

SUMMARY STATEMENT

Hungate v. Bonner County, Docket No. 46114

The Idaho Supreme Court affirmed a district court judgment that held Frank P. Hungate and Thomas K. Hungate, as trustees of the Hungate Trust, the A&E Family L.L.C., Anne E. Ashburn, Eleanor Jones, Frank Hungate, and John Hungate (collectively “the Hungates”) failed to demonstrate that the Bonner County Board of County Commissioners’ (“Board”) decision to grant Stejer’s, Inc.’s variance request prejudiced a substantial right. Below, the Board granted Stejer’s, Inc.’s request for three variances from applicable lot setbacks required by the Bonner County Revised Code. The Hungates petitioned for judicial review of the Board’s decision. The district court affirmed, holding that although the Board erred in approving the variances, the Hungates had failed to demonstrate that the Board’s decision prejudiced a substantial right. This Court affirmed.