

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, December 16, 2009
5:30 p.m.

The Latah County Zoning Commission will hold public hearings on Wednesday, December 16, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:40 p.m. – VAR #804 – A request by Terry Cummings for a variance to allow a two (2) foot setback from the south property line 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)

TERRY CUMMINGS
VARIANCE PERMIT APPLICATION #804
STAFF REPORT

BASIC FACTS:

A request by Terry Cummings for a variance to allow a two (2) foot setback from the south property line 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.

Site Characteristics:

Size of Parcels: .37-acres (16,101 square feet)
Soils: Latahco-Lovell Silt Loams, 0 - 3 % slopes;
(Latah County Soil Survey Plate #37)
Floodplain: Zone "C" (FIRM Panel # 160086 335B)

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Suburban Residential (SR)
Existing Uses: Residential
Neighboring Zoning: Suburban Residential; Agriculture/Forest
Neighboring Uses: Residential, Agriculture,

Infrastructure/Services:

Water: Crow Eastman Water and Sewer District
Sewer: Crow Eastman Water and Sewer District
Access: Juliene Way - North Latah Highway District
Schools: Moscow School District
Fire Protection: Moscow Rural Fire District
Law Enforcement: Latah County Sheriff

EXHIBITS:

Exhibit #1. Staff Report
Exhibit #1A. Criteria Worksheet
Exhibit #1B. Vicinity and Comprehensive Plan Land Use Map
Exhibit #1C. Zoning Map
Exhibit #1D. Aerial Photograph and Adjacent Property Owners Map
Exhibit #2. Application Form (Submitted by Applicant)
Exhibit #2A. Applicant's Narrative (Submitted by Applicant)
Exhibit #2B. Vicinity Map (Submitted by Applicant)
Exhibit #2C. Site Plan (Submitted by Applicant)
Exhibit #2D. Signed Statement from Neighboring Property Owner
(Submitted by Applicant)
Exhibit #2E. Signed Statements from Adjoining Property Owners
(Submitted by Applicant)
Exhibit #2F. Garage Elevations, Cross Section and Floor Plan
(Submitted by Applicant)

Exhibit #2G.

Section from Eastman Acres Plat Map (Submitted by Applicant)

Exhibit #2H

Description of Proposal and site photographs (Submitted by Applicant)

Exhibit #3.

Staff Introduction for Latah County Zoning Commission Public Hearing for VAR 804 on Wednesday, December 16, 2009

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 Terry Cummings for a variance to allow a two (2) foot setback from the south property line 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.

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, Terry Cummings, to the Planning and Building Department on November 30, 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:

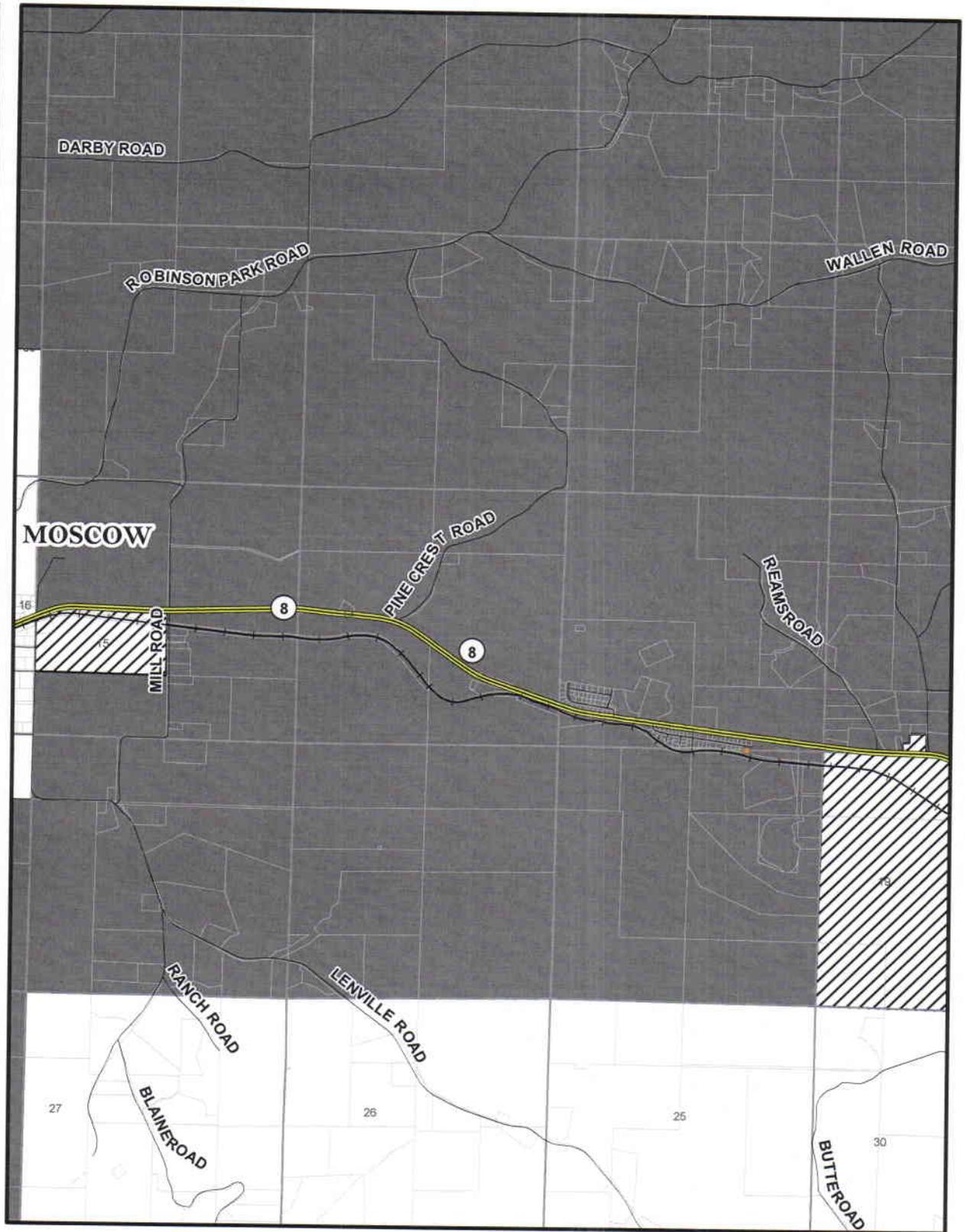
1. The variance will not be detrimental to the public interest or other property in the vicinity of the proposed variance.
2. Compliance with setbacks, building height, yard or frontage requirements, and parking requirements prescribed would deny the property owner an otherwise permitted use on the property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

On October 7, 2009 Mr. Cummings was approved for a variance (VAR #802) of six (6) feet 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. This request was approved with a condition that the property corners be located and marked prior to submitting a building permit. Upon locating his property corners Mr. Cummings realized that his partially built accessory structure is closer to the property line and would require a greater variance from the setback requirement for the south property line than was requested and approved. He was advised by staff to submit a new variance application for a variance of two (2) feet from the south property line in lieu of the required ten feet which is the subject of this application.

VAR#804 Vicinity and Comprehensive Plan Land Use Map



Legend

- | | |
|---|--|
|  Subject Variance Property |  Latah County Comprehensive Plan |
|  Parcels |  Productive |
| |  Rural |
| |  Residential, Commercial Industrial |
| |  Incorporated Places |

