



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Mark and Patricia Mackin
309 West Viewmont
Spokane, WA 99224

March 24, 2025

Subj: File V0001-25 – Variance – Bulk increase to a non-conforming structure and waterfront setback

Dear Mark and Patricia,

The Bonner County Hearing Examiner, at the March 19, 2025, Hearing **approved** the referenced application with conditions.

Hearing Examiner Rucker approved this project V0001-25, requesting a 39.02% bulk increase to a non-conforming structure and a 36'9" waterfront setback where 40' is required to construct an addition to a residential structure, 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. (Ord. 559, 1-4-2017)

This decision is 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 above Conclusions of Law as set forth in the Staff Report and directed 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.

Findings of Facts:

1. The property is zoned Recreation (REC).
2. The property is accessed off W. Horton Creek Road, a privately owned and privately maintained road.

3. The property contains mapped lake wetlands per NWI.
4. The property contains frontage on Priest Lake.
5. The property is located within FEMA SFHA Zones AE and X.

Conditions of Approval:

Standard Conditions:

- A-1** This variance shall not supersede any deed restrictions.
- A-2** 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-3** The applicant must obtain a Building Location Permit for the proposed addition from the Bonner County Planning Department.

Conditions to be met prior to issuance:


- B-1** The applicant must meet with the Panhandle Health District to review the existing Septic Permit #93-09-78497 to ensure it meets the Idaho Subsurface Sewage Disposal Rules for the existing structure with the proposed addition. If not, a new Septic Permit will need to be issued.

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., April 21, 2025. 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,



Jacqueline Rucker
Hearing Examiner
c: Jeremy Grimm, Project Representative