



BONNER COUNTY PLANNING DEPARTMENT

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VARIANCE APPLICATION

FOR OFFICE USE ONLY:

FILE #

VA0025-25

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david.fisher, 8/19/2025, 12:42:07 PM

- ☒ Administrative Variance
☐ Public Hearing Required

PROJECT DESCRIPTION:

The applicant is requesting a variance from a:

- ☐ Front yard setback ☐ Rear yard setback
☐ Side yard setback ☒ Water front setback

The applicant is requesting a 15' foot setback to allow for the construction of:
(Specify the type of structure and use) Shed roof attached to Barn used as
Dry storage for boats, cars, Firewood

☐ Other (Please specify) _____

APPLICANT INFORMATION:

Landowner's name: 578 Kistler Road LLC.

Mailing address: 171 Mountain Lake Vista Dr.

City: Sagle

State: ID

Zip code: 83860

Telephone: 1-208-660-6965

Fax: N/A

E-mail: ruthbarbey@gmail.com

REPRESENTATIVE'S INFORMATION:

Representative's name: Mathew J Huddleston

Company name: MJH Custom Forest Products LLC.

Mailing address: 5217 Hwy 1

City: Bonniers Ferry

State: ID

Zip code: 83805

Telephone: 1-208-946-1469

Fax:

E-mail: mjhcustom1@gmail.com

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project:

Company Name:

Mailing Address:

City:

State:

Zip Code:

Telephone:

Fax:

E-mail:

PARCEL INFORMATION:

Section #: 31 Township: 58 North Range: 1 West Parcel acreage: 67.36
Parcel # (s): RP 58 N01W 31 3605A
Legal description: 31-58N-1W TAX 18

Current landowner's name: 578 Kistler Road LLC
Current zoning: A/F-10 Current use: Agricultural / Forestry

What zoning districts border the project site?

North: A/F-10

East: A/F-10

South: A/F-10

West: R-5

Comprehensive plan designation:

Uses of the surrounding land (describe lot sizes, structures, uses):

North: See attachment.

South:

East:

West:

Within Area of City Impact?: ☒ Yes ☐ No If yes, which city?: City of Kootenai

Detailed directions to site: From SH-200, head North on N. Kootenai Road until Porath Rd. Follow Porath Rd. for 670' and then continue straight on Kistler Rd. for roughly 0.65 miles.

NARRATIVE STATEMENT:

Describe whether 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. BCRC 12-234(a) *Explain why it is not possible to comply with the ordinance standards. Example: A site may have excessive slopes that prevent a structure from meeting the required setbacks.*

Explain how special conditions and circumstances do not result from the actions of the applicant. BCRC 12-234(b) *Example: Did the applicant reduce the size of his/her parcel, thereby creating an "unbuildable" parcel?*

Explain how granting 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. BCRC 12-234(c) *Explain how the proposed use is compatible with adjoining land uses. Example: Will approval of the variance result in a potential obstruction of public access or cause a safety hazard? Are there effects of elements on adjoining property such as noise, light glare, odor, fumes and vibration?*

ACCESS INFORMATION:

Please check appropriate boxes:

☒ Private Easement ☒ Existing ☐ Proposed

Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and easement width. Include recorded instrument number for existing easements & name, if existing: _____

Kistler Road is a private dirt road that is a 60' easement (#582909) that turns into a 40' easement (#570648) when entering the applicant's parcel.

☐ Public Road ☐ Existing ☐ Proposed

Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade right-of-way width and name, if existing: _____

☐ Combination of Public Road/Private Easement ☐ Existing ☐ Proposed

Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade and right-of-way/easement width and road name, if existing: _____

SITE INFORMATION:

Please provide a detailed description of the following land features:

Topography (lay of the land), including estimated maximum slope, rock outcroppings, benches, etc:

The property contains a blend of flat agricultural land/wetland ranging in elevation from 2133' to 2149' and hilly forested land ranging from 2165' to 2247'. There are sparse rocky outcrops mixed within the hilly forested landscape.

