

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, October 7, 2009**  
**5:30 p.m.**

The Latah County Zoning Commission will hold public hearings on Wednesday, October 7, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

**5:35 p.m. – VAR #801** – A request by Robert Hendrix for a variance to allow a forty seven (47) foot setback from the public right of way in lieu of the sixty (60) foot setback required for residential structures in the Suburban Residential zone from the center line of a public road. The property is located approximately in Harvard at 3005 Deary Street, in Section 9, Township 41 North, Range 3 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01750000018C.

**5:40 p.m. – CUP #799** – A request by Marilyn Shattuck for a conditional use permit for a second dwelling on 80-acres in the Agriculture/Forest Zone. The property is located at 5965 Highway 95 N, approximately 6 miles north of the City of Potlatch, in Sections 1 and 12, Township 42 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP42N05W011341A and RP42N05W120612A.

**5:45 p.m. – VAR #802** – A request by Terry Cummings for a variance to allow a six (6) foot setback from the south and east property lines in lieu of the ten (10) foot setback required for structures in the Suburban Residential zone from any adjacent property line. The property is located approximately 4 miles east of the city of Moscow at 1045 Juliene Way, in Section 13, Township 39 North, Range 5 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01630005014A.

All interested parties are encouraged to attend the hearings. Accommodations for individuals who qualify under the Americans with Disabilities Act are available upon request. Notice is required in the Planning Office three working days prior to the hearings in order to acquire accommodations.

The hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit the length of testimony.

Additional information on this request, including full copies of the proposals, is available from the Planning and Building Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220. Written comments will be accepted at the above office prior to the public hearings.

Aimee Shipman  
Associate Planner  
*(This is a public service announcement)*

**LATAH COUNTY ZONING COMMISSION MEETING MINUTES**

**Date:** 9/16/09

**Place:** Latah County Courthouse, Room 2B

**Members Present:** Wayne Sprouse, Jim Hagedorn, Duane Priest, Kevin Gergeley

**Members Absent:** Bob Henriksen.

**Staff Present:** Aimee Shipman, Cecily Gordon

**Meeting Opened by:** Wayne Sprouse

**Time:** 17:30

**Adoption of Minutes for:** 9/2/09

**Motion:** Duane moved to adopt the minutes as written. Seconded by Jim.

**Action:** Approved

**Vote:** Yes 2

No

**Abstain** 1

**Public Hearing for:** CUP #797 - A request by Noel Leithart for a conditional use permit to place accessory cottage housing on 4.35 acres in the AG/Forest zone.

**Opened Public Hearing:** 17:32 - Staff report

**Open to Public Comment:** 17:37 - The applicant discussed the request and indicated that the cottage would be constructed approximately 300 feet away from the main residence, which is inconsistent with the ordinance distance of 100 feet. The applicants explanation included topographic issues, available access, and existing utilities. There was no testimony in opposition.

**Closed to Public Comment:** 17:57 - A major consideration was the distance of the cottage from the main residence.

**Motion:** Kevin moved to approve CUP #797 with conditions . Seconded by Duane.

**Conditions:**

- Compliance with all federal, state and local ordinances.
- Substantial compliance with the application and presentation.
- Compliance with 3.01.02(14) of the Latah County Ordinance.

**Action:** Approved

**Vote:** Yes 3

No

**Abstain**

**Other Business:** Discussed having a barbecue at Jim's house in Viola. Aimee will discuss with Commissioners regarding their availability.

**Meeting Adjourned at:** 18:25

**Respectfully Submitted 09/23/09:**



Secretary

**ROBERT HENDRIX  
VARIANCE PERMIT APPLICATION #801  
STAFF REPORT**

**BASIC FACTS:**

A request by Robert Hendrix for a variance to allow a forty seven (47) foot setback from the public right of way in lieu of the sixty (60) foot setback required for residential structures in the Suburban Residential zone from the center line of a public road. The property is located approximately in Harvard at 3005 Deary Street, in Section 9, Township 41 North, Range 3 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01660009011A.

**Site Characteristics:**

<b>Size of Parcels:</b>	.26-acres (11,250 square feet)
<b>Soils:</b>	Hampson Silt Loams, 0 - 3 % slopes; (Latah County Soil Survey Plate #12)
<b>Floodplain:</b>	Zone "C" (FIRM Panel # 160086 155B)

**Land Use and Regulations:**

<b>Comprehensive Plan Designation:</b>	Productive
<b>Existing Zoning:</b>	Suburban Residential (SR)
<b>Existing Uses:</b>	Residential
<b>Neighboring Zoning:</b>	Suburban
<b>Neighboring Uses:</b>	Residential, Agriculture,

**Infrastructure/Services:**

<b>Water:</b>	HooDoo Water and Sewer District
<b>Sewer:</b>	HooDoo Water and Sewer District
<b>Access:</b>	Deary Street - North Latah Highway District
<b>Schools:</b>	Potlatch School District
<b>Fire Protection:</b>	Potlatch Rural Fire District
<b>Law Enforcement:</b>	Latah County Sheriff

