



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

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

VARIANCE APPLICATION

Instructions:

1. Prior to the submittal of this application, the applicant shall discuss the proposal with a staff planner.
2. The following items shall be submitted with the variance application:

- ☒ Site plan, drawn to scale, showing location of all existing and proposed buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs and yards. (BCRC 12-233 and 12-222(i))
- ☒ Stormwater plan (Verify if stormwater plan is needed ~~in~~ per BCRC 12-720.2 (B), 12-720.3 (K), 12-722.2, 12-723.2, and 12-724.1.) To be a condition of approval to be required/ at the BLP stage per Bonner County at meeting on 07/18/2023
- ☒ Vicinity map, as defined in BCRC, Section 12-822, sufficient to show the impact of the proposal commensurate with the scale of the project. (BCRC 12-222(k))

BCRC, Section 12-822 vicinity map definition: "A map depicting the general location of the subject property to other properties, the transportation system, landmarks and other physical features within a one mile radius of the site."

- ☒ Supplemental materials which the applicant believes are supportive of the project. Aerial/vicinity map, zone map, floodplain map, wetlands map, plat map
- ☒ Documentation of the applicant's interest in title. (BCRC 12-222(d))
- ☐ Application filing fee. The application cannot be accepted by the planning department unless accompanied by the appropriate fees. (BCRC 12-265)

Application Fee: \$500.00

Technology Fee: \$30.00

GIS Review Fee: \$25.00

Floodplain Fee: \$25.00

TOTAL FEES DUE: \$580.00



BONNER COUNTY PLANNING DEPARTMENT

1500 HIGHWAY 2, SUITE 208, SANDPOINT, ID 83864 (208) 265-1458 (208) 265-1463 (FAX)
planning@bonnercountyid.gov (email) www.bonnercountyid.gov (web page)

VARIANCE APPLICATION

FOR OFFICE USE ONLY:

FILE #

V0005-25

- ☐ Administrative Variance
☒ Public Hearing Required

RECEIVED:

RECEIVED

david.fisher , 2/24/2025, 1:41:27 PM

PROJECT DESCRIPTION:

The applicant is requesting a variance from a:

- ☐ Front yard setback ☐ Rear yard setback
☐ Side yard setback ☐ Water front setback

The applicant is requesting a _____ foot setback to allow for the construction of:
(Specify the type of structure and use) _____

- ☒ Other (Please specify) A bulk setback variance to request a side yard setback of 1-foot where 5 feet is required and a shoreline setback of 16 feet where 40 feet is required to allow for the existing retaining walls and platform development on-site.

APPLICANT INFORMATION:

Landowner's name: Deborah & Richard Toner C/O Aspen Ridge Landscaping (Emily & Chris Scarlett)

Mailing address: _____

City: Clark Fork

State: Idaho

Zip code: 83811

Telephone: _____

Fax: n/a

E-mail: _____

REPRESENTATIVE'S INFORMATION:

Representative's name: Tess Vogel (Planner)

Company name: Ruen-Yeager & Associates, Inc.

Mailing address: 219 Pine Street

City: Sandpoint

State: Idaho

Zip code: 83864

Telephone: 208-265-4629, ext. 208

Fax: n/a

E-mail: tvogel@ruenyeager.com

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project: Emily & Chris Scarlett

Company Name: Aspen Ridge Landscaping

Mailing Address: _____

City: Clark Fork

State: Idaho

Zip Code: 83811

Telephone: _____

Fax: n/a

E-mail: _____

PARCEL INFORMATION:

Section #: 29	Township: 56N	Range: 3W	Parcel acreage: 0.684 acres
Parcel # (s): RP004050000080A			
Legal description: Lot 8 of Schweitzer Villa			
Current landowner's name: Deborah & Richard Toner			
Current zoning: Suburban		Current use: Residential	
What zoning districts border the project site?			
North: Suburban; Rural-5		East: Suburban	
South: Pend Oreille River		West: Suburban	
Comprehensive plan designation:			
Uses of the surrounding land (describe lot sizes, structures, uses):			
North: Suburban Growth Area; Rural Residential			
South: Pend Oreille River			
East: Suburban Growth Area			
West: Suburban Growth Area			
Within Area of City Impact?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, which city?: n/a	
Detailed directions to site: 177 River Birch Road			

