



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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June 26, 2025

Pegi Glenn
318 Outlet Bay Rd.
Priest Lake, ID 83856

Subj: File V0017-25 - Variance

Appendices: (A) Reasoned Statement for V0017-25

Dear Applicant,

The Bonner County Hearing Examiner denied the referenced application.

Hearing Examiner Rucker denied this project V0017-25, finding that it **is not** 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** 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** 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 the Hearing. Hearing Examiner Rucker has provided a Reasoned Statement attached as Appendix A, adopts the analysis provided in the Staff Report (or as amended in the adopted reasoned statement), and directs Planning Staff to transmit this decision to all interested parties. This action does not result in the taking of private property.

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., July 24, 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

cc. Quinton Holbrook
Holbrook Construction

Appendix A: Reasoned Statement for V0017-25

Per Idaho Code §67-6516:

“A Variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.”

The following is the supporting evidence that I, Jacqueline S Rucker, Bonner County Hearing Examiner used to determine my decision.

1. BRCR 12-232: General Provisions

a. Evidence:

This Variance application is seeking a 3 inch property line setback where 5ft is required for an existing deck. This is a 95% variance to the property line setbacks

2. BRCR 12-233: Application, contents

a. Evidence:

In accordance with BCRC 12-233, the applicant submitted all of the required documents and the application was deemed complete by the Bonner County Planning Department April 21, 2025.

3. BCRC 12-234: Variance, standards for review of applications

A. Conclusion 1:

Conditions apply to the property that **do** 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.

1. Evidence:

The subject property has only minimal mapped slopes, no mapped wetlands or water bodies present on the property and lies within FEMA SFHA Zone D, which does not require floodplain development permitting. There are no environmental features on the subject property that do not also apply to other properties in the same vicinity.

B. Conclusion 2:

Special conditions and circumstances **do** result from the actions of the applicant.

1. Evidence:

At the June 18, 2025 Hearing, the applicant submitted documents to Bonner County Planning Staff, who then stamped said documents “Received” and labeled them “Exhibit A”. Included in Exhibit A was a document stating William J. Wagner gave the applicant permission to build the 2nd story deck which is the

subject of this Variance application. The document was signed by both William J. Wagner and the applicant. The document was signed and notarized by the applicant on April 29, 2024. Subsequently, a site inspection conducted by a Bonner County Compliance Investigator as part of the Single-Family Dwelling permit review revealed that a deck had been added to an Accessory Building. The deck appeared to encroach within the required 5-foot property line setback. As a result, a zoning violation, Case No. ZV0065-24, was initiated.

C. 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)

1. Evidence:

No comments from the public or any public agency or taxing district were received that stated that the proposed project would be detrimental to the public health, safety, or welfare or be materially injurious to the surrounding properties or improvements within the vicinity of this project.

4. BCRC 12-400 et seq.: Development Standards

a. Evidence:

Property line setbacks for the Recreation Zone are 5 feet per BCRC 12-412, Table 4-2.

5. BCRC 12-7.2 et seq.: Grading/Erosion/Stormwater Management

a. Evidence:

Stormwater Management concerns were addressed during the Building Location Permit, BLP2025-0317, phase in accordance with BCRC 12-720. No further review is required for this project.