

BOUNDARY COUNTY VARIANCE APPLICATION

P.O. Box 419, Bonners Ferry, Idaho 83805
Phone: (208) 267-7212

FILE #: **24-0050**

APPLICATION REQUEST:

The applicant is requesting a variance for:

☐ Front yard setback ☐ Rear yard setback ☐ Side yard setback

Required setback is: _____ Requested setback is: _____

☒ Other variance type, specify: Parcel to be below 10 acre minimum

Explain purpose of request: Cabinet Mountains Water District has constructed infrastructure on my property that prevents me from using it. Utilities require a minimum setback from property line, therefore a new, 0.34-acre parcel is proposed for CMWD.

My parcel would go from 10.1 acres to 9.76 acres.

APPLICANT INFORMATION:

Applicant/Landowner: Lynn Feldmann		
Mailing Address: [REDACTED]		
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]
Site Address: RP61N01E235250A		Subdivision:
Phone: [REDACTED]	Email: [REDACTED]	

REPRESENTATIVE INFORMATION:

Representative's name:		
Company name:		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	

TO BE COMPLETED BY COUNTY:

Zone District: Ag/Forestry	Overlay Zones: <input type="checkbox"/> Airport <input type="checkbox"/> Flood	<input type="checkbox"/> Wetland <input checked="" type="checkbox"/> None	<input type="checkbox"/> Bonners Ferry ACI <input type="checkbox"/> Moyie Springs ACI	RECEIVED By Tessa Vogel at 2:48 pm, Feb 20, 2024 Receipt #: 31989 (02/21/2024)
Floodplain: Zone X	Panel #: 1602070735B	Development Permit #: n/a		

PARCEL INFORMATION:

Parcel #: RP61N01E235250A	Parcel acreage: 10.1
Current Zoning: AG/ Forest	Current Use: Timber
What zoning districts border the project site?	
North: AG/Forest	East: AG/Forest
South: AG/Foresr	West: AG/Forest
What are the current adjacent land uses?	
North: Private homesite	South: Timber
East: CMWD and BLM	West: Private homesite and Timber
Within Area of City Impact?: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, which city?:
Water service: <input type="checkbox"/> Well No well <input type="checkbox"/> Water District: _____ <input type="checkbox"/> Community: _____	
Sewer Service: <input type="checkbox"/> SepticNo septic <input type="checkbox"/> Public Sewer: _____ <input type="checkbox"/> Community: _____	
Road name: No road name <input type="checkbox"/> Public <input type="checkbox"/> Private	

SITE INFORMATION:

Please provide a detailed description of the following land features:	
Topography (lay of the land), including estimated maximum slope, rock outcroppings, benches, etc.: <u>low slope hillside to medium slope hillside</u>	
Land cover (timber, pastures, etc.): <u>Timber</u>	
Water courses (lakes, streams, rivers & other bodies of water): <u>none</u>	
Existing structures (size & use): <u>none, except for utility infrastructure built on property,</u>	

Attach a site plan not larger than 11"X17" showing:

- ☐ Property lines and dimensions.
- ☐ Location, dimensions and uses of existing structures, showing setbacks.
- ☐ Proposed structure, showing proposed setbacks and variance details. Label as to use.
- ☐ Name and locations of all streets, alleys and driveway entrances.
- ☐ Location of all water courses and floodplain boundaries.
- ☐ Parking areas.
- ☐ Location of all utility lines, easements and other utility improvements.
- ☐ Topographic details such as rock outcroppings or slope.

NARRATIVE STATEMENT: (Governing body will consider these standards from Section 12.4.4 of land use code when hearing the application)

1. What are the special circumstances of the property that require this variance? (Topography, lot dimensions, etc.)
CMWD has requested I sell them 0.34 acres, in order to allow for required utility setback from installed infrastructure.
Selling them 0.34 would bring my 10.1 acre parcel below the 10 minimum (9.76 Acres).

2. How would denial of the variance infringe on applicant property rights?
CMWD's installed infrastructure is prohibiting me from using 0.34 acres of my property.

