



BONNER COUNTY PLANNING DEPARTMENT

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VARIANCE APPLICATION

FOR OFFICE USE ONLY:

FILE #

VA0007-26

RECEIVED:

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kyle.snider , 7/20/2026, 9:43:22 AM

Public Hearing Required: Yes ☐ No ☒

PROJECT DESCRIPTION:

The applicant is requesting a variance from a (*request will be actual measurement, i.e. a structure is measured at 20 feet from the property line, the request will be 20 feet, where 25 feet is required*):

☒ Street Setback (___20___ feet) (Update JS 7/16/26)

☒ Shoreline Setback (32 feet) (Update JS 7/16/26)

☐ Property Line Setback (___ feet)

☐ Bulk Increase (Volume) (___ % increase)

☐ Lot and/or Impervious Surface Coverage (___ %)

☐ Lot/Parcel Size Minimum (___ acres)

☐ Depth to Width Ratio (___ :1)

☐ Other: _____

APPLICANT INFORMATION:

Landowner's name: Jacob and Payton Smith

Mailing address: _____

City: Sagle

State: ID

Zip code: 83860

Telephone: _____

Fax: _____

E-mail: _____

REPRESENTATIVE'S INFORMATION:

Representative's name: Same as applicant

Company name: _____

Mailing address: _____

City: _____

State: _____

Zip code: _____

Telephone: _____

Fax: _____

E-mail: _____

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project: Same as applicant

Company Name: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

Telephone: _____

Fax: _____

E-mail: _____

PARCEL INFORMATION:

Section #: 25	Township: 57N	Range: 2W	Parcel acreage: 0.630
Parcel # (s): RP00546002003BA			
Legal description: See attached			
Current landowner's name: Jacob and Payton Smith			
Current zoning: Rural 5 (R-5)		Current use: Rural Residential	
What zoning districts border the project site?			
North: Rural 5 (R-5)		East: Rural 5 (R-5)	
South: Rural 5 (R-5)		West: N/A - Lake	
Comprehensive plan designation: Rural 5 (R-5)			
Uses of the surrounding land (describe lot sizes, structures, uses):			
North: 0.345-acre residential parcel with single-family dwelling			
South: 0.60-acre residential parcel with single-family dwelling			
East: 2.44-acre residential parcel			
West: Lake Pend Oreille (shoreline frontage)			
Within Area of City Impact?: ☐ Yes ☒ No		If yes, which city?:	

NARRATIVE STATEMENT**(ADDITIONAL DOCUMENTATION MAY BE SUBMITTED FOR NARRATIVE STATEMENT, IF NECESSARY):**

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.*

The subject lot (lot 3A) is a 0.33-acre lakefront lot situated on Lake Pend Oreille with frontage on Bottle Bay Road. The lot's depth from the street right-of-way to the ordinary high water mark ranges from approximately 50 to 75 feet. The required street setback of 25 feet and the required shoreline setback of 40 feet together consume 65 feet of depth — exceeding the minimum lot depth entirely and leaving fewer than 9 feet of compliant buildable area at the lot's widest point. The site also descends in grade from Bottle Bay Road toward the lake, further constraining the placement of any structure. These conditions are a direct result of the lot's size, shape, topography, and its location along a regulated shoreline — circumstances that do not apply generally to other parcels in the same zone.

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?*

The dimensional constraints described above are not the result of any action taken by the applicant. The lot was legally created and recorded prior to the applicants' ownership. The shoreline setback requirements and street setback requirements of the R-5 zone are established by Bonner County code and applied uniformly to the parcel regardless of ownership. The applicants did not reduce the size of the parcel, alter its configuration, or take any action that created or worsened the encroachment. The proposed deck has been designed to be as modest as practical at 560 square feet — an open, unroofed structure with no enclosed living space — representing the minimum functional outdoor area consistent with residential use of a lakefront property.

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?*

Granting the requested variance will not be detrimental to public health, safety, or welfare, nor materially injurious to neighboring properties. The proposed structure is an open, unroofed deck of 560 square feet extending from a single-family residence, consistent in use with all surrounding rural residential parcels. The deck contains no enclosed space, no roof structure, and will generate no noise, light, odor, or other nuisance impacts. It will not obstruct public access to the lake or alter shoreline character beyond what is typical for residential lakefront properties in the vicinity. The proposed setbacks of 20 feet from the street and 32 feet from the ordinary high water mark represent the minimum encroachment necessary to allow functional outdoor living space on a lot where full setback compliance is geometrically impossible given the parcel's depth and dual setback requirements.

(Update JS 7/16/26)

ACCESS INFORMATION:

Please check appropriate boxes:

☐ Private Easement
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:

☒ Public Road
Describe travel surface (e.g., gravel, dirt, paved, etc.), travel way width, road grade right-of-way width and name, if existing:
The site is accessed by Bottle Bay Road, a Bonner County owned and maintained right-of-way.

☐ Combination of Public Road/Private Easement
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 site consists of sloping lakefront terrain descending from Bottle Bay Road toward Lake Pend Oreille. Slopes are moderate to steep in areas, with developed benching around the existing residence and improvements. No significant rock outcroppings impacting developments are observed. See attached topographic survey for detailed contours.

Water courses (lakes, streams, rivers & other bodies of water):
The site is located along the shoreline of Lake Pend Oreille.

Is site within a floodplain? ☐ Yes ☒ No Firm Panel #: _____ Map designation: _____

Springs & wells: None

Existing structures (size & use):

Land cover (timber, pastures, etc):

The site is partially wooded with native vegetation typical of the Lake Pend Oreille shoreline, including mature trees, understory vegetation, and landscaped areas surrounding existing improvements.

Are wetlands present on site? ☐ Yes ☒ No

Source of information: Cert. of Compliance CC0009-23

Other pertinent information (attach additional pages if needed):

The proposed deck is an open, unroofed structure with no enclosed living space, no plumbing, and no mechanical systems. It will be constructed using natural and low-impact materials consistent with the existing residential character of the neighborhood. No existing vegetation or mature trees will be unnecessarily disturbed in connection with this project.

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: _____

5/21/26

Landowner's signature: _____

Date: _____

5/21/26

Legal Description

Lot 3 in Block 2 of FIRST ADDITION TO MOUNTAIN PINE SHORES, according to the plat thereof, recorded in Book 3 of Plats, Page 15 records of Bonner County, Idaho.

LESS the following described property:

Commencing at the intersection of the North right of way of the County Road and the South end of the boundary line common to Lot 2 and Lot 3 in Block 2 of FIRST ADDITION TO MOUNTAIN PINE SHORES;

Thence North 22°45'13" West, 97.94 feet to a point on the North boundary line of said Lot 3;

Thence South 62°44'41" West, 104.27 feet;

Thence South 47°47'56" West, 95.73 feet;

Thence South 51 °33'43" East, 60. 76 feet to the North boundary line of the County Road;

Thence North 68°51'26" East, 165 feet to the place of beginning.

AND together with:

All of Lot 4 in Block 2 of FIRST ADDITION TO MOUNTAIN PINE SHORES, according to the plat thereof, recorded in Book 3 of Plats, Page 15, records of Bonner County, Idaho.