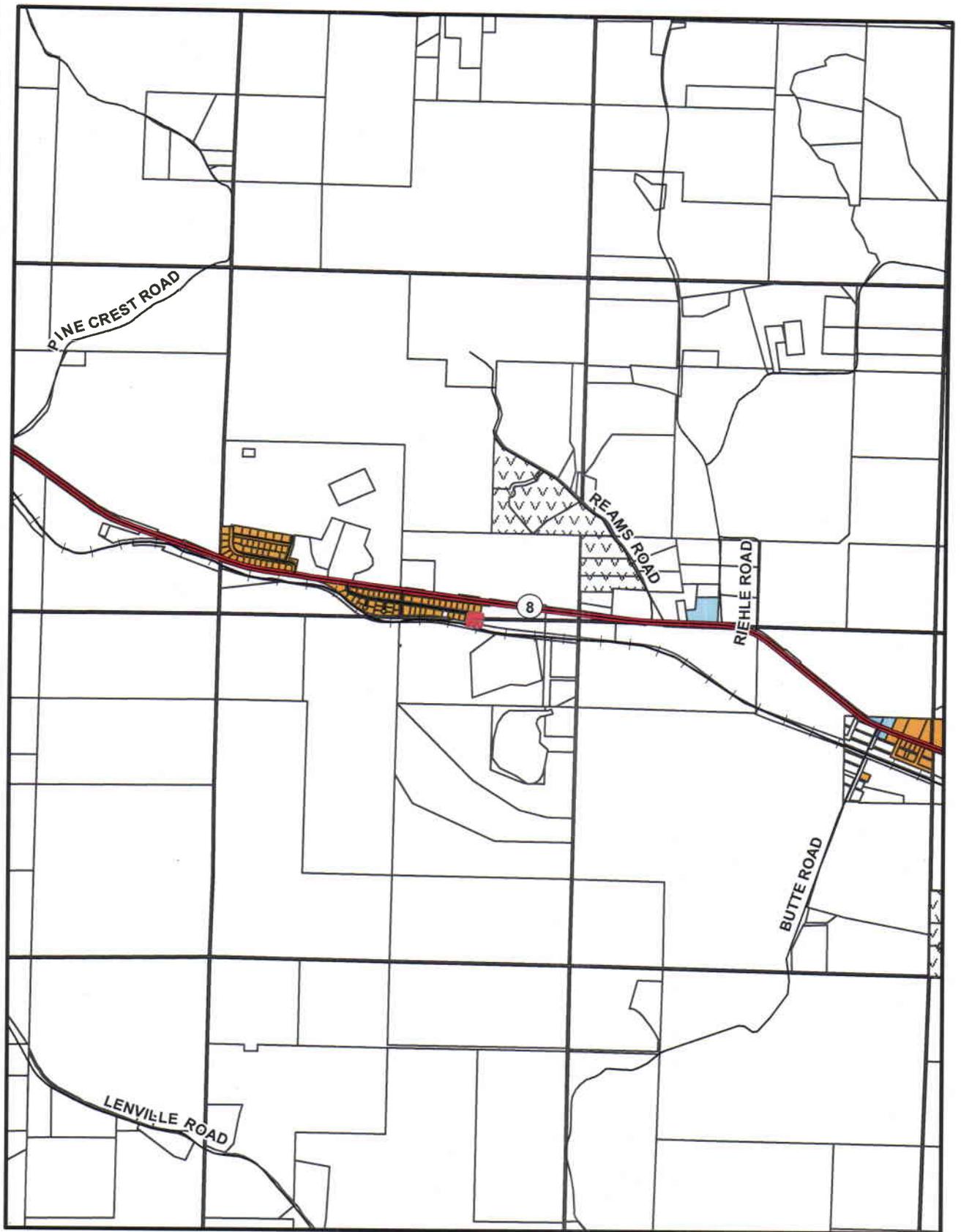


0.5 0 0.5 Miles



LCZC Hrg: VAR804
 Applicant: Cummings
 Exhibit #: 1B
 Date: 12/16/2009

VAR # 804 Zoning Map



Legend

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



LCZC Hrg: VAR804
 Applicant: Cummings
 Exhibit #: 1C
 Date: 12/16/2009

VAR #804 Adjacent Property Owners



Legend

-  Subject Variance Property
-  Location of Structures
-  Parcels



LCZC Hrg: VAR804
 Applicant: Cummings
 Exhibit #: _____ 1D
 Date: 12/16/2009



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. Home Phone	c. Work Phone	
Terry & Helene Cummings	208-596-9731	208-596-6261	
d. Mailing Address	e. City	f. State	g. Zip code
1045 JULIENE WAY	MOSCOW	TO	83843
h. Property Owner (if different than applicant)	i. Home Phone		j. Work Phone
N/A			
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information			
a. Assessor's Parcel Number(s)		b. Site Address (if applicable)	
R0 0163000 504A			
c. Road Used to Access Site	d. Floodplain designation(s)	e. FEMA Panel #	
JULIENE WAY	ZONE C	1600860335B	
f. Existing Uses			
RESIDENTIAL			

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. Sewage Disposal (i.e. city, sewer district or private septic system)
WATER & SEWER DIST	WATER & SEWER DIST

4. Adjacent Properties Information	
a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties
SUBURBAN RESIDENTIAL / AG FOREST	AGRICULTURAL, RESIDENTIAL

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 FROM ADJACENT PROPERTY LINES

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. Date
<i>Terry Cummings</i>	11/25/09
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"
<input checked="" type="checkbox"/> Fee: (\$150.00) Make checks payable to Latah County.
<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to the City of Moscow, outlying neighborhoods, highways and roads, and natural features.
<input checked="" type="checkbox"/> Other Attachments: The Zoning Commission shall have the authority to require any attachments that the applicant feels is necessary to make a fair record of the rezoning request.

Office Use Only			
Date Received by County	Fee Amount	Receipt No.	By
11/30/09	150	371833	AS
VAR #	Date Determined Technically Complete	By	
VAR #804	11/30/09	AS	
Hearing Date			
DEC 16, 2009			

LCZC Hrg: VAR804
 Applicant: Cummings
 Exhibit #: 2
 Date: 12/16/2009



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.

see ATTACHED

Existing Uses of Property

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

14 X 70 HOUSETRAILER - USE AS PRIMARY RESIDENCE OF TERRY & HELENE CUMMINGS
36 X 35 GARAGE / WORKSHOP - USE FOR STORAGE, WORKING OUT OF

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.

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: VAR804
Applicant: Cummings
Exhibit #: 2A
Date: 12/16/2009

Description of Proposal

I propose to build a four bay parking garage to get my trailers under cover from the weather. The first bay would be a 10' x 12' area. The second bay would be a 10' x 14' area. The third bay would be a 10' x 16', and the last bay would be a 10' x 18' area. The reason for the varying size bays is to utilize the existing curvature of the paved asphalt driveway, and to make the most efficient use of the space available.

This is my second time to the zoning committee hearing. The first time I came I asked for a 6' variance from the east and south property lines. That was approved. But I wasn't exactly sure where my property lines were. Well now I have figured out exactly where my property lines are. So I have more accurate information. Unfortunately I am closer to my property lines than I thought. That is the reason I am back asking for a second variance.

One thing that struck me as funny in the last meeting is that the only people who seemed to have a problem with the variance were people who had not been to my place and could not see the situation. Everyone who actually came out and looked at the layout had no problem with the variance. That is why this time I definitely wanted to submit some photos. Hopefully that will help clarify some things.

So first let's look at the size of my property. On the east end it is 126.22 feet in depth. On the west side it narrows up to 120.26 feet.

In photo #1 that is a picture of the south west corner of my property. And you'll notice my neighbors property fence is 6' further back towards the bike path than my property line is. Their property on that side is suppose to be 120.26 feet also. And all the properties to the west past my neighbor, follows that same fence line. And that is the source of my confusion in the first place. I thought how can everyone else property line be so far off. I figured they just jogged my fence forward because of the ditch behind my property. But when I found my property stake in the northwest corner of my property and measured back the 120.26 feet.

My fence corner was dead on. In photo #1 you can see a white string coming out of my property line.

Now let's go to photo #2. That is the southeast corner of my property. My property on that end is 126.22 feet deep. And the building I started is 4' from my property line.

My fence corner was dead on. In photo #1 you can see a white string coming out of my property line.

Now let's go to photo #2. That is the southeast corner of my property. My property on that end is 126.22 feet deep. And the building I started is 4' from my property line.

Unfortunately when I started my building I put it parallel to my back fence. Well now that I've found my exact property line. My building is not running parallel to my property line. So by the time I get to my west end of my building I am only about 26" from my property line, or just over 2'. So I would need an 8' variance on my south side or only a 2' setback.

Photo #3 is just another look from the same southeast corner of my property.

Photo #4 just shows a little more of the posts I've put in. And it shows part of my driveway. You can see why if I'd have moved my building too far forward into the driveway it would have blocked access to my garage and ruin my asphalt driveway.

Photo #5 shows my building with the vehicles in the bays that should be protected from the weather right now. You can also visualize how much nicer and cleaner my property will look to have all that stuff parked in its own place instead of just parked all over at random.