3. Would approval of the variance infringe on neighboring property owners' rights? No

4. Is the need for the variance caused by applicant's actions? No.

5. Is the requested variance the minimum necessary to alleviate a hardship? Yes.

6. Would granting the variance confer on the property owner a special privilege? No. this variance is being requested to satisfy a CMWD utility requirement,

7. Have other properties similarly situated been granted variances? If so, where? No.

8. Will the variance alter the character of the zone district? No.

9. Is the requested variance in harmony with the general purpose and intent of ordinance and comprehensive plan? (See 1.3, Purpose, Comprehensive Plan Vision Statement) Yes.

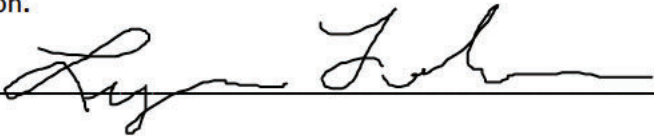
REQUIRED:

APPLICATION CHECKLIST:

COPY OF DEED:	<input checked="" type="checkbox"/> Attached	ACCESS & EASEMENT INFO:	<input type="checkbox"/> Attached
SITE SKETCH	<input checked="" type="checkbox"/> Attached	APPLICATION FEE:	<input checked="" type="checkbox"/> Included

Submit with application fee to:
Boundary County Planning & Zoning
P.O. Box 419
Bonners Ferry, ID 83805

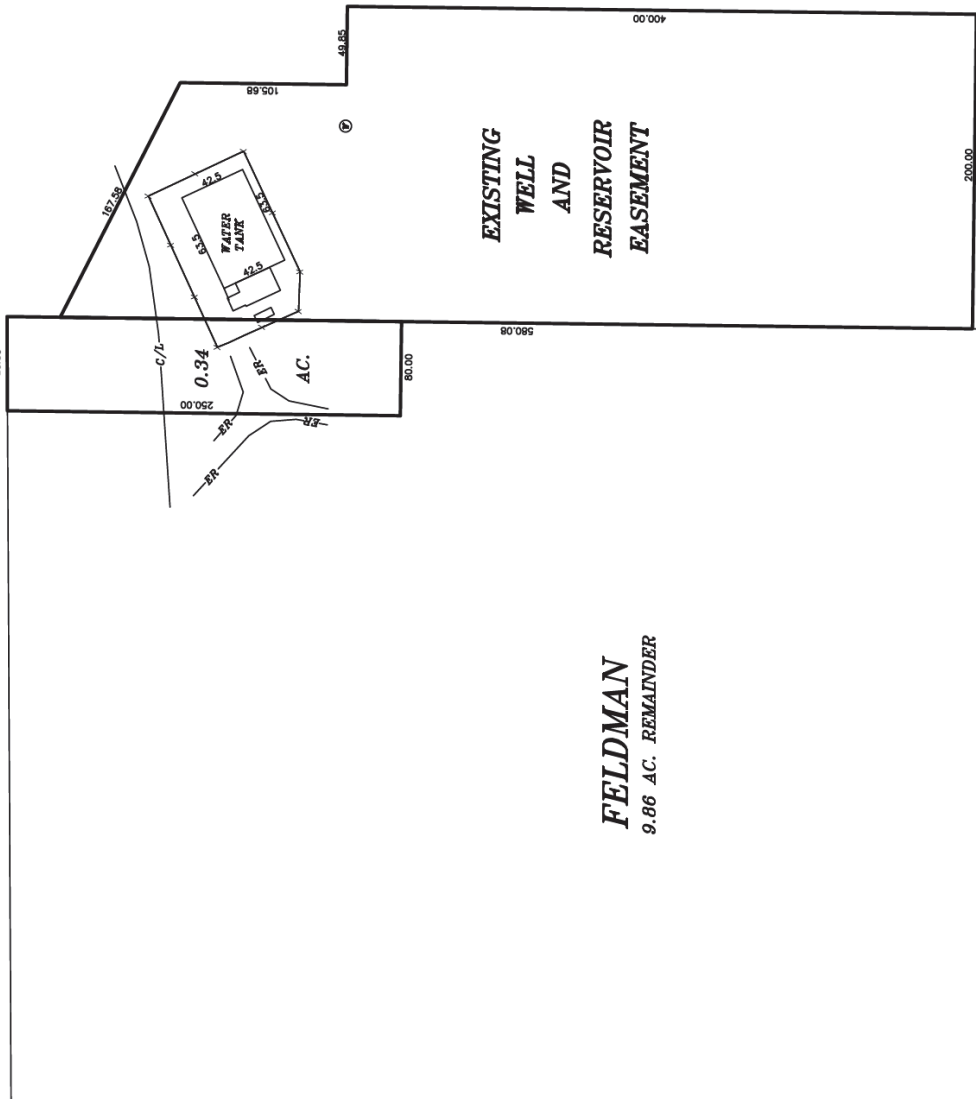
I hereby certify that all the information, statements, attachments, and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Boundary County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature:  Date: February 14, 2024

