



## Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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April 24, 2024

Thomas Lindquist  
7630 79<sup>th</sup> Avenue  
Mercer Island, WA 98040

Subj: File V0005-24 – Variance – Street Setback

Encl: (1) File V0005-24 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 17, 2024, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved this project FILE V0005-24, for a reduced street setback of 10.68 feet 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.

This decision 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 following findings of fact and conclusions of law as written. 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.

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## **Findings of Fact**

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1. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
2. The parcel contains 0.39 acres.
3. The parcel does contain mapped slopes in excess of 30% per USGS.
4. The parcel does contain mapped wetlands per USFWS.
5. The parcel does contain frontage on Priest Lake.
6. The parcel is within SFHA Zone X & Zone AE per FIRM Panel Number 16017C0225F, Effective Date 7/7/2014.
7. The lot is zoned Recreation with a land use designation of Resort Community.
8. The lot is described as 27-61N-4W PINTO POINT BLK 1 LOT 37, according to the plat thereof, recorded in Book 10 of Plats, Page 152, records of Bonner County, Idaho.
9. The property has an existing single-family dwelling.
10. The applicant purchased the parcel in 2018, Instrument number 929573.
11. The project site has a previously approved variance, V0014-23, for a 12.5 feet street where 25 feet is required.

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## **Conditions of approval:**

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### **Standard permit conditions:**

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**A-1** Only the building envelope for street setback on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code excepting the modified building envelope herein.

**A-2** The granting of this variance shall not supersede any deed restrictions.

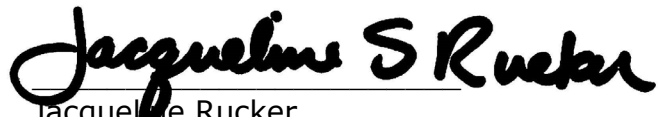
Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions with the Planning Director within 28 days after the final written decision of the Hearing Examiner has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., May 22, 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,

A handwritten signature in black ink that reads "Jacqueline S Rucker". The signature is written in a cursive style with a horizontal line underneath the name.

Jacqueline Rucker  
Hearing Examiner

c: Caleb Worley, Project Representative  
Doug Cole, Project Representative

