Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Denise and Dale Baumann
[redacted]

November 2, 2026

Subj: File #V0011-26-Property Line Setback

Appendix A – Reasoned Statement

MOTION TO APPROVE: Commissioner Mauk moved to approve this request FILE V0011-26, for an 5' property line setback where 25' is required, 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 is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Mauk 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.

Commissioner Johnson seconded the motion.

ROLL CALL VOTE:

Commissioner Mauk AYE
Commissioner Pound AYE

Commissioner Johnson AYE

Motion passed unanimously.

Conditions of approval:

A-1 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.

A-2 This variance shall not supersede any deed restrictions.

A-3 A Building Location Permit shall be required for the highlighted development.

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., November 30, 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))*.

Signed,

Jim Pound
Acting Chair

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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:

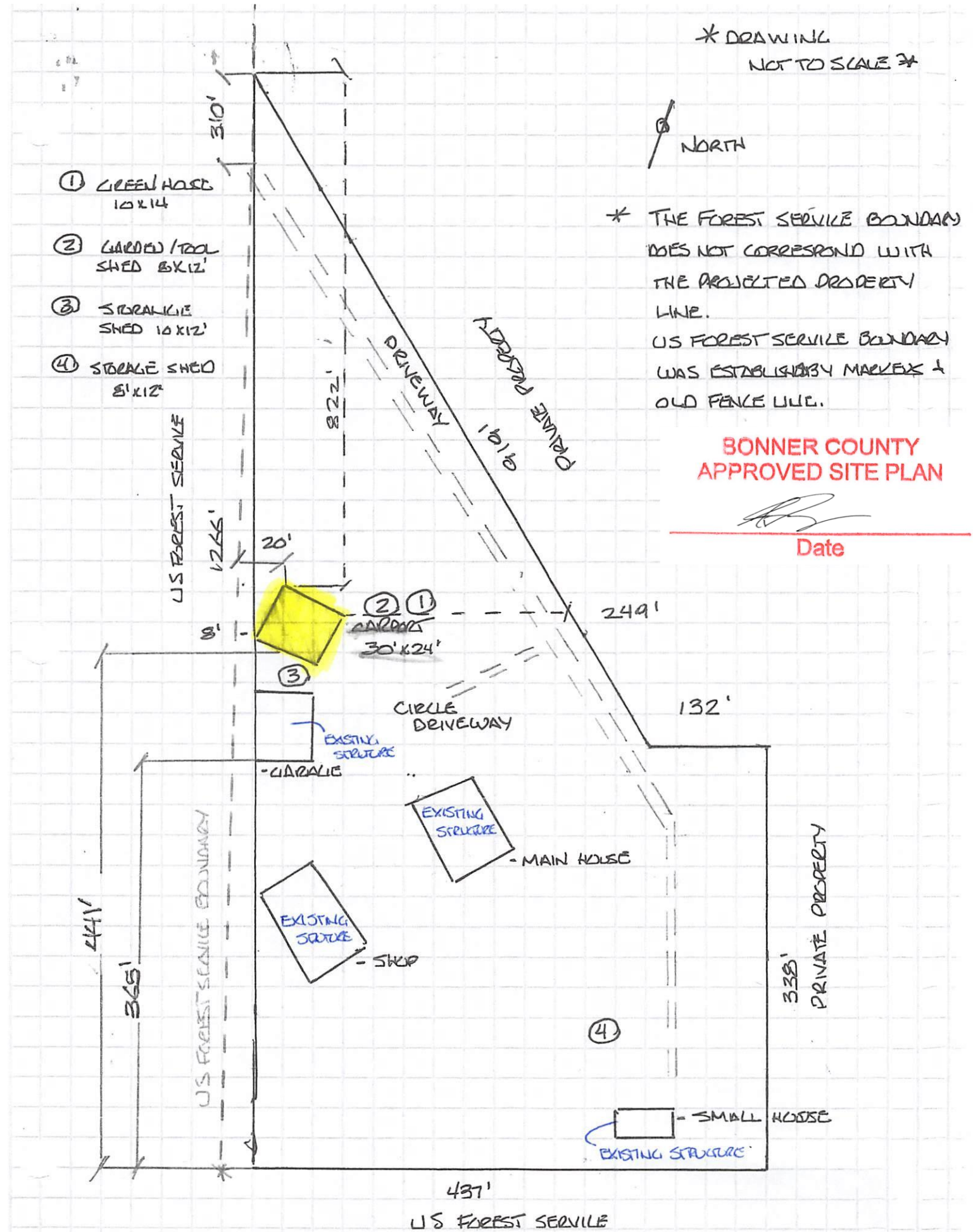
Prior to approving a variance, the governing body shall review the particular facts and circumstances of each proposed variance in terms of the following standards and shall find adequate evidence showing that such use at the proposed location.

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		List the relevant evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report and analysis of Bonner County Code below.		

BCRC 12-232		**GENERAL PROVISIONS**
YES		List the evidence from the record that supports your conclusion and the rationale for the conclusion.

The Zoning Commission found that the project was in compliance with this section and adopted the staff report.		
BCRC 12-233		**APPLICATION, CONTENTS**
YES		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report. ***Commissioner Johnson commented that the application did not bear the application number.***		
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		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report.		
BCRC 12-234 (B)		Special conditions and circumstances do not result from the actions of the applicant.
YES		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report. ***The Commission did note that the applicant already constructed the building, however, the physical circumstances of the property were substantial and a variance approval was appropriate.***		
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		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report. ***They recognized that Northern Lights commented and confirmed that the structure was outside of their easement.***		
BCRC 12-411		**DENSITY AND DIMENSIONAL STANDARDS; RURAL 10**
YES		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report.		
BCRC 12-7.2		**GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL**
YES		List the evidence from the record that supports your conclusion and the rationale for the conclusion.
The Zoning Commission found that the project was in compliance with this section and adopted the staff report, noting that the Building Location Permit process will address any stormwater requirements.		


* DRAWING NOT TO SCALE *
NORTH
* THE FOREST SERVICE BOUNDARY DOES NOT CORRESPOND WITH THE PROJECTED PROPERTY LINE.
US FOREST SERVICE BOUNDARY WAS ESTABLISHED BY MARKERS + OLD FENCE LINE.
BONNER COUNTY APPROVED SITE PLAN
Date
1 GREEN HOUSE 10x14
2 GARDEN / TOOL SHED 8X12'
3 STORAGE SHED 10 X12'
4 STORAGE SHED 8'X12'
310'
822'
DRIVEWAY
PROPERTY PROJECTED
1010'
US FOREST SERVICE
1266'
20'
8'
2
1
CARPORT
30'X24'
249'
3
CIRCLE DRIVEWAY
132'
EXISTING STRUCTURE
- GARAGE
EXISTING STRUCTURE
- MAIN HOUSE
EXISTING STRUCTURE
- SHOP
441'
365'
US FOREST SERVICE BOUNDARY
4
333'
PRIVATE PROPERTY
- SMALL HOUSE
EXISTING STRUCTURE
437'
US FOREST SERVILE