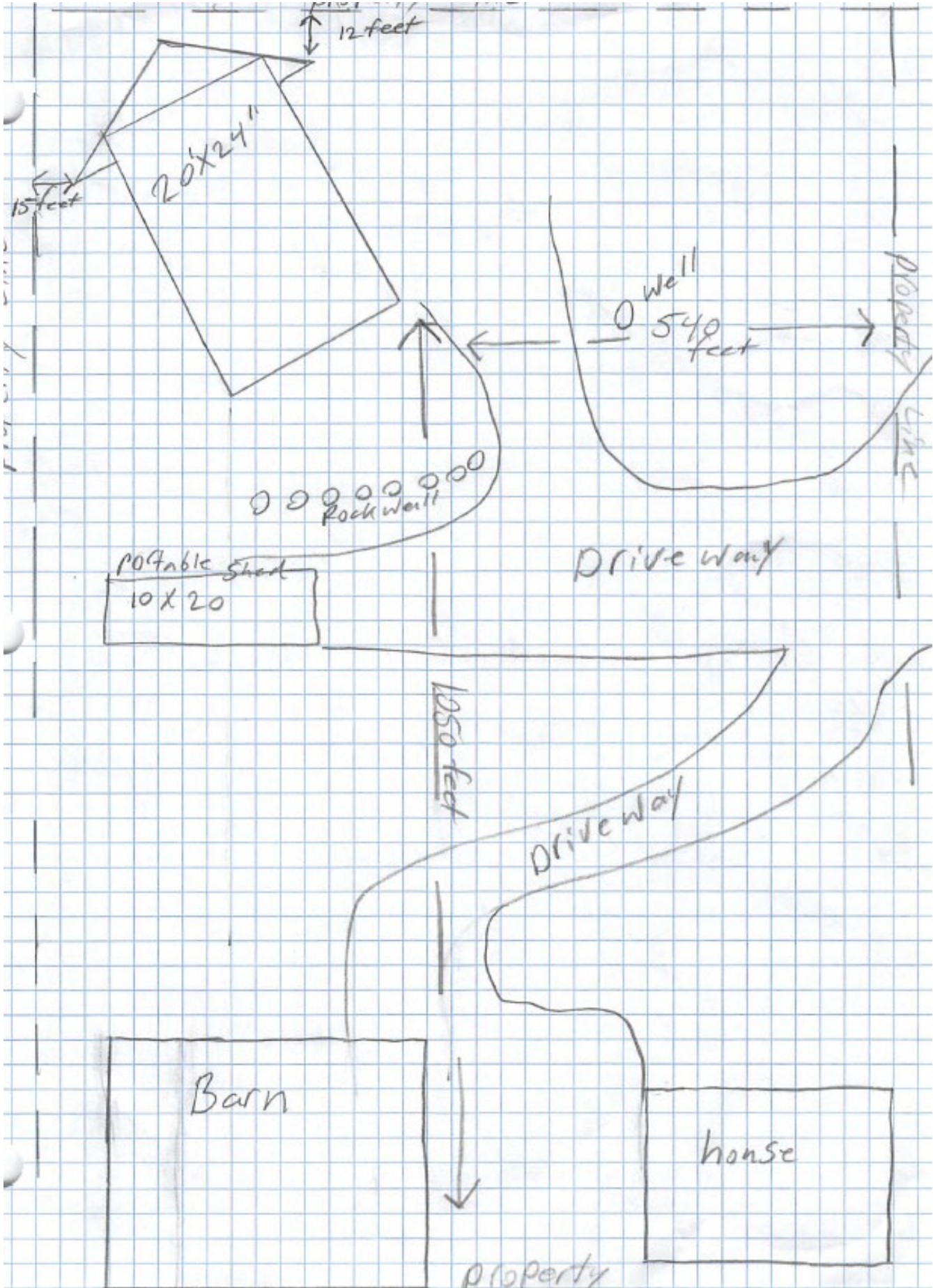
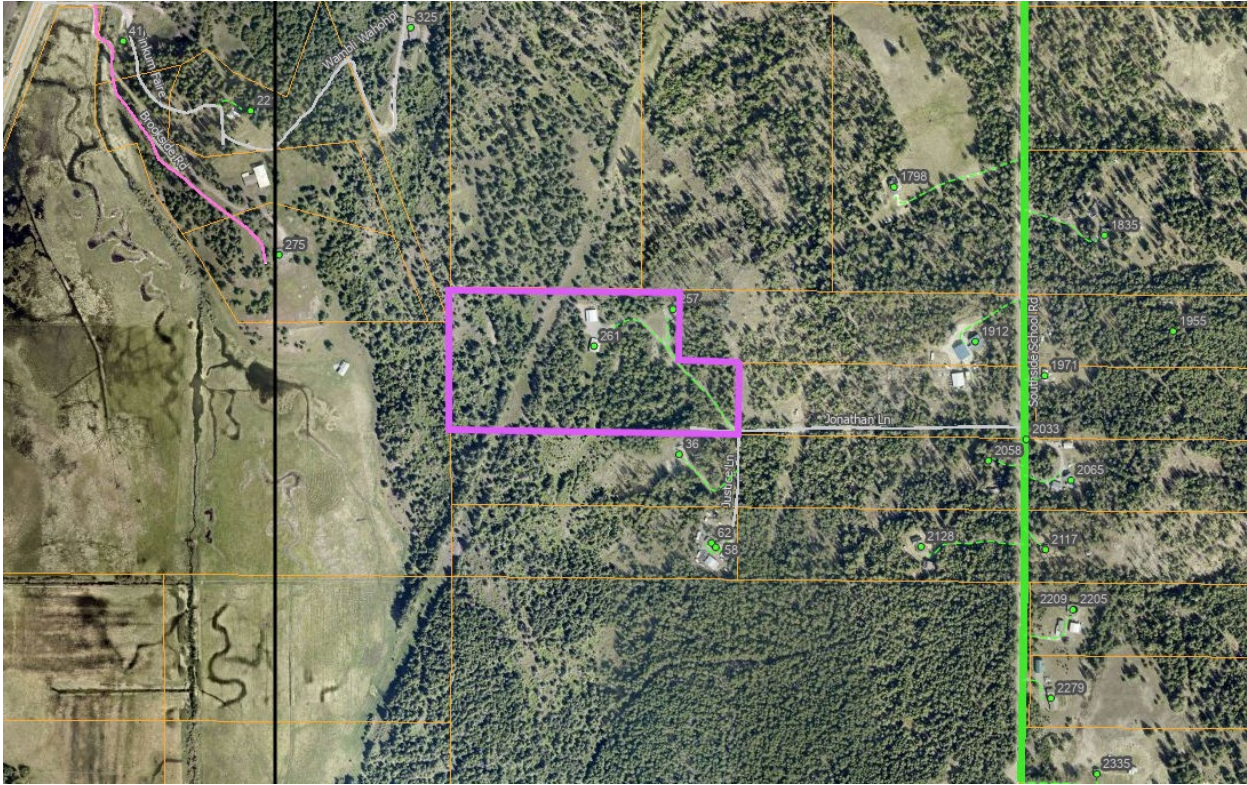




