



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

Tanya Rocholl

October 14, 2026

Re: Rocholl #V0015-26

Ms. Rocholl,

I hereby approve this request FILE V0015-26, for a Variance to the shoreline standards to allow for a 43% impervious surface coverage, where 35% is the maximum allowed, for the construction of a new accessory structure, finding that it, as modified by the applicant, 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 contained in the Land Use Decision-Making Worksheet submitted herewith as exhibit A, as stipulated in Idaho Code §67-6535.

This action does not result in a taking of private property.

Note: Only the development highlighted on the revised site plan submitted in connection with October 8, 2026, 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.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Hearing Examiner decisions within 28 days after the written decision of the Hearing

Examiner has been issued. An appeal must be accompanied with a filing fee in accordance with the approved fee schedule.

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.

Please contact the Planning Department if you have any questions.



Allan Songstad
Hearing Examiner

1985 Wooded Acres



BONNER COUNTY APPROVED SITE PLAN

Allyson Stolt

Date

Yellow Dotted = Actual Property Line

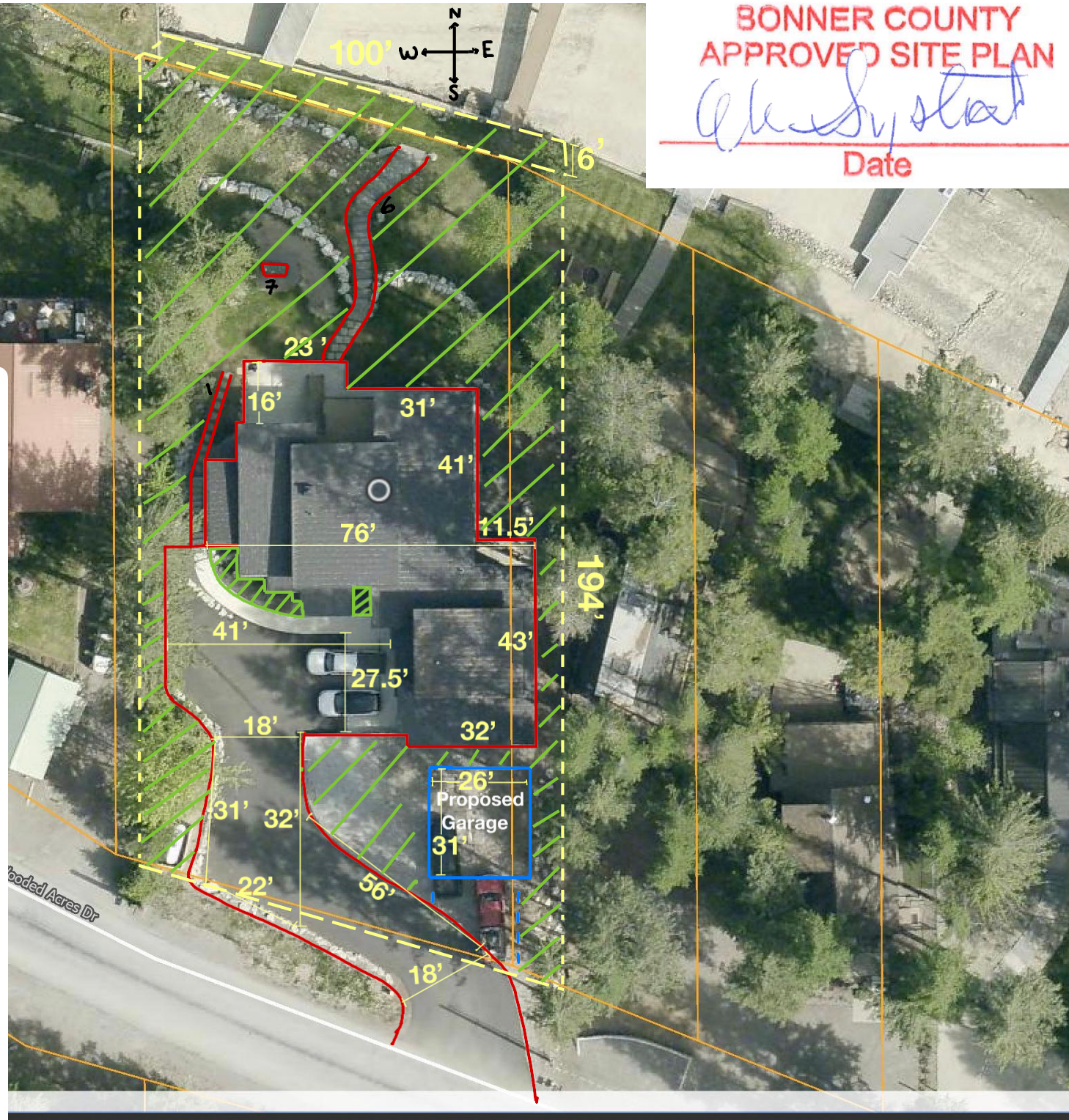
Red = Borders for Existing Impervious Surfaces
7,761.5 sq ft. 38.8% Impervious coverage

