

**BONNER COUNTY PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
STAFF REPORT FOR AUGUST 15, 2019**



Project Name: Ross

File Number: V0017-19

Type: Rear Yard Setback Variance

Request: The applicant is requesting a 5' rear yard setback where 40-feet is required to allow for the construction of a shop/garage without eaves.

Legal Description: Lots 5 & 6, Steamboat Bay Lots (Bk. 2, Plats, Pg. 125)

Location: The project is located off of Steamboat Bay Place in Section 27, Township 60 North, Range 04 West, Boise-Meridian.

Parcel Number: RP00443000005AA

Parcel Size: Approximately 0.4-acres.

Applicant: Alan G. Ross
PO Box 3267
Spokane WA, 99202

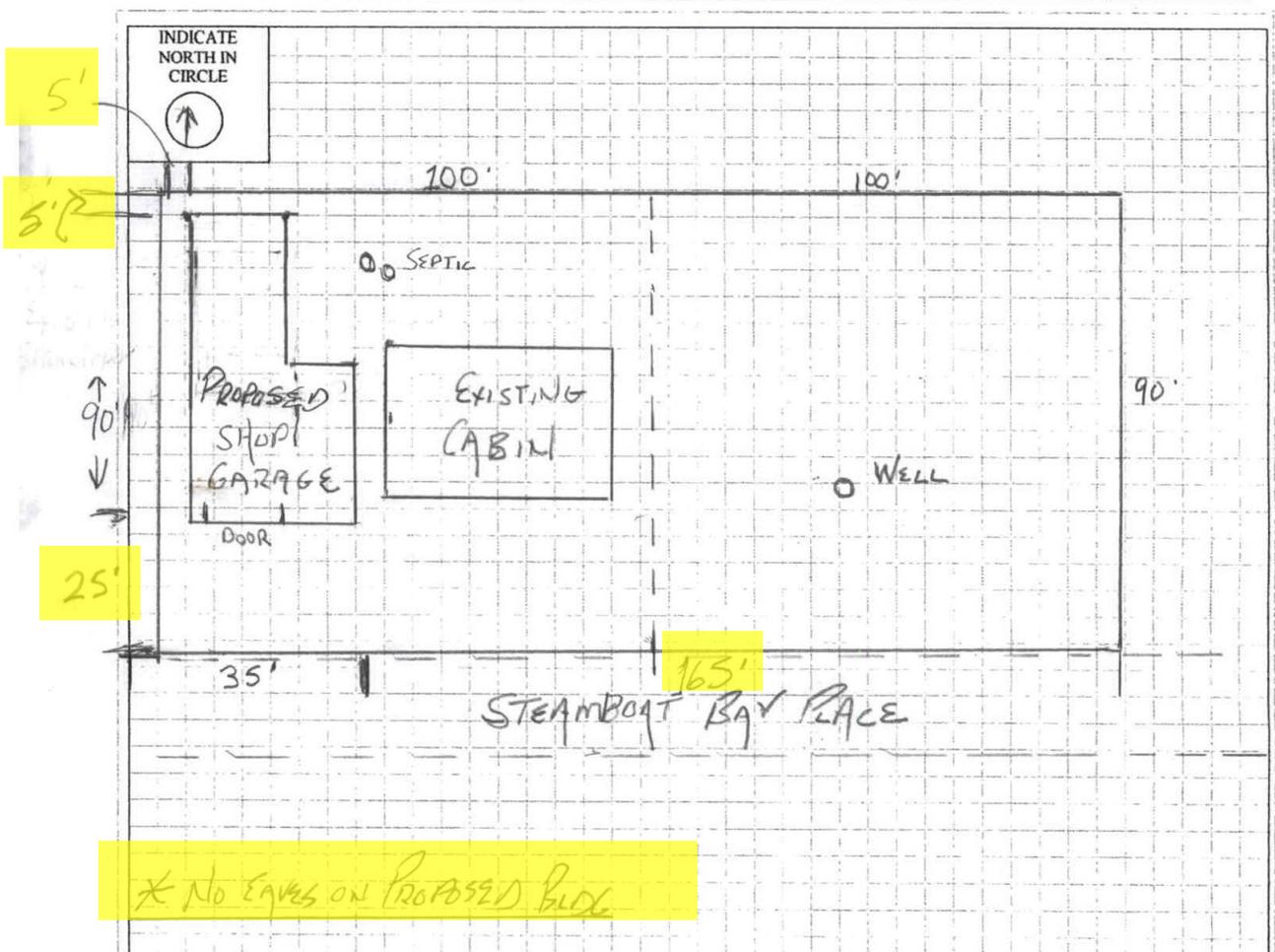
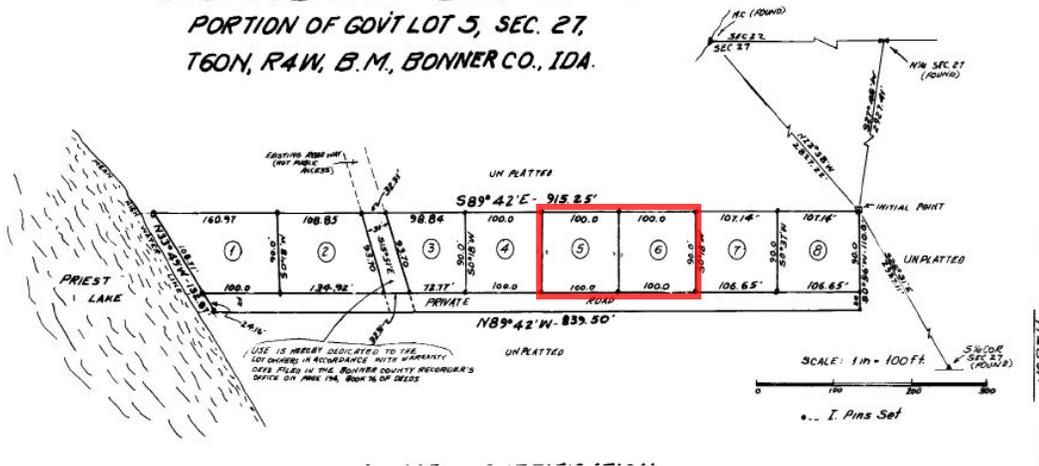
Property owner: Same as applicant