Landowner's signature: _____ Date: _____

EXISTING CONDITIONS
WATER TANK & ENCLOSURE
FOR
CABINET MOUNTAIN WATER DISTRICT

02-13-2024



- LEGEND**
- FENCED ENCLOSURE
 - W WELL HEAD
 - SR STATE ROAD
 - C/L CENTERLINE ROAD



J.R.S. SURVEYING, INC.

PO BOX 3099-6476 MAIN
BONNERS FERRY, ID. 83805

(208) 267-7655

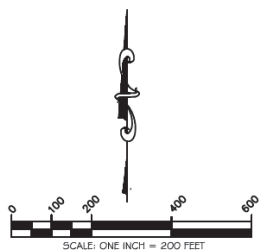
EXISTING CONDITIONS

FOR CAB. MOUNT. WATER DIST.

DATE: 02-13-2024

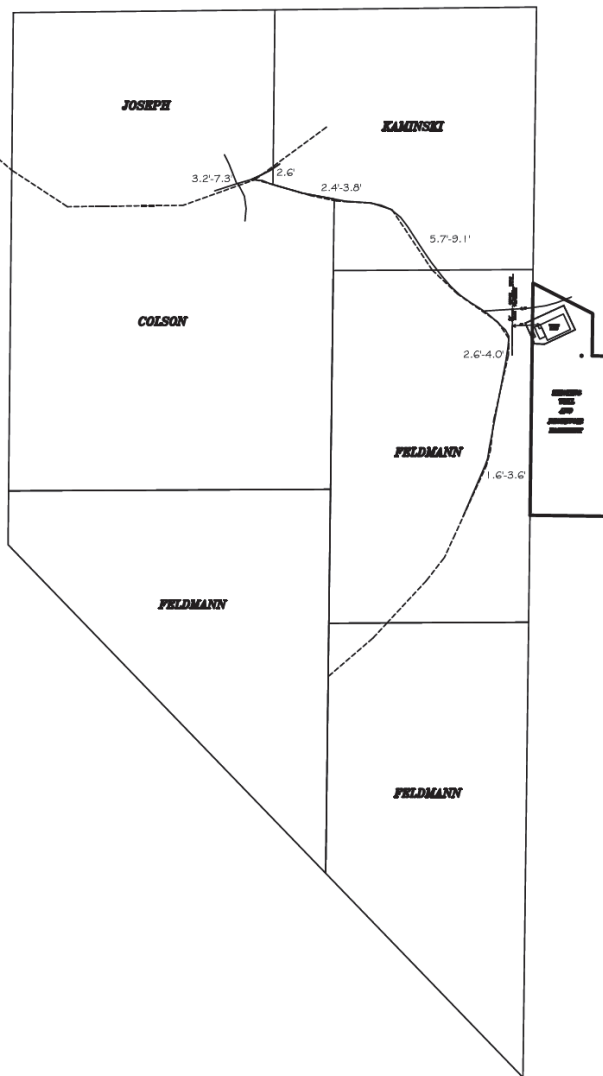
SHEET 1 OF 1

PROJECT: CAB. MOUNT. WATER DIST.

