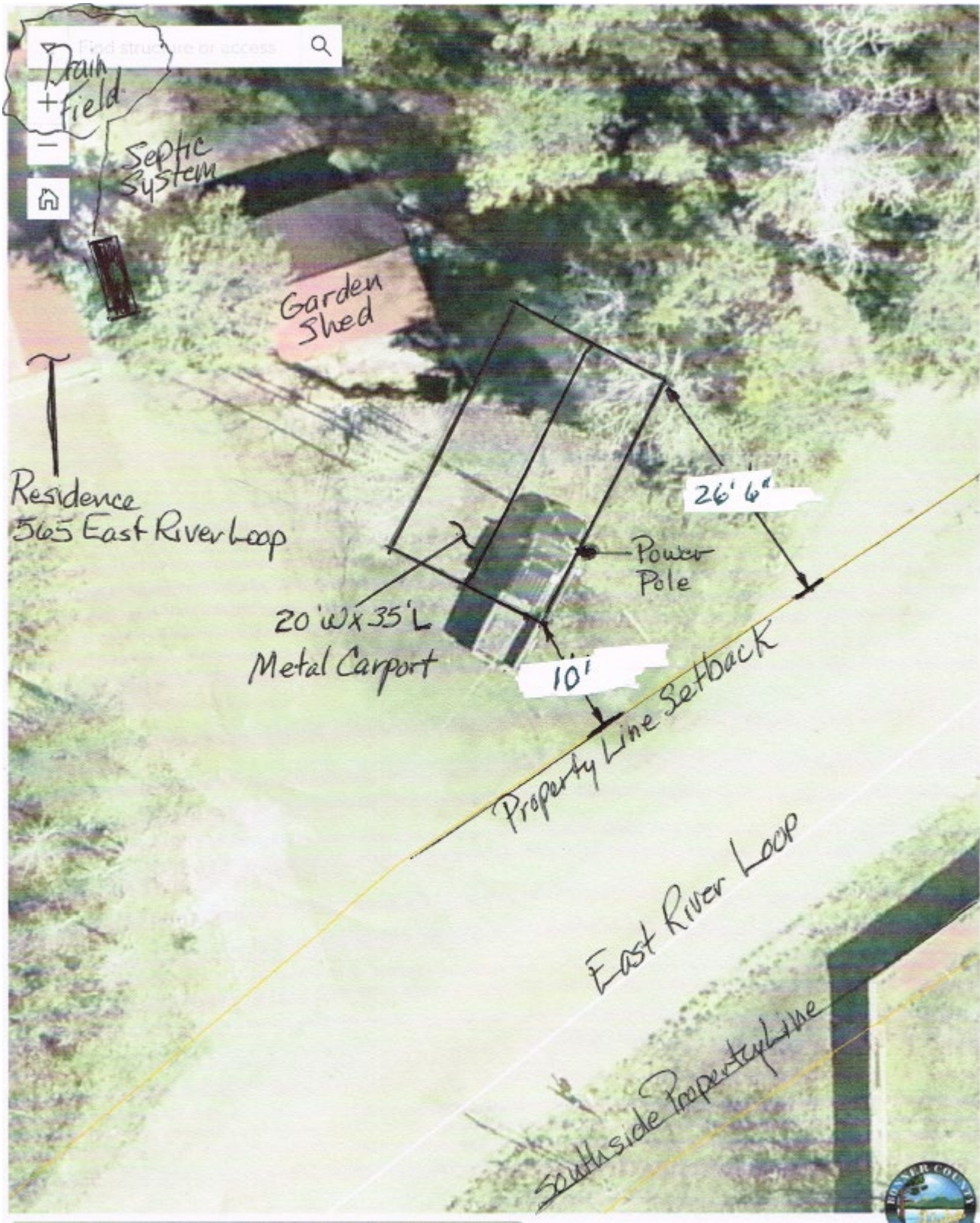


SUBJECT PROPERTY SITE PLAN



PROJECT SUMMARY

The applicant is requesting a 10-foot street setback where 25-feet is required for an accessory structure. The property is zoned Agricultural/Forestry 20. The property is located off Eastriver Loop, a Bonner County owned and maintained public right-of-way.