Application filed: June 24, 2019

Notice provided: Mail: July 16, 2019
Site Posting: August 6, 2019
Published in newspaper: July 16, 2019

STEAMBOAT BAY LOTS

PORTION OF GOV'T LOT 3, SEC. 27,
T60N, R4W, B.M., BONNER CO., IDA.



Project summary:

The applicant is requesting a 5' rear yard setback where 40-feet (where abutting the A/F-10 zone) is required to allow for the construction of a shop/garage without eaves. Currently, there is an existing garage that they would like to demolish and replace.

Applicable laws:

The following sections of BCRC, Title 12, apply to this project:

- BCRC 12-412 Density and Dimensional Standards
- BCRC 12-234, Variance standards
- BCRC 12-400, et seq., Development standards, if affected by variance
- BCRC 12-231, Variances, general provisions, application, standards, procedures
- BCRC 12-7.2, et seq., Grading/erosion/stormwater management

Background:

A. Site data:

- a. Acreage: 0.4-acres approximately
- b. Legal: Lots 5 & 6, Steamboat Bay Lots (Bk. 2, Plats, Pg. 125)
- c. Zone: Recreational/ Abutting the A/F-10 zone
- d. Use: Residential/residential accessory
- e. Structures: Cabin and garage

B. Access:

- a. Name: Steamboat Bay Place
- b. ROW: 20' wide
- c. Owner: Private

C. Environmental factors:

- a. Floodplain: X. Source: FEMA
- b. Vegetation: Vegetation on the east half of property. Source: Applicant/Aerial View
- c. Soils: Elmira Variant Loamy Coarse Sand, 0 To 2 Percent Slopes. Source: NRCS
- d. Hydrology/Wetlands: None. Source: USGS; USFWS
- e. Slope: Relatively Flat. Source: USGS

D. Services:

- a. Water: Individual Well
- b. Sewer: Coolin Sewer District
- c. Fire: Coolin Cavanaugh Bay Fire
- d. Utility: Northern Lights
- e. School: Bonner School #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community	Recreation	Residential
North	Ag/Forest Land	A/F-10	Residential
East	Resort Community	Recreation	Residential
South	Resort Community	Recreation	Residential
West	Resort Community	Recreation	Residential

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

A. 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.

Applicant: It is not possible to comply with ordinance standards for the following reasons: The rear of the property abuts A/F-10 zoning district which requires a 40' setback. Other properties in the vicinity are recreational zone which require a 5' setback. The depth of the lot is 90'. Applying the required front setback of 25' and the rear setback of 40', the resulting impact only allows a building depth of 25'.

