

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
OCTOBER 19, 2022**

**CALL TO ORDER:** Hearing Examiner Jackie Rucker called the public hearing to order at 1:30 p.m. in the 3<sup>rd</sup> Floor Meeting Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Jackie Rucker, Hearing Examiner

**ABSENT:** None

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

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written for October 5, 2022.

**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, he continued with the public hearing.

**File V0017-22 – Variance – Street Setback.** The applicants are requesting an 11 foot and 13 foot street setback where 25 feet is required to construct a single family dwelling with an attached garage on a 1.03 acre parcel. The parcel is zoned Rural 5 (R-5). The project is located off Sunnyside Hill Road in Section 18, Township 57 North, Range 1 East, Boise-Meridian.

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

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

**APPLICANT PRESENTATION:**

**APPLICANT REBUTTAL:**

**PUBLIC/AGENCY INPUT:** The following members of the public spoke on the record: Steve Vaughn and Ollie Olsen.

**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 V0017-22, requesting an 11 foot and 13 foot street setback where 25 feet is required to construct a single family dwelling with an attached garage, 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. Examiner Rucker further adopt the findings of fact and conclusions of law as set forth in the Staff Report 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 to obtain the approval of the Variance is to complete the Conditions of Approval as adopted.

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**Findings of Fact**

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1. The property is zoned R-5 and has the comprehensive plan designation Rural Residential (5-10AC)
2. The property contains slopes of >15% to slopes of >30%. (USGS)
3. The property does not contain any mapped wetlands according to (NWI).
4. The property will be served by individual septic, individual well, and Northern Lights Inc.
5. The property is split by Sunnyside Hill Road and an approximately 50 foot wide parcel that was once a right-of-way for Sunnyside Hill Road.
6. The property is accessed by a private road, Sunnyside Hill Road.
7. The applicant is applying for Building Location Permit BLP2022-1148 which proposes a single family dwelling and attached garage to be 11 to 13 feet from the property line fronting Sunnyside Hill Road.
8. According to the applicant supplied site plan, all county setbacks shall be met except for the required 25 foot street setback.

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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 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 result from the actions of the applicant.

Conclusion 3

The granting of the variance in conflict with the public interest in that it 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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**Conditions of Approval:**

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**Standard Conditions:**

1. The approval of this variance shall not supersede any deed restrictions.
  
2. Granting this variance is not in conflict with public interest. Property owners within a 300 foot radius of the subject property were notified of this application, and no public comments were received. No comments or recommendations were received by agencies that indicate a negative impact on public safety, health, or welfare.

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• **HEARING EXAMINER & STAFF UPDATES:**

- Text amendment regarding Hearing Examiner authority to approve certain files.
  - Implementing the process with Panhandle Health District for approving Building Location Permits
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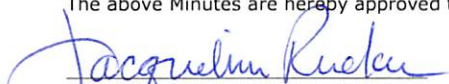
At 2:12 p.m., the Hearing Examiner declared the hearing adjourned until November 16, 2022.

Respectfully submitted,

  
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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 16<sup>th</sup> day of November 2022.

  
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Jacqueline Rucker, Hearing Examiner