

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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CONDITIONS OF APPROVAL:

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**Standard Permit Conditions:**

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1. The granting of this variance shall not supersede any deed restrictions.
2. Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.
3. No further development shall occur on this property. (Added during the hearing.)

**STAFF UPDATES:** None

At 2:00 p.m., the Hearing Examiner declared the hearing adjourned.

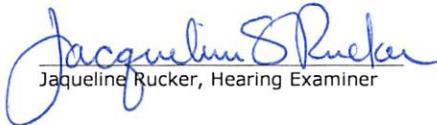
Respectfully submitted,

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Jacob Gabell, Planning Director

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The above Minutes are hereby approved this 14<sup>th</sup> day of September 2022.

  
Jacqueline Rucker, Hearing Examiner

**BONNER COUNTY HEARING EXAMINER  
PUBLIC HEARING MINUTES  
AUGUST 31, 2022**

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

**PRESENT:** Jackie Rucker, Hearing Examiner

**ABSENT:** None

**ALSO PRESENT:** Planner I Tyson Lewis; Planner I Swati Rastogi and Hearing Coordinator Jenna Crone

**CHANGES IN AGENDA:** None

**APPROVAL OF MINUTES:** Hearing Examiner Rucker approved the minutes as written for August 17, 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 V0006-22 – Variance – Property Line Setback.** The applicant is requesting a 1.5 foot property line setback where 5 feet is required and a 7 foot street setback where 25 feet is required for all structures. The subject lot is .10 acres and is abutted by two Bonner County owned streets. The parcel is zoned Recreation (Rec). The project is located off Scranton Ave in Section 10, Township 59N, Range 4W, Boise-Meridian.

**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.

**PUBLIC/AGENCY INPUT:** The following members of the public spoke on the record: Scott Ross.

**STAFF REBUTTAL:** Planner I Tyson Lewis addressed comments made during public testimony.

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

**MOTION TO APPROVE:** Hearing Examiner Jackie Rucker moved to approve this project V0006-22, requesting a 1.5 foot property line setback where 5 feet is required and a 7 foot street setback where 25 feet is required, 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 moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report under the following condition that no further development takes place on the property and directed planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. 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.

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**FINDINGS OF FACT**

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1. The lot is fronted on two sides by Bonner County Owned roads.
2. The property dimensions are approximately 40 feet by 113 feet, approximately 4356ft<sup>2</sup>.
3. The small sheds which are encroaching into the required setbacks are under 200 square feet and did not require building location permits but were required to meet the 5 foot property line setback and 25 foot street setback.
4. The 1st Addition Coolin Plat was created in recorded October 2, 1909 under instrument 10217.
5. Properties adjacent to the subject lot are combined lots from the original 1909 plat, which allows for larger building envelopes than the subject 0.1 acre single lot.
6. All lots that front Slee Street are combined lots of the original plat, except the subject lot.
7. The lot does not contain mapped slopes according to the USGS.
8. The subject lot does not contain any wetlands according to the NWS.
9. The subject lot is a legal non-conforming lot and is less than half of the square footage that would be require in REC zoning with current Bonner County Code Standards of development.

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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 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.