**EXHIBITS:**

<b>Exhibit #1.</b>	Staff Report
<b>Exhibit #1A.</b>	Criteria Worksheet
<b>Exhibit #1B.</b>	Vicinity and Comprehensive Plan Land Use Map
<b>Exhibit #1C.</b>	Zoning Map
<b>Exhibit #1D.</b>	Aerial Photograph and Adjacent Property Owners Map
<b>Exhibit #1E.</b>	Plat Map of Harvard
<b>Exhibit #1F.</b>	Photos of Subject Property
<b>Exhibit #2.</b>	Application Form (Submitted by Applicant)
<b>Exhibit #2A.</b>	Applicant's Narrative (Submitted by Applicant)
<b>Exhibit #2B.</b>	Vicinity Map (Submitted by Applicant)
<b>Exhibit #2C.</b>	Site Plan/Building Plot Plan (Submitted by Applicant)

**NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.**

**APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:**

**Local Planning Act:**

Idaho Code 67-6516, Variance Ordinance

**Latah County Land Use Ordinance:**

Section 3.03                      Suburban Residential

Article 7                         Conditional Use Permits and Variances

**Latah County Comprehensive Plan**

## CRITERIA WORKSHEET

**Note:** This criteria worksheet does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

### **Type of request:**

Variance Application

### **Description of application:**

A request by Robert Hendrix for a variance to allow a forty seven (47) foot setback from the public right of way in lieu of the sixty (60) foot setback required for residential structures in the Suburban Residential zone from the center line of a public road. The property is located approximately in Harvard at 3005 Deary Street, in Section 9, Township 41 North, Range 3 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01660009011A.

### **Facts of application and the information submitted:**

**1. Section 7.02.01 requires that an application for a variance shall be made by the owner of the affected property**

The application was signed and submitted by the property owner, Robert Hendrix, to the Planning and Building Department on September 8, 2009.

**2. Section 3.03.03 of the Latah County Land Use Ordinance requires that all residential structures in the Suburban Residential (S/R) shall be a minimum of sixty (60) feet from the center line of a public road.**

**3. Section 7.02.02 states that the Zoning Commission may grant a variance if the Commission finds that the proposed variance meets each of the following criteria:**

1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

The Zoning Commission may also approve applications not meeting the criteria listed above, if the Commission finds that the variance is essential to the public health, safety, or welfare.

**Additional Information:**

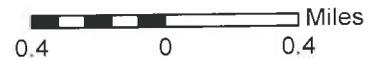
Mr. Hendrix is seeking a variance from the setback requirements from a public right of way in the Suburban Residential zone so that he can replace his former two bedroom trailer with a double wide that will more adequately accommodate his family. Mr. Hendrix owns two platted lots within Harvard which together comprise one buildable parcel. Mr. Hendrix's former trailer was installed under the previous ordinance which had a setback requirement of 20 feet from the property line and no setback requirement from the public right of way. Mr. Hendrix is requesting to site the new residence in his preferred location as the electric and water/sewer hookups are already in place and he would not have to pay additional charges to relocate them.

