Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

Ryan & Connie Wilson
Priest River Holding Co., LLC
[redacted]

November 13, 2026

Re: File V0025-26 Variance- property line setback
Reasoned Statement Exhibit A

To Ryan and Connie Wilson

I, Allan Songstad Hearing Examiner, hereby deny this request FILE V0025-26, for a Variance to the setback standards to allow for the construction of a shop with 10-foot setback where 25-feet is required, based upon the following conclusions:

Conclusion 1
Conditions apply to the property that do apply generally to other properties in the same zone or vicinity.

Conclusion 2
Special conditions and circumstances do result from the actions of the applicant.

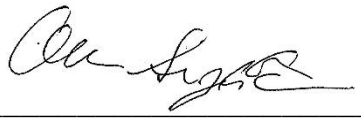
Conclusion 3
The granting of the variance is in conflict with the public interest in that it will be detrimental to the public health, safety, welfare, and/or is materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

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 set forth in Exhibit A hereto, 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.

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) Appeal the decision to the County Commissioners within 28 days of the issuance of this written decision.



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 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 record that supports your conclusion and the rationale for the conclusion.
The county has an ordinance that complies with this section. The application of these standards is set forth in title 12 of the BCRC.		

BCRC 12-232		**GENERAL PROVISIONS**
YESx	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.

In accordance with BCRC 12-232, the applicant is seeking a variance to allow for the construction of a shop with 10-foot setback where 25-feet is required on Lot RP005570000140A.

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

In accordance with BCRC 12-233, the applicant submitted all the required documents and the application was deemed complete on September 3,2026

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

The lot in question features slopes similar to other lots up and down the road. The lot is average size relative to lots up and down the road. Staff can find no record of any variances issued for the nearby lots on Swan Shores Drive. Most of the lot in question is within the AE Zone of the Special Flood Hazard Area (SFHA)and a Floodplain Development Permit (FDP) will be required for the proposed development. The presence of the SFHA on this property is immaterial to the request. There is no variance that could be approved that would allow the proposed structure to be built on the
lot in question but outside of the SFHA. The presence of SFHA on this lot is not a reason for approval of this variance.
It does not appear that a shop of the size proposed in this application could be constructed on the waterward side of this property while still respecting the required 40-foot waterfront setback. Granting of this variance could potentially prevent encroachment into the 40-foot waterfront setback.

V0025-26 Lot Measurements
Lot Address Area
RP005570000160A 215 Swan Shores Drive 0.468
RP0055700017A0A 231 Swan Shores Drive 0.618
RP0055700019A0A 261 Swan Shores Drive 0.529

RP0055700020A0A 289 Swan Shores Drive 0.36
RP0055700021A0A 311 Swan Shores Drive 0.28
RP005570000220A 331 Swan Shores Drive 0.422
RP005570000140A 181 Swan Shores Drive 0.494
RP00557000010AA 151 Swan Shores Drive 1.051
RP00557000008BA 135 Swan Shores Drive 0.538
RP00557000006CA 111 Swan Shores Drive 0.538
RP005570000040A 105 Swan Shores Drive 0.516
RP005570000020A 89 Swan Shores Drive 0.49
Lot Average (all lots) 0.525333
Lot Average (less 1+ acre lot
RP00557000010AA) 0.47754
The lot does not appear to be unique for the neighborhood based upon the evidence submitted by staff including the lot size analysis for the neighborhood and from the testimony of neighbors at the hearing

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

The applicant did not create the lot or cause erosion on the lot. The applicant is the one proposing to construct the building in need of the variance. The applicant did obtain issuance of BLP2026-0485 for a single-family dwelling on the same lot. It appears the applicant has constructed foundations for the proposed shop and the single-family home in anticipation of approval of this variance application.
The size of the shop is the reason for the variance request. It also appears that some construction has started. The need for a variance is a result of the applicants desire to build a large 40 x 40 shop. The lot would only accommodate a smaller 30 x 40 shop with a small variance that could be approved administratively (20 versus 25).

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	N x	

Staff can find no record of any variances issued for the nearby lots on Swan Shores Drive. Several public comments have been received on this proposal. A Floodplain Development Permit (FDP) will be required for all construction within the Special Flood Hazard Area (SFHA). AS set forth in the public comments there is significant concern for a structure of this size so close to the street from an esthetic and safety perspective. Road and bridge did not

have a concern that rose to an objection but that does not mean that the variance should be approved. ***The proposed shop is not consistent with the neighborhood as evidenced by the staff report and the public comments received. The size of the shop so close to the street right of way would change the esthetics of the neighborhood and conflict with the public interest as that term is used in Idaho law.***		
BCRC 12-7.2		
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
		Other arguments raised during the hearing