Water courses (lakes, streams, rivers & other bodies of water): _____

According to the USFWS wetland mapper the property contains three types of wetlands:

1. Palustrine emergent persistent semi-permanently flooded (8.49 acres).

2. Palustrine forested broad leaved deciduous seasonally flooded (0.33 acres).

3. Palustrine emergent persistent semi-permanently flooded (13.53 acres).

Is site within a floodplain? ☐ Yes ☒ No

Firm Panel #: _____

Map designation: _____

Springs & wells:

There are two wells on the property. One from 1977 that produces 2 gpm and has a maximum depth of 147'. The owner's permit number is 96-77-N-78. The second well produces 25 gpm and has a maximum depth of 700'. The well ID is D0095347.

Existing structures (size & use): _____

The building on the parcel is 7,600 square feet and is utilized as a barn/shop/stables/storage.

Land cover (timber, pastures, etc): _____

The hilly terrain that contains timber cover is approximately 28 acres.

The wetland area is 22.35 acres. The remaining cover are the access roads to the property, agricultural land, and the barn/shop structure.

Are wetlands present on site? ☒ Yes ☐ No

Source of information: USFWS Wetland Mapper

Other pertinent information (attach additional pages if needed): _____

SERVICES:

Sewage disposal will be provided by:

☐

Existing Community System - List name of sewer district or provider and type of system:

☐

Proposed Community System - List type & proposed ownership:

☒

Individual system - List type: Septic tank and drain field.

Explain the type of sewage system, capacity, maintenance plan, location of facilities, if applicable and other details: The system is a septic holding tank that is pumped up to a drain field. It is located on the property south of the parcel.

North:

- Parcel #RP58N01W312401A is utilized as agricultural land and is 155.69 acres with a large barn, single-family home, and four shed structures commonly found in ag land. This parcel is both north and east of the property.

South:

- Parcel # RP58N01W315702A is utilized slightly as agricultural land but is mainly utilized as residential and is 20 acres. It contains two single-family homes and one shed/barn structure. A large portion contains forest stands as open space.
- Parcel # RP58N01W316081A is undeveloped with tree stand open space and is 10 acres.
- Parcel # RP58N01W316901A is utilized as agricultural and residential and is 11.1 acres. It contains one single-family residential structure with a shed/barn structure.
- Parcel # RP58N01W317051A is utilized as agricultural and residential 13.48 acres. It contains one single-family residential home and three shed structures.

East:

- Parcel # RP58N01W318200A is utilized as agricultural and timber land and is 21.5 acres. It contains an old shed building.

West:

- Parcel # RP58N02W367200A is an undeveloped 80-acre lot with mostly tree stands and dirt access roads. It contains no structures.
- Parcel # RP045410000040A is an undeveloped 5.08-acre lot with mostly tree stands and one dirt access road. It contains no structures.
- Parcel # RP045410000020A is an undeveloped 5.06-acre lot with mostly tree stands and one dirt access road. It contains no structures.
- Parcel # RP045410000010A is an undeveloped 5.06-acre lot with mostly tree stands and one dirt access road. It contains no structures.

Describe whether 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. BCRC 12-234(a). Explain why it is not possible to comply with the ordinance standards.

The subject parcel and adjacent parcel owned by the applicant comprises approximately 84.4 acres and is located within an agriculturally zoned area. While the zone and general vicinity are characterized by relatively flat topography and larger expanses of buildable land, these particular parcels exhibit a combination of physical and environmental constraints that are not generally shared by other properties in the same zoning district.

Notably, approximately 52% of the parcel consists of higher elevation, forested terrain. This land is significantly more difficult to develop due to steep grades, dense vegetation, and associated access limitations. An additional roughly 18% of the parcel is designated as wetlands according to the U.S. Fish and Wildlife Service (USFWS) Wetland Mapper. The remaining 30% of the parcel, though assumed open, buildable land, contains areas that are at the same elevation as the mapped wetlands, suggesting the potential presence of saturated soils and wetland features. Portions of this area are also occupied by existing structures and private roadways, further reducing the available space for development.

