Bonner County Planning Department

"Protecting property rights and enhancing property value"

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November 4, 2026

Richard Gray
[redacted]

Subj: File V0005-26 – Variance – Property Line Setback

Appendices: (A) File V0005-26 Staff Report
(B) Land Use Decision-Making Worksheet
(C) File V0005-26 Zoning Commission Approved Site Plan

Dear Richard,

The Bonner County Zoning Commission, at the September 10, 2026 hearing, approved the referenced application.

Commissioner Pound moved to approve this project V0005-26, requesting a 5' property line setback where 25' is required along an approximate 250' of the northern property line, 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 **do 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 the hearing. Commissioner Pound further moved to adopt the reasoned statement as discussed in deliberation at this hearing and the analysis as set forth in the Staff Report (or as amended during this

hearing) and direct planning staff to draft the reasoned statement to reflect this motion as set forth in Idaho Code section 67-6535, have the Chair sign, and transmit to all interested parties. 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.

Commissioner Johnson seconded the motion.

Commissioner Johnson: AYE
Commissioner Blaser: AYE
Commissioner Pound: AYE
Commission Poulsen: AYE

Voted upon and the Chair declared the Motion passed, 4-0.

Bonner County Revised Code, Section 12-262, provides an opportunity for affected persons to appeal Zoning Commission decisions with the Planning Director within 28 days after the final written decision of the Zoning Commission has been issued. Any such appeal must be submitted in accordance with the referenced code section no later than **5:00 p.m., December 2, 2026. AN APPEAL SHALL BE ACCOMPANIED BY A FILING FEE IN ACCORDANCE WITH THE APPROVED FEE SCHEDULE. THE FEES ARE PAYABLE TO THE BONNER COUNTY PLANNING DEPARTMENT.**

NOTE: 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 *(Idaho Code §67-6535(3))*.

Please contact the Planning Department if you have any questions.

Sincerely,



_____
Commissioner Brett Blaser
Vice Chair, Bonner County Zoning Commission

Appendix A – V0005-26 Staff Report

Appendix B – Land Use Decision Making Worksheet

Appendix C – V0005-26 Zoning Commission Approved Site Plan

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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 VARIANCE 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.
YES	NO	List the relevant evidence from the record that supports your conclusion and the rationale for the conclusion.
The characteristics of the site as well as the legal nonconforming nature of the structures show conformance with a variance request.		

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

The Zoning Commission agreed that this application meets the requirements for a variance request and adopted the analysis found in the staff report.		
BCRC 12-233		**APPLICATION, CONTENTS**
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission agreed that the application contents were complete and adopted the analysis found in the staff report.		
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	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission pointed out the already legal nonconforming size of the parcel as well as the subject lot having approximately 7.5-acres of the property being within a special flood hazard area and further adopted the analysis found in the staff report.		
BCRC 12-234 (B)		Special conditions and circumstances do not result from the actions of the applicant.
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission agreed that the main structure existed in the close proximity to the northern property line and the applicant did not build closer to that property line. The commission further adopted the analysis found in the staff report.		
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.

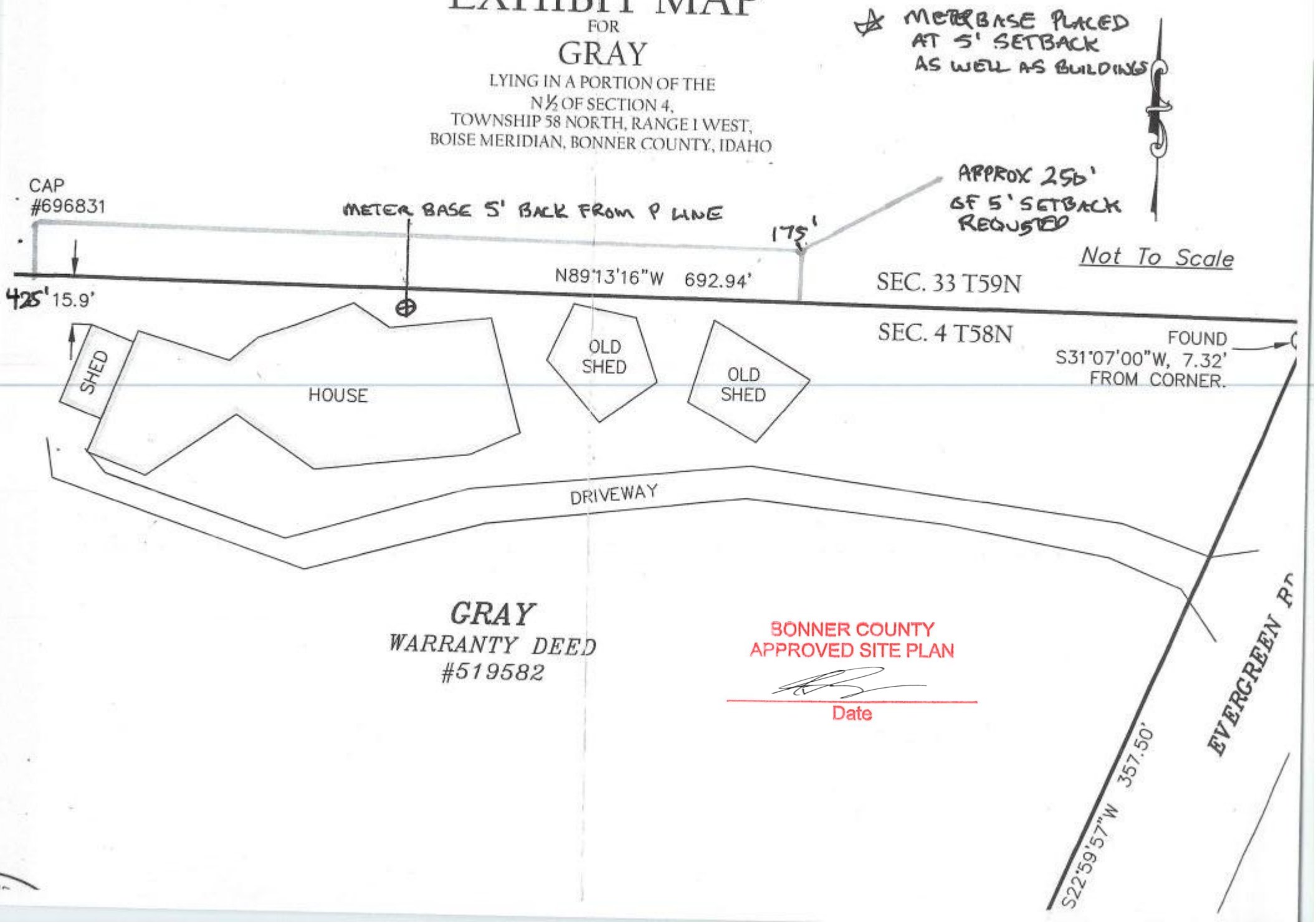
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
No public or agency comments were received that indicated this proposal would be in conflict with the public interest.		
BCRC 12-7.2		**GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL**
YES	NO	List the evidence from the record that supports your conclusion and the rationale for the conclusion.
Stormwater management concerns were addressed during the Building Location Permit phase of this project in accordance with BCRC 12-7.2.		

EXHIBIT MAP

FOR

GRAY

LYING IN A PORTION OF THE
N½ OF SECTION 4,
TOWNSHIP 58 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO



GRAY
WARRANTY DEED
#519582

BONNER COUNTY
APPROVED SITE PLAN

Date