SUBJECT PROPERTY SITE PLAN



## VICINITY MAP



## PROJECT SUMMARY

The applicant is requesting a 12-foot property line setback where 25-foot is required. The property is approximately 18-acres. The property is zoned Agricultural/Forestry 20. The property is located off of Jonathan Lane, a privately owned and maintained road.

## APPLICABLE LAWS

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-222: Application contents
- BCRC 12-232: General provisions
- BCRC 12-234: Variance standards
- BCRC 12-400: Development standards
- BCRC 12-411: Density and Dimensional Standards; Forestry, Agricultural/Forestry and Rural Zones
- BCRC 12-7.2, et seq.: Grading/erosion/stormwater
- BCRC 12-800 st seq.: Definitions

## BACKGROUND

**A. Site Data**

Land Use: 18-acres, Residential  
Unplatted  
Size: 18.00-acre  
Zoning Designation: Agricultural/Forestry 20 (A/F 20)  
Comp Plan Designation: Ag/Forest Land (10-20 ac)

**B. Access**

Jonathan Lane, a privately owned and maintained road.

**C. Environmental Factors**

Site does contain mapped slopes (USGS).  
Site does not contain water frontage.  
Site contains SFHA Zone X per FIRM Panel #16017C1175E, effective 11/18/09.

**D. Services**

Water: Individual Well  
Sewage: Individual Septic System  
School District: Lake Pend Oreille School District # 84

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Ag/Forest Land (10-20 ac)	A/F 20	18-acres, Residential
North	Ag/Forest Land (10-20 ac)	A/F 20	26.67-acres, Timber
East	Ag/Forest Land (10-20 ac)	A/F 20	12-acres, Residential
South	Ag/Forest Land (10-20 ac)	A/F 20	20-acres, Residential
West	Ag/Forest Land (10-20 ac)	A/F 20	91.575-acres, Ag Land

**AGENCY ROUTING**

The following agencies were routed for review and comment on July 02, 2024

**Bonner County Floodplain Review - Email**

*JRJ, 7.1.2024: Parcel is within SFHA Zone X per FIRM Panel Number 16017C1175E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.*