Due to these site-specific conditions, the applicant is constrained in locating structures in compliance with the 20-foot setback for low-quality wetlands. The expansion of the existing structure (which was originally constructed by a prior owner) was based on utilizing the most practical and accessible area of the property, given the steep forested terrain and presence of wetlands elsewhere. The current applicant is seeking a variance to allow a 15-foot setback from the low-quality wetland boundary rather than the required 20 feet.

These topographic and environmental features—extensive forested highlands, mapped and likely unmapped wetlands, and limited buildable area—create a unique development limitation that is not generally applicable to surrounding properties in the agricultural zone, which typically benefit from flatter, more uniformly buildable terrain. Granting this variance would recognize the physical realities and limitations of the site while not conferring a special privilege but rather allowing for reasonable use of the property consistent with its history and context.

Explain how special conditions and circumstances do not result from the actions of the applicant BCRC 12-234(b).

The special conditions and circumstances that exist on this property are inherent to the site and were not created by the applicant. The primary constraints—namely, the significant presence of forested high-elevation terrain (52% of the parcel), the designation of 18% of the parcel as wetlands per the USFWS Wetland Mapper, and additional low-lying areas at similar elevation that likely function as wetlands—are all natural and pre-existing features of the land.

In addition, the structures that the applicant has modified were originally constructed by a prior owner. The applicant's additions were made to existing structures in the most practical and accessible portion of the property, where topography and environmental features least interfere. The placement and configuration of those original structures—which significantly influences current development limitations—were not decisions made by the current owner.

Therefore, the request for a 15-foot setback variance is a direct response to physical and environmental characteristics of the site that are beyond the applicant's control and not the result of self-imposed hardship.

Explain how granting the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, and welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. BCRC 12-234(c). Explain how the proposed use is compatible with adjoining land uses.

Granting the requested 15-foot setback variance from the wetland boundary will not conflict with the public interest, nor will it be detrimental to public health, safety, or welfare. The variance request pertains to a relatively minor reduction in the wetland setback—from 20 feet to 15 feet—which still maintains a meaningful buffer from the wetland itself. This modest adjustment does not involve any encroachment into the wetland area and will not disrupt natural hydrology, habitat function, or environmental integrity in any significant way.

The proposed development does not introduce new land uses or increase density but instead involves a reasonable expansion of existing structures originally built by prior ownership. The applicant has taken care to work within the most developable portion of the property, avoiding steep forested slopes and sensitive wetland areas to the extent feasible. The proposed improvements are consistent in scale and character with the existing structures and are located in an area already disturbed by prior development. As such, the variance will not generate additional impacts to neighboring properties or create public nuisances.

Moreover, the surrounding land uses are primarily agricultural and low-density rural residential. The proposed use remains in harmony with these adjoining uses. The character of the property is not changing, and the rural nature of the surrounding area will be maintained. The increased proximity to the wetland by 5 feet does not introduce any activity or intensity of use that would be out of scale with neighboring properties or impair their use or value.

In addition, no public infrastructure (such as roads or utilities) is adversely affected by the proposed variance, and no public services are burdened. The variance will not result in unsafe conditions, obstruct visibility, interfere with emergency access, or otherwise pose risks to the community.

For all these reasons, granting the variance supports the applicant's ability to make reasonable use of their property without compromising public health, safety, welfare, or the rights of adjacent property owners. It represents a balanced and context-sensitive approach that upholds the intent of the zoning code while accommodating unique site conditions.

Water will be supplied by:

☐ Existing public or community system - List name of provider: _____

☐ Proposed Community System - List type & proposed ownership: _____

☒ Individual well: _____

Please explain the water source, capacity, system maintenance plan, storage and delivery system and other details: _____

Distance (in miles) to the nearest:

Public/Community Sewer System: 0.80 mi

Solid Waste Collection Facility: 1.73 mi

Public/Community Water System: 3.9 mi

Fire Station: 2.05 mi

Elementary School: 1.53 mi

Secondary Schools: 1.34 mi

County Road: 0.60 mi

County Road Name: N. Kootenai Rd.

