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STAFF REPORT
Variance Application V-1-21
Kulack Setback Variance

MEETING DATE: August 12, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Ken Kulack
KCK Family Trust
1375 E Village Green
Meridian, ID 83646
LOCATION/SIZE: 298 Moonridge Drive
RP00205000011A
Payette River Subdivision No. 1 Lots 10 & 11
SW ¼ Section 30, T.18N, R.3E, Boise Meridian,
Valley County, Idaho.
1.06-acre lot
REQUEST: Front-yard Setback Variance
EXISTING LAND USE: Single-family Residence

The applicant is requesting a variance to relax the front-yard setback from the required 20 feet to 10 feet due to topographic reasons. Mr. Kulack would like to build a 24' x 32' detached garage to park in during the winter and avoid the steep slope of the lot on the westerly portion.

The applicants own Lots 10 and 11 in Payette River Subdivision No. 1; the lots have been combined for tax purposes. There is an existing home on Lot 11 that was constructed in 1993.

The 1.06-acre lot is addressed at 298 Moonridge DR. Moonridge DR is a public right-of-way that was not constructed in the center of the ROW. The travelled way is approximately 38' from the property line.

Payette River Subdivision No. 1 was recorded on July 27, 1973. Per the plat, there is a 12-foot utility easement along the interior side of the property line fronting Moonridge Drive.

FINDINGS:

1. The application was submitted on June 15, 2021.
2. Legal notice was posted in the *Star News* on July 22 and July 29, 2021. Potentially affected agencies were notified on July 13, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent July 13, 2021. The site was posted on July 14, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on July 13, 2021.

3. Agency comment received:

Jeff McFadden, Valley County Road Superintendent, responded by email dated July 21, 2021. He asked if they construct as proposed will there be interference with snow removal and if this effects the right-of-way.

4. Neighbor comment received:

5. Valley County Code:

TABLE 4-A STANDARDS FOR PERMITTED USES

Lists 20' from front property lines, rear property lines, street property lines, and 7 1/2 ' from the side property line.

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:

Moonridge DR is constructed approximately 38' from the property line which will result in the building being approximately 50 ' from the road; it will not interfere with snow removal.

Recommended condition of approval:

