

BONNER COUNTY PLANNING DEPARTMENT

Decision Letter



File #VA0005-19 Jason Evans
 Lot #RP00306000020AA

Date: July 16, 2019

Jason Evans
 3443 S London Ct
 Spokane, WA 99203

Dear Jason Evans:

The referenced application is hereby administratively **approved** per the review below.

The applicant is requesting a 7.5 foot setback reduction where 25 feet is required in the front yard. This will mean a front yard setback of 17.5 feet.

This application has been reviewed against the standards for a variance in Bonner County Revised Code 12-234 and it has been determined that the request **has met** the criteria based on the findings of fact and conclusion of law.

Does Project Conform to Variance standards?

<p>BCRC12-234 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.</p>	<p>Very small 44' wide lot with a 1960s cabin located only approx. 58' from Lake St. to the west. We continue to renovate the old original cabin and are trying to keep the original rustic feel of the place. There is no garage store cars, boats, recreational toys, etc. The lot is too narrow to build a garage on either side of the cabin (5'-6" from the cabin to the south property line and 15'-4" from the cabin to the north property line). The only place to build a garage is between the existing cabin and Lake St. I would like to maintain at least 12' between the existing cabin and the new garage to avoid damage due to excessive snow sliding off the cabin roof and piling up against the new garage. With the proposed 24' that would leave an 18' setback from Lake Street. I am requesting a 30% variance from the 25' front setback rule.</p>
<p>B. Special conditions and circumstances do not result from the actions of the applicant.</p>	<p>I, the applicant did not alter the lot size or have design input in the existing cabin or its location that created the limited space to install a reasonably sized garage between the existing cabin and Lake Street.</p>
<p>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</p>	<p>For reference, several cabins along Lake Street have garages that are within 10' of Lake Street and in some cases understand these were likely built before these new regulations were in place. Most cabins along lake street have a garage to store their boats, lawn maintenance equipment, bikes, etc, so it would be to the neighborhoods benefit as</p>

injurious to properties or improvements in the vicinity of the subject parcel or lot:

well that we as cabin owners have a safe place to store our belongings that is out of the weather and sight of the neighborhood in general. The proposed garage will be of a size and style that will compliment the surrounding cabins and accessory structures. Cedar board and batten siding to match the existing cabin will be used. The other cabins along Lake Street that have garages closer than the 25' front set back have not been in conflict with the public interest and are not noticeable as most of the setbacks vary. Our cabin is towards the end of the road and with the variance set back of 17.5' would not be noticeable in my opinion and still provide for plenty of room between Lake St and the garage.

Concerns in letters from neighbors:

- Snow Removal possible challenges with shortened turn around (7/8 Gerow).

Agency Comments received:

- DEQ – No Comment
- Road and Bridge - Road & Bridge has no objections to the proposed setback variance. Although Lake St is County maintained, the road is a dead end and snow plow and other equipment speeds are slower as they prepare to stop and turn around just past the property. As such, equipment is unlikely to cause damage to a structure which is set back 17ft from the property line while conducting maintenance operations such as snow plowing.

STAFF ANALYSIS:

Bonner County Revised Code (BCRC) 12-231 Provides for a variance process where the County “may grant relief from the strict application of the provisions of this title where proposals conform to the standards set forth in this subchapter.” BCRC 12-238 allows for an administrative review and decision if the request is a 30% deviation or less.

The applicant applied for a 30% deviation from the front yard setback. The front yard setback is established by BCRC 12-411 Table 4-1 Zone F: Front yard setbacks – 25 feet. The request is to locate the proposed garage 17.5 feet from the front property line. The front property line is determined as the “yard fronting the street providing primary vehicular access” (See BCRC 12-825 Yard, Front)

Outlet Beach, a subdivision recorded in 1939 created 24 small lots varying up to 50 feet in width and many less than 200 feet in length. The applicant did not create the lot dimensions nor was party to the planning of the lot where the cabin was placed, leaving little room for a garage.

Staff concurs with the statements above as presented and has researched to verify subdivision development, found no building permits and determined the home was built in 1951 based on the Assessor’s Office.

Staff has reviewed the standards and responded with each standard above. As to the concerns received, Road and Bridge appears to not be concerned with the variance request.

Therefore, the Director concludes this project is in compliance with the variance standards.

FINDINGS:

1. This proposal was reviewed for compliance with the criteria and standards set forth at Section BCRC 12-238 Administrative Variances, BCRC 12-234 Variances, and Standards for Review of Applications, BCRC 12-400, et seq., Development Standards if affected by variance.
2. The property is zoned Recreation.
3. The home was .
4. The width of the lot is ± 44 feet.
5. Existing cabin is 28 feet wide preventing adding to the sides.
6. Proposed garage is 672 square feet.
7. The sewer is provided by Outlet Bay Water & Sewer.
8. The variance request is against County maintained road Lake Street.
9. No concerns from Bonner County Road and Bridge.
10. The narrow lot size and cabin placement were not created by the applicant.

CONCLUSIONS: Based on the foregoing findings, the following conclusions are adopted.

The proposed administrative variance **is** in accord with the purposes of Title 12. This action does not result in a taking of private property. The action that could be taken to obtain the plat is to complete the Conditions of Approval as adopted.

1. This proposal was reviewed for compliance with the criteria and standards set forth at Sections 12-233 and 12-234, Bonner County Revised Code, storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code, and variance criteria and standards set forth at Section 67-6516, Idaho Code.
2. 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.
3. Special conditions and circumstances **do not** result from the actions of the applicant.
4. 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)

CONDITIONS:

1. The variance shall expire if not issued within two (2) calendar years from the date of approval. 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.
2. All appropriate permits are required.

NOTE: Any determination made by the Planning Director in the administration of this decision may be appealed to the Board of County Commissioners by notifying the Planning Director in writing of the intent to appeal within twenty-eight (28) calendar days from the date of this determination. (BCRC 12-238(e)(1))

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 this department if you have any questions.

Sincerely,



Planning Director

July 16, 2019
Date