NARRATIVE STATEMENT:

Describe whether 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. BCRC 12-234(a) *Explain why it is not possible to comply with the ordinance standards. Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.* *SEE ATTACHED NARRATIVE

Explain how special conditions and circumstances do not result from the actions of the applicant. BCRC 12-234(b) *Example: Did the applicant reduce the size of his/her parcel, thereby creating an "unbuildable" parcel?* *SEE ATTACHED NARRATIVE

Explain how granting 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. BCRC 12-234(c) *Explain how the proposed use is compatible with adjoining land uses. Example: Will approval of the variance result in a potential obstruction of public access or cause a safety hazard? Are there effects of elements on adjoining property such as noise, light glare, odor, fumes and vibration?*
*SEE ATTACHED NARRATIVE

ACCESS INFORMATION:

Please check appropriate boxes:

- ☐ Private Easement ☐ Existing ☐ Proposed
Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and easement width. Include recorded instrument number for existing easements & name, if existing: _____
- ☒ Public Road ☒ Existing ☐ Proposed
Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade right-of-way width and name, if existing: River Birch Road (Bonner County) which encroaches from State Highway 2
- ☐ Combination of Public Road/Private Easement ☐ Existing ☐ Proposed
Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and right-of-way/easement width and road name, if existing: _____

SITE INFORMATION:

Please provide a detailed description of the following land features:

Topography (lay of the land), including estimated maximum slope, rock outcroppings, benches, etc: Northern portion of property is flat. Southern portion of property is terraced with flat benches staircasing down towards the Pend Oreille River with varied "slopes" up to 30%+ grades due to the face of the terraced benches.

Water courses (lakes, streams, rivers & other bodies of water): Pend Oreille River.

Is site within a floodplain? ☒ Yes ☐ No Firm Panel #: C0925E Map designation: AE

Springs & wells: None.

Existing structures (size & use): 1) 27x72 single-family dwelling; 2) retaining walls of varied lengths and widths; 3) seawall of varied lengths and widths; 4) 12x9 platform

Land cover (timber, pastures, etc): *SEE ATTACHED NARRATIVE

Are wetlands present on site? ☐ Yes ☒ No Source of information: NWI Map

Other pertinent information (attach additional pages if needed): *SEE ATTACHED NARRATIVE

SERVICES:

Sewage disposal will be provided by:

<input type="checkbox"/>	<u>Existing Community System - List name of sewer district or provider and type of system:</u> <hr/>
<input type="checkbox"/>	<u>Proposed Community System - List type & proposed ownership:</u> <hr/>
<input type="checkbox"/>	<u>Individual system - List type:</u> <hr/>

Explain the type of sewage system, capacity, maintenance plan, location of facilities, if applicable and other details: N/A, variance for platform and retaining walls - no sewage disposal services.

Water will be supplied by:	
<input type="checkbox"/>	<u>Existing public or community system</u> - List name of provider: _____
<input type="checkbox"/>	<u>Proposed Community System</u> – List type & proposed ownership: _____ _____
<input type="checkbox"/>	<u>Individual well</u> : _____ _____
Please explain the water source, capacity, system maintenance plan, storage and delivery system and other details: <u>N/A, variance for platform and retaining walls - no sewage disposal services.</u> _____ _____	
Distance (in miles) to the nearest:	
Public/Community Sewer System: 10.5 mi	Solid Waste Collection Facility: 1.3 mi
Public/Community Water System: On-site	Fire Station: 4.5 mi
Elementary School: 10 mi	Secondary Schools: 11 mi
County Road: On-site	County Road Name: River Birch Road
Which fire district will serve the project site? <u>West Side Fire</u>	
Which power company will serve the project site? <u>n/a, variance for platform & retaining walls</u>	

