



## Whiskey Rock Planning + Consulting

Rural West Specialist

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### MEMORANDUM

TO: Mr. Jacob Gabell  
Bonner County Planning Director  
1500 US-2  
Sandpoint, ID 83864

FROM: Jeremy Grimm  
Whiskey Rock Planning + Consulting  
Representing Mr. & Mrs. Mackin, 80 W Horton Creek Road, Priest Lake RP059520010220A

DATE: November 11, 2024

SUBJECT: Bulk Variance to convert to habitable space an area of nonconforming deck 3' 3" x 20'

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Dear Mr. Gabell,

The following information is provided in support of a Bulk Addition Variance for a 3'3" deep area which presently is improved with a nonconforming deck that the owners desire to enclose. The subject property is 80 West Horton Creek Road, Lot 22, Block 1 of the Horton Creek Plat. The property was originally one of many leased from the State of Idaho and recently purchased by the Mackin family.

The existing improvements on the parcel include a small boat house constructed at the water edge along with a old seasonal cabin approximately 26' x 22' totaling 572 Sq. Ft. of habitable space. As their family has grown over the decades, the Mackin's recognize the need for a small addition to the cabin to keep up with their larger seasonal family gatherings on Priest Lake. In order to accomplish this desire, the Mackin's seek to extend the roofline of the cabin and importantly, keep the scale and design as a single uninterrupted plain facing the lake, consistent with other original cabin parcels and improvements.

A portion of the existing cabin and deck encroaches into the 40' shoreline setback (see supplemental illustrations and photos). The façade of the cabin which the Mackin's desire to extend to the north encroaches approximately 3' 3" into the setback. Likewise the area of the deck that they desire to enclose also encroaches 3' 3". In total, the request for a bulk increase variance amounts to an area 3' 3" deep x 20' long. The remainder of the expansion falls outside the 40' shoreline setback area.

Noteworthy is the fact that the area in question is already improved with a legally nonconforming deck. As such, this request would not involve the disturbance of the near lakeshore area, rather, the project is a simple enclosure of an existing deck to match the historical roofline of the original cabin.

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

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

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At times under certain circumstances, property owners may not be able to strictly comply 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 structure, it is often appropriate to seek a variance. We believe that our application provides sufficient evidence to allow Bonner County to grant a bulk variance to allow for a small portion of the deck area to be enclosed. Specifically:

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

### **BCRC 12-234(a & b)**

The subject parcel slopes steeply, averaging well over 40% toward the lake and as a result the design and construction of any area for building expansion requires some additional flexibility to avoid extraordinary excavation and engineering. The applicant has no control over the slope of the lot. Other lots in the subdivision have been granted lake setbacks even though they are subject to far less intense sloping or grade. See photo of 82 W Horton Creek Road in exhibits. Additionally, the area that the Mackin's desire to enclose is already improved with a deck and therefore is legally nonconforming in terms of the setback from the lakeshore. Although the request would convert outside deck area to habitable living space, the action does not represent NEW encroachment of improvements into the lakeshore setback, only a conversion from deck to enclosed space.

Special conditions and circumstances are not the result of the Mackin's actions. They had no control over the original layout or placement of their cabin in relation to the adopted lakeshore setbacks. Their desire is to maintain the architecture integrity of the cabin and to create a small expansion that is aligned with the existing façade of the cabin. If the entire cabin were 3'3" further uphill, away from the shoreline, this could be accomplished without necessitating a request for a Bulk Variance. Unfortunately, the cabin was placed in the current location prior to the establishment of the BCRC shoreline setback standards and therefore there is no alternative way to expand the cabin while maintain the façade with one plain facing the lake.



## 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 Bulk Variance from Bonner County Code will have no detrimental impact on the safety of property in the area and in fact that if approved, will benefit the environment by reducing or eliminating the need to excavate further upslope and minimize the need for disturbing the natural slope. As can be witnessed on the abutting property to the north, a similar expansion of the original State Cottage improvements has occurred within the established 40' setback.

### 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 extreme slope.

**Land Use:** If approved, the eventual building improvements can both support the productive use of land in Bonner County and minimize the impact of a visible excavation along the shore of the lake. The owner hopes to make an investment into the property to keep the scale and character of the original State Cabins and in doing so add to the tax base of Bonner County.

**Natural Resources:** If approved, the Bulk Variance deviation of 3' 3" x 20' to the shoreline setback will allow minimal disruption and excavation on the steep slopes and surrounding land. The benefits to the viewshed from the lake other environmental impact recognized by minimizing the disturbance on the lot which will benefit the natural resource of Bonner County.

Sincerely,



Jeremy Grimm

President, Whiskey Rock Planning + Consulting



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