



Bonner County

Board of Commissioners

Brian Domke

Ron Korn

Asia Williams

April 23, 2026

Susan & Steve Stenberg
3630 88th Ave SE
Mercer Island 98040

Subj: File V0028-25 – Variance – Stenberg

Encl: (1) V0028-25 Board of County Commissioners variance reasoning worksheet

Dear Mr. & Mrs. Stenberg,

The Bonner County Board of County Commissioners at the April 2, 2026, public hearing upheld the Zoning Commission decision to deny the referenced application. The standards used in evaluating the application and the reasons for denial of the application are as follows:

DECISION TO UPHOLD: I, Commissioner Williams, move to uphold the Zoning Commission's decision to deny this request FILE V0028-25, based upon the following conclusions:

Conclusion 1

Conditions **do not** apply to the property that 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** in conflict with the public interest in that it **will** 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 move to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code

section 67-6536, have the Chair sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the variance is to:

1. File a new application with the Planning Department and meet the standards required by Bonner County Revised Code; or
2. Pursue such remedies as set forth in Idaho Code Title 67, Chapter 65.

Commissioner Korn seconded the motion;

Commissioner Korn-	Yay
Commissioner Domke-	Yay
Commissioner Williams-	Yay

Vote 3-0

Please contact the Bonner County Planning Department if you have any questions.

Sincerely,



Brian Domke, Chair
Board of County Commissioners

c: Thomas Burford, Project Representative



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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LAND USE DECISION-MAKING WORKSHEET VARIANCE

Idaho Code §67-6535 (2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

STANDARDS FOR CONDITIONAL USE PERMIT REVIEW:

Prior to approving a conditional use permit, the governing body shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

Idaho Code §67-6516	Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. 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.
In Conflict	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<p>There is no evidence in the record that undue hardship exists due to the characteristics of the site, since the site is similar to other sites in the vicinity. Instead, the evidence indicates that the residential structure was constructed in the incorrect location. The county can only address compliance with land use codes with the property owner and not the landowner's contractor or land use professionals. In addition, architectural projections are within inches of the property line so access for maintenance and emergency access would cause trespass onto the neighboring property to the south.</p>	
BCRC 12-233	APPLICATION, CONTENTS
In Compliance	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

The necessary documents were completed as found in this file.

BCRC 12-234 (A) VARIANCES, STANDARDS FOR REVIEW OF APPLICATIONS

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.

Not in Compliance

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

There is not a unique condition that exists on the property that is inherent to the property. The applicant did not present anything in their application or at this hearing to support a claim that a unique condition exists that is inherent to the property. All special conditions on the property are the result of actions by the applicant. Granting a variance is in conflict with the property or improvements in the vicinity of the subject parcel.

The applicant had control of their land use professionals and contractors.

BCRC 12-234 (B) Special conditions and circumstances do not result from the actions of the applicant.

Not in Compliance

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The landowner is responsible for the people they hire. The parcel owner has the authority to direct those they hire. Based on the evidence in the record the parcel owner could have controlled the timeline when concerns were brought forward over the shared boundary line. The actions of the applicant did lead to this outcome.

BCRC 12-234 (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.

Not in Compliance

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

Granting this variance would conflict with neighboring properties for many reasons. Public comments expressed potential damage due to snow shedding off the roof. Proper maintenance can't be done because the work can't be completed with only inches to work

in. The proposed setback would not allow sufficient space for emergency access. Also, a three (3) inch setback will necessitate trespass.

BCRC 12-7.2

GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL

In Conflict

List the evidence from the record that supports your conclusion and the rationale for the conclusion.

There is not enough space to manage stormwater run-off from the encroaching roof on their property.