# VAR#801 Vicinity and Comprehensive Plan Land Use Map



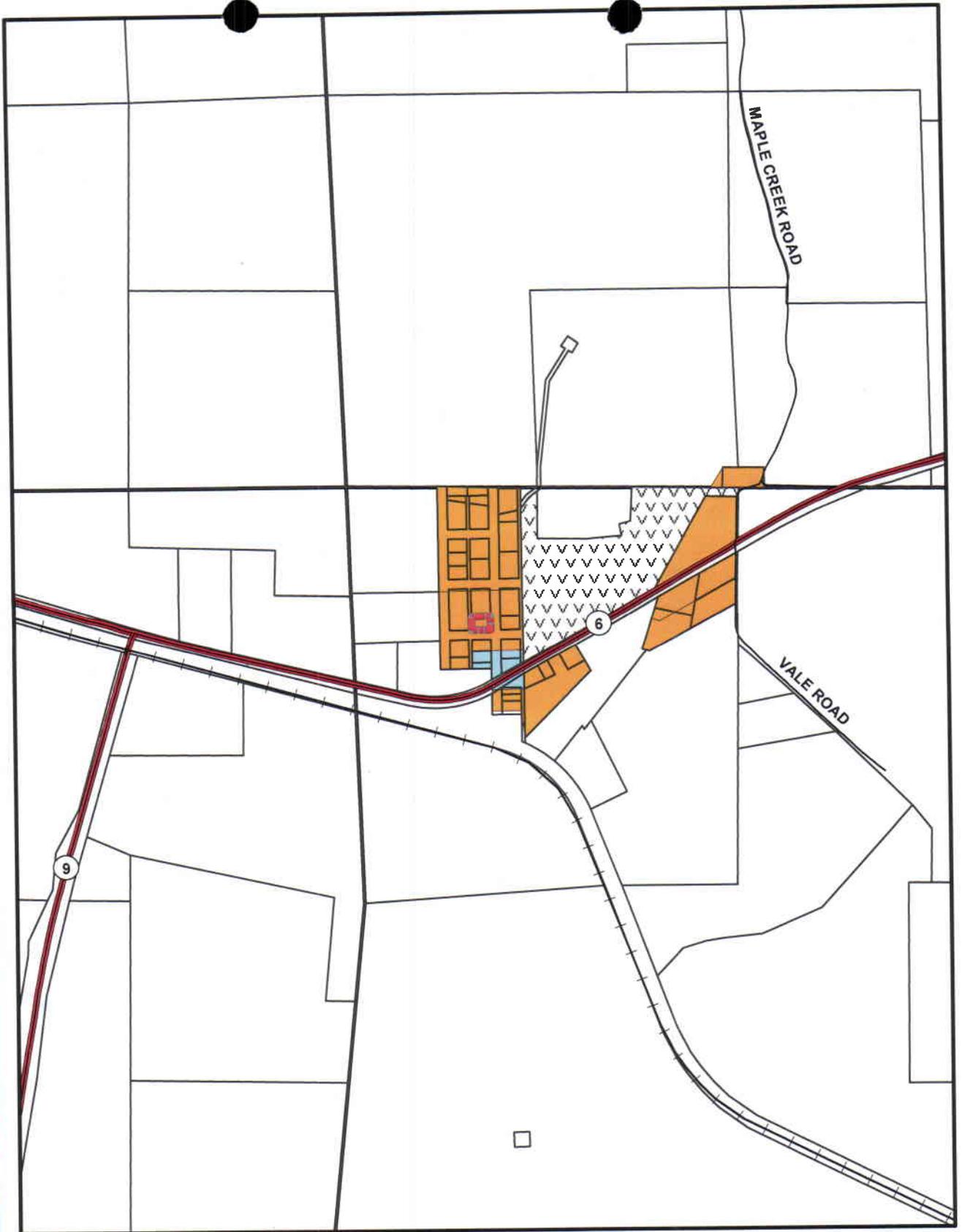
### Legend

-  Subject variance property
-  Parcels
-  Latah County Comprehensive Plan  
Productive
-  Rural
-  Residential, Commercial Industrial
-  Incorporated Places



**LCZC Hrg: VAR801**  
**Applicant: Hendrix**  
**Exhibit #: 1B**  
**Date: 10/7/2009**

# VAR # 801 Zoning Map

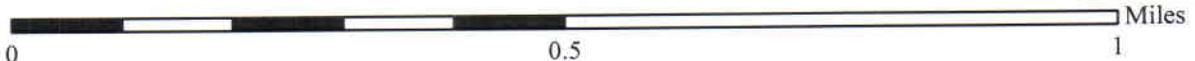


### Legend

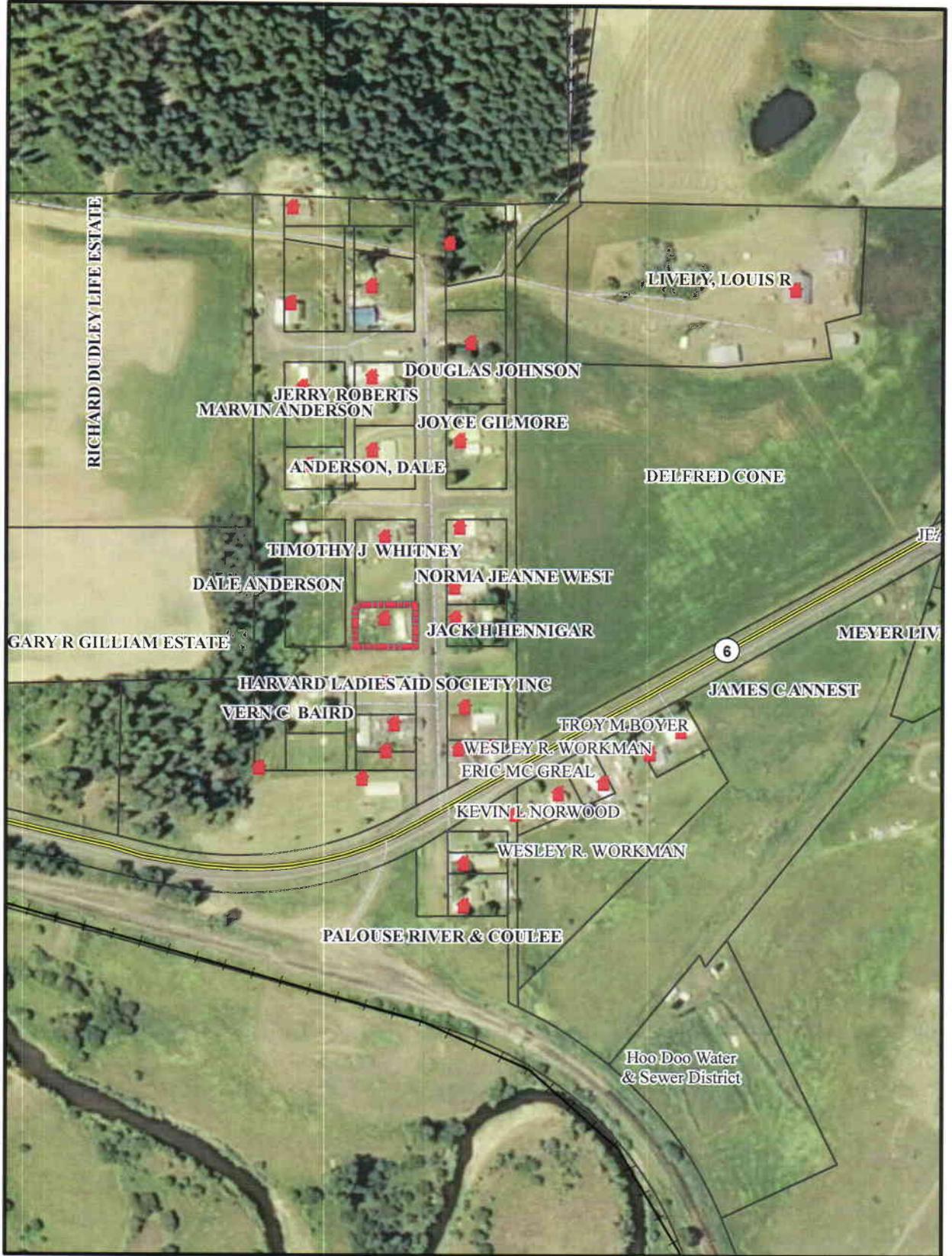
- Subject Variance Property
- Parcels
- Zoning Districts**
- Agriculture / Forest
- Commercial
- Rural Residential
- Suburban Residential



