

**CLAIRE LICHTENFELS & HENRY JACKSON
VARIANCE PERMIT APPLICATION #806
STAFF REPORT**

BASIC FACTS:

A request by Claire Lichtenfels and Henry Jackson for a variance to allow a 34-foot setback from Pine Crest Road in lieu of the 60-foot setback from the center line of a public road that is required for structures in the Agriculture/Forest zone. The property is located at 1194 Pine Crest Road, Moscow, Idaho, in Section 11, Township 39 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP39N05W112411A.

Site Characteristics:

Size of Parcel:	10.02-acres
Soils:	Westlake-Latahco silt loams, 0 - 3 % slopes (Latah County Soil Survey Plate #32)
Floodplain:	Zone "A" & "C" (FIRM Panel # 160086 0245B)

Land Use and Regulations:

Comprehensive Plan Designation:	Rural
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Rural Residential and Agriculture
Neighboring Zoning:	Agriculture/Forest (A/F)
Neighboring Uses:	Rural Residential and Agriculture

Infrastructure/Services:

Water:	Private Well
Sewer:	Private Septic System
Access:	Pine Crest Road - North Latah County 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 #1E	:	Floodplain Overlay and 10 ft. Contour Map
Exhibit #1F	:	Photos of Subject Property
Exhibit #2	:	Application Form (Submitted by Applicant)
Exhibit #2A	:	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B	:	Vicinity Map (Submitted by Applicant)
Exhibit #2C	:	Assessor's Plat Maps (Submitted by Applicant)
Exhibit #2D	:	Site Plan (Submitted by Applicant)
Exhibit #2E	:	Petition in support of the request (Submitted by Applicant)
Exhibit #2F	:	Photos of Subject Property (Submitted by Applicant)
Exhibit #3	:	Staff Introduction for Latah County Zoning Commission hearing on March 3, 2010

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 3.01 Agriculture/Forest Zone

Section 7.02 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 Claire Lichtenfels and Henry Jackson for a variance to allow a 34-foot setback from Pine Crest Road in lieu of the 60-foot setback from the center line of a public road that is required for structures in the Agriculture/Forest zone. The property is located at 1194 Pine Crest Road, Moscow, Idaho, in Section 11, Township 39 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP39N05W112411A.

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 owners, Claire Lichtenfels and Henry Jackson, to the Planning and Building Department on January 27, 2010.

2. Section 3.01.03 of the Latah County Land Use Ordinance requires that all structures shall be a minimum of 20 feet from the boundaries of any public right-of-way or 60 feet from the center line of any road placed within the boundaries of a public right-of-way, whichever is greater.

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.

VAR# 806 Vicinity and Comprehensive Plan Land Use Map

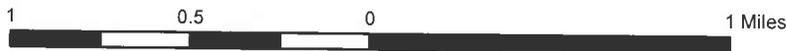
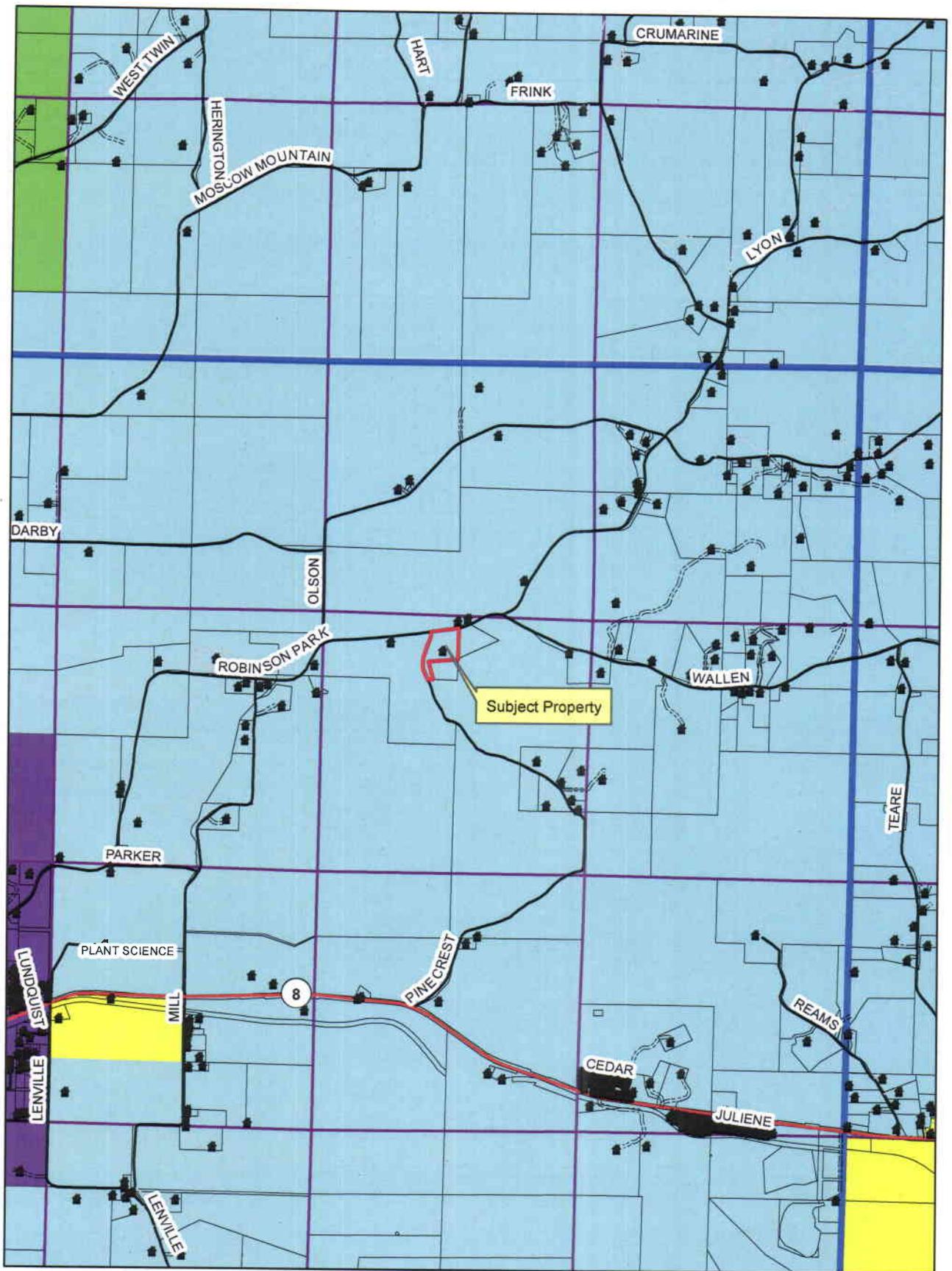


