



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611

Planning & Zoning Administrator  
Floodplain Coordinator

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Web: [www.co.valley.id.us](http://www.co.valley.id.us)

**STAFF REPORT**  
Variance Application V-4-20  
Spade Setback Variance

**MEETING DATE:** January 14, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Kent & Deborah B Spade  
11676 Quail Village Way  
Naples FL 34119  
**LOCATION/SIZE:** 210 Moon Drive  
Payette River Subdivision No. 2, Tax # 43 in Lot 66  
NENE Section 33, T.18N, R.3E, Boise Meridian,  
Valley County, Idaho.  
1.38-acre lot  
**REQUEST:** Front-yard Setback Variance  
**EXISTING LAND USE:** Single-family Residence

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Valley County requires a 20-foot setback from the property line along roadways.

Deborah and Kent Spade are requesting a variance to relax the front-yard setback from the required 20 feet to 15 feet.

The applicants are currently experiencing water infiltrating into the house from the exterior wall on the front side of the house. They would like to add a deck with a roof to direct water away from the foundation. This roof would extend approximately 4 feet into the 20-foot front-yard setback.

The 1.38-acre lot is addressed at 210 Moon Drive.

**FINDINGS:**

1. The application was submitted on Nov. 9, 2020.

2. Legal notice was posted in the *Star News* on December 24 and December 31, 2020. Potentially affected agencies were notified on December 15, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent December 15, 2020. The site was posted on December 29, 2020. The notice and application were posted online at [www.co.valley.id.us/public-hearing-information](http://www.co.valley.id.us/public-hearing-information) on December 14, 2020.

3. Agency comment received:

Central District Health has no objections. (Dec. 17, 2020)

4. Neighbor comment received:

Tom Yergovich, President of Payette River Subdivision 2 Property Owners' Association, supports the request. The Architectural Control Committee approved this project on Sept. 30, 2020. (Dec. 23, 2020)

Richard and Amy Holm, 208 Moon Drive, are neighbors across the street from the site. They have no objections to the request. (Dec. 28, 2020)

5. Valley County Code:

#### **9-5H-10: VARIANCES:**

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

B. Application:

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.

2. A written application for a variance shall be submitted to the administrator or staff containing:

a. Description of the nature of the variance requested. (Ord. 10-06, 8-23-2010)

b. A narrative statement and graphic material demonstrating:

(1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.

(2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

c. A site plan showing the location of the variance and the special characteristics of the site.

d. A list of adjoining property owners within three hundred feet (300') of the site.

e. The fee set by resolution of the board shall accompany the application for a variance. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.

D. Granting Of Variance:

1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.

2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.

3. The commission's decision shall be a recommendation to the board.

4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.

5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.