LCZC Hrg: VAR801  
Applicant: Hendrix  
Exhibit #: 1C  
Date: 10/7/2009

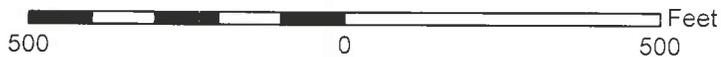


VAR #801 Adjacent Property Owners



**Legend**

-  Subject Variance property
-  Location of Structures
-  Parcels



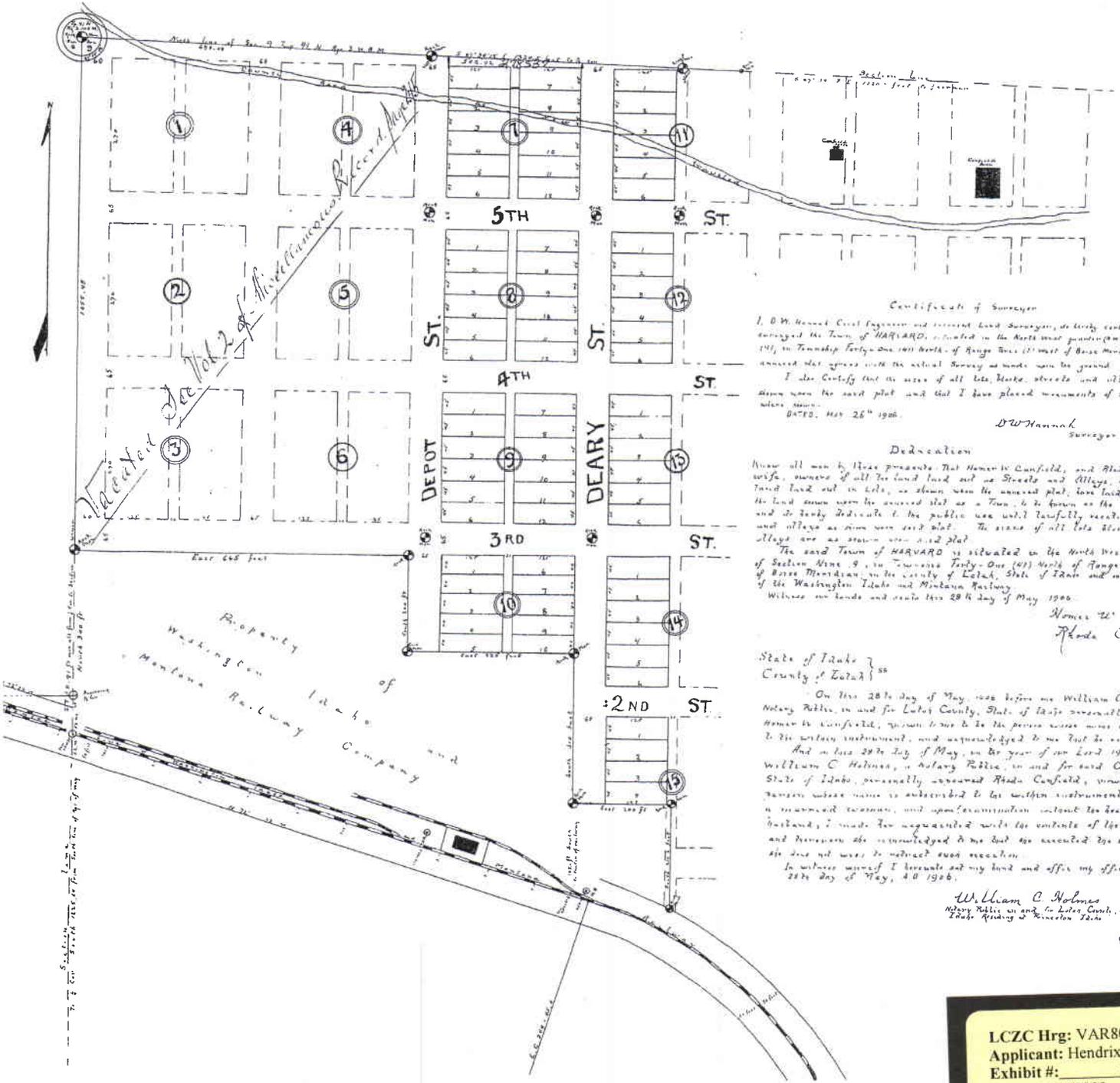
LCZC Hrg: VAR801  
 Applicant: Hendrix  
 Exhibit #: 1D  
 Date: 10/7/2009

# Map OF HARVARD

LATAH COUNTY IDAHO

Scale 1" = 100'

D. W. HANNAH Surveyor.



**Certificate of Surveyor**

I, D. W. Hannah, Civil Engineer and Licensed Land Surveyor, do hereby certify that I have surveyed the Town of HARVARD, situated in the North West quarter (NW 1/4) of Section Nine, Township Forty One (41) North of Range Three (3) West of Base Meridian, and that it conforms with the actual Survey as made upon the ground.