How is the use/plan in accordance with the general and specific objectives of the Comprehensive Plan? (Copy of goals and objectives attached)	
Property Rights: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Population: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
School facilities & Transportation: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Economic Development: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Land Use: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Natural Resources: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Hazardous Areas: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Public Services: <u>*SEE ATTACHED NARRATIVE</u> _____ _____	
Transportation: <u>*SEE ATTACHED NARRATIVE</u> _____	

Recreation: <u>*SEE ATTACHED NARRATIVE</u>
Special Areas or Sites: <u>*SEE ATTACHED NARRATIVE</u>
Housing: <u>*SEE ATTACHED NARRATIVE</u>
Community Design: <u>*SEE ATTACHED NARRATIVE</u>
Implementation: (Not required to complete this element) <u>*SEE ATTACHED NARRATIVE</u>

I hereby certify that all the information, statements, attachments and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Bonner County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature: Tess Vogel MS, Associate Land Use Planner Digitally signed by Tess Vogel MS, Associate Land Use Planner
Date: 2025.02.24 10:15:03 -08'00' Date: _____

Landowner's signature: _____ Date: _____



RUEN-YEAGER & ASSOCIATES, INC.

ENGINEERS ♦ PLANNERS ♦ SURVEYORS

PROJECT: Toner (P230571) Bulk Setback Variance Narrative Statement and Comprehensive Plan Review

PREPARED BY: Tess Vogel, Associate Land Use Planner – Ruen-Yeager & Associates, Inc.

PROJECT SITE PARCEL –

- RP004050000080A (0.684 acres)
 - Lot 8 of Schweitzer Villa

SPECIFIC USE REQUESTED: A bulk setback variance to request a side yard setback of 1-foot where 5 feet is required and a shoreline setback of 16 feet where 40 feet is required to allow for the existing retaining walls and platform development on-site.

ZONING DISTRICT: Suburban

COMPREHENSIVE PLAN DESIGNATION: Suburban Growth Area

NARRATIVE STATEMENT

NARRATIVE STATEMENT

Describe whether 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. BCRC 12-234(a)

Regarding the existing retaining walls, the site has a terraced lawn that slopes towards the Pend Oreille River. There were existing boulders on-site for an old retaining wall that needed to be replaced to keep the integrity of the lawn and protect any shifting of land into the Pend Oreille River. Without the retaining wall, the site has the potential for the terraced land to shift overtime and fall towards the river. The main retaining walls are over 4 feet in height which requires setbacks to be met, however, due to the topography of the site, the retaining walls have to extend close to the side property lines where 5 feet is required, and the lowest retaining wall is within the shoreline setback which requires 40 feet. The topography of the lot is a direct cause of needing the setback variance for the retaining walls.

Regarding the existing platform, the current property owners bought the lot with the existing platform. They did not construct the platform and the issue of encroachment into the side setback and shoreline setback were not found until the applicants began the permitting process for the retaining walls.

Explain how special conditions and circumstances do not result from the actions of the applicant. BCRC 12-234(b)

Regarding the existing retaining walls, the landowners hired a landscaping company to install the essential retaining walls and seawall (seawall not part of this variance due to exemption from setback requirements). It was unknown to the landowners and landscaping company that setbacks and a building location permit are required for retaining walls over 4 feet in height along with a floodplain development permit for the portions within the special flood hazard area. Both the landowners and landscaping company were unaware of the floodplain boundaries on site. Due to this, a floodplain violation, file FV2022-0007, was opened on the property.

Regarding the existing platform, no work has been done to the platform and the current landowners did not build the platform. It was existing when the current landowners purchased the land in 2019. The issue of the setback encroachments were found at the time of permits for the retaining walls and seawall. The landowners are including the patio in this bulk variance per Bonner County Planning.

