Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864
Phone (208) 265-1458 - Fax (866) 537-4935
Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

Theodore & Shannon Brooks

[redacted]

November 13, 2026

Re: File V0026-25, Variance Property Line and Shoreline Setback
Exhibit A Reasoned Statement

To Theodore & Shannon Brooks

I, Allan Songstad Hearing Examiner, hereby approve this request FILE V0026-25, for a Variance to the setback standards to allow for a 17.5-foot property line setback, where 25 feet is required, and an 18-foot shoreline setback, where 40 feet is required, for an existing accessory structure, 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 did 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 reasoned statement as discussed in deliberation at this hearing and as attached hereto as exhibit A, as stipulated in Idaho Code §67-6535, and adopt the analysis as presented in the Staff Report.
This action does not result in a taking of private property.

Note: 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. This variance shall not supersede any deed restrictions.



Allan Songstad
Hearing Examiner

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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 REVIEW:

Prior to approving a Variance, the governing body shall review the particular facts and circumstances of each proposal 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.
YESx	NO	List the relevant evidence from the record that supports your conclusion and the rationale for the conclusion.
The county has an ordinance that complies with this section.		

BCRC 12-232		**GENERAL PROVISIONS** A variance is a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, setbacks, parking space size, or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel.
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.

This application is for variance as defined in this section, The applicant is requesting a Variance to the setback standards to allow for a 17.5-foot property line setback, where 25 feet is required, and an 18-foot shoreline setback, where 40 feet is required, for an existing accessory structure.

BCRC 12-233		**APPLICATION, CONTENTS**
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The application is complete.

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.
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The subject parcel is unique, in that it is zoned Agricultural/Forestry 10, with a 10-acre minimum, and is only 5.988-acre. The parcel is heavily sloped with all existing structures located on the flat area between two creeks. The property has Rapid Lightning Creek running through on the north, and an unnamed intermittent stream zigzagging from the southeast corner to the northwest corner of the property. The property also contains wetlands along those streams and is subject to a street setback from Rapid Lightning Road. Development on the sloped portion of the property would require a road to be built across the intermittent stream and wetlands.

BCRC 12-234 (B)		Special conditions and circumstances do not result from the actions of the applicant.
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The applicants purchased the subject parcel in its current configuration on August 13, 2018, under instrument #926006. The applicants had no control over the size, shape, or natural characteristics of the parcel. The existing single-family dwelling was constructed in 2009 per Bonner County Assessor records and had originally been permitted as an accessory structure in 2007, under BLP2007-0793. The change of use and other structures were considered grandfathered by Planning when issuing BLP2023-0065 for the subject structure. The two additional accessory		
V00026-25 November 12, 2026 Page 6 of 8 structures were located where the subject structure is now located. The applicants were responsible for the location of the subject structure, however it was replacing two existing structures in roughly the same location.		
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.
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
This application does not appear to be in conflict with the public interest, in that the subject structure is meeting setbacks to Rapid Lightning Creek, and the street, and is only encroaching upon the neighbor's northwest corner. The setback is to an intermittent stream, and was replacing structures already at that location. The location chosen minimizes further disturbance to both the creek and the sloped portion of the property. Idaho Department of Environmental Quality submitted the standard response on the importance of shoreline setbacks for water quality, however the slope of the roof on the subject structure does not allow the runoff to move directly towards the intermittent creek, but it sheds to the east and west,		
before it would change direction and flow to the intermittent stream, thereby slowing the flow. Additionally, per the contour maps of the site, the intermittent stream is generally uphill from the subject structure, and Rapid Lightning Creek is downhill. All setbacks to Rapid Lightning Creek are being met. No public comments were received on this proposal.		