I also certify that the areas of all lots, blocks, streets and alleys are as shown upon the said plat and that I have placed monuments of stone at points where shown.

DATED, May 26<sup>th</sup> 1906.

D. W. Hannah Surveyor.

**Dedication**

Know all men by these presents that Homer W. Canfield, and Rhoda Canfield, his wife, owners of all the land laid out as Streets and Alleys, and all of the land laid out in lots, as shown upon the annexed plat, have laid out and dedicated the land shown upon the annexed plat as a Town, to be known as the Town of HARVARD and to be dedicated to the public use until lawfully vacated, the streets and alleys as shown upon said plat. The areas of all lots, blocks, streets and alleys are as shown upon said plat.

The said Town of HARVARD is situated in the North West quarter (NW 1/4) of Section Nine, Township Forty One (41) North of Range Three, West of Base Meridian, in the County of Latah, State of Idaho and is the main line of the Washington Idaho and Montana Railway.

Witness my hands and seals this 26<sup>th</sup> day of May 1906.

Homer W. Canfield  
Rhoda Canfield

State of Idaho }  
County of Latah }

On this 26<sup>th</sup> day of May, 1906 before me, William C. Holmes, a Notary Public, in and for Latah County, State of Idaho, personally appeared Homer W. Canfield, whose name is in the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. And on this 26<sup>th</sup> day of May, in the year of our Lord 1906 before me, William C. Holmes, a Notary Public, in and for said County of Latah State of Idaho, personally appeared Rhoda Canfield, whose name is subscribed to the within instrument, described as a married woman, and upon communication without the drawing of her husband, I made her acknowledge with the contents of the instrument, and hereupon she acknowledged to me that she executed the same and that she did not wish to retract such execution.

In witness whereof I hereunto set my hand and affix my official seal this 26<sup>th</sup> day of May, 4<sup>th</sup> 1906.

William C. Holmes  
Notary Public in and for Latah County, State of Idaho, residing at Burley, Idaho.

W. C. Holmes  
Notary Public  
Latah County, Idaho  
My Comm. Expires  
1907

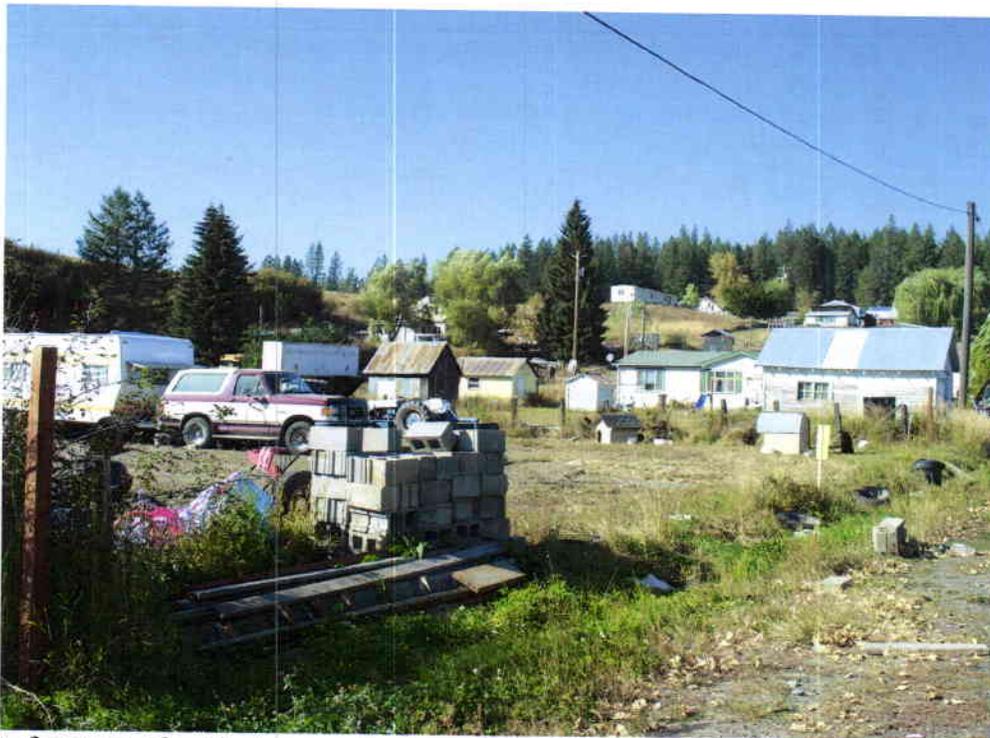
LCZC Hrg: VAR801  
Applicant: Hendrix  
Exhibit #: 1E  
Date: 10/7/2009

Filed for recording on 10/7/2009 at 1:50 o'clock P.M.  
Request of D. W. Hannah Fee \$4.65

**PHOTOS OF SUBJECT  
PROPERTY**



Site preparation for proposed location of new manufactured home—Mr. Hendrix is currently living in the trailer to the right while he waits to install the new residence.