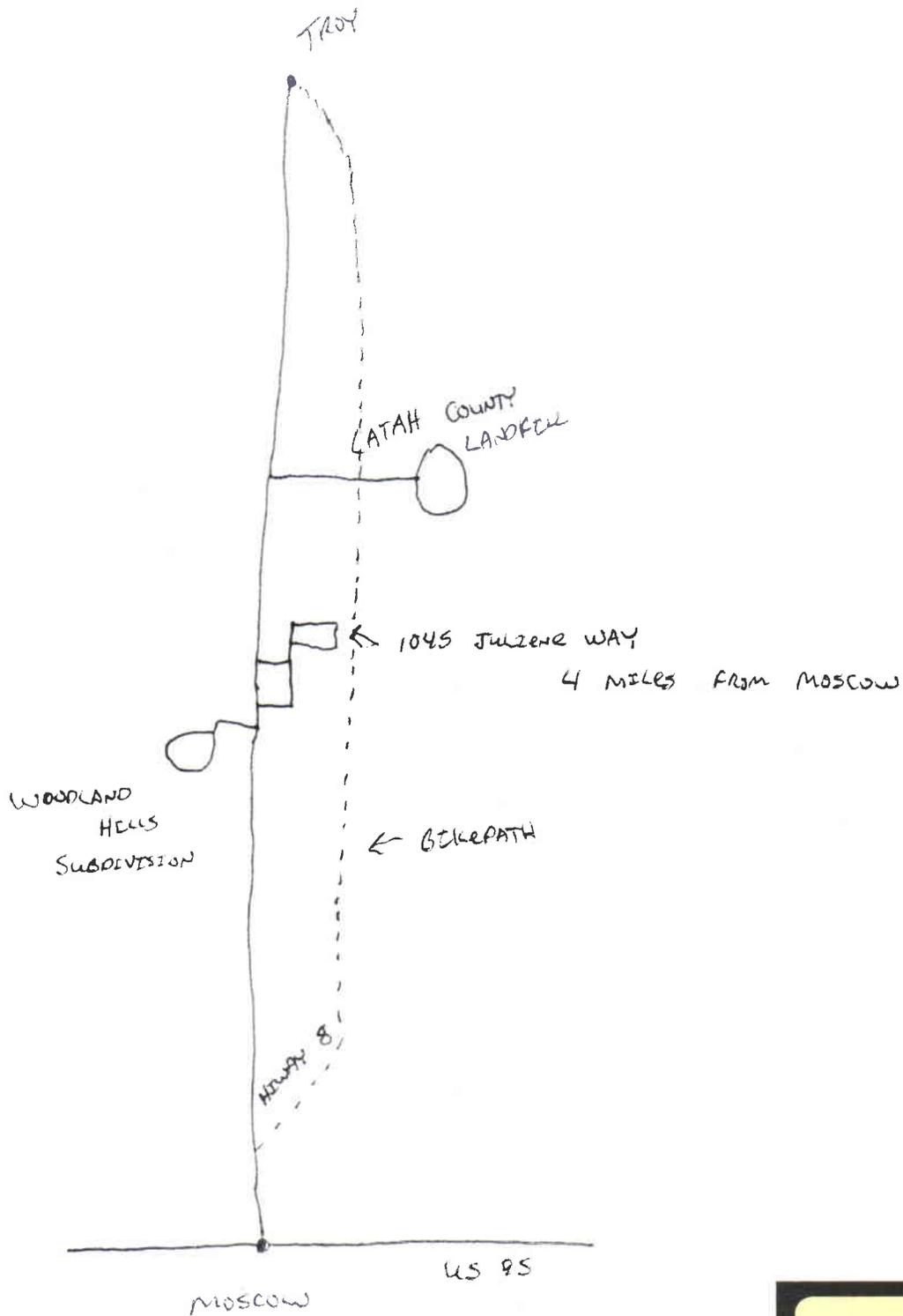
Photo #6 is another shot back on the southwest corner looking to the east.

I hope these photos help you to see clearly. You can see the building is on my property. You can see the ditch behind my property, which will only ever be used as a ditch.

I have looked at shortening my building with the 6' variance, but it makes the building so short it really looks stupid that way, and if I shorten the building, it is not very functional to get the trailers into the bays, which kind of defeats the purpose of why it was being built in the first place. Thank you for your time.

Terry Cummings

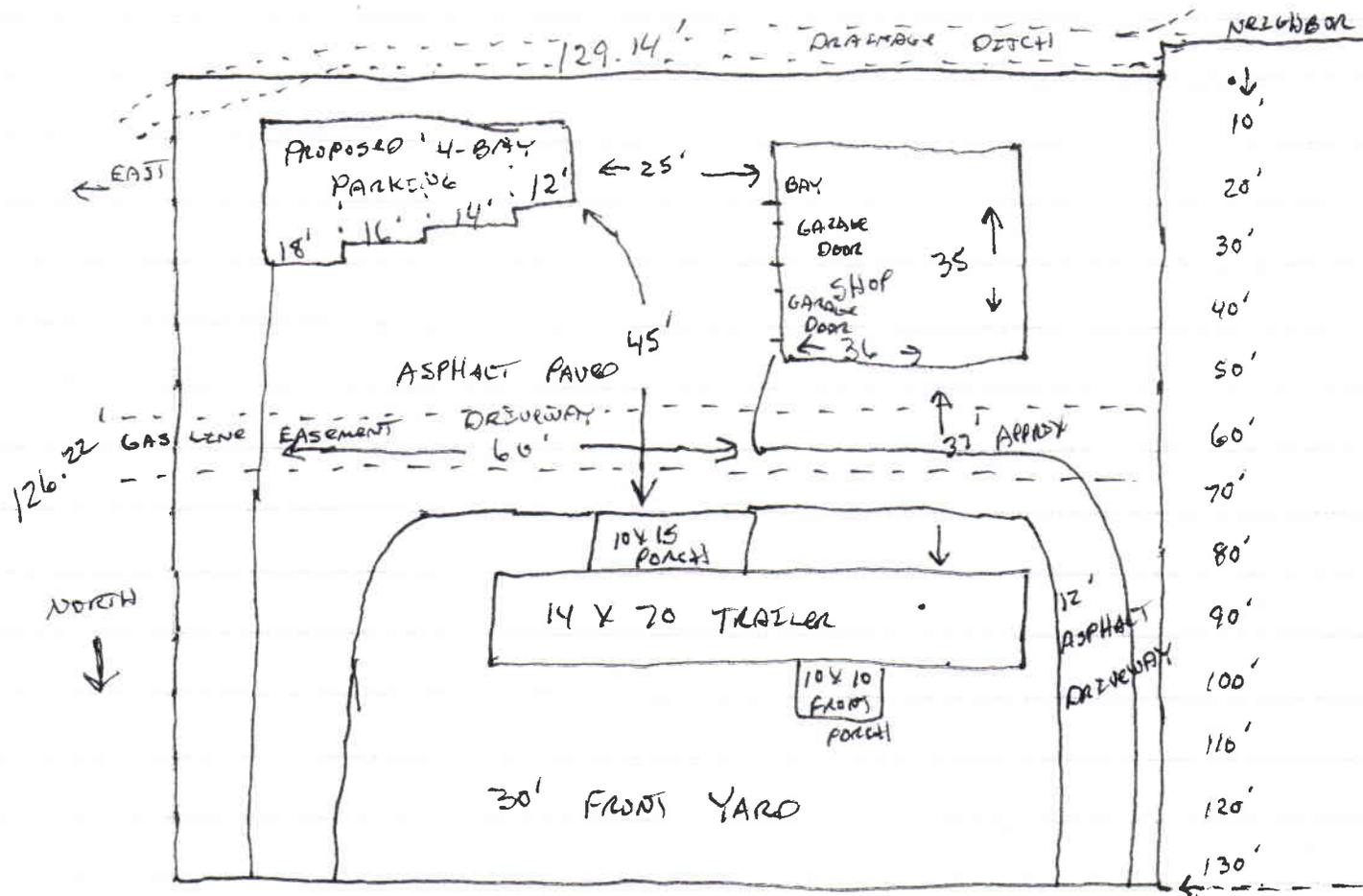
VICINITY MAP



Site Plan

BIKE PATH APPROX 10' WIDE

HILLSIDE AND DITCH UP TO BIKE PATH
APPROXIMATELY 50'



EAST
←
126.22 GAS LINE
←
NORTH
↓

NEIGHBOR
↓
10'
20'
30'
40'
50'
60'
70'
80'
90'
100'
110'
120'
130'

10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130'

SEBACK
↑
40'
PAVED ROAD
ROAD
50'
RIGHT OF WAY

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 2C
Date: 12/16/2009

MY NAME IS
ADDRESS
PHONE #

John Paulsen

I AM A NEIGHBOR OF Terry AND Helene CUMMINGS
WHO LIVE AT 1045 JULIENE WAY MOSCOW ID 83843.

THEY ARE WANTING TO BUILD A 4 BAY PARKING GARAGE.
AND I UNDERSTAND THEY ARE SEEKING A VARIANCE OF SEVERAL
FEET TO BUILD THE BUILDING.

I HAVE NO PROBLEM WITH THEM BUILDING THE BUILDING.
IT DOES NOT OBSTRUCT MY VIEW OR HINDER ME IN
ANY WAY

PRINT _____

SIGNATURE _____

SPOUSE PRINT _____

SIGNATURE _____

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 2D
Date: 12/16/2009

To whom it may concern:

We understand that Mr. & Mrs. Cummings are trying to build a parking garage on their property. They are about 6 feet from their property line. We understand that the County Code calls for 10 foot setback, and we understand Mr. & Mrs. Cummings are asking for a variance from the County Zoning Commission.

We hereby agree to allow the 5foot variance on the housing property. We have no problem with the variance being approved.

We do not think Mr. & Mrs. Cummings building will be detrimental to the public or the housing area in anyway.