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: Residential/9.45-acres

Unplatted

Size: Approximately 9.459-acres

Zoning Designation: Agricultural/Forestry 20

Comp Plan Designation: Prime Ag/Forest Land

B. Access

Eastriver Loop, a Bonner County-owned and maintained public right-of-way.

C. Environmental Factors

Site does contain mapped slopes (USGS).

Site does contain mapped wetlands (USFWS).

Site does contain water frontage.

Site contains SFHA Zone A and SFHA Zone X per FIRM Panel #16017C0655E, effective 11/18/09.

D. Services

Water: Individual Well

Sewage: Individual Septic System

School District: West Bonner School District #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan Designation	Zoning Designation	Current Land Use & Density
Site	Prime Ag/Forest Land	Agricultural/Forestry 20	Residential/9.45-acres
North	Prime Ag/Forest Land	Agricultural/Forestry 20	Residential/13.37-acres

East	Prime Ag/Forest Land	Agricultural/Forestry 20	Residential/1.3-acres
South	Prime Ag/Forest Land	Agricultural/Forestry 20	State Land/40-acres
West	Prime Ag/Forest Land	Agricultural/Forestry 20	Residential/10-acres

AGENCY ROUTING

The following agencies were routed for review and comment on July 26, 2024

- Bonner County Floodplain Review - Email** *JRJ, 7.24.2024: Parcel is within SFHA Zone X & Zone A per FIRM Panel Number 16017C0655E, Effective Date 11/18/2009. Per site plan and county GIS the project site is within SFHA Zone X. No further floodplain review is required on this proposal.*
- Bonner County Road & Bridge - Email** *See letter for full details.*
- GIS Addressing** *MC 7/22/2024: No addressing needed.*
- Idaho Department of Environmental Quality (DEQ) - Email** *No comment*
- Idaho Department of Fish & Game - Email** *No comment*
- Idaho Transportation Department-District I - Email** *No comment*

PUBLIC COMMENT

As of the date of the staff report, no public comments have been received

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: The area where the carport is now located has always been the residents driveway and parking area since being built in 1980 as shown in the attached Bonner County GIS Map screenshot (Note owners Ford F350 parked by the Power Pole and Owners other vehicle would be parked immediately to the northwest of the F350) and is the closest level location.

Staff: The structure in question is a carport. Per the applicant, it is approximate 700 square feet. The property is approximately 9.46-acres and is split by a public right-of-way, Eastriver Loop. The subject building is located on the Northern portion of Eastriver Loop. The property appears unique, as only two other parcels on Eastriver Loop are bisected by the road.

The property does have steep slopes between 0-30+%, which are mostly located on the southern portion of the parcel but are also present on the Northern area of the parcel. In addition to slopes, the property does have mapped wetlands and a mapped river, the East River, all of which have 40 foot and 75-foot setbacks, respectively. The parcel also contains Special Flood Hazard Area A & X; this structure is located within Zone X, which does not require any Floodplain Development permits. All these environmental factors could pose challenges in developing a parcel.

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

Applicant: The applicant diligently pursued different layout criterias for the metal carport. Short of removing the trees located on the northwest side and keeping it to the northeast as far as possible. The metal carport size (20'W X 35'L) was needed for our vehicles and tractor with equipment. The layout was restricted by a row of large quaking aspens and slope on the northwest side of the carport (see attached photo #8), a utility pole on the southeast side (see attached photo #4) and an elevation change (6 foot plus dropoff) at the northeast side (see attached photos 6 & 7). The carport is at an angle to the East River Loop Road, so the southwest corner (eve) is 10' and the southeast corner on back end of the carport is 26' 6" from the property line setback as shown on the GIS screenshot #2.