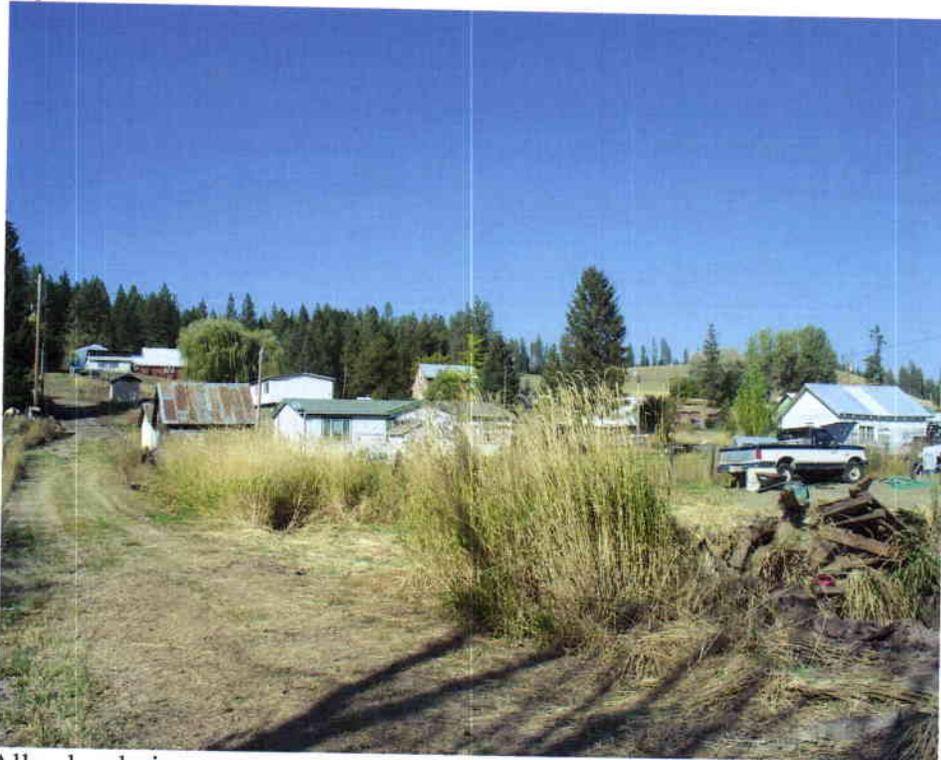


Eastern frontage of subject property along Deary Street—approximate dimensions are 90 feet from far red post to near wooden post.

LCZC Hrg: VAR801  
Applicant: Hendrix  
Exhibit #: 1F  
Date: 10/7/2009



Western property line along alley which is the setback from which this variance is requested.



Alley bordering western property line.



# Application for Variance

## Instructions

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete. Please type or print plainly with dark ink.

Please submit to: **Latah County Department of Planning & Building**

**Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID, 83843 (208) 883-7220**

### 1. Applicant Information

a. Applicant Name <b>Robert Hendrix</b>		b. Home Phone <b>208-875-0409</b>		c. Work Phone <b>208 882-5724</b>	
d. Mailing Address <b>3005 Dewey St</b>		e. City <b>HARVARD</b>		f. State <b>ID</b>	g. Zip code <b>83835</b>
h. Property Owner (if different than applicant)		i. Home Phone		j. Work Phone	
k. Mailing Address		l. City		m. State	n. Zip code

### 2. General Site Information

a. Assessor's Parcel Number(s) <b>RPO1660009011A</b>		b. Site Address (if applicable)	
c. Road Used to Access Site <b>Dewey St</b>		d. Floodplain designation(s) <b>Zone C</b>	e. FEMA Panel # <b>160086015513</b>
f. Existing Uses <b>residential</b>			

Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

### 3. Service Provider Information (please attach additional information if requested)

a. Source of Potable Water (i.e. city, private well, water district) <b>Hoodoo Water &amp; Sewer District</b>	b. Sewage Disposal (i.e. city, sewer district or private septic system) <b>Hoodoo Water &amp; Sewer District</b>
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### 4. Adjacent Properties Information

a. Zoning of Adjacent Properties <b>Suburban Residential</b>	b. Existing Uses of Adjacent Properties <b>residential</b>
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### 5. Variance Information

Please indicate the section(s) of the Zoning Code for which the variance is sought and explain the circumstances that require the variance. Section 7.02 of the Latah County Land Use Ordinance states a variance shall only be used to modify setbacks, building height, yard or frontage requirements, and parking requirements on a lot or parcel of land prescribed by this ordinance.

**Section 3.03.03 setback requirements for residential structures in the suburban residential zone.**

### 6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant <b>Robert Hendrix</b>	b. Date <b>9-8-09</b>
c. Signature of Property Owner (if different than applicant)	d. Date

### 7. Attachments

All attachments should be reproducible in black and white at 8 1/2" x 11"

**Fee: (\$150.00)** Make checks payable to Latah County.

**Completed Narrative Worksheet:** See instructions on the Rezone Narrative Worksheet.

**Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, and existing buildings; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.

**Vicinity Map:** The map should show the site location in relation to the City of Moscow, outlying neighborhoods, highways and roads, and natural features.

**Other Attachments:** The Zoning Commission shall have the authority to require any attachments if it feels is necessary to make a fair rezoning request.