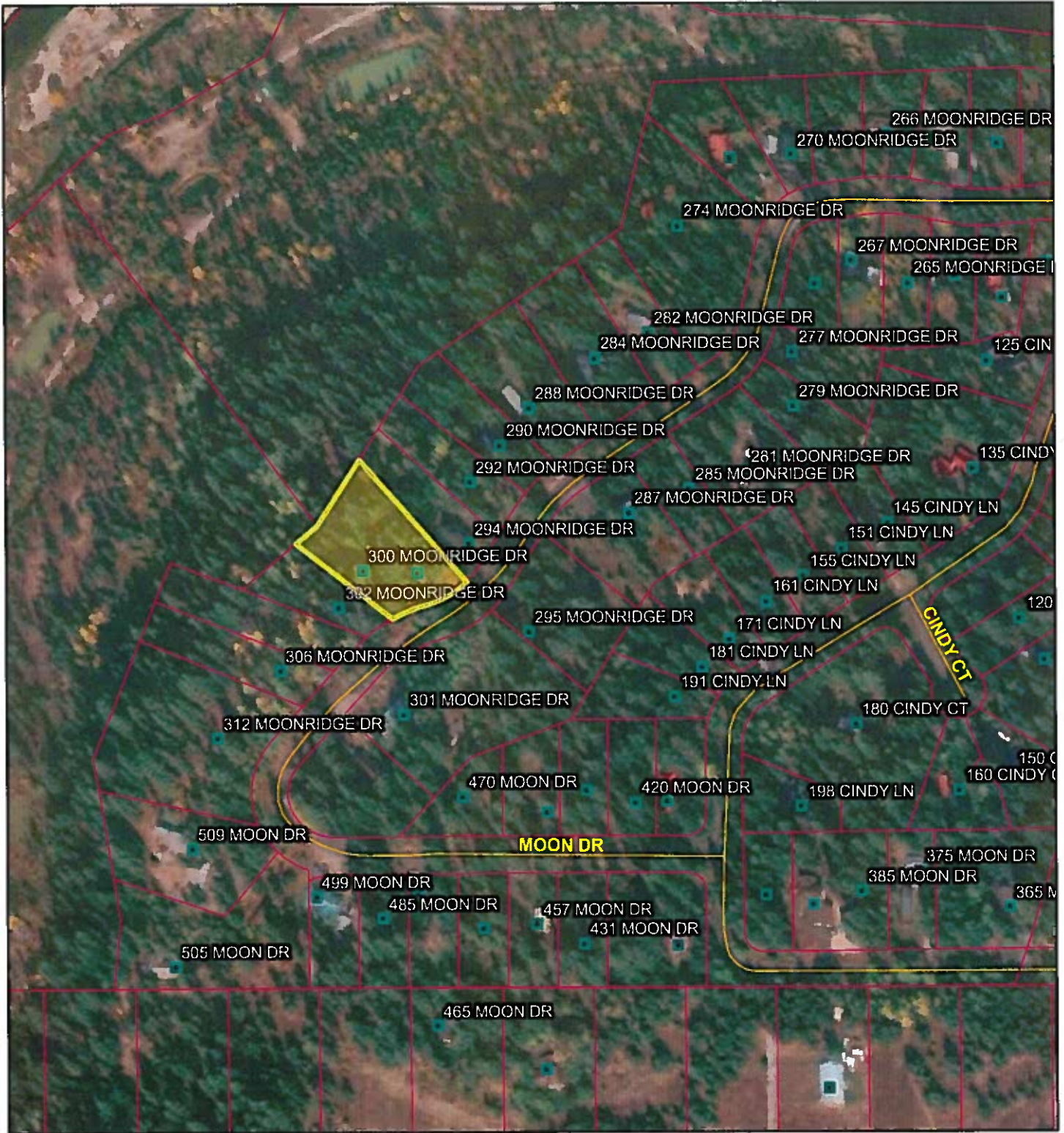
- **Must obtain approval from Valley County Road Department prior to removal of any trees in a public right-of-way and must obtain an approach permit.**
- **Cannot build over the 12' utility easement, so the setback will have to be a minimum of 12'.**

ATTACHMENTS:

- Vicinity Map
- Assessor Plat - Payette River Subdivision No. 1
- Site Plan
- Responses

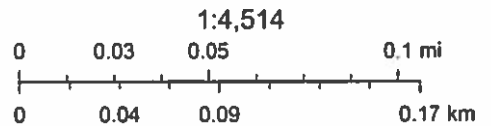
END OF STAFF REPORT

V-1-21 at 298 Moonridge DR



6/29/2021, 3:19:55 PM

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



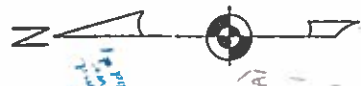
Maxar

RP00205

PAYETTE RIVER SUBDIVISION NO. 1

A PART OF THE S² OF SECTION 30, T. 18 N., R. 3 E., B.M.
VALLEY COUNTY, IDAHO
Bill Harris — Engineer

Each of the 15 lots shown
is a 1/2 acre lot.
Streets (public ways) are shown
dedicated to public use.
County approval by 8-23-30
Laying out on 5 p. 313.



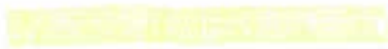
LEGEND

- 5/8" x 30" steel pins at angle points on boundary
- 1/2" x 24" steel pins at lot corners and points of curvature
- ⊙ Lot numbers
- == 12' Utility easement

SCALE: 1 inch = 150 Feet

SANITARY RESTRICTION

No building or shelter which will require a water supply or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the State Board of Health by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities.