Which fire district will serve the project site? North Side Fire District 1

Which power company will serve the project site? Northern lights

How is the use/plan in accordance with the general and specific objectives of the Comprehensive Plan? (Copy of goals and objectives attached)

Property Rights: _____

Population: _____

School facilities & Transportation: _____

Economic Development: _____

Land Use: _____

Natural Resources: _____

Hazardous Areas: _____

Public Services: _____

Transportation: _____

Recreation: _____


Special Areas or Sites: _____

Housing: _____

Community Design: _____

Implementation: (Not required to complete this element)

I hereby certify that all the information, statements, attachments and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Bonner County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature:  Date: 6-27-25

Landowner's signature: _____ Date: _____

How is the use/plan in accordance with the general and specific objectives of the Comprehensive Plan?

Property Rights:

GOAL:

1. Protect property rights and enhance property values through conscientious land-use planning that complies with state law relevant to all county land use actions.

OBJECTIVES:

1. Private property should not be taken for public uses without just compensation or due process of law.
2. Impacts to other properties should be taken into account when considering land use proposals, policies and codes.

Applicant Response: No private property will be taken for public use, nor will the variance request impact other properties by allowing a 15' setback to low-quality wetlands instead of 20'.

Population:

GOAL:

1. Ensure that the impact of demographic changes including generational issues and economic diversity are identified and considered during planning activities and decisions.

OBJECTIVES:

1. Maintain current and projected county population estimates and utilize this information when making land use decisions.

Applicant Response: There will be no change in existing or estimated future populations from the result of this variance request as it does not relate to population growth within Bonner County.

School Facilities & Transportation:

GOAL:

1. Preserve the county's commitment to and ability to provide quality education to the current and future students of Bonner County.

OBJECTIVES:

1. Ensure that the proposed developments and county land use decisions do not adversely impact the local school districts and their ability to provide adequate school facilities and transportation systems.
2. The county should encourage school districts to proactively review development applications to determine particular school needs and concerns.
3. Bonner County roads, trails and bicycle paths should be designed and maintained to allow safe passage of students to schools.

4. Long-term consequences of land use proposals should be considered, including the adequacy of existing facilities and the siting of future schools.

Applicant Response: This variance request will not adversely impact the local school district or their ability to provide services. No trails, roads, or bicycle paths will be affected by this variance request. This variance will not affect the existing school facilities.

Economic Development:

GOALS

1. Support and encourage economic development.

OBJECTIVES:

1. Support small businesses such as markets, restaurants, recreational activities, campgrounds, and marinas that provide services which support resort residents and visitors in their local communities.

2. Enable development of small scale cottage industries and home based occupations while protecting the surrounding areas from adverse impacts.

3. Policies regarding economic development activities should seek to mitigate the impacts of such factors as noise, light glare, odors, fumes and vibrations on the surrounding community.

4. Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

5. Support local businesses by enabling development of workforce housing in proximity to commercial, industrial and agricultural uses.

Applicant Response: This variance will not impact the local economy, nor will it contribute to added noise, light glare, odor, fumes or vibrations to the surrounding community.

Land Use:

GOALS:

1. Bonner County intends to balance and integrate its land use policies and proposed land use map with the components of the comprehensive plan to enable the community to grow while retaining its rural character and protecting its unique natural resources.

OBJECTIVES:

1. Bonner County should develop and maintain a future land use map and land use codes that acknowledge and protect its agricultural, timber and mining lands, protects the water and wildlife resources, identifies and avoids hazard areas, provides areas for economic growth, encourages affordable housing and centers growth in areas where adequate public and private services can be provided.