### Office Use Only

Date Received by County <b>9-8-09</b>	Fee Amount <b>\$150</b>	Receipt No.	By <b>AS</b>
VAR # <b>801</b>	Date Determined Technically Complete <b>9-8-09</b>		By <b>AS</b>
Hearing Date <b>October 7, 2009</b>			

**LCZC Hrg: VAR801**  
**Applicant: Hendrix**  
**Exhibit #: 2**  
**Date: 10/7/2009**



## Variance Narrative Worksheet

### Application Information

Applicant's Name \_\_\_\_\_

Phone Number \_\_\_\_\_

**Purpose:** To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance

**Instructions:** Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

### Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

I would like to replace my 2 bedroom trailer with 3 bedroom double wide trailer.

### Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

There are currently one shed of 60 sq ft and my former trailer residence on the property. I plan to remove the trailer when the replacement double wide can be installed. I am currently living in a 25 ft trailer while waiting to install the double wide.

### Relevant Criteria and Standards

Please respond to each of the criteria listed in Section 7.02.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

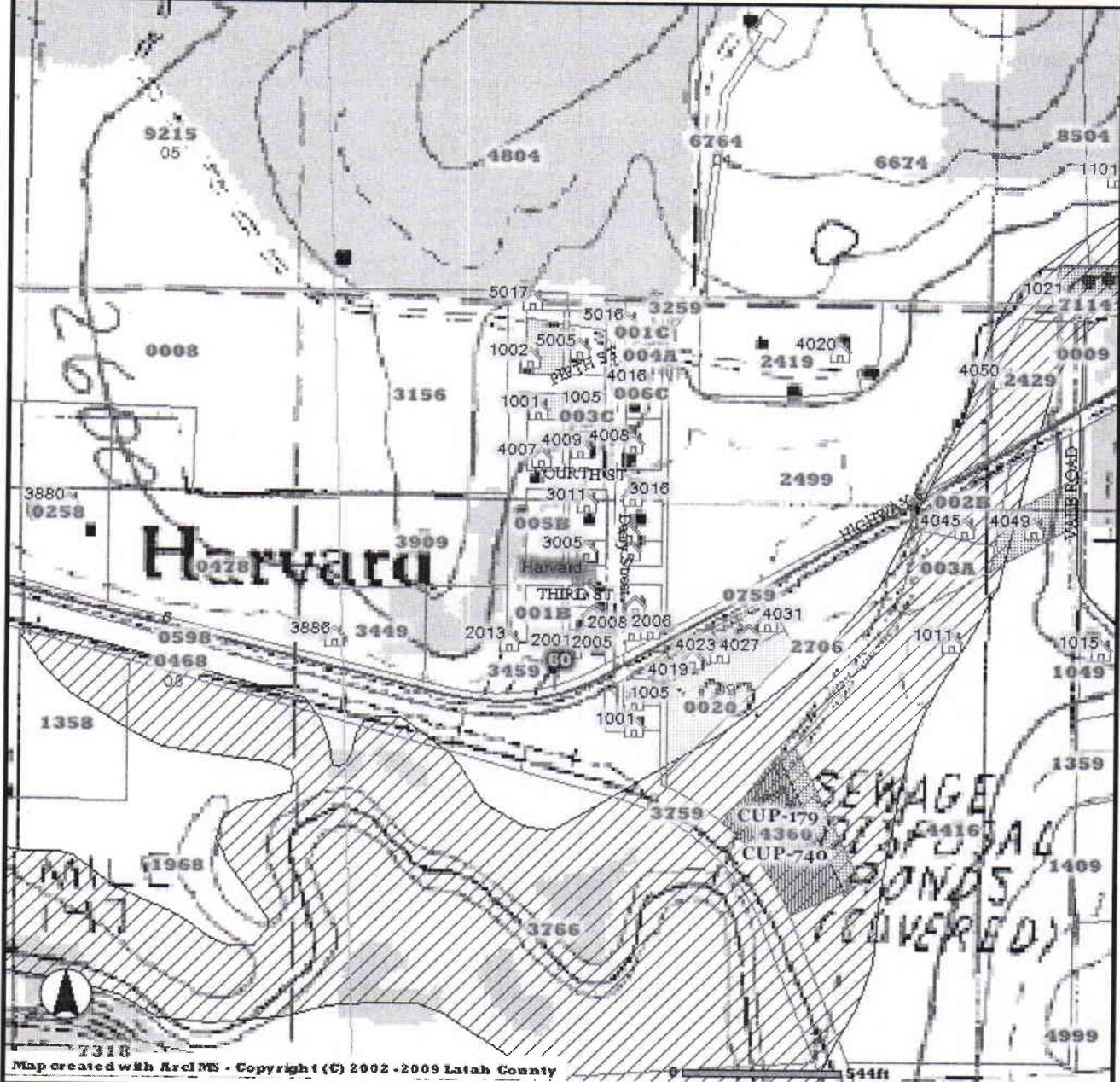
The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.

I am requesting a variance from the setback requirements from the alley. The alley is rarely used so the effect on the public interest and on other property will be negligible.

Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property due to the parcel's peculiar physical characteristics.

LCZC Hrg: VAR801  
Applicant: Hendrix  
Exhibit #: 2A  
Date: 10/7/2009

ArcIMS HTML Viewer Map



Map created with ArcIMS - Copyright (C) 2002 - 2009 Latah County



This document is a representation only. Latah County bears no responsibility for errors or omissions.