6. A permit for the variance may be issued by the administrator or staff only after approval by the board.

7. The variance approval is valid for five (5) years, unless a more specific date is specified. (Ord. 10-06, 8-23-2010)

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**STAFF COMMENTS:**

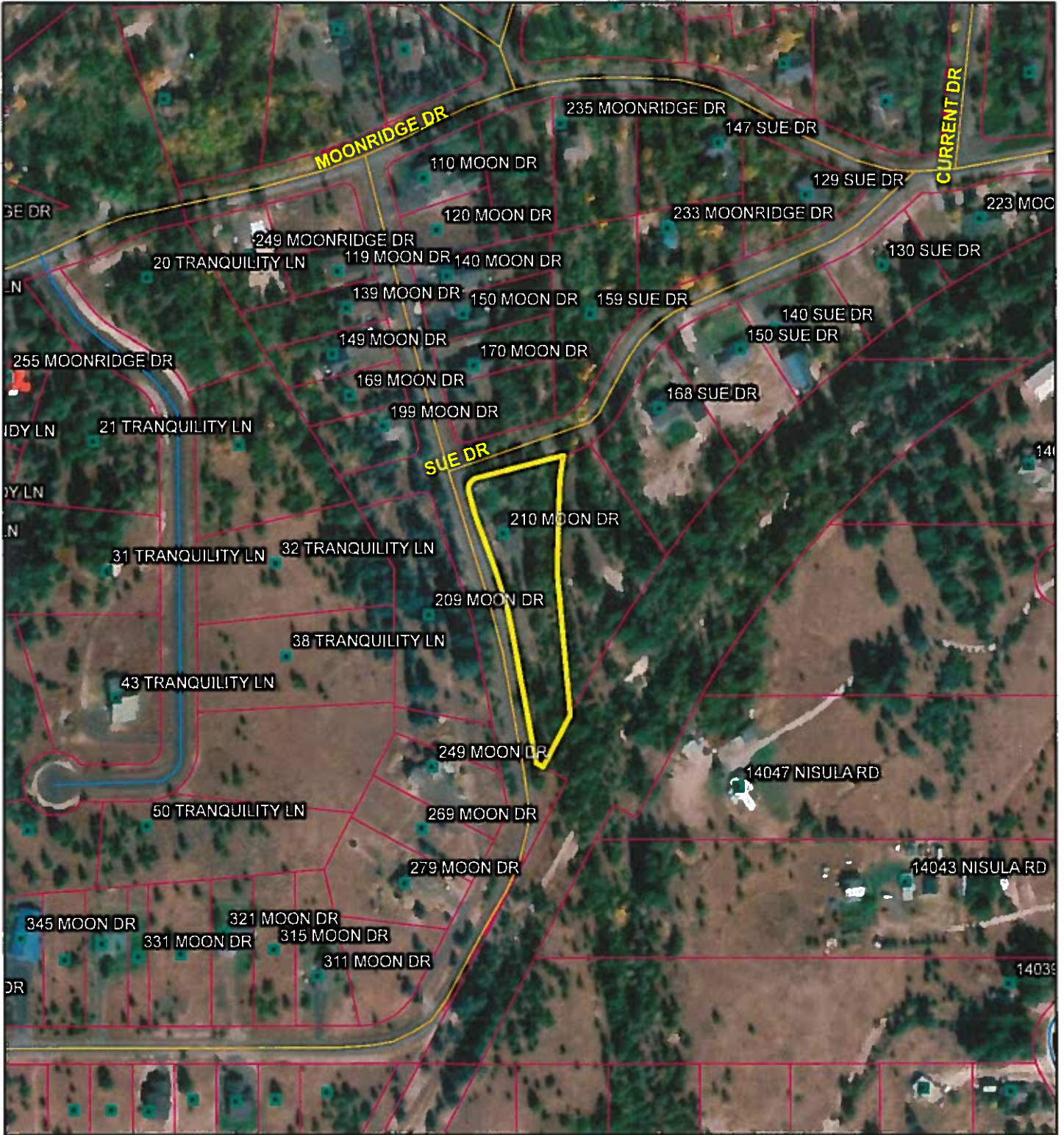
The topographic reasons for the variance would be the placement of the house and the drainage to the foundation.

**ATTACHMENTS:**

- Vicinity Map
- Aerial Map
- Site Plan
- Picture taken Dec. 29, 2020
- Responses