Name: Jeanette Sikes Chapman date 9/8/09
Approved by the North Jones Butte board of directors
Name: _____ date _____

Name: _____ date _____

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 2E
Date: 12/16/2009

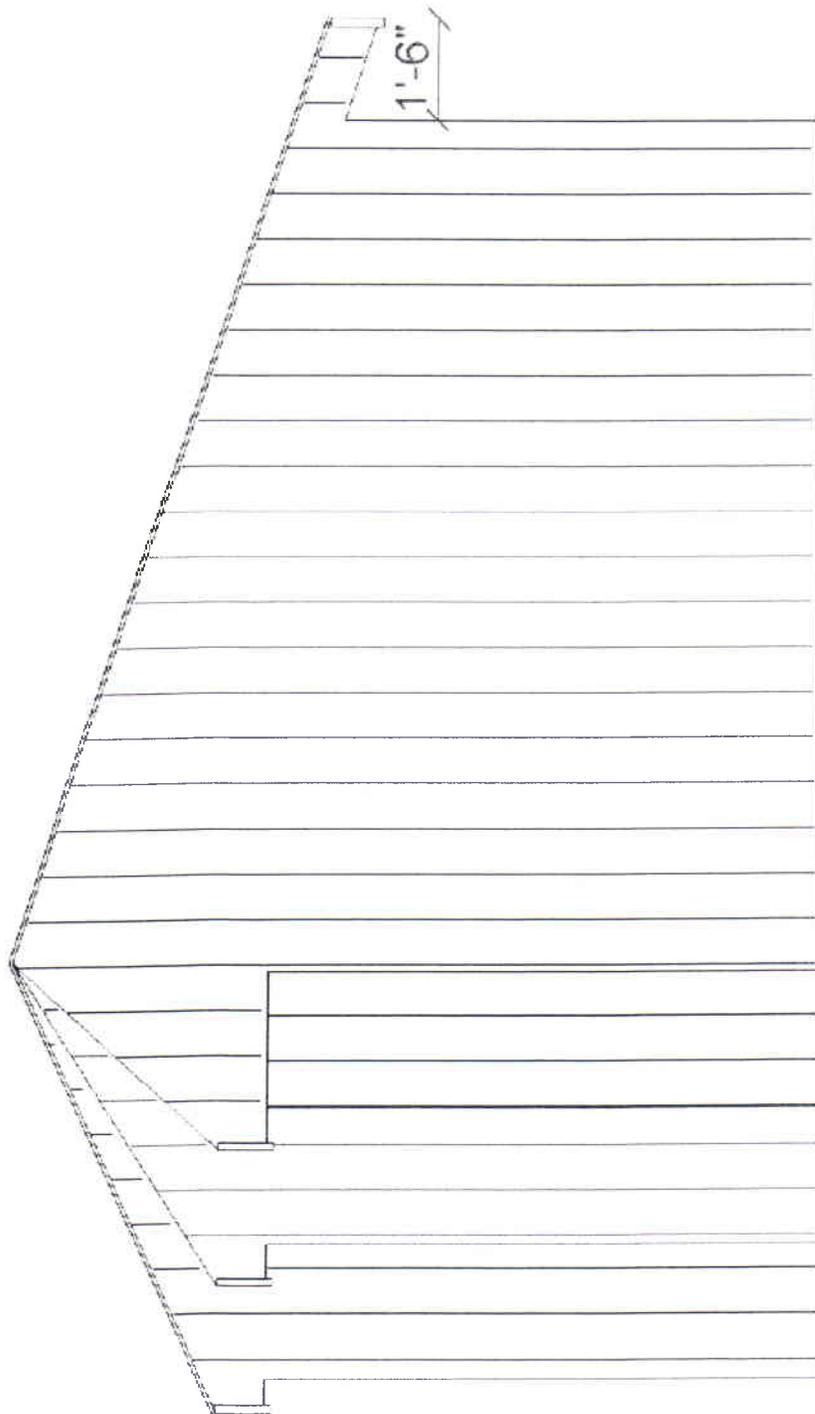
August 25, 2009

To Whom It May Concern,

We, as the tenants of the property at 1043 Juliene Way, are fine with, and do not mind the placement of our neighbors new garage.

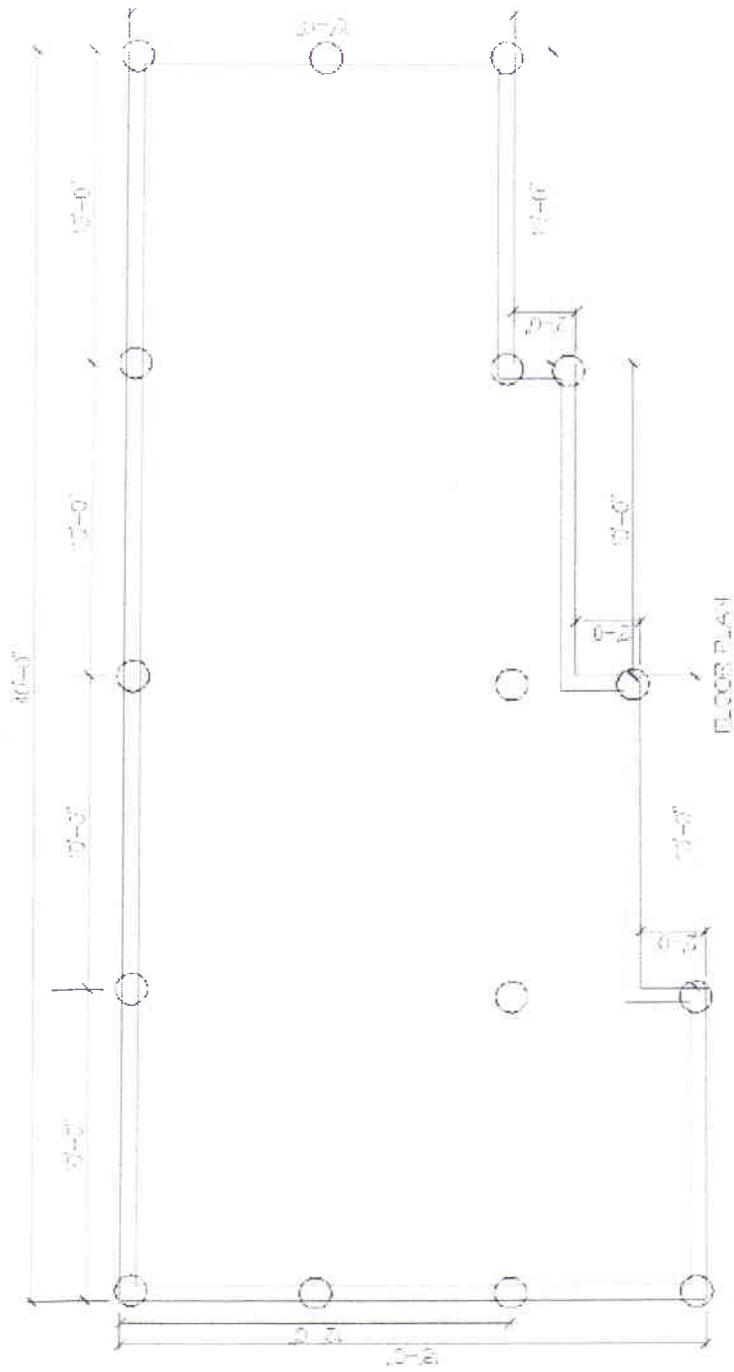
Thank you,

A handwritten signature in black ink, appearing to be "Ariel P. [unclear]", with a long horizontal flourish extending to the right.