Green = Pervious Surfaces

Blue = Proposed Garage 26'x 31' = 806 sq ft

Driveway = 0 sq ft
(Water permeable pavers will be used)

$7,761.5 \text{ sq ft} + 806 \text{ sq ft} = 8,567.5 \text{ sq ft}$ total impervious surface coverage **42.8%**





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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.
YESx NO	List the relevant evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<i>Bonner county has an ordinance that generally complies with this section. This application is consistent with these requirements as set forth in the staff report and the applicant's narrative and the supplemental information supplied for the continued hearing.</i>	
BCRC 12-232	GENERAL PROVISIONS
YESx NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.

<i>This application is for a variance as defined in this section.</i>		
BCRC 12-233	APPLICATION, CONTENTS	
YESx	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<i>As stated in the staff report the application for this variance is complete</i>		
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 <u>record</u> that supports your conclusion and the rationale for the conclusion.
<i>Applicant: "Non conforming parcel less than 20,000 sq. ft. 100'W x 194'D and slopes to the Pend Oreille river at 12% grade. The impervious surface coverage allowance is 35%. Our house/attached garage and driveway are at 40% lot coverage (7,760 sq ft). We are proposing to go up to 45% impervious coverage (7760 sq ft existing + proposed boat garage of 840 sq ft roof top + 100 ft driveway apron) to allow us to build a two bay boat/car garage. This structure would sit between our current garage and existing driveway. There would be landscape natural area to the west of new garage for drainage and snow storage. This area is currently graveled."</i> <i>Staff: The subject lot is unique, in that it is Zoned Rural 5, but is only 0.425-acres, substantially below the lot size minimum for the zoning district. It is similar in size</i>		

**and shape to neighboring lots. The lot contains slopes of 0-30%+, similarly to adjacent lots.
I agree with staff report.**

BCRC 12-234 (B)	Special conditions and circumstances do not result from the actions of the applicant.
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YESx	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
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Applicant: "We are on a small non-conforming lot that is narrow, sloped and borders the Pend Oreille River. Our actions did not create an unbuildable parcel. We followed all setback requirements from river, well, and septic when plotting for home and future boat garage. We require additional impervious surface coverage to allow us to build a boat garage. Our home is set back 63" from the river, at 75' from the water the allowance would have gone up to 52.5% coverage. We are asking for 45% impervious coverage which would allow us to use the buildable space on the south side of our lot between our house and the road for the boat garage. We have previously been granted an exemption for the setback off of Wooded Acres Drive to go from 25' to 18.5' set back. This variance was granted in April of 2021 VA0001-21. We had planned to build boat garage later that year but plans changed and I am now reapplying for a building permit for boat garage which prompted this variance."

Staff: The applicant purchased the subject parcel in May of 2010, under Instrument #792487. The applicants cleared the previous structures, and lot in 2021, and built the existing structures in 2022. The applicants did not create the lot, or its size, but did choose the size and location of existing structures. The applicant has modified the initial request to reduce the impervious coverage by reducing the size of the garage, recalculating the impervious area and replacing the driveway to the boat garage with pervious pavers. By doing so the applicant is requesting the minimum necessary for the structure, Since the improvements on the lot sit 63 feet from the waterway there is no harm to the river. As modified the coverage is 43%.

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.
YES	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
<i>: This application is not in conflict with the public interest, in that the applicants have already been approved for the structure with reduced setbacks. Impervious Surface standards require 35% maximum coverage with a 40-foot setback, and a 52.5% maximum coverage with a 75-foot setback in order to protect the waterways. If this added coverage allowance were spread out over the increased setback, it would equate to a .5% increase in coverage for every foot of setback added. A 63-foot setback, as described currently existing would equate to a total impervious surface allowance of 46.5%, were this done on a scale. This is very close to the applicant's request and would not appear to be in conflict with the purpose of the code section. No public agencies or members of the public commented that this would be in conflict with the public interest, detrimental to public health, safety, or welfare, or materially injurious to properties or Further, the applicant has modified the initial request to reduce the impervious coverage by reducing the size of the garage, recalculating the impervious area and replacing the driveway to the boat garage with pervious pavers. By doing so the applicant is requesting the minimum necessary for the structure, Since the improvements on the lot sit 63 feet from the waterway there is no harm to the river. As modified the coverage would be 43%. There was a public comment that granting the variance would set a precedence. The facts upon which this variance was grated are unique to this lot and will not set a precedent.</i>		
BCRC 12-7.2		GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL

YESx	NO	List the evidence from the <u>record</u> that supports your conclusion and the rationale for the conclusion.
A stormwater management plan may be required at the time of Building Location Permit		
		Other arguments raised during the hearing