

**BONNER COUNTY ZONING COMMISSION  
PUBLIC HEARING MINUTES  
NOVEMBER 3, 2022**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Chair Marble called the Bonner County Zoning Commission hearing to order at 5:30 p.m. in the 3<sup>rd</sup> Floor Meeting Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

**PRESENT:** Chair Jacob Marble; Vice Chair Matt Linscott; Commissioners Luke Webster, Robert Clark and Frank Wakeley.

**ABSENT:** None

**ALSO PRESENT:** Planning Director Jacob Gabell, Planner I Tyson Lewis and Hearing Coordinator Jenna Crone.

**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.

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for October 20, 2022. Hearing no changes or objections, the Chair declared the minutes approved as written.

**File V0012-22 - Variance - Property Line Setback.** The applicant is requesting a 2'11" property line setback where 5 feet is required. The parcel is zoned Recreation (Rec). The project is located off Whiskey Jack Cr in Section 07, Township 57N, Range 1W, Boise-Meridian.

**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 Tyson Lewis presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is not consistent with Bonner County Revised Code.

**APPLICANT REPRESENTATIVE:** Erik Owens, SOK Architects discussed the project and presented Exhibit A to the Commission.

**APPLICANT REPRESENTATIVE:** Levi Bush, Ramey Construction, discussed stormwater requirements for the project.

**APPLICANT PRESENTATION:** Paul Delay gave a history of the surrounding properties and answered questions from the Commissioners.

**STAFF REBUTTAL:** Planner I Tyson Lewis discussed comments brought up regarding HOAs and CC&Rs and setback requirements.

**PUBLIC/AGENCY TESTIMONY:** None.

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

**MOTION TO DENY:** Commissioner Webster moved to deny project FILE V0012-22, requesting a 2'11" property line setback where 5 feet is required, finding that it is not in accord with 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 Webster further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report and as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the approval of 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) Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code.

Commissioner Linscott seconded the motion.

**Roll Call Vote:**

Commissioner Webster	AYE
Commissioner Linscott	AYE
Commissioner Wakeley	AYE
Commissioner Clark	AYE
Commissioner Marble	AYE

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

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**Findings of Fact**

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1. The subject property is zoned Recreation (REC)
2. The subject property contains slopes of 15% or greater according to the USGS.
3. The subject property has frontage on Lake Pend Oreille.
4. The subject property abuts Whiskey Jack Circle, a Bonner County owned and maintained road.
5. Building Location Permit BLP2020-0616 was found for the subject structure.

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**Conclusions of Law:**

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**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** 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)

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**COMMISSIONER & STAFF UPDATES:**

- Assistant Director Travis Haller will start on Monday November 7, 2022.
- There is still an open planner position.
- The Building Location Permits have slowed down drastically.
- The Board made some changes to the Comp Plan and it will go to a subsequent hearing in December.
- Cancel January 5, 2022 Meeting.

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At 7:22 p.m., the Chair declared the hearing adjourned until November 17, 2022.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 17<sup>th</sup> day of November 2022.

Bonner County Zoning Commission

  
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Jacob Marble, Chair