Staff: The applicant obtained this property on May 01, 1998 by Warranty Deed, instrument no. 523210. It was then reconveyed to the applicants on May 06, 1998 by Quit Claim Deed, instrument no. 523420. Then reconveyed on December 10, 2003, by Quit Claim deed, instrument no. 640328. The applicant has not changed the shape, size, topography, or any boundary lines of the property that required this variance request.

However, this building was constructed without a Building Location Permit, and was issued a Zoning Violation, ZV0052-23, for building too close to the right-of-way. The Compliance Investigator that issued this violation stated that he had informed the applicant of the setback requirements before the structure was built and before issuing the Zoning Violation. The applicant did not contact the Planning Department regarding the placement of this structure until the Zoning Violation was issued. As part of the suggested Conditions of Approval, the applicant would be required to submit a Building Location Permit for the structure and would be required to follow all applicable requirements set forth in BCRC Title 11 & BCRC Title 12.

(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 proposed use of the carport is only slightly different than the previous use, in that vehicles and tractor with equipment will be parked in the same location they have been since 1980, except they will be protected from the weather. Granting this variance will not obstruct public access or cause a safety hazard nor will it be detrimental to the public health, safety or welfare to properties or improvements in the vicinity. Carport has downward pointing solar lights above the front opening and is utilized for vehicle and equipment parking only. There will be no noise, light glare, odor, fumes, or vibrations to affect adjoining properties.

Staff: There have been no public or agency comments that have suggested that the granting of the variance will be detrimental to the public health, safety, or welfare or materially injurious to the public or the surrounding properties. The Bonner County Road & Bridge Department has indicated that they are in favor of this 10-foot setback request, as it still allows for maintenance of the road to take place and for utilities to be serviced.

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.

C. Staff Review Summary

There appears to be many environmental factors on the property. The property is split by a public right-of-way, Eastriver Loop, it contains mapped steep slopes between 0-30+%, it contains wetland, frontage to the East River, it is located within a mapped Floodplain area. All of these factors could make development difficult.

There is no evidence that the applicant has changed the parcel boundaries or shape since taking ownership in 1998. However, the applicant did place this structure without a Building Location Permit and placed it within the right-of-way setback, even after speaking with a Bonner County Planning Compliance Investigator.

There has been no objections of this variance from members of the public or agencies that were routed. There were no comments that suggested that the granting of this variance will be detrimental to the public health, safety, or welfare, or materially injurious to surrounding properties. The Road and Bridge Department did indicate support of this variance.

Staff determination: Has met criteria subject to conditions.

Planner's Initials:

Note: This is only a recommendation. 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 OF THE HEARING EXAMINER

DECISION TO APPROVE: I approve this project V0004-24, requesting a 10-foot street setback where 25-foot is required for an accessory structure, 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. 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 V0004-24, requesting a 10-foot street setback where 25-foot is required for an accessory structure, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. 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.

FINDINGS OF FACT

1. The parcel is approximately 9.459-acres.
2. The parcel is zoned Agricultural/Forestry 20.
3. The parcel is located off Eastriver Loop, a Bonner County owned and maintained public right-of-way.
4. The structure in question is already placed on the parcel.
5. The applicant is requesting a 10 foot street setback where 25 feet is required.
6. The parcel contains mapped slopes between 0-30+%.
7. The parcel does contain mapped wetlands.
8. The parcel does contain frontage to East River.
9. The parcel is located within FEMA-designated SFHA Zones A & X; the carport is located in Zone X.
10. The parcel does not appear to be similar in shape or topography as other parcels in the same zone vicinity.
11. The parcel has not been altered in any way by the applicant.
12. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.

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/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. (Ord. 559, 1-4-2017)

CONDITIONS OF APPROVAL:

Standard Conditions:

A-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.

A-2 This variance shall not supersede any deed restrictions.

Conditions to be Met Prior to Issuance:

B-1. A Building Location Permit shall be applied for and obtained for the accessory building.

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. Bonner County Revised Code (BCRC) is available at the Planning Department or online.