



## Bonner County Planning Department

*"Protecting property rights and enhancing property value"*

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May 30, 2025

Richard & Deborah Toner

[REDACTED]

Richland, WA 99352

Subj: File V0005-25 – Variance – Shoreline & Property Line Setbacks

Dear Applicant,

The Bonner County Hearing Examiner at the May 21, 2025, hearing approved the referenced application with conditions.

**DECISION TO APPROVE:** I hereby approve this project FILE V0005-25, requesting a variance to the setback standards to allow for a 1-foot property line setback where 5 feet is required, and a shoreline setback of 16 feet where 40 feet is required, 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. I further adopt the findings of fact and conclusions of law as written (or as amended) and direct 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 a taking of private property.

## **FINDINGS OF FACT**

1. The project is located off River Birch Road, a Bonner County owned and privately maintained public right-of-way.
2. The project is served by individual septic and Laclede Water District.
3. The project site is served by Westside Fire District.
4. The property is zoned Suburban (S).
5. The property contains mapped slopes of 0-30%+(USGS).
6. The property does contain water frontage, or wetlands (USFWS + NHD).
7. The property was platted on August 12, 1963, under instrument #91528, Records of Bonner County.
8. The applicant purchased the property on September 20, 2019, and recorded deed on September 24, 2019, under instrument #945628, Records of Bonner County.
9. Floodplain Violation FV2022-0007 was opened on June 9, 2022.
10. Setbacks requested are not shown on the scaled site plan as the greatest encroachments.

## **CONDITIONS OF APPROVAL:**

### **Standard Conditions:**

- A-1.** Only the development highlighted on the site plan (retaining wall and platform setbacks) 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.** A stormwater plan shall be required at time of Building Location Permit.
- A-4.** An approved Floodplain Development Permit must be obtained.
- A-5.** Building Location Permits must be obtained.

**A-6.** An approved Stormwater Management Plan must be obtained.

**Conditions to be Met Prior to Issuance:**

**B-1.** A landscape plan shall be submitted to, and approved by, the Planning Department demonstrating compliance with BCRC 12-714.

**B-2.** Portions of structures shown on site plan that encroach greater than what is approved in the variance must be removed or have an approved variance granted.

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., June 27, 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,



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Jacqueline Rucker  
Hearing Examiner