2. Encourage clustered development for medium and large scale commercial and industrial uses.

3. Commercial and industrial uses should be located and operated in a manner to ensure the protection of our natural resources including clean air and water, dark skies, and overall environmental quality and rural character of Bonner County.

Applicant Response:

The requested variance will not result in the elimination or conversion of any land designated for agricultural, timber, or mining uses. On the contrary, granting the variance will support the preservation of existing agricultural operations by permitting the expansion of an existing structure on a previously developed building pad. This approach avoids encroachment into current agricultural land.

Additionally, the adjacent wetland has been classified as a low-quality water resource based on the Wetland Delineation Letter Report from Tom Duebendorfer, MA, PWS (Emeritus). The proposed reduction in the setback represents the least impactful alternative, balancing the need to retain agricultural viability with the goal of minimizing disturbance to the nearby wetland. The expansion, as proposed, is strategically located to avoid adverse environmental effects while supporting the continued productive use of the property.

Natural Resources:

GOALS:

1. Protect, enhance and maintain the County's natural resources such as air, water, forest, minerals, plants and wildlife for long-term benefits to the public.
2. Acknowledge and consider agency comments regarding natural resources.

OBJECTIVES:

1. Bonner County's system of lakes and waterways is one of its greatest assets, and Bonner County should strive to preserve both the quality and quantity of its water resources.
2. Bonner County values its productive agricultural lands and forests, mining lands, its fisheries, wildlife, wetlands and aquifer recharge areas and should provide measures to protect and maintain these natural features.
3. Bonner County should protect its water resources by requiring adequate sewer treatment systems based on soil, density, and intensity of use to reduce impacts to water resources.

Applicant Response: The requested variance is not anticipated to affect the water quality of the adjacent wetland which has been classified as a low-quality aquatic resource. The proposed development is limited to the existing building pad and sited to avoid disturbance to this area and other natural resources.

Hazardous Areas:

GOALS:

1. Protect Bonner County from loss of lives and property due to natural hazards.
 2. Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard areas.
2. Reduce public and private financial losses due to flood, fire, landslides, avalanches and excessive slopes by setting standards for development in high hazard areas.

OBJECTIVES:

1. Bonner County intends to regulate the location and density of new development in floodplain to reduce the potential for the loss of lives and property within flood hazard areas.

2. Future development should be designed to reduce exposure to wildland fire and to provide for emergency and escape routes for residents.
3. Development within areas of excessive slopes, unstable areas and avalanche zones should be discouraged.

Applicant Response:

The subject property is not located within a designated floodplain. The existing structure was originally sited in its current location due to significant site constraints, including steep slopes and the presence of forested and rocky outcrop areas. These physical characteristics limit suitable areas for development on the property.

The proposed variance accommodates the logical and necessary expansion of this pre-existing structure without encroaching into environmentally sensitive or physically unsuitable areas. Given the natural limitations of the site, the current location remains the most feasible and least impactful option for continued use and improvement.

Public Services, Facilities and Utilities:

GOALS:

1. Future development approvals should require adequate services and should not adversely impact the services or utilities of the utility provider.
2. Require adequate public services, facilities, and utilities in future development approvals.

OBJECTIVES:

1. New development should be adequately served by fire protection, roads, sewer, schools, law enforcement, ambulance, power and emergency services, water and other public or private services.
2. Require the developers to provide infrastructure, utilities or financial support to offset the capital costs of expansion of services, required by the proposed development.
3. Bonner County shall require adequate provisions for future utility services in areas of commercial, industrial, residential or other similar uses.

Applicant Response:

The subject property is already equipped with an existing well that provides a sufficient and reliable water supply, as well as a functioning septic tank and drain field for wastewater management. The proposed variance will not alter or increase demand on these existing systems.

Additionally, the variance will have no adverse impact on the ability of public services or utilities to provide service to the property or surrounding area. No new infrastructure or utility extensions are required, and all essential services will continue to operate effectively and without disruption.