**Bonner County Road & Bridge - Email**

*7/3/2024 See comment*

**GIS Addressing**

*MC 7/2/2024: Complete.*

## PUBLIC COMMENT

### STANDARDS REVIEW & STAFF ANALYSIS:

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

#### A. Standards Review

- (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.**

*Applicant: Placed home in property corner due to more flat ground. Slopes would make building hard.*

**Staff:** This parcel is approximately 18-acres in size. The property has been developed with a single-family-dwelling unit, an accessory structure, and an accessory dwelling unit. The property does not appear to be similar in topography to surrounding properties in the same zone vicinity. It appears that the majority of the property contains 15-30+% slope, which can

make building and developing a property challenging. There are no waterbodies on the property, it is not located within a special flood hazard area, but the topography could pose challenges and may limit the applicants ability to place the structure elsewhere.

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

*Applicant: Thought the setbacks were 15 feet to property line from structure, not from eaves. We have changed nothing as far as the natural lay of the land.*

**Staff:** The applicant obtained the property by way of Warranty Deed on February 1, 2005, instrument number 669484, Bonner County Records. There are no records that the applicants have changed the shape, size, or location of property lines on this parcel that would warrant this variance request. However, this accessory dwelling unit was built on this property without a Building Location Permit. The Bonner County Planning Department issued a building violation on this property, BV2023-0151. The applicant submitted a Building Location Permit, BLP2023-1110. According to the applicants site plan, the building was 12 feet from the property line.

While the applicant has not created any problems of their own in terms of any changes to the parcel itself, this building was built without a permit and was built too close to the property line. However, the topographical challenges on this parcel appears to leave limited development areas.

- (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.**

*Applicant: The East and North sides of the home are not interfering with the homeowners of these parcels as they already have home far from this site. The nearest house. from this site is 600 feet to the South. This should not affect neighboring properties.*

**Staff:** No responses from agencies or members of the public were received that would suggest any harm to the general health, safety, or welfare to the public, or materially injurious to the surrounding properties. The property is located at the end of Jonathan Lane, as developed, and is surrounded mostly by privately-owned forest and farm land. The nearest residence to this property is approximately 650 ft, as the crow flies, south of the subject dwelling unit. This adjacent property is located off a different road, Justine Lane, a privately owned and maintained road. This accessory dwelling unit does not appear that it will have any affect on neighboring properties.

## **B. Stormwater Management Review**

A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined. A stormwater management plan may be required during the Building Location Permit process.

## **C. Staff Review Summary**

There are topographical challenges on the property, specifically steep slopes, that can make developing the property difficult. The properties surrounding the subject parcel seem to have similar slope, but this parcel appears to have more severe slopes than others.

The applicant obtained the property in 2006, and according to records, the property has not been altered by the applicant in any way that required this variance to be requested. However, the applicants built this Accessory Dwelling Unit without obtaining a Building Location Permit; a building violation was issued to the applicant by the Bonner County Planning Department. The applicants have applied for a Building Location Permit, BLP2023-1110.

No agencies or members of the public commented on whether the increased Accessory Dwelling Unit would be harmful the public health, safety, and welfare of the area, or be materially injurious to adjacent properties. The property is located at the end of Jonathan Lane, as developed, and is surrounded mostly by privately-owned forest land. The nearest residence to this property is approximately 650 ft, as the crow flies, south of the subject dwelling unit. This adjacent property is located off a different road.

**Staff determination: Has met criteria subject to conditions.**

**Planner's Initials: AF**

**Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.**

---

## **Decision by the Governing Body**

### **HEARING EXAMINER**

**DECISION TO APPROVE:** I approve this project V0003-24, requesting a 12-foot property line setback

where 25 feet is required, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law:

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.

and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) 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.

**DECISION TO DENY:** I deny this project V0003-24, requesting a 12-foot property line setback where 25 feet is required, based upon the following conclusions:

Conclusion 1

Conditions apply to the property that **do / 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 / do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance **is / is not** in conflict with the public interest in that it **will / 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.

The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

- 1) File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
- 2) Appeal the Hearing Examiner's decision to the County Commissioners.

---

## **Recommendation to the Zoning Commission**

---

I recommended that the Zoning Commission conduct a public hearing for this project, File V0003-24, requesting a 12-foot property line setback where 25 feet is required, pursuant to the public hearing noticing requirements and procedures of Chapter 2, Subchapter 2.6 of Title 12, based upon the extent of

public comment and other contested factors in the case which warrant a hearing in front of the Zoning Commission.

