

PANTANO/BJORDAHL VARIANCE NARRATIVE

The following information is provided in support of a Front Yard Ingress/Egress for 0' where 25' is required to replace accessory structures that presently exist and are approved with a 7' front yard ingress/egress setback per file #V0012-19 and file #V442-13. The subject property is 109 Raven View Drive WALSTONS LAKE LOTS 1ST ADDN LOT 9A REPLAT LOT 9 BLOCK 1 SIDELINES EXTENDED. The subject lot's shoreline was platted in 1961, establishing a narrow strip of land between the lakeshore and Driftwood Shore, a 16' wide easement recorded by instrument number 452403 & 467366 and depicted on the plat of the 1st addition to Walston's Lake Lots. This narrow strip has been developed with structures that the owner desires to replace due to age and functionality. The 40' lakefront setback and the 25' easement setback overlap, negating any compliant building envelope, resulting in an undue hardship. The location of the proposed structure is similar to that of about 14 buildings located within the 25' Driftwood shore easement setback.

Several existing improvements on the property (accessory structures) exist within this area and were approved by the granting of a variance. The owners desire to remove these and replace them with a singular ~28' x14' structure (see attached design). The requested 0' setback from the Driftwood Shore travel way is recognized as an additional deviation from the existing 7' setback approval; however, it should be noted that an existing fence presently follows the roadway surface, and as such, there would be no change in the functional width of the travel way. Further, numerous structures enjoy this same 0' setback in the vicinity, including 247 and 267 Driftwood Shore.

Noteworthy is the fact that the area in question is already improved with a legally nonconforming structure and the request can be viewed as a consolidation of multiple outbuildings into a single, more attractive and functional structure. The shoreline setback is maintained at 40' and in whole, the request represents a relatively minor accommodation that recognizes the unique characteristics of the property and resulting impacts of the 25' setback from easement standards, which we adopted by Bonner County after the area was developed. Had the original property owners chosen to construct the proposed accessory structure at the time of original platting, the structure would have been compliant with codes at the time.

See Phot Exhibits Below:



Following are the relevant portions of BCRC that support the application.

Basis for Request BCRC 12-234 A, B and C

At times, under certain circumstances, property owners may not be able to comply strictly with the bulk dimensional and performance requirements or restrictions governed by the zoning designation of their property. In such circumstances, especially when working with unique topography or historically significant structures, it is often appropriate to seek a variance. We believe that our application provides sufficient evidence to allow Bonner County to grant a variance to allow for the replacement of two structures with a single, more functional structure. Specifically:

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.

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

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.

BCRC 12-234(a & b)

The subject parcel slopes steeply and was platted in 1961, establishing a narrow strip of land between the lake shore and Driftwood Shore, a 16' wide easement that divides the lot. Applying the more recent 25' setback from access easements in conjunction with the 40' shoreline setback standards results in the property losing functional use for more than 100' of depth from the shoreline. As such, it is appropriate to provide a deviation to allow the property owner functional use of their property, which they would have but for the present standards. **This characteristic is unique** to the properties along Driftwood Shore and the County has accommodated numerous other adjacent property owners through approval of a variance.

Special conditions and circumstances are not the result of the owner's actions. They had no control over the original layout or placement of their cabin in relation to the placement of the Driftwood Shore easement. Unfortunately, the result of the current location of the easement, in concert with the 25' access easement setback standards of BCRC, results in the property being severely encumbered.

BCRC 12-234(c)

In an effort to provide comprehensive relief, transparency and to approach the challenges of building on this lot, the property owner has chosen to seek a variance whereby additional flexibility to the standards may be granted. The County is required to find that the granting of a variance will not be in conflict with the public interest, public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel. We believe that the requested Variance from Bonner County Code will have no detrimental impact on the safety of property in the area. As can be witnessed on the abutting

properties to the north and south, similar deviations from the strict application of the 25' setback have been accommodated to allow improvements to be constructed closer to Driftwood Shore. Finally, the existence of the fence on the edge of the travel way shows that there would be no material impact to the functionality of the travel area.

Other Pertinent information related to the Comprehensive Plan

The granting of the requested variances will have no material impact on the following general and specific objectives of the Comprehensive Plan.

Population, School Facilities, Economic Development, Hazardous Areas, Public Services, Transportation, Recreation: No impact.

The granting of the requested variance will have the following impacts on the general and specific objectives of the Comprehensive Plan.

Property Rights: Approval of the variances will protect the owner's property rights. Significant effort is being put forth in an attempt to be compliant with Bonner County Code but at the end of the day, this parcel is simply very difficult to build upon due to the slope and location of Driftwood Shore.

Land Use: If approved, the eventual building improvements can both support the productive use of land in Bonner County and minimize the number of structures along the shore of the lake. The owner hopes to make an investment into the property to keep the scale and character of the area and in doing so add to the tax base of Bonner County.

Natural Resources: If approved, the variance deviation of 0' to the easement setback will have no impact on the natural resources of Bonner County.

In closing, the applicants are excited to have you consider this request. We believe that this request is consistent and not in conflict with the Comprehensive Plan. Approval provides a sensible response that will provide relief to the property owners to address the hardship their unique property faces.

Thank you in advance for your time and consideration of this request.

Sincerely,

Jeremy Grimm



Owner, Whiskey Rock Planning + Consulting