

**BONNER COUNTY HEARING EXAMINER
PUBLIC HEARING MINUTES
NOVEMBER 1, 2023**

CALL TO ORDER: Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 3rd Floor Meeting Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Jackie Rucker, Hearing Examiner

ABSENT: None

ALSO PRESENT: Assistant Planning Director Travis Haller, Planner I Alex Feyen and Hearing Coordinator Jenna Crone.

PLEDGE OF ALLEGIANCE

CHANGES IN AGENDA: None

APPROVAL OF MINUTES: Hearing Examiner Rucker approved the minutes as written October 18, 2023.

PUBLIC HEARING:

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

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: Hearing Examiner Jackie Rucker stated that she had no conflict with this proposal.

File V0016-23 – Variance – Side Yard and Frontage Coverage - Daoura. The applicant is requesting a side yard setbacks of 11'4" and 8'2" where 15' is required and a frontage coverage of 93% where 60% is required. The 0.535 property is zoned Alpine Village. The project is located off Mogul Hill Rd in Section 20, Township 58 North, Range 02 West, Boise-Meridian.

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

The Hearing Examiner continued File V0016-23 to November 15, 2023.

File V0017-23 – Variance – Street Setback. The applicants are requesting a variance for a street setback of 3 feet where 25 feet is required. The property is 0.247 acres. The property is zoned Recreation. The project is located off North Kokanee Park Loop in Section 6, Township 59 North, Range 04 West, Boise-Meridian.

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

PUBLIC/AGENCY INPUT: The following members of the public spoke on the record: None.

HEARING EXAMINER INPUT: The Hearing Examiner closed the hearing to public testimony and discussed findings and conclusions.

DECISION TO APPROVE: Hearing Examiner Rucker approved this project FILE V00017-23, for a 3' setback from State Highway 57 where 25' is required for an accessory building, 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 **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.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared, and testimony received at this hearing. Examiner Rucker further adopted the following findings of fact 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.

Findings of Fact

1. The proposal was reviewed for compliance with BCRC 12-234 Variances, and standards for review of applications, BCRC 12-400, et seq.
2. The property is zoned Recreation.

3. The property is described as Lot 38 of Kokanee Park Subdivision according to the plat thereof, recorded in Book 3 of Plats, Page 198, official records of Bonner County, Idaho.
4. The property has an existing single-family dwelling with an attached garage, a shed, and a cabin.
5. There are slopes of 0-29.9% present on the property per USGS.
6. The property does not have wetlands, per USFWS.
7. A portion of the property is located in Special Flood Hazard Area Zone-X per FEMA.
8. The applicant obtained the property on September 03, 2021 per Warranty Deed, Instrument # 991050.

Conditions of approval:

Standard permit conditions:

A-1 Only the development shown on the site plan, and as described in this staff report, has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code excepting the modified building envelope herein.

A-2 The granting of this variance shall not supersede any deed restrictions.

A-3 A Building Location Permit shall be filed with the Bonner County Planning Department prior to any new development.

A-4 Per BCRC 12-720.2 (E) a stormwater, grading/erosion control application plan may be required for all new building construction or development which occurs on or within 300' of a slope with 15% or greater incline.


DISCUSSION:

- **Hearing Examiner and Staff Updates**

- File CUP0030-21 Remand was heard by the Board of Commissioners on Monday October 30th.
- File S0002-23 will be Reconsidered by the Board of Commissioners

At 2:03 p.m., the Hearing Examiner declared the hearing adjourned until November 15, 2023.

Respectfully submitted,


Jacob Gabell, Planning Director

The above Minutes are hereby approved this 15th day of November 2023.


Jacqueline Rucker, Hearing Examiner