---

### **Findings of Fact:**

---

1. The property is approximately 18-acres.
2. The property is developed with a single family dwelling unit, an accessory dwelling unit, and an accessory structure.
3. The property is located off Jonathan Lane, a privately owned and maintained road.
4. The property is served by Sagle Fire District and Northern Lights, Inc.
5. The property owners have not changed the property's size, shape, terrain, topography.
6. The property has sloped between 0-30+%, and it seems to be characterized by slopes of 15-30+%.
7. The property is zoned Agricultural/Forestry 20.
8. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
9. The property does not appear to be similar in topography to surrounding properties in the same zone vicinity.

---

### **Conditions of Approval:**

---

#### **Standard continuing permit conditions. To be met for the life of the use:**

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. The granting of this variance shall not supersede deed restrictions.

---

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Some file application material is available online at [www.bonnercountyid.gov](http://www.bonnercountyid.gov). Bonner County Revised Code (BCRC) is available at the Planning Department or online.

**ANNEX A- Notice of Public Hearing Record of Mailing**

## **RECORD OF MAILING**

**Page 1 of 1**

**File No.: V0003-24**

**Record of Mailing Approved By:**

**Hearing Date: August 7, 2024**

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **2nd** day of **July 2024**.



Jenna Crone, Hearing Coordinator

Assessor - Email	Avista Utilities - Email
Bay Drive Recreation District - Email	Bayview Water & Sewer - Email
Bonner County Airport Manager - Email	BONNER COUNTY DAILY BEE - U.S. Mail
Bonner County EMS - Email	Bonner County Floodplain Review - Email
Bonner County Road & Bridge - Email	Bonner County Sheriff - Email
Bottle Bay Water & Sewer District - Email	City of Clark Fork - Email
City of Dover - Email	City of East Hope - Email
City of Hope - Email	City of Kootenai - Email
City of Oldtown - Email	City of Ponderay - Email
City of Priest River - Email	City of Sandpoint - Email
City of Spirit Lake - Email	Coolin Sewer District - Email
Coolin-Cavanaugh Bay Fire District - Email	Drainage District #7 - Email
East Bonner Library - Email	East Priest Lake Fire District - Email
Ellisport Bay Sewer - Email	Garfield Bay Water & Sewer District - Email
GEM STATE MINER - U.S. Mail	Granite Reeder Water & Sewer District - Email
Idaho Department of Environmental Quality (DEQ) - Email	Idaho Department of Fish & Game - Email
Idaho Department of Lands - CDA - U.S. Mail	Idaho Department of Lands - Coolin - Email
Idaho Department of Lands - Navigable Waters & Mining - Email	Idaho Department of Lands - Sandpoint - Email
Idaho Department of Water Resources - IDWR - Email	Idaho Transportation Department (Aeronautics) - U.S. Mail
Idaho Transportation Department- District I - Email	Independent Highway District - Email
Kalispel Bay Sewer & Water - U.S. Mail	Kootenai-Ponderay Sewer District - Email
KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail	KSPT-KPND-KIBR RADIO - U.S. Mail
Laclede Water District - Email	Lake Pend Oreille School District, #84 (Admin Office) - Email
Lake Pend Oreille School District, #84 (Transportation) - Email	Lakeland Joint School District, #272 - Email
Little Blacktail Ranch Water Association - U.S. Mail	North of the Narrows Fire District - Email
Northern Lights, Inc. - Email	Northland/Vyve Cable Television - Email
Northside Fire District - Email	Outlet Bay Sewer District - Email
Panhandle Health District - Email	Pend Oreille Hospital District - Email
Priest Lake Public Library District - Email	Priest Lake Translator District - Email
Sagle Valley Water & Sewer - Email	Sam Owen Fire District - Email
Schweitzer Fire District - Email	SELKIRK ASSOCIATION OF REALTORS - U.S. Mail
Selkirk Fire, Rescue & EMS - Email	Selkirk Recreation District -Email
Southside Water & Sewer District - Email	Spirit Lake Fire District - Email
Spokesman-Review - U.S. Mail	State Historical Society - Email
Swan Shores Sewer District - U.S. Mail	Syringa Heights Water Association - Email
Tamarack Village Water & Sewer - U.S. Mail	Timber Lake Fire District - Email
Trestle Creek Sewer District - Email	U.S. Army Corps of Engineers - Email
U.S. Fish & Wildlife Service - Email	U.S. Forest Service - U.S. Mail
West Bonner County Cemetery District - Email	West Bonner County School District, #83 - Email
West Bonner Library - Email	West Bonner Water & Sewer District - Email
West Pend Oreille Fire District - Email	West Priest Lake Fire District - Email