Staff: The rezone in 2008 (not due to the actions of the applicant) by the county did not establish a rural zone between the recreational zone and the A/F-10 zone. Establishing zones that would allow for a natural gradient between high density and low density areas would have prevented this issue. It does not make sense to have a recreational zone – allowing 10,000 sq ft lots – to abut 10-acre minimum zones with increased setbacks that interfere with the small lot's building envelope. Other areas in the county have established rural zones between the high and low density areas and prevent such issues.

B. Special conditions and circumstances do not result from the actions of the applicant.

Applicant: The building site has excessive rear setback (40') due to A/F-10 zoning. A/F-10 zoning in an area wholly compromised of recreational zone caused undue hardship on the owner's ability to utilize his property. The site is wholly unbuildable solely due to current required A/F-10 Setbacks.

Staff: The rezone in 2008, and the subdivision design/creation was not due to the actions of the applicant. The subdivision was established in 1966 by F.M Harker and Gladys L. Harker.

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.

Applicant: There is no public access in the area. This variance, if allowed, will not change the culture, use, or enjoyment of the surrounding lots. It does not infringe on, nor create a safety hazard to the lots in the area. It does not differ from current property use. There are approximately 8 shops/storage buildings within 1/8 mile of the building site. (Sheffield, Lemmon/Cebriak, Murphy, Wilhelm, Nett, Reedy, Clayton)

Staff: The opportunity for agency/public comment on the proposal address public interests. Comments from both agencies and the public were not submitted. Staff concludes there are no concerns that need to be addressed by the applicant to satisfy this standard.

G. Stormwater plan:

A stormwater management plan is required pursuant to BCRC 12-720.3 K. Application does result in the creation of additional impervious surface. See conditions of approval – required stormwater management plan/erosion control plan per BCRC will be submitted at the time of building location permit.

H. Agency Review:

The application was routed to agencies for comment on July 16, 2019.

*Panhandle Health District
Bonner County Road & Bridge
Coolin Cavanaugh Fire District
Northern Lights
School District #83
Idaho Department of Env. Quality*

*Idaho Dept. of Water Resources
Coolin Sewer District
Army Corps (Coeur d’Alene)
Fish and Wildlife
Idaho Dept. of Lands (Sandpoint)
ServiceBonner County Schools - Transportation*

The following agencies commented:

PHD: "No Comment" – July 22, 2019

I. Public Notice & Comments:

None received at this time.

Staff analysis:

Staff concluded this project is consistent with Bonner County Revised Code based upon the information found in the 'Background' portion of this staff report. This conclusion is supported by the Findings of Fact and is demonstrated in the Conclusions of Law. This conclusion is subject to the conditions of approval.

Staff recommendation: Approval

Planner’s Initials: HMS **Date:** August 2, 2019

Note: This is only a recommendation. The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Motion by the governing body:

PLANNING COMMISSION

MOTION TO APPROVE: I move to approve this project FILE V0017-19, a 5’ rear yard setback where 40-feet is required to allow for the construction of a shop/garage without eaves, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the following findings of fact and conclusions of law as written (or as amended). The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property.

MOTION TO DENY: I move to deny this project FILE V0017-19, a 5' rear yard setback where 40-feet is required to allow for the construction of a shop/garage without eaves, based upon the following conclusions: [REFER TO FOREGOING CONCLUSIONS OF LAW AND SPECIFY WHICH CONCLUSIONS THE PROJECT MEETS AND FAILS TO MEET]. The decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the following findings of fact and conclusions of law as amended. 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 Planning and Zoning Commission's decision to the County Commissioners.

Findings of Fact

1. The parcel is ±0.4-acre lot.
2. The parcel is zoned Recreation.
3. The parcel is located on Steamboat Bay Place.
4. The parcel is served by Coolin Sewer.
5. The parcel is serviced by an individual well.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

This proposal was reviewed for compliance with the criteria and standards set forth in Bonner County Revised Code Title 12 and Idaho Code Section 67-6516.

Conclusion 2

An undue hardship **does** exist because of site characteristics, and special conditions and circumstances that are peculiar to the land, structure, or building involved.

Conclusion 3

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 4

The variance **is not** in conflict with the public interest.

Conditions of approval:

Standard permit conditions:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The variance shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar

years from the date of issuance. At any time prior to the expiration date of the variance, the applicant may make a written request to the Planning Director for an extension of the variance for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the variance.

A-3 The structure shall be developed in accord with BCRC Title 12, Subchapter 7.2 – Grading, Stormwater Management And Erosion Control.

A-4 The applicant shall obtain a Building Location Permit for the residential addition.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Some file application material is available online at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.