



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Alex Bohanek

May 30, 2025

Sandpoint, ID 83864

Subj: File V0006-25 – Variance – Shoreline Setback

Dear Alex,

The Bonner County Hearing Examiner **approved** the referenced application with conditions.

DECISION TO APPROVE: I hereby approve this project FILE V0006-25, 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 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 on Puffin Road, a privately owned and privately maintained easement.

2. The project is served by individual septic and individual well.
3. The project site is served by Northern Lights, and West Side Fire District.
4. The property is zoned Agricultural/Forestry 10 (A/f-10).
5. The property contains mapped slopes of 0-30%+(USGS).
6. The property contains frontage on Turnipseed Creek which has associated Freshwater Forested/Shrub Wetland. (NHD, NWI)
7. The property is identified as Winterhaven Lot 1 found in Book 9, Page 113, and Instrument #759264.
8. The applicant purchased the property on November 8, 2021, and recorded deed on November 12, 2021, under instrument #995486, Records of Bonner County.
9. The applicant has applied for a Building Location Permit on the existing garage addition, File #BLP2025-0122.

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 shall complete the associated Building Location Permit, File #BLP2025-0122.

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,

A handwritten signature in cursive script that reads "Jacqueline S Rucker".

Jacqueline Rucker
Hearing Examiner