



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

Peter & Lorel Boas

October 14, 2026

Re: Boas - #V0012-26, Variance

Mr. and Mrs. Boas

I hereby approve this request FILE V0012-26, for a Variance to the shoreline and wetland standards to allow for a 10-foot setback, where 40 feet is required, for an existing accessory structure, 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.

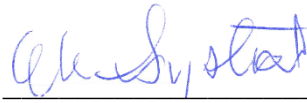
This decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. I further adopt the reasoned statement as discussed in deliberation at this hearing and contained in the Land Use Decision- Making Worksheet submitted as exhibit A, as stipulated in Idaho Code §67-6535, and, to the extent set forth in the worksheet adopt the analysis as presented in the Staff Report.

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.

In accordance with Bonner County Code, Section 12-262 this decision may be appealed within 28 days of the issuance of the written decision of the Hearing Examiner.

Please contact the Planning Department if you have any questions.



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 proposal 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 adopted an ordinance that substantially complies with this Section and this application was evaluated consistent there with.</i>		
BCRC 12-232		GENERAL PROVISIONS A variance is a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, setbacks, parking space size, or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel.
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>The application 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: "My driveway is my only access to the lower 1/3 of my property. With a culvert that allows me to cross the intermittent stream. My driveway continues up a 10% grade for about 500 feet to a bench where my cabin is located. This area is heavily timbered with no location that would work for a boat shed, not to mention the danger and difficulty in trailering a large boat up and down the hill. I have a barn down in the meadow but my boat is too large to fit in and would block my access to the rest of the barn. Much of the lower meadow is fairly lumpy at would require considerable fill and grading to make the site workable, as well as creating another road thru the meadow to the site. I have used the site where the boat shed is located for many years to park my boat. The location gives me instant access to my driveway and the main road (which I feel is important for egress in case of fire) and on flat high ground over the intermittent Creek. Unfortunately being so close to the roadway has its pitfalls – over the years I have been subject to theft – fishing rods, tackle boxes, ropes, buoys, even my boat batteries.</i>		

In 2003 I purchased a newer, larger boat in excellent condition. I felt the need to protect my investment from both the weather and thieves by contracting with a metal building company for a completely closed in an locking boat shed. It took minimal leveling and graveling the footprint for the building to be erected. It's sole use is for the storage of my boat, kayaks and fishing and boating related gear safely and securely."

Staff: The subject lot is similar in size and shape to other properties in the vicinity, and within the Agricultural/Forestry 20 Zoning. The parcel does however contain frontage on two streams, wetlands, steep slopes of 30%+ and is intersected by USFS 280, presenting multiple setback requirements, and limited building opportunities without disturbing the slopes of the property.

I agree with the staff analysis

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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: The applicant purchased the subject parcel in August 1993, under Instrument #429304. The applicant did not create the parcel, or the environmental conditions contained within it. The applicant did place the structure in its current location, however, the use that the structure was erected for, storage of personal boats, had been occurring in that same location since prior to 2008, when the current Bonner County Revised Code was adopted.

I agree with the staff analysis and further conclude based on the applicant's testimony and the staff analysis that if a variance had been requested prior to construction it would have been approved. The circumstances surrounding the lot make it a good candidate for a variance.

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.
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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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: This application does not appear to be in conflict with the public interest, in that the structure is mostly screened from view by natural vegetation, and has been existing for several years without any complaints. The use of private boat storage at this location has been occurring since prior to 2008, and is not changing, except for the protective structure placed over that use. No public comments were received in opposition to this variance, or suggesting a conflict with public interest. Only one agency comment was received addressing the setback. Idaho Department of Environmental Quality submitted their standard response to shoreline setbacks. In the standard

response, they indicate that there are sometimes unique circumstance that may justify reduced setbacks, and also indicate that "While an individual variance likely has a relatively small impact on water quality, the cumulative impact of development in close proximity to shorelines and stream banks is a significant threat to water quality." It appears, that in this case, this is an individual variance with unique circumstances, and that there is no cumulative impact of additional development within this parcel, or area.