Transportation:

GOALS:

1. Provide a transportation system that is safe, uncongested, and well maintained. *OBJECTIVES:*

1. Future development should not adversely impact the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
2. Roads within new development should be built to county standards and at the expense of the developer.
3. Roads within new development should provide adequate access for fire and emergency vehicles as well as routes of escape.
4. Future access roads should be designed and built to integrate with the state and county system of roads without overburdening the transportation system.
5. To reduce transportation costs, road building and environmental impacts, cluster development should be encouraged.
6. Bonner County intends for certain intense land use developments to provide paved roads.
7. Bike ways and pedestrian paths should be considered in development plans to provide an integrated community transportation system wherever possible.
8. To communicate and work cooperatively with other jurisdictions within the county to ensure the best possible flow of traffic county-wide.

Applicant Response: This variance will have no impact on public roads or transportation and will have no effect on the private Kistler Road that accesses the property.

Recreation:

GOALS:

1. Protect and encourage public and private recreational opportunities as an important asset that supports a key segment of the County's economy.

OBJECTIVES:

1. Ensure public legal recreational accesses and amenities are not obstructed or adversely impacted by future development.

Applicant Response: No public legal recreational accesses or amenities will be obstructed or adversely impacted by this variance request.

Special Areas or Sites:

GOALS:

1. To protect, preserve and maintain special areas and sites both natural and manmade in relation to land use.

OBJECTIVES:

1. Future developments should not adversely affect or destroy culturally or ecologically sensitive sites.

Applicant Response:

The variance request will not result in the destruction or degradation of any culturally or ecologically sensitive areas. Although a low-quality wetland is present adjacent to the building site, the proposed expansion has been carefully planned to avoid disturbance to this resource and to ensure continued environmental protection.

Importantly, the variance will allow development to remain concentrated in the same location as the original, pre-existing structure. This approach minimizes site disturbance and avoids expansion into undisturbed areas, helping to preserve the broader ecological and cultural integrity of the property.

Housing:

GOALS/ OBJECTIVES:

1. Provide an environment that enables opportunities for diverse housing needs.

Applicant Response: The proposed variance will have no negative effect on the housing goals/objectives of Bonner County.

Community Design:

GOALS:

1. To enable a variety of lifestyles while maintaining the rural character in the future development of Bonner County.

OBJECTIVES:

1. New development should be located in areas with similar densities and compatible uses.
2. The adverse impacts of new development on adjacent areas should be minimized.
3. Consider the protection of natural resources, rural features and surrounding uses of the community in the design and location of new development.

Applicant Response:

The variance is intended to allow for an addition to an existing barn/storage structure, utilizing the existing building pad. This approach avoids development in the steeper, hilly, forested areas of the parcel as well as the agricultural portion of the property. By concentrating improvements within an already disturbed area, the proposal minimizes environmental impact, preserves the rural character of the site, and maintains the integrity of adjacent land uses and natural features.

Agriculture:

GOALS/ OBJECTIVES:

