



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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April 22, 2025

Randy & Tara Groves
8707 N Rosebury Ln
Spokane, WA 99208

Subj: File V0003-25 – Variance – Roadway Setbacks

Encl: (1) File V0003-25 Hearing Examiner Approved Site Plan

Dear Applicant,

The Bonner County Hearing Examiner at the April 16, 2025, hearing approved the referenced application with conditions.

Hearing Examiner Rucker approved this project V0003-25, requesting a variance to the street setbacks standards to allow for a 5' setback where 25' is required, along both Handy Street to the north and the alley way to the east of the subject lot, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Hearing Examiner Rucker further adopted the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this hearing) and directed planning staff to draft written findings and conclusions to reflect this motion 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 the taking of private property.

FINDINGS OF FACT

1. The project is located off Scranton Avenue, a 60 foot, Bonner County owned, privately maintained roadway.
2. The property is served by an individual well for water, and Coolin Sewer District for septic.
3. The property is served by Northern Lights, Inc., and Coolin/Cavanaugh Bay Fire District.

4. The property is zoned Recreation (REC).
5. The property does not contain wetlands, or frontage on a waterway, but does contain some slopes over 15%. The property is within FEMA SFHA X, as per FIRM panel #16017C0430F, effective 7/7/2014.
6. The applicant purchased the property on March 20, 1997, under instrument #624215.
7. The lots and associated roadways were platted on October 5, 1909, under instrument #10217.
8. Both rights-of-way being addressed with this variance; Handy Street and the alleyway, were created with the original plat in 1909, and have never been constructed.

CONCLUSIONS OF LAW

Based upon the findings of fact, the following Conclusions of Law are adopted:

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)

CONDITIONS OF APPROVAL:

Standard Conditions:

- A-1** 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-2** This variance shall not supersede any deed restrictions.

A-3 An approved Building Location Permit shall be obtained prior to construction.

A-4 An approved Stormwater Management Plan may be required as part of the Building Location permit application.

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 20, 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