BONNER COUNTY
APPROVED SITE PLAN

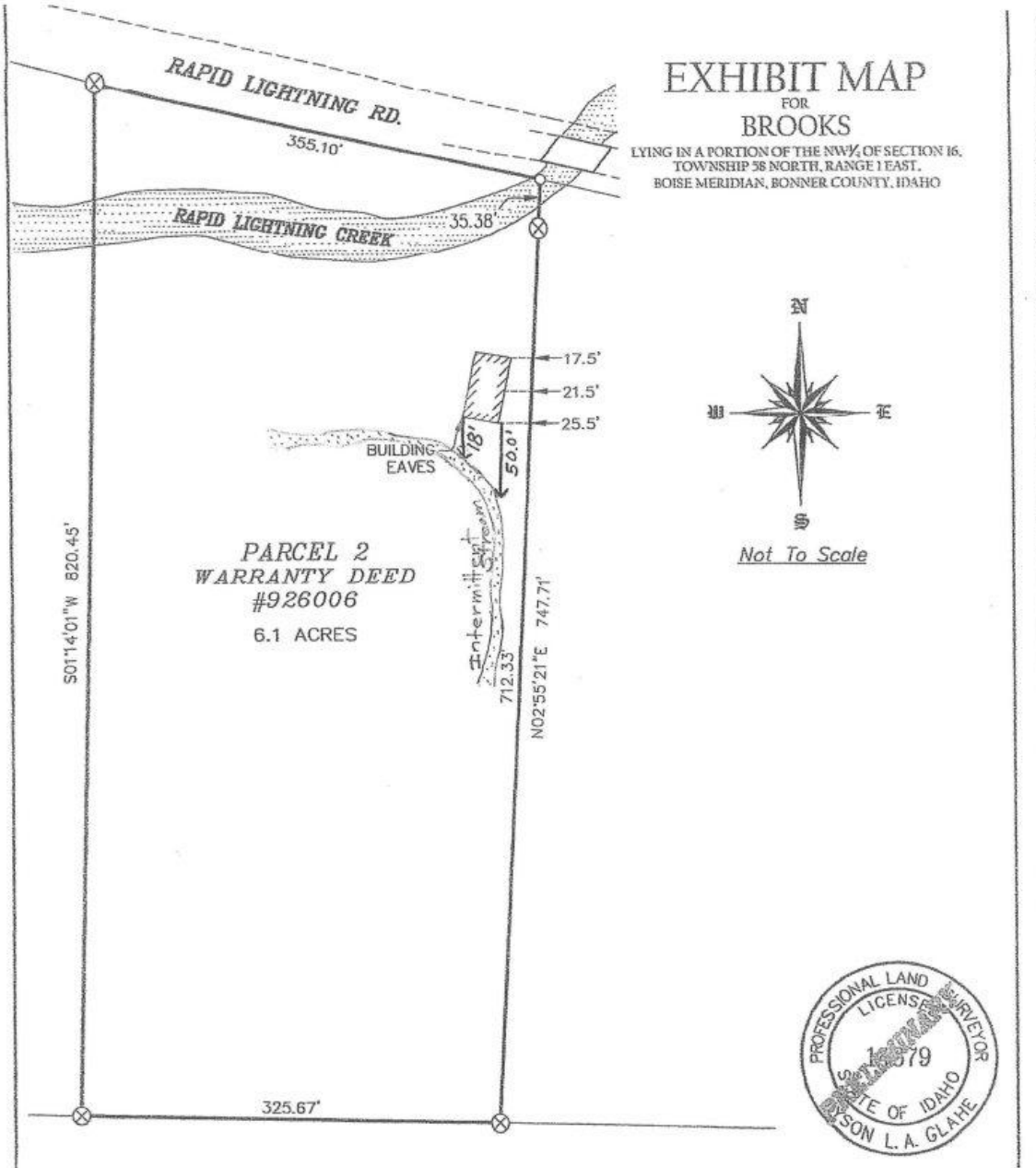
Date

EXHIBIT MAP

FOR

BROOKS

LYING IN A PORTION OF THE NW¼ OF SECTION 16, TOWNSHIP 58 NORTH, RANGE 1 EAST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



LEGEND

⊗ PREVIOUSLY SET 5/8" REBAR AND CAP, PLS 14879

o CALCULATED POINT, NOTHING SET

GLAHE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
P.O. Box 1863
Sandpoint, ID 83864
208-265-4474

SCALE:	N/A
DRAWN BY:	TDLG
DATE:	6/26/2025
DWG:	23-171
SHEET	1 of 1