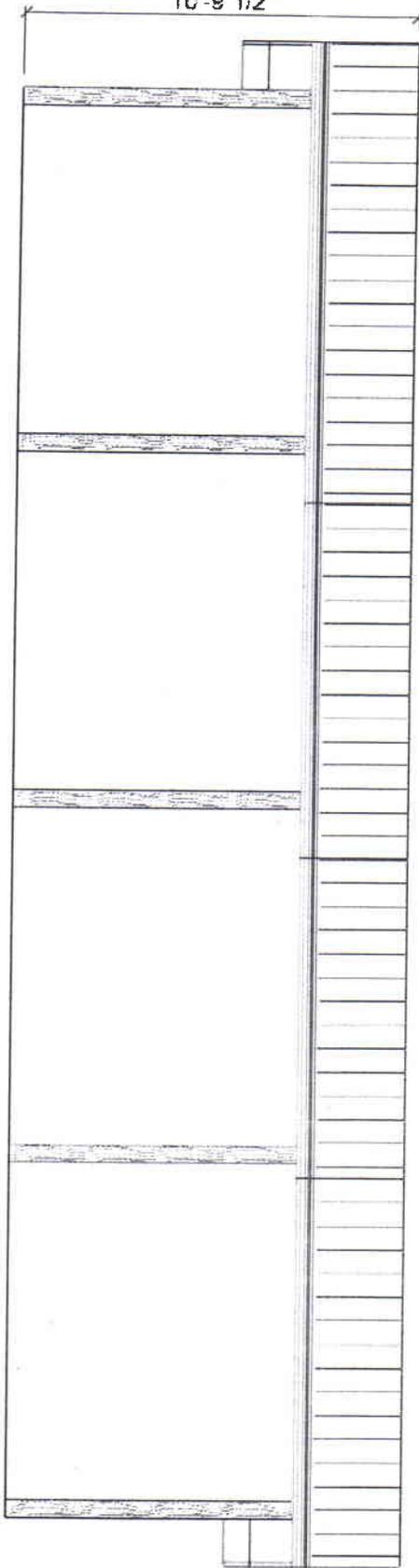


WEST ELEVATION

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 2F
Date: 12/16/2009

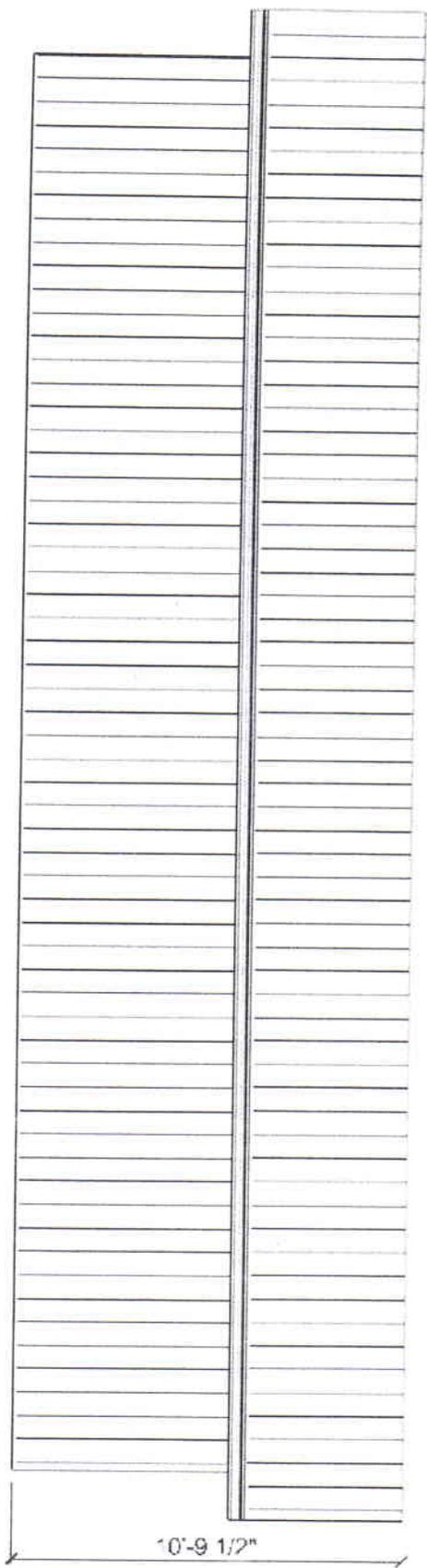


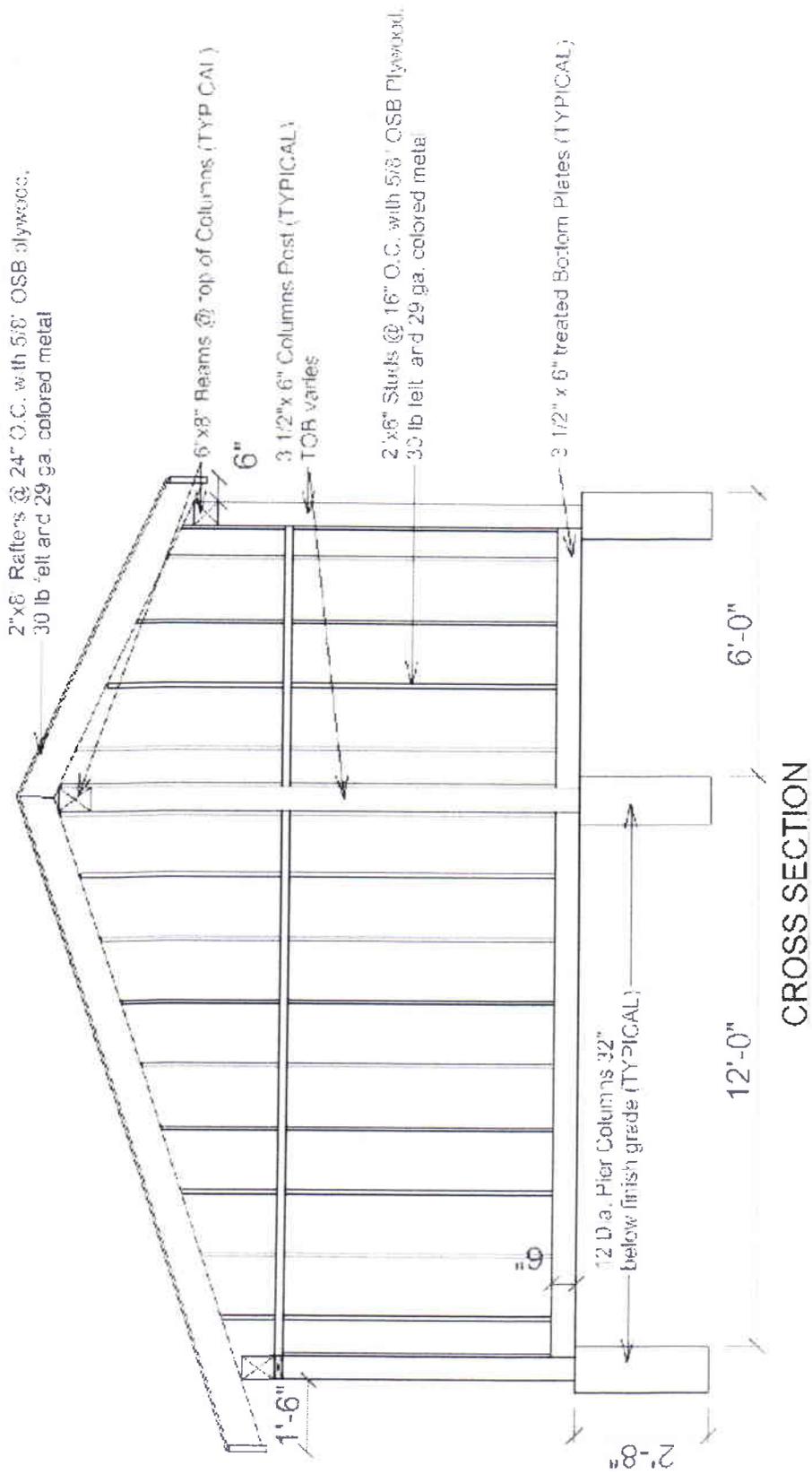
10'-9 1/2"