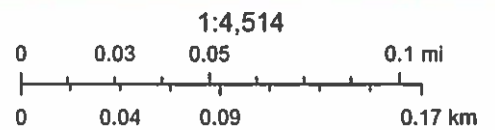
**END OF STAFF REPORT**

# V-4-20 at 210 Moon Drive



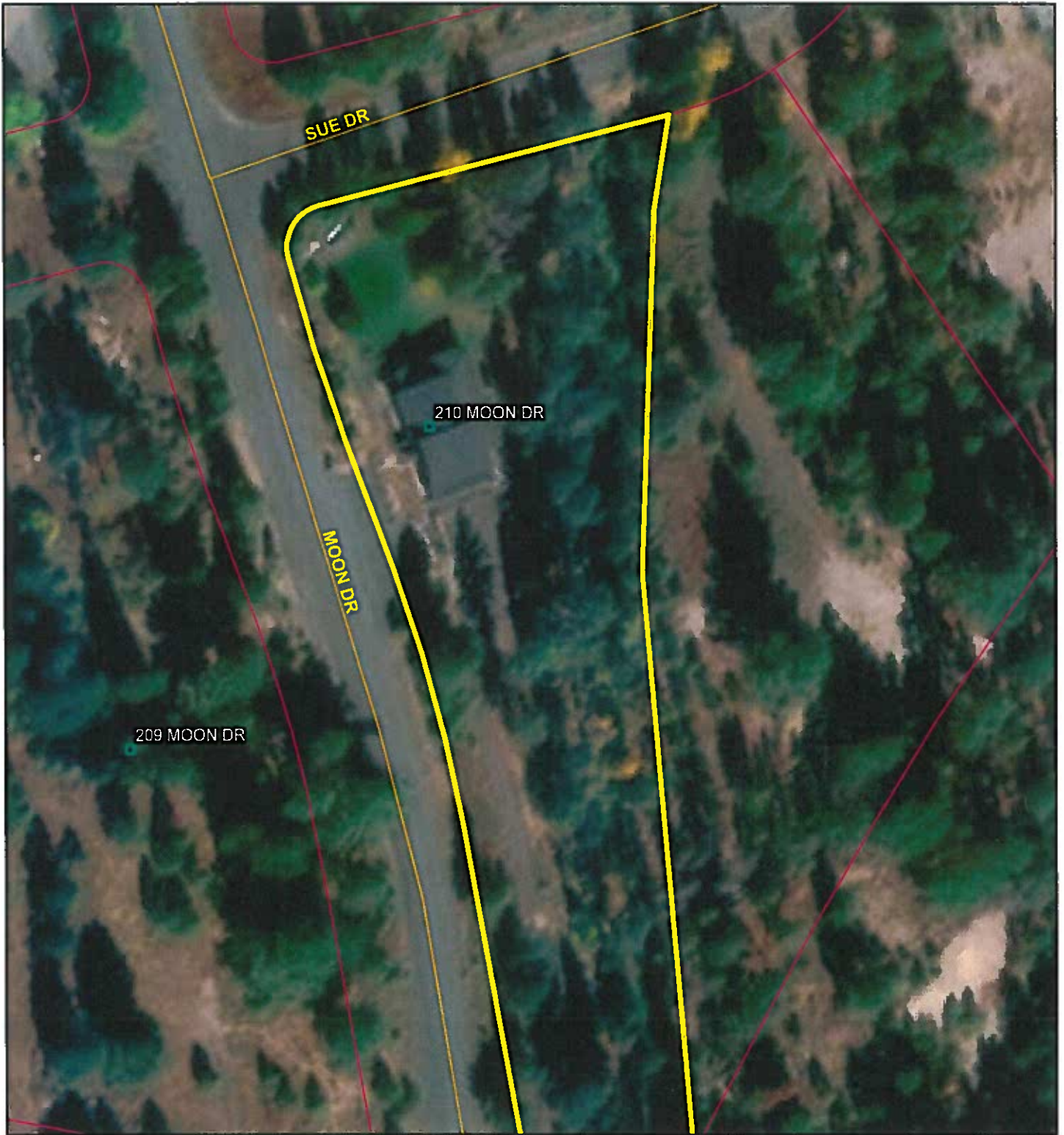
11/19/2020, 1:18:12 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- URBAN/RURAL
- PRIVATE



