required to create two 1-acre lots as originally desired by the owner. The conditions and limitations described ARE a result of actual lot size.

BCRC 12-234(B)

The applicant has taken no action and has not caused circumstances to occur which have changed the legal area of the parcel. The request for this variance is due to an inconsistency between the Bonner Count GIS listed parcel area (2.45 acres) and the actual area of +/-1.78 acres which necessitates the request.

BCRC 12-234(C)

As has been mentioned, the subject parcel has been improved with numerous outbuildings and is comprised of legally nonconforming uses (Commercial /Residential). The granting of this request will potentially allow the owner to proceed with a Minor Land Division and the separation of existing uses onto individual parcels. As a result that no material changes would occur to the existing improvements/uses and that the parcel has been improved with structures, drives and parking we believe that approval would not be in conflict with the public interest or detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Thank you in advance for your consideration of allowing the owner to deviate from the minimum lots size of the zone to create one 0.42 acre parcel with an existing residence and one 1.35 acre parcel with commercial improvements. Please do not hesitate to contact me with any questions or need for clarification.

Respectfully,



Jeremy Grimm

President
Whiskey Rock Planning + Consulting
614 Creekside Lane



Sandpoint, ID 83864