

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
WEDNESDAY, MAY 8, 2019**

**CALL TO ORDER:** Chair Connolly called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Jeff Connolly; Vice Chair Dan McDonald; and Steve Bradshaw

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Planner I Halee Sabourin; and Administrative Manager Jeannie Welter

**PUBLIC HEARING:**

**VARIANCE**

**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:** The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

**File V0002-19 - Rear Yard Setback Variance - Dave Irmer** is requesting a variance for a rear yard setback of 5' where 25' is required for a single family dwelling on approximately 0.28 acres. The project site is located off of Scranton Avenue in Section 10, Township 59 North, Range 4 West, B.M. The Planning & Zoning Commission denied this project at the public hearing on March 7, 2019. An appeal was received by the Planning department requesting this file be forwarded to the Board of County Commissioners for consideration.

**CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS:** The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

**STAFF PRESENTATION:** Planner I Halee Sabourin presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

**APPLICANT PRESENTATION:** Applicant Dave Irmer gave a brief summary of the project stating his reasons for placing the structure where he is proposing to place it. He stated he is attempting to make the area more aesthetically pleasing.

**PUBLIC/AGENCY TESTIMONY:** None.

**APPLICANT REBUTTAL:** None.

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**MOTION:** Commissioner McDonald moved to approve this project FILE V0002-19 for a 5'-0" rear yard setback where 25'-0" is required for a single family dwelling and an attached shop, 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. Commissioner McDonald further moved to adopt the following findings of fact and conclusions of law as written. 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. Commissioner Bradshaw seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

**Background:**

**A. Site data:** The subject property is a

- Vacant Lot
- Platted
- Size: ≈0.28 acres
- Recreational zone

**B. Access:**

- Access is provided by Scranton Avenue a 15' wide, gravel, county maintained road with a 60' R-O-W.

**C. Environmental factors:**

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain a river/stream.
- Site is not located in a Special Flood Hazard Area (DFIRM Panel # 0545E, Zone X - 0.2% annual chance of flood hazard) (FEMA)

**D. Services:**

- Water: Shared well
- Sewage: Coolin Sewer
- Fire: Coolin Cavanaugh Bay Fire District
- Power: Northern Lights

**E. Comprehensive Plan, Zoning and Current Land Use**

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Resort Community (0-2.5 acres)	Recreation	Vacant
North	Resort Community (0-2.5 acres)	Recreation	Residential
East	Resort Community (0-2.5 acres)	Recreation	Residential

South	Resort Community (0-2.5 acres)	Recreation/ Commercial	Commercial
West	Resort Community (0-2.5 acres)	Recreation	Vacant

**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: "The effect of changing the back line to 5' will have no effect on any public or personal interests. Aesthetically for the neighborhood the long sided garage is best suited to be facing the south and be 15' from the property line and the adjacent easement area."*

- (b) **Special conditions and circumstances do not result from the actions of the applicant.**

*Applicant: "The original property has been divided into 3 parcels each containing 2 lots that will be combined into 1 each. It would be more conducive to access the property from Scranton Ave rather than the easement area to the south this combined with the shape of the lot is creating the need for this 5' variance. We are maintaining the 25', 15, 25', 5' rules, it is just turned 90 degrees."*

- (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: "I cannot see any possible conflicts that could interfere with any safety or public concerned by creating this variance."*

**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 per BCRC will be submitted at the time of building location permit.

**H. Agency Review:** The application was routed to the following agencies for comment on February 6, 2019:

Panhandle Health District  
Bonner County Road & Bridge  
Coolin Cavanaugh Fire District  
Northern Lights  
School District #83

Idaho Dept. of Water Resources  
Idaho Dept. of Env. Quality  
Army Corps (Newport)  
Bonner County Schools - Transportation  
Idaho Dept. of Lands (Sandpoint)

**The following agencies replied "No Comment":**

Northern Lights

Idaho Dept. of Env. Quality

**All other agencies did not reply.**

**I. Public Notice & Comments:**

S. Mayer, on February 25, 2019, provided comment with concerns of overcrowding, small yards, and lack of privacy due to back-to-back and side-to-side homes.

### Findings of Fact

1. The parcel is a ±0.28-acre area.
2. The parcel is zoned Recreation.
3. The parcel is located on Scranton Avenue.
4. The parcel is served by Coolin Sewer.
5. The parcel is serviced by a shared well.

### Conclusions of Law:

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

#### Conclusion 1

Conditions apply to the property that **do** 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)

### Conditions of approval:

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**Standard permit conditions:**

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- 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.

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**Standard and site-specific conditions:**

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- B-1** The applicant will submit a stormwater management plan or erosion control plan at the time of building location permit per the standards and the requirements of BCRC.
- B-2** The applicant shall file a notice of lot combination at the time of submitting a building location permit.

The Chair declared the hearing adjourned at 1:41 p.m.

Respectfully submitted, this 8<sup>th</sup> day of May 2019.

  
Milton Ollerton, Planning Director