USDA FSA, GeoEye, Maxar

# V-4-20 at 210 Moon Drive



11/19/2020, 11:54:12 AM

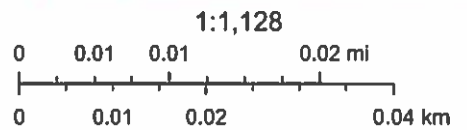
 Parcel Boundaries

All Road Labels

 Addresses

Roads

 URBAN/RURAL



GeoEye, Maxar, Microsoft

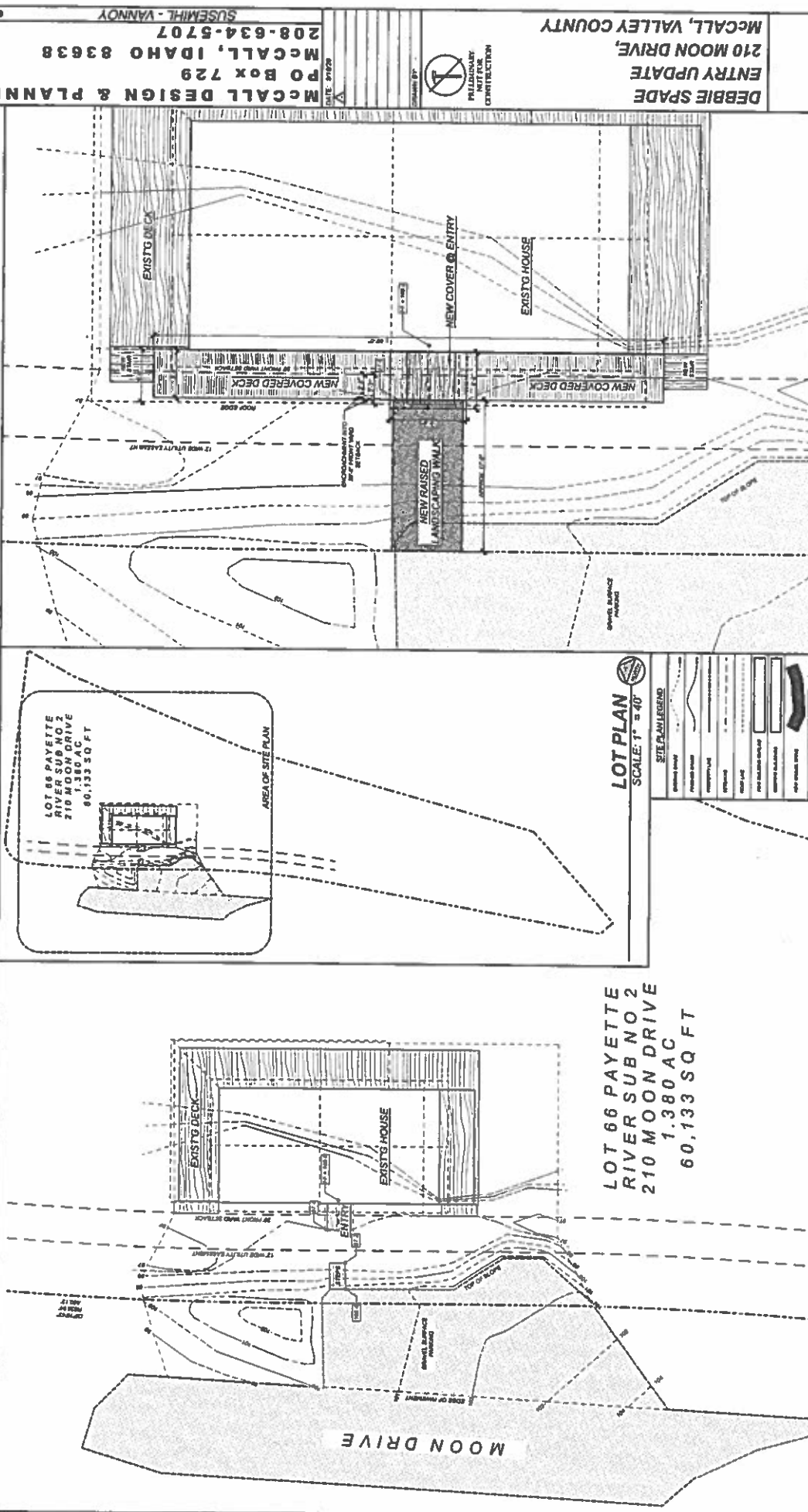
# DEBBIE SPADE ENTRY UPDATE

210 MOON DRIVE, VALLEY COUNTY, IDAHO

© 2019 MDP  
 MDP  
 208-634-5707  
 MCGALL, IDAHO 83638  
 PO Box 729  
 MCGALL DESIGN & PLANNING

DATE: 01/20  
 PERMITS: PERMITS  
 PRELIMINARY  
 CONSTRUCTION

DEBBIE SPADE  
 ENTRY UPDATE  
 MCGALL, VALLEY COUNTY  
 210 MOON DRIVE,  
 MCGALL, IDAHO 83638  
 PO Box 729  
 MCGALL DESIGN & PLANNING