Toner (P230571) Variance Narrative & Comp Plan

Explain how granting 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. BCRC 12-234(c)

Regarding the existing retaining walls, the variance will not be detrimental to the public, it is actually a protection for the public by retaining any land materials on site from potentially entering the Pend Oreille River. The retaining walls, along with the seawall, are essential to keeping the integrity of the lawn and protection of the Pend Oreille River

Regarding the existing platform, the variance will allow the platform to stay where it has been located since prior to 2019. The platform is still located completely on-site and does not encroach over the property line it is encroaching into the 5-foot setback or the shoreline where it is also encroaching into the 40-foot setback. The variance for the platform will not impact the public in any manner.

HOW IS THE USE/PLAN IN ACCORDANCE WITH THE GENERAL AND SPECIFIC OBJECTIVES OF THE COMPREHENSIVE PLAN?

STANDARDS ANALYSIS & EVIDENCE OF COMPREHENSIVE PLAN

Property Rights: The issue of property rights is a “two-way street” and the property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions.

The proposal allows the property owner to use their property in a manner permitted with Bonner County Revised Code and the Bonner County Comprehensive Plan. All development is located on the landowner’s lot and does not impact neighboring properties as the development does not cross over property lines.

Population: Multi-generational, multi-economic diversity shall be encouraged within Bonner County.

N/A – proposal will have no effect on the local population as the use is for land maintenance and protection on-site.

School Facilities & Transportation: Full consideration shall be given to the county’s ability to provide quality education to the current and future students of Bonner County.

N/A – proposal will have no effect on the local schools and their transportation as the use is for land maintenance and protection on-site.

Economic Development: Bonner County shall encourage economic diversity for the financial health of the community and maintenance of its rural atmosphere.

N/A – proposal will have no effect on the economic development of Bonner County as the use is for land maintenance and protection on-site.

Land Use: Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to encourage the community to grow while retaining its rural character and protecting its unique natural resources.

The retaining walls and platforms are permitted in the Suburban zone and requires setbacks and buildings location permits depending on height and location. Floodplain development permits are required for development in the special flood hazard areas. This variance would allow for the next steps of permitting for the existing development.

Natural Resources: Bonner County places a high values on its natural resources and amenities and desires to protect these features that make the county unique place to live, work and play. The county recognizes that natural resources, such as pure water, clean air and diverse wildlife, are important to preserve and once lost, they may not be recovered. Bonner County will strive to manage its natural resources to attain the greatest long term public benefit.

The retaining walls will protect the Pend Oreille River from the potential of land shifting into the water.

Toner (P230571) Variance Narrative & Comp Plan

Hazardous Areas: Bonner County desires to protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas.	
	The retaining walls will protect the Pend Oreille River from the potential of land shifting into the water.
Public Services: Future development shall provide adequate services and should not adversely impact the services or utilities of present-day users.	
	N/A – proposal will have no effect on public services as the use is for land maintenance and protection on-site.
Transportation: Bonner County intends to provide a transportation system that is safe, uncongested, and well maintained.	
	N/A – proposal will have no effect on transportation as the use is for land maintenance and protection on-site.
Recreation: Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged.	
	N/A – proposal will have no effect on recreation as the use is for land maintenance and protection on-site.
Special Areas or Sites: Bonner County will attempt to protect special archeological and historical sites and unique visual and ecological features of the region.	
	Special flood hazard area zone AE is present along the southern portion of the lot. A portion of the lower retaining walls and platform are located within this area and require a floodplain development permit.
Housing: Bonner County recognizes diverse housing needs are to be addressed to provide adequate shelter for all, regardless of age, income or physical abilities.	
	N/A – proposal will have no effect on housing as the use is for land maintenance and protection on-site.
Community Design: Bonner County's goal is to maintain a variety of lifestyles and a rural character in the future development of Bonner County.	
	N/A – proposal will have no effect on community as the use is for land maintenance and protection on-site.
Agriculture: Bonner County seeks to promote the retention of agriculture lands by implementing planning strategies that complement and support agriculture, farm-related, and non-agricultural activities.	
	N/A – proposal will not impact agriculture lands.
Implementation	
	N/A – not required to complete this element