



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

April 10, 2024

Kathy Marietta & Bruce Ehni
235 Sherwoods Road
Sagle, ID 83860

Subj: File V0001-24 – Variance – Lot Size Minimum

Encl: (1) File V0001-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 3, 2024, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved this project, File V0001-24, requesting a minimum lot size of 0.66-acre where 1.0-acre is required, 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. Examiner Rucker further adopted the findings of fact and conclusions of law as set forth in the Staff Report and direct planning staff to draft written findings and conclusions to reflect this decision 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.

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 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 not** result from the actions of the applicant.

Conclusion 3

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)

Findings of Fact

1. The site does contain few mapped slopes in excess of 30% per U.S. Geological Survey (USGS).
2. The site does not contain mapped wetlands per the National Wetlands Inventory (NWI)/U.S. Fish & Wildlife Service (USFWS).
3. The site does not contain a river/stream/frontage on a lake per the National Hydrography Dataset (NHD).
4. The subject site is within SFHA Zone X per FIRM Panel Number 16017C0950E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
5. The lot is served by a community water system, individual septic system, Selkirk Fire District, Avista Utilities and Lake Pend Oreille School District #84.
6. The lot is platted per Instrument No. 314359, Book 4 of Plats, Page 38, Records of Bonner County.
7. The lot has a land use designation of Urban (0-2.5 AC) with a zoning designation of Suburban (S).
8. Access to the site is via Sherwoods Road. This is a 60'-public right-of-way with a 24' paved travel way.
9. Lot 16 was purchased by the applicant on April 18, 2010 per Warranty Deed, Instrument No. 790790, records of Bonner County, Idaho.

Conditions of approval:

Standard permit conditions:

1. The granting of this variance shall not supersede any deed restrictions.
2. Only the lot line adjustment as highlighted on the site plan has been reviewed for variance standards. Any future lot line adjustment, including development, must comply with Bonner County Revised Code.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 8, 2024. AN APPEAL SHALL BE ACCOMPANIED BY**

A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.

NOTE: 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 the Planning Department if you have any questions.

Sincerely,


Jacqueline Rucker
Hearing Examiner

C: Glahe and Associates

EXHIBIT MAP

FOR

MAYER-MARIETTA & EHNI

LYING IN A PORTION OF THE
OF SECTION 3,

TOWNSHIP 56 NORTH, RANGE 2 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO
LOTS 16 & 19, PLAT OF TAMARACK ESTATES

**BONNER COUNTY
APPROVED SITE PLAN**

Jacqueline Stearns 4-3-24
DATE

LOT 14A

LOT 15A

APPROVED VARIANCE 2023
FILE V0007-23
INST. NO. 1024850
0.10 ACRES
**ADDED TO LOT 19
3514SQ FT
0.08AC.**

LOT 20

N 89°01'00" W 186.14'

LOT 19

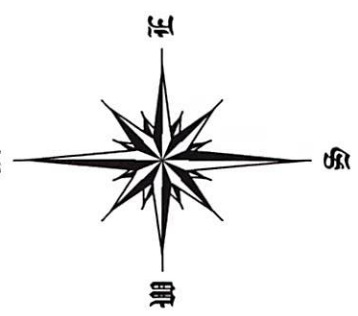
0.762 AC-ORIGINAL
0.842--ADJUSTED

LOT 16

0.740 AC-ORIGINAL
0.66 AC.-ADJUSTED

LOT 18

LOT 17



S 21°08'20" W 164.66'

N 21°06'01" E 214.70'

N 10°44'41" E 182.10'

S 63°43'06" W 247.76'

N 21°06'01" E 214.70'

S 77°57'17" W 208.62'

N 77°56'45" E 212.05'

GLAHE & ASSOCIATES	SCALE: 1"=80'
PROFESSIONAL LAND SURVEYORS	DRAWN BY: TLAG
P.O. Box 1863	DATE: 11/29/2023
Sandpoint, ID 83864	DWG: 23-232 EXH
208-265-4474	SHEET 1 of 1