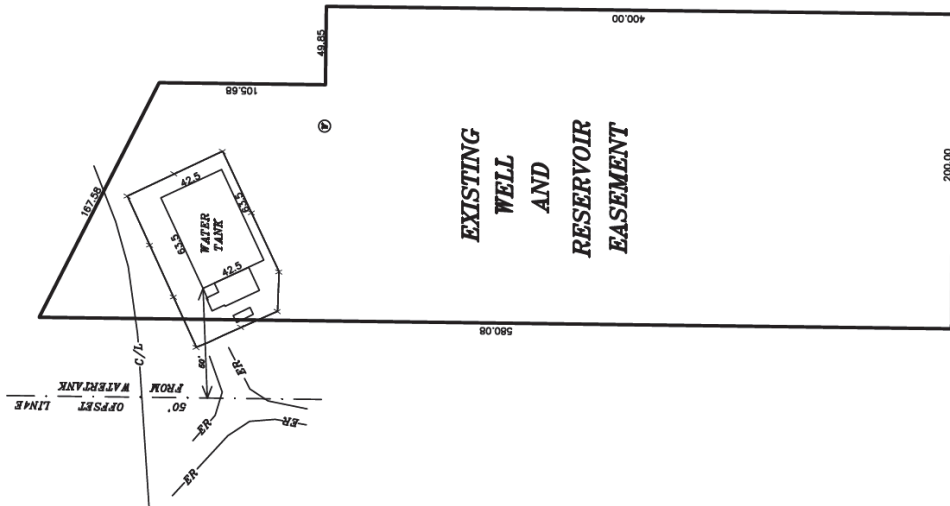


--- C/L EXISTING BASEMENT ---

(1.6'-3.6') DISTANCE FROM BASEMENT TO C/L ROAD TIES



EXISTING CONDITIONS WATER TANK & ENCLOSURE FOR CABINET MOUNTAIN WATER DISTRICT 11-16-2023



LEGEND
 FENCED ENCLOSURE
 WELL HEAD
 ER EDGE ROAD
 C/L CENTERLINE ROAD

J.R.S. SURVEYING, INC.
PO BOX 3099-6476 MAIN
BONNERS FERRY, ID. 83805
(208) 267-7655
EXISTING CONDITIONS
FOR CAB MOUNTAIN DIST.
DATE: 11-16-2023
BY: J.R.S.
PROJECT: 11-16-2023
JOB NO. 24-45

① 600760



STATE OF IDAHO }
County of Boundary }

Filed by: Alliance Title - Bonners Ferry Office
on 03/07/2022 at 11:23 AM

Glenda Poston
County Recorder

C. Greiner
By Deputy

Fees: \$ 15.00

E-Recording

Recording Number: 290518

WARRANTY DEED

Alliance Title & Escrow, LLC Order No.: 600760

FOR VALUE RECEIVED

Warren Smith and Shelli K Smith, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Lynn Feldmann and Adina Feldmann, husband and wife

whose current address is

146 Diamond Rd., Bonners Ferry, ID 83805

the grantee(s), the following described premises, in Boundary County, Idaho, TO WIT:

See attached Exhibit 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3/1/2022

Warren R. Smith

Warren Smith

Shelli K. Smith

Shelli K Smith

State of Washington } ss
County of Snohomish }

On this 01 day of March, 2022, before me,

PREETHI CHANDRAN, a Notary Public in and for said state, personally appeared Warren Smith and Shelli K Smith, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C. Ruth

PREETHI CHANDRAN

Notary Public for the State of Washington

Residing at: Bothell, WA

Commission Expires: 04-18-2023

PREETHI CHANDRAN
Notary Public
State of Washington
License Number 20100824
My Commission Expires
October 18, 2023

Exhibit 'A'

A tract of land situated in the Southwest Quarter of Section 23, Township 61 North, Range 1 East, Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at the Southeast corner of the North Half of the Northeast Quarter of the Southwest Quarter of Section 23 which is marked on the ground by a 5/8" rebar and plastic cap stamped RLS 3628; thence, along the South line of said North Half of the Northeast Quarter of the Southwest Quarter, South 89°43'06" West, 499.11 feet to a 5/8" rebar and plastic cap stamped RLS 3628; thence, leaving said South line South 0°43'237" West, 881.18 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, North 89° 42'06" East, 499.11 feet to a 5/8" rebar and plastic cap stamped 7877 on the East line of the Southwest Quarter of said Section 23; thence, along said East line North 0°43'27" East, 881.18 feet to the True Point of Beginning.