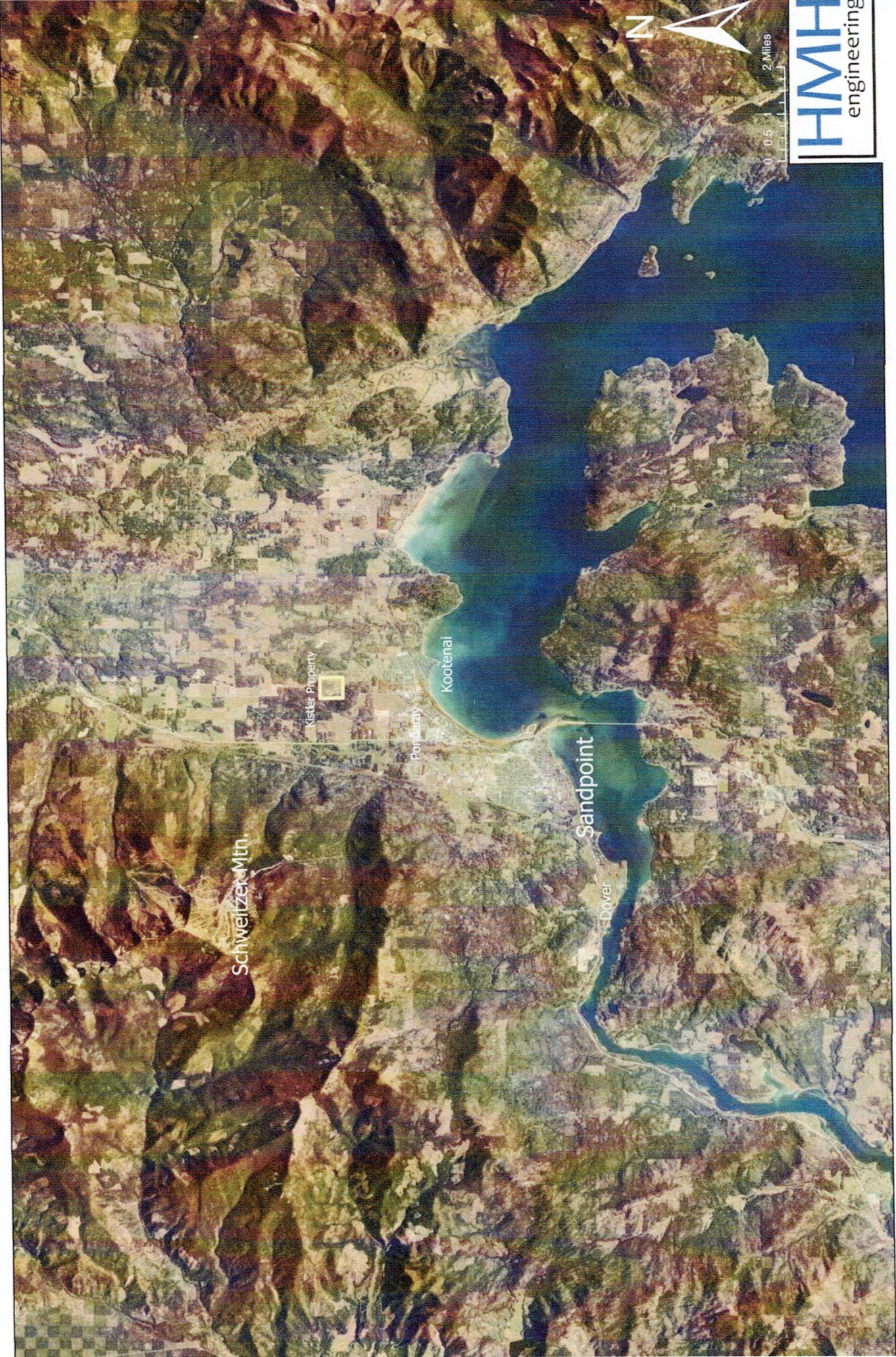
1. Protect the rural character and agricultural heritage of Bonner County by retaining large and small scale commercial agriculture and hobby farms as viable uses.
2. Support the local economy by encouraging production, distribution, and retail sales of locally grown food and other agricultural products.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.
3. Develop policies to discourage fragmentation of very large productive agricultural lands.

Applicant Response:

The requested variance is consistent with the comprehensive plan's emphasis on preserving rural character and supporting agricultural heritage. The proposed addition to the existing barn/storage structure will not alter the rural appearance of the parcel or its surrounding landscape. Instead, the variance facilitates continued agricultural use by enhancing the functionality of the existing structure, making the property more conducive to agricultural use. By building upon the already developed site, the request supports the long-term viability of the land for agricultural purposes while avoiding unnecessary disturbance to open space, forested areas, or farmland.