NORTH ELEVATION

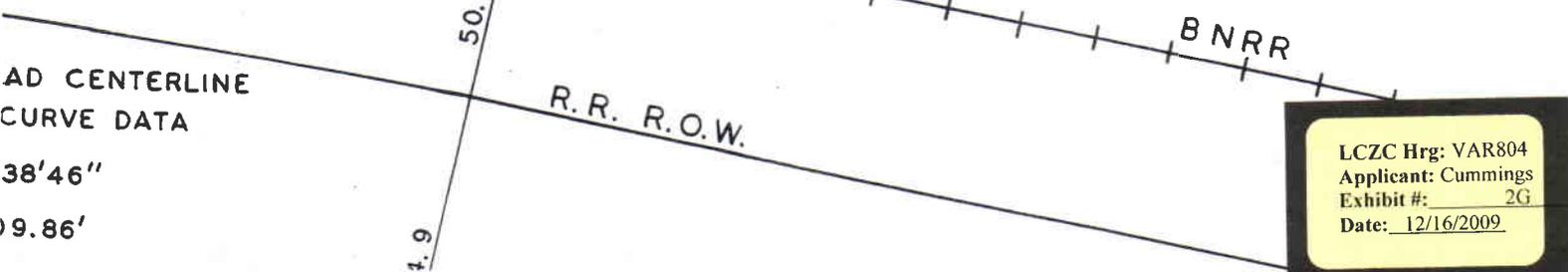
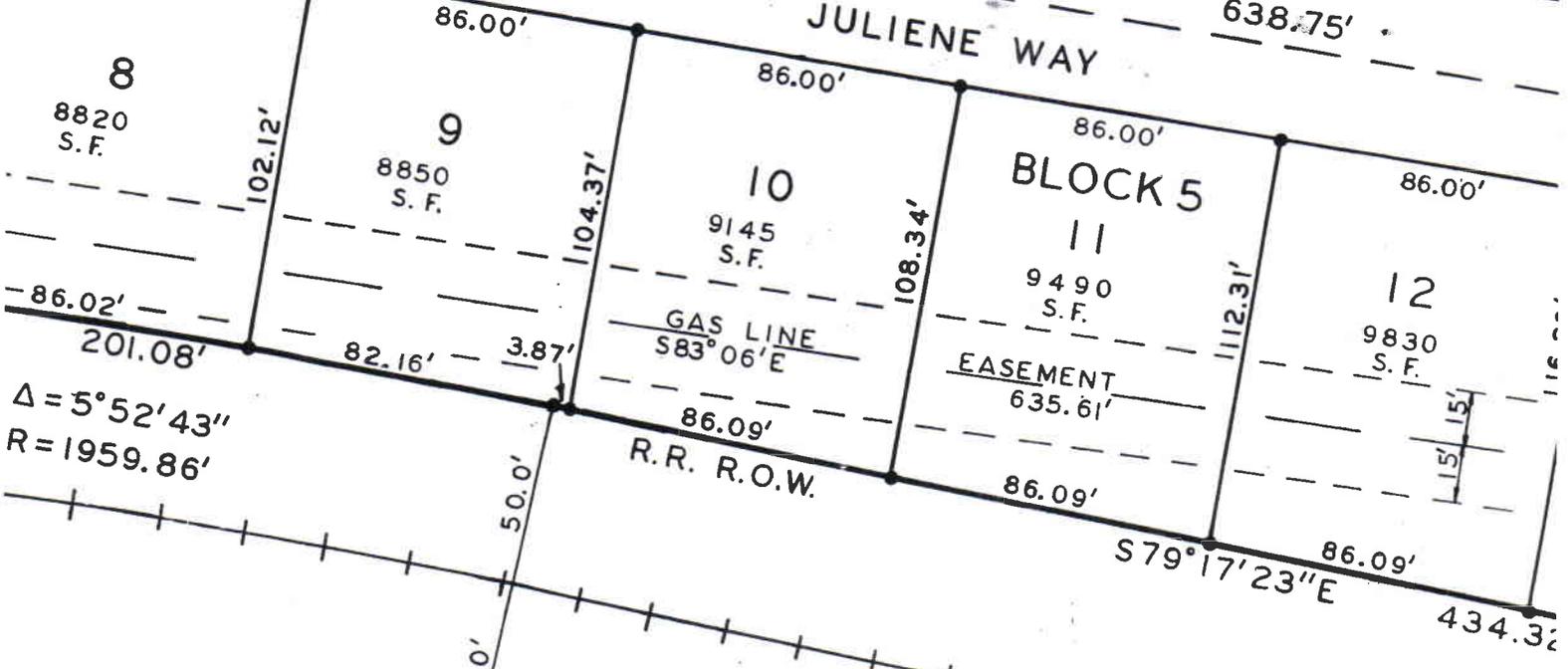
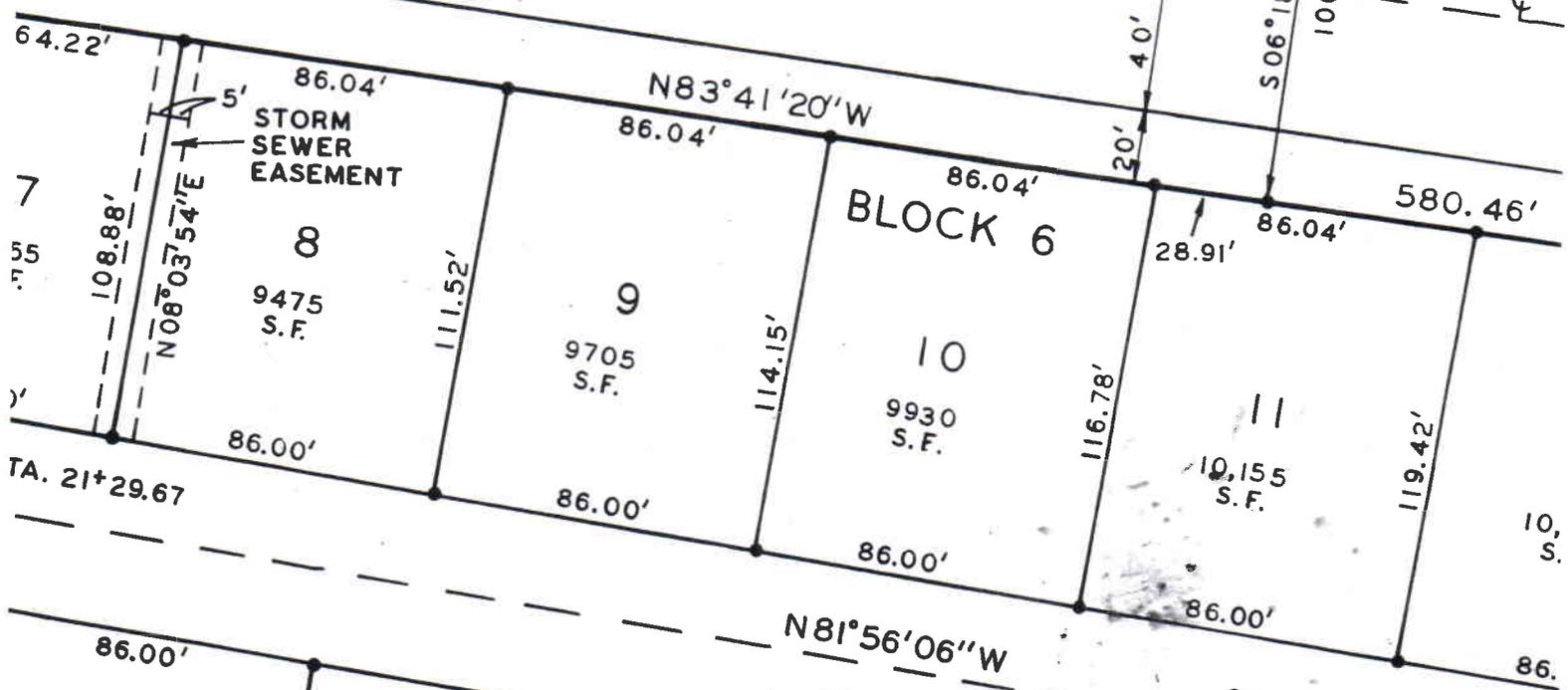
SOUTH ELEVATION





HIGHWAY R.O.W.
MONUMENT
STA. 277+00

HIGHWAY R.O.W.



AD CENTERLINE
CURVE DATA
38'46"
19.86'

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 2G
Date: 12/16/2009

M.K. Cline,
Latah County Recorder
fee \$5⁰⁰ by *J. J. J. J.*

1070

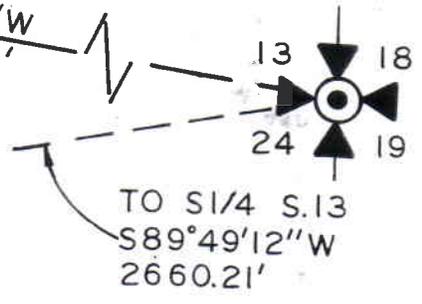
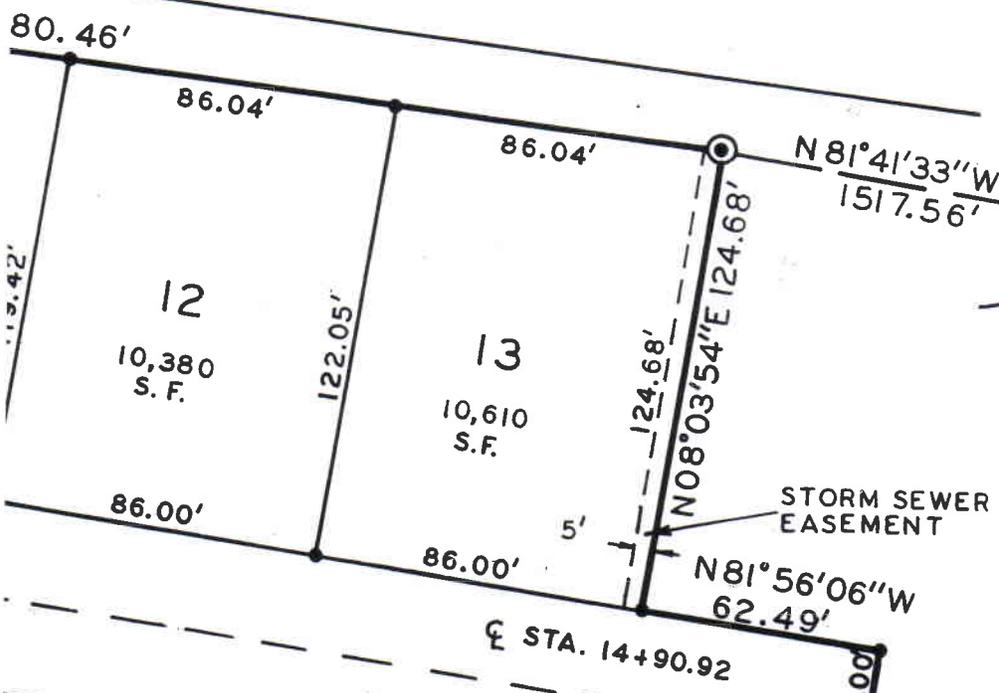
AY R.O.W.
UMENT FOUND