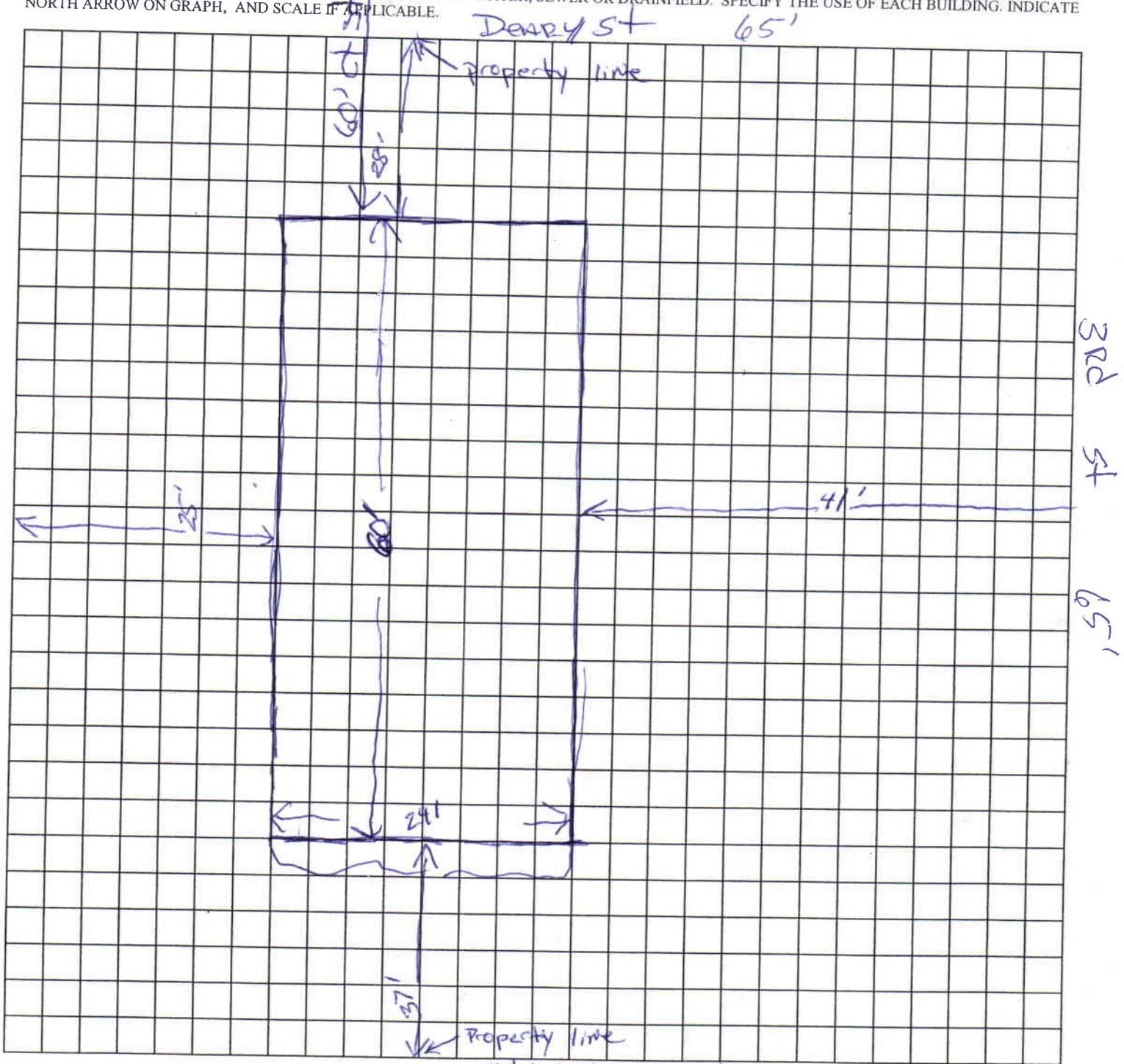
# LATAH COUNTY BUILDING PLOT PLAN

ADDRESS: Rob Hendrix TOTAL ACREAGE OF PARCEL: \_\_\_\_\_

ASSESSOR'S PARCEL#: Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Parcel: \_\_\_\_\_

## INSTRUCTIONS TO APPLICANT

FOR A NEW LATAH COUNTY BUILDING PERMIT, PROVIDE THE FOLLOWING INFORMATION IN THE SPACE BELOW: LOCATION OF PROPOSED CONSTRUCTION AND EXISTING IMPROVEMENTS. SHOW BUILDING SITE, AND SETBACK DIMENSIONS FROM PUBLIC RIGHT OF WAY AND FROM PROPERTY LINES. SHOW EASEMENTS. SHOW LOCATION OF WATER, SEWER OR DRAINFIELD. SPECIFY THE USE OF EACH BUILDING. INDICATE NORTH ARROW ON GRAPH, AND SCALE IF APPLICABLE.



I/We certify that the proposed construction will conform to the dimensions and uses shown and that no changes will be made without first obtaining approval.

OWNER: \_\_\_\_\_ Date: \_\_\_\_\_

BUILDER: \_\_\_\_\_

LCZC Hrg: VAR801  
Applicant: Hendrix  
Exhibit #: 2C  
Date: 10/7/2009