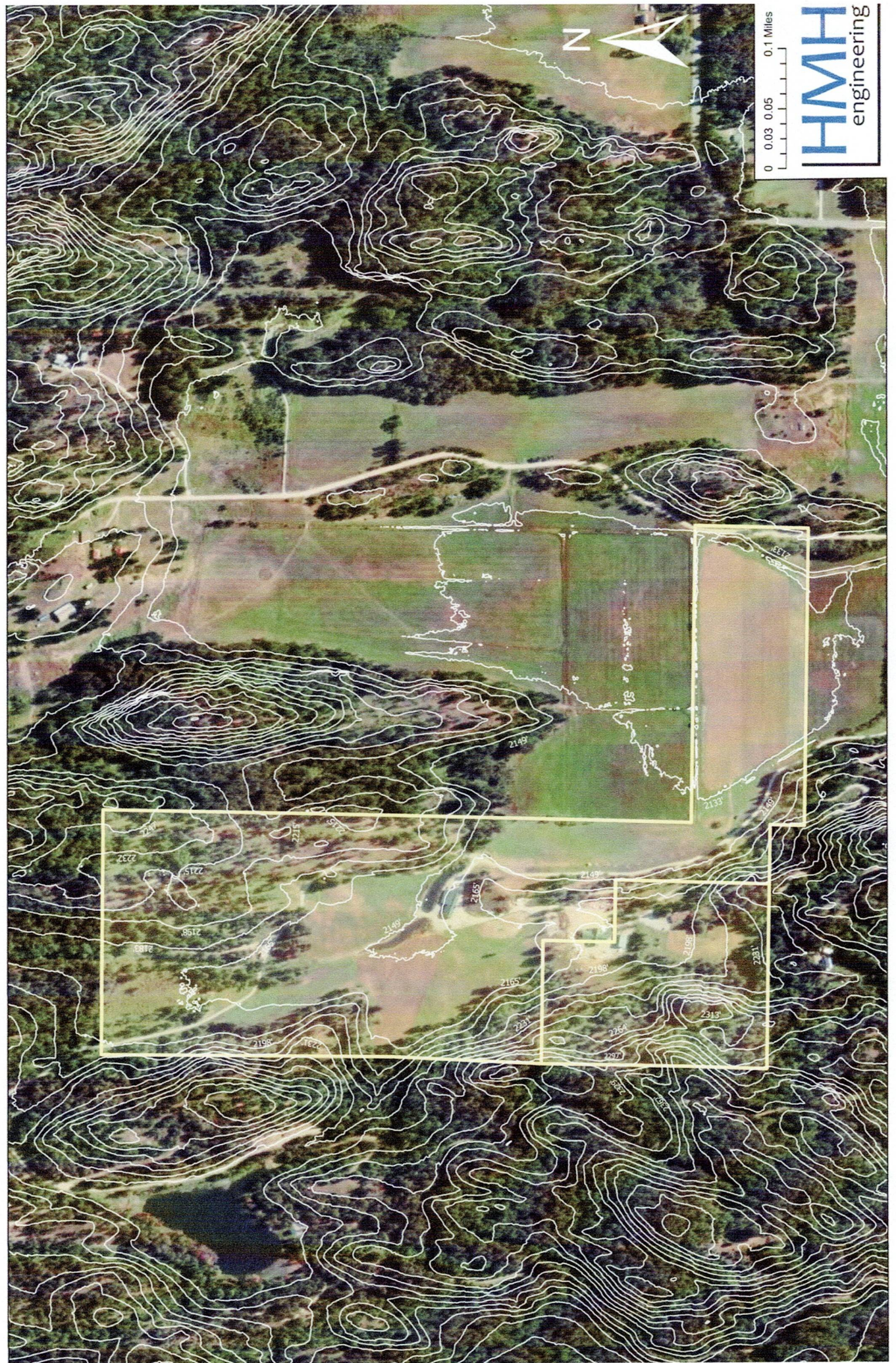








Land Type %:
 Forested: 52.13%
 Wetland: 18.10%
 Remaining Open Space: 29.77%



0 0.03 0.05 0.1 Miles

HMH
engineering