277+00 N83°41'20"W 950.00'

FILED IN THIS OFFICE

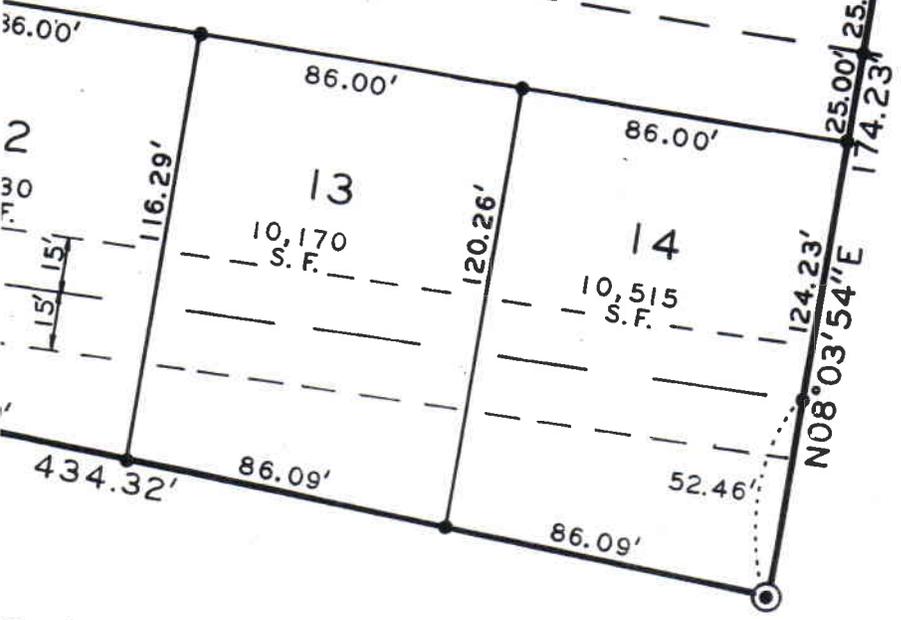
STATE HIGHWAY 8

HIGHWAY R.O.W.
MONUMENT FOUND
STA. 286+50



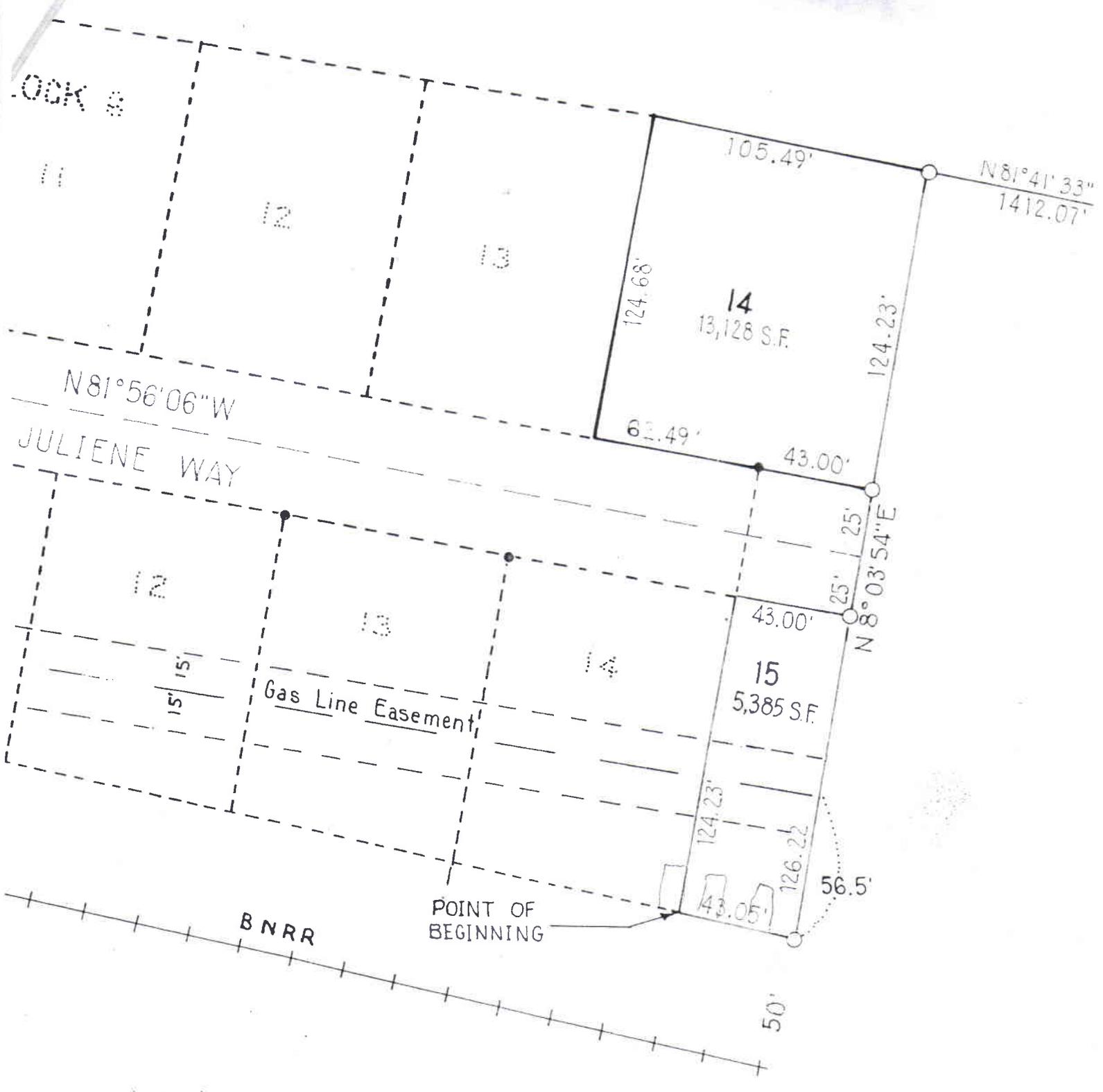
R5 W. B.M.
R4 W. B.M.

T39N.



270923 Restricted
Covenants 7-2-94

282188
Sanitary Restrictions
Lifted



INDEXED

297676

No. 297676
 At the request of:
Bartholomew Easton

LEGEND

Description of Proposal

I propose to build a four bay parking garage to get my trailers under cover from the weather. The first bay would be a 10' x 12' area. The second bay would be a 10' x 14' area. The third bay would be a 10' x 16', and the last bay would be a 10' x 18' area. The reason for the varying size bays is to utilize the existing curvature of the paved asphalt driveway, and to make the most efficient use of the space available.