**DR1**  
 SCALE: 1" = 5'

**SITE PLAN - NEW**  
 SCALE: 1" = 5'

**LOT PLAN**  
 SCALE: 1" = 40'

**SITE PLAN LEGEND**

Existing Structure	Existing Deck	Existing Walk	Existing Landscaping
New Structure	New Deck	New Walk	New Landscaping
New Covered Deck	New Entry	New Walk	New Landscaping
New Covered Deck	New Entry	New Walk	New Landscaping
New Covered Deck	New Entry	New Walk	New Landscaping

**LOT 66 PAYETTE RIVER SUB NO 2**  
 210 MOON DRIVE  
 1.380 AC  
 60,133 SQ FT

**LOT 66 PAYETTE RIVER SUB NO 2**  
 210 MOON DRIVE  
 1.380 AC  
 60,133 SQ FT

**SITE PLAN - EXIST'G**  
 SCALE: 1" = 10'



12-29-2020





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # V-4-20

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat Spade Setback Variance  
Lot 66 Payette River Sub #2

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water
  - waste flow characteristics
  - bedrock from original grade
  - other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - community sewage system
  - interim sewage
  - central water
  - individual sewage
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - community sewage system
  - sewage dry lines
  - central water
  - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
  - food establishment
  - swimming pools or spas
  - beverage establishment
  - grocery store
  - child care center
- 14. \_\_\_\_\_

Reviewed By: [Signature]

Date: 12 17 20



**PAYETTE RIVER SUBDIVISION NO. 2  
PROPERTY OWNER'S ASSOCIATION, INC.**



P.O. Box 1398

McCall, ID 83638

December 23, 2020

Ms. Cynda Herrick  
Valley County Planning & Zoning Commission  
PO Box 1350  
Courthouse Building  
Cascade, ID 83611

Subject: V-4-20 Spade Setback Variance

Dear Ms. Herrick:

Our subdivision supports the Spade's request for a setback variance. Our Architectural Control Committee approved this project on September 30, 2020. We see no downside for our subdivision with Valley County approving this request and a tremendous upside for the homeowners because of the water intrusion issues.

Thank you.

Sincerely,

Tom Yergovich, President  
Board of Directors

From: AMY HOLM <aholm@mpmplaw.com>  
Sent: Monday, December 28, 2020 11:37 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Cc: Richard Holm <rhholm@gmail.com>  
Subject: V-4-20 Spade Setback Variance

Hello Cynda:

We hope you are doing well. We live at 209 Moon Dr. and are neighbors with Deborah and Kent Spade at 210 Moon Dr. who are requesting a variance for their front-yard setback. We have no objection to their request and appreciate that they discussed it with us this summer.

Best regards,

Richard and Amy Holm

209 Moon Dr.  
PO Box 742 (Mailing)  
McCall, Idaho  
208-630-4045

Amy K. Holm  
Millemann Pemberton & Holm LLP  
P. O. Box 1066 (Mailing Address)  
706 N. 1st Street  
McCall, ID 83638  
Office: (208) 634-7641  
Fax: (208) 634-4516  
Email: aholm@mpmplaw.com

From: Bruce Granston <brucegranston@gmail.com>

Sent: Wednesday, January 6, 2021 3:37 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: V-4-20 Spade Setback Variance

I am writing as a next door neighbor to Mr. Spade. My property is just north of Mr. Spade on Sue drive. I have no problem endorsing approval for the variance.

Thank you,

Bruce Granston

208.271.6039