SLOPE



PROPOSED GARAGE



~~10~~ 8 FT

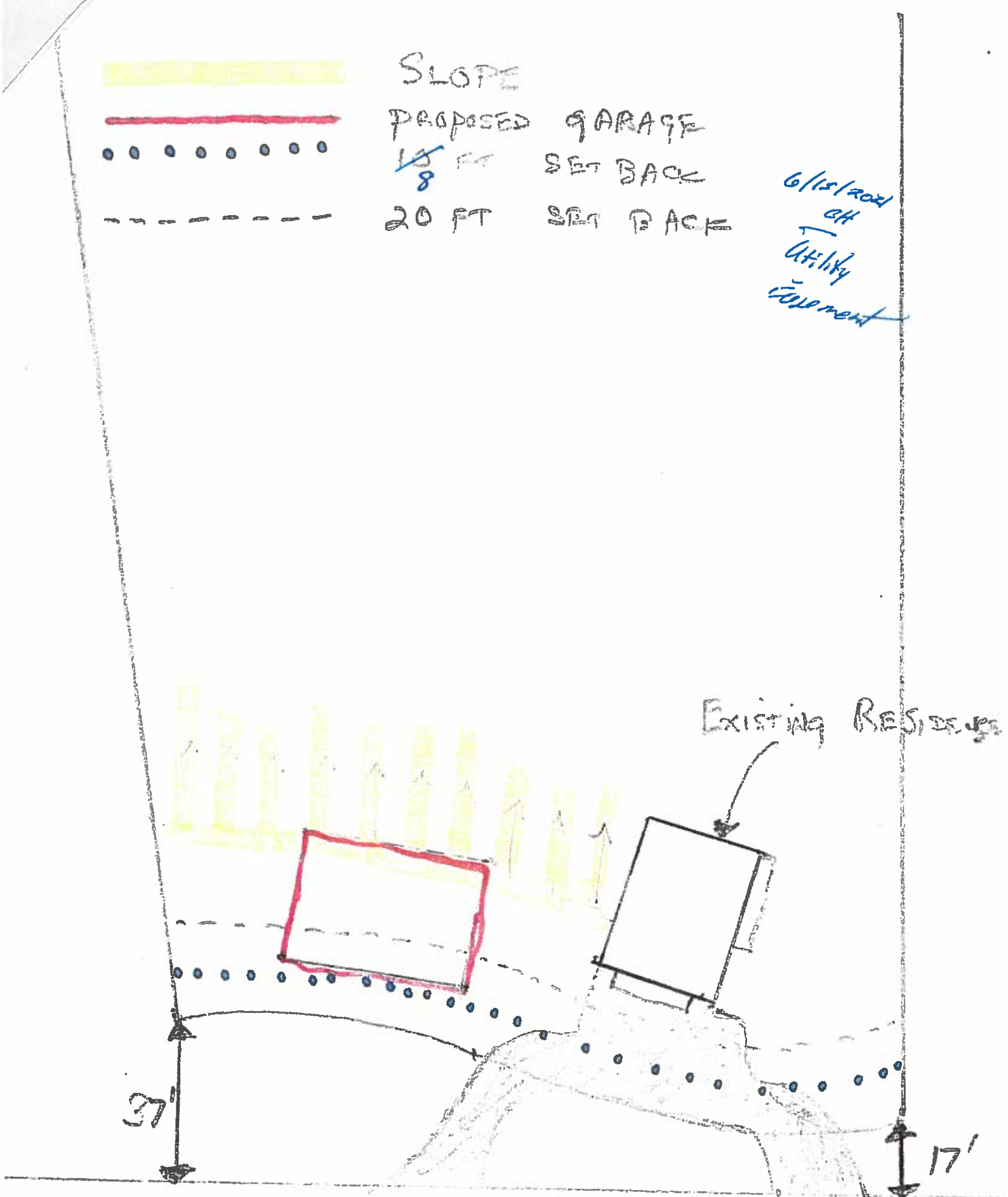
SET BACK



20 FT

SET BACK

6/15/2021
at
Utility
Exposure



Existing RESIDENCE

37'

17'

MOON RIDGE RD.

From: Jeff Mcfadden <jmcfadden@co.valley.id.us>

Sent: Wednesday, July 21, 2021 12:51 PM

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

Subject: CUP

Cynda,

I would like to voice a couple of opinions from the packet I received.

V-1-21

If the setback is relaxed, will there be obstructions that will interfere with snow removal? Does this even effect the Right of Way? If not, I have nothing else to say.

CUP 21-18

I spoke with the person that is purchasing or has purchased the property. I mentioned with the added traffic on Alpha Lane, it would be nice to see the Event Venue apply dust abatement/road stabilizer to Alpha Lane.

Any questions on these, let me know. I was told I need to be a bigger part of the process, so I am trying to do as I'm told.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department