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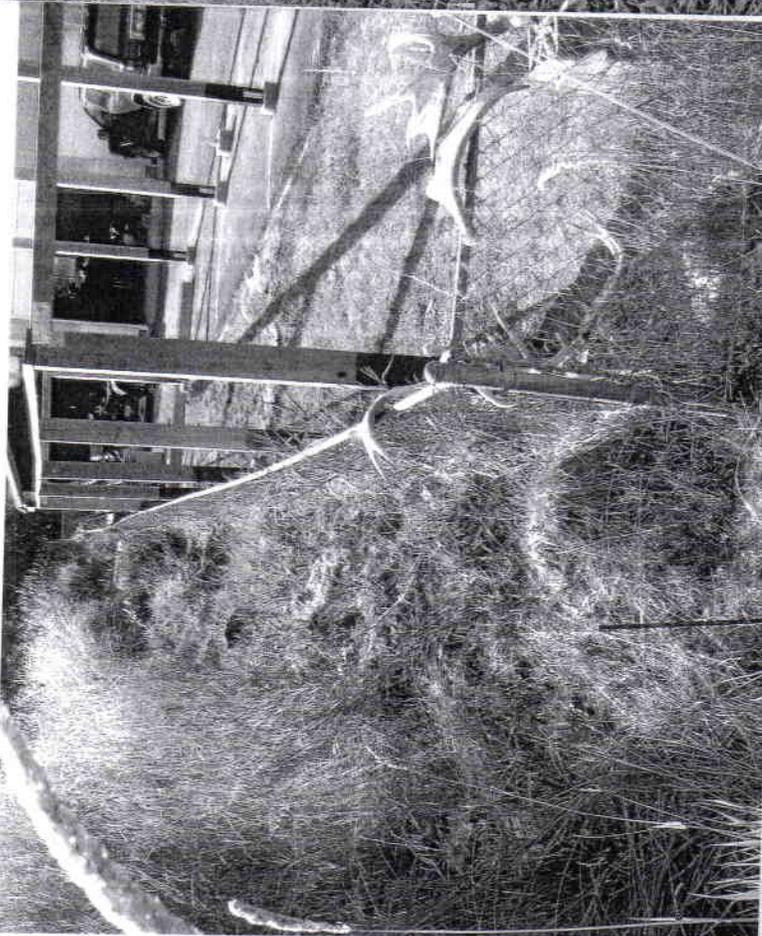
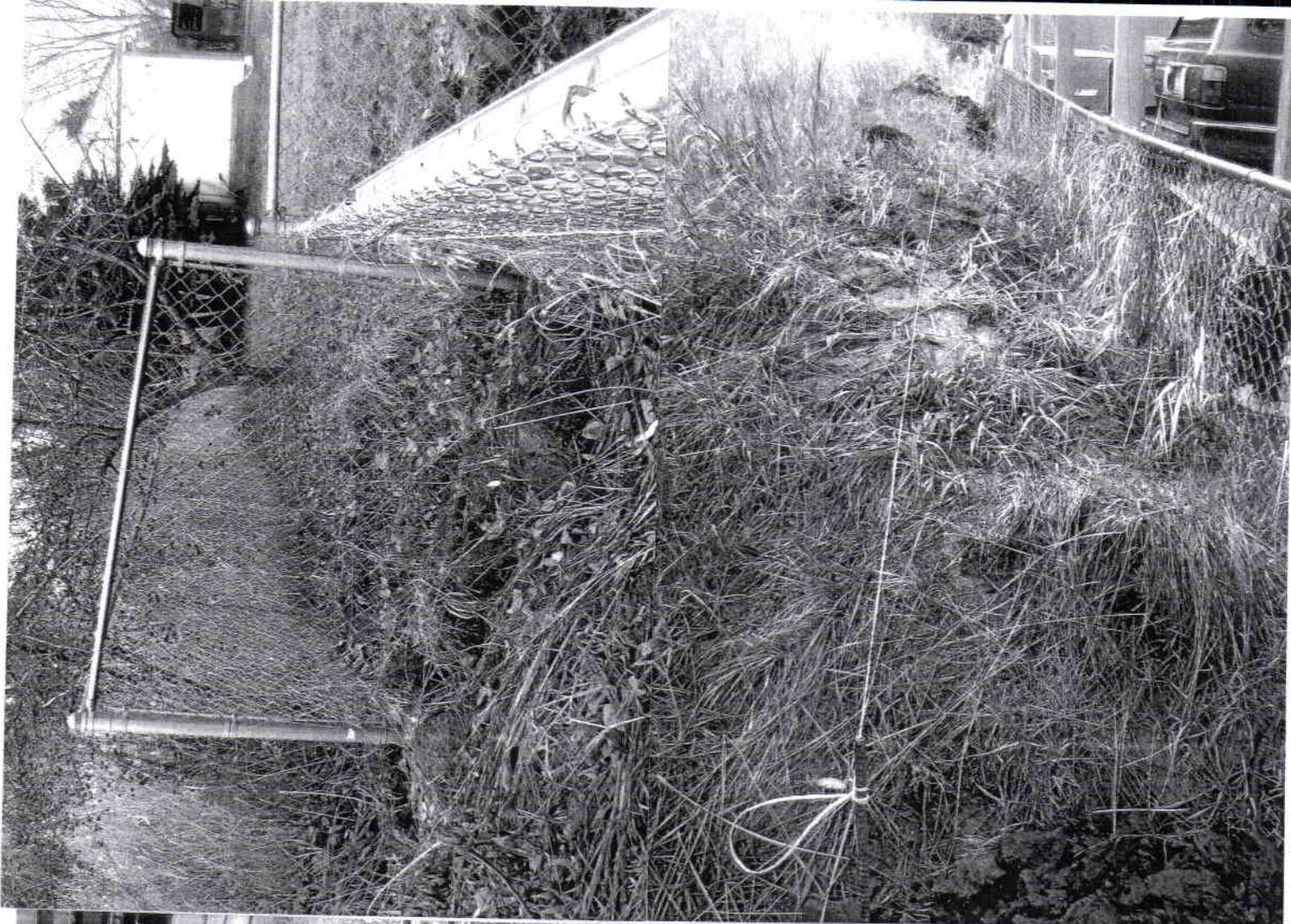
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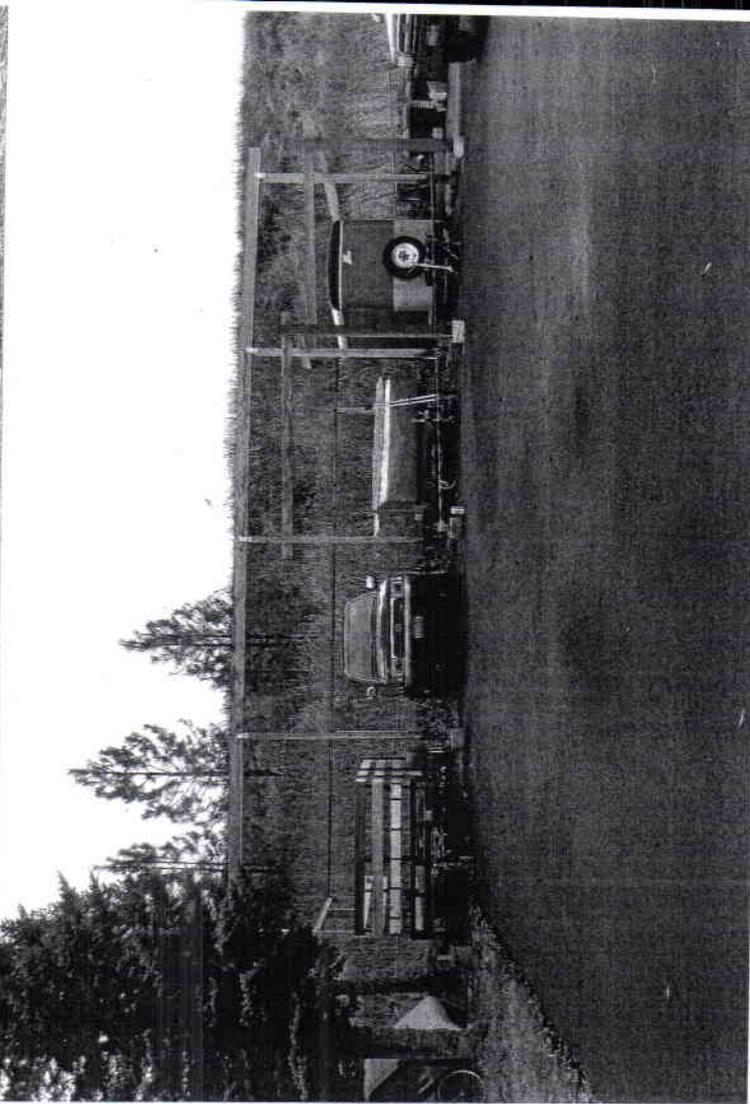
Photo #6 is another shot back on the southwest corner looking to the east.

I hope these photos help you to see clearly. You can see the building is on my property. You can see the ditch behind my property, which will only ever be used as a ditch.

I have looked at shortening my building with the 6' variance, but it makes the building so short it really looks stupid that way, and if I shorten the building, it is not very functional to get the trailers into the bays, which kind of defeats the purpose of why it was being built in the first place. Thank you for your time.

Terry Cummings





VAR #804 – INTRODUCTION

A request by Terry Cummings for a variance to allow a two (2) foot setback from the south property line 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.

On October 7, 2009 Mr. Cummings was approved for a variance (VAR #802) of six (6) feet 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. This request was approved with a condition that the property corners be located and marked prior to submitting a building permit. Upon locating his property corners Mr. Cummings realized that his partially built accessory structure is closer to the property line and would require a greater variance from the setback requirement for the south property line than was requested and approved. He was advised by staff to submit a new variance application for a variance of two (2) feet from the south property line in lieu of the required ten feet which is the subject of this application.

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, Terry Cummings, to the Planning and Building Department on November 30, 2009.

2. Section 3.03.03 of the Latah County Land Use Ordinance requires that all residential structures in the Suburban Residential Zone (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.

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

EXHIBITS:

**Exhibit #1.
Exhibit #1A.**

Staff Report
Criteria Worksheet

LCZC Hrg: VAR804
Applicant: Cummings
Exhibit #: 3
Date: 12/16/2009