Legend

- Rural Addresses
- Parcel
- Subject Property

Comprehensive Plan

- Rural
- ICR
- Productive
- AOI



NOTE: This Document is a representation only.
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LCZC Hrg: VAR 806
Applicant: Lichtenfels
Exhibit #: 1B
Date: 3/3/2010

VAR #806 Zoning Map

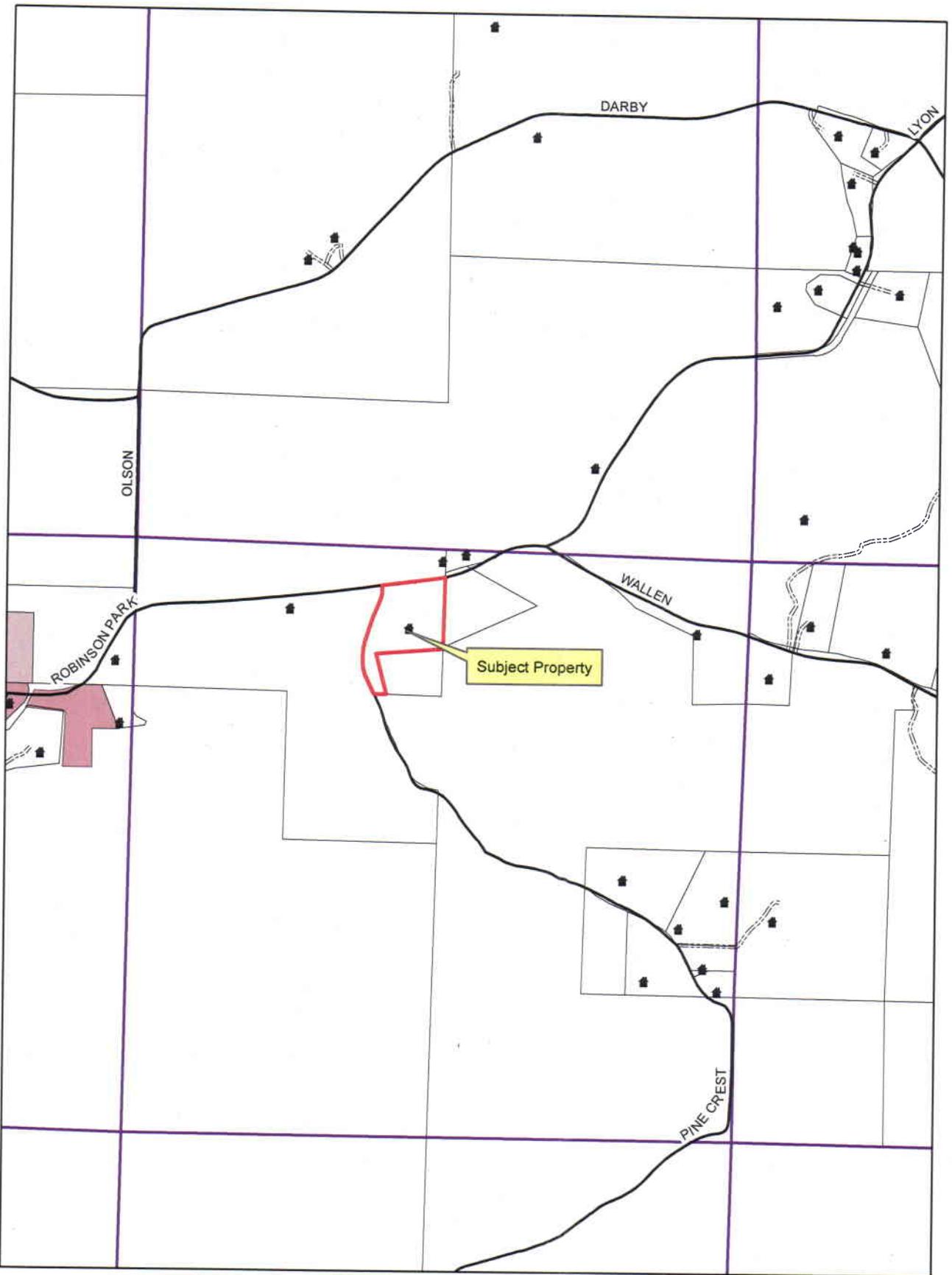


Legend

Zoning Districts

- Agriculture / Forestry
- Industrial
- Suburban Residential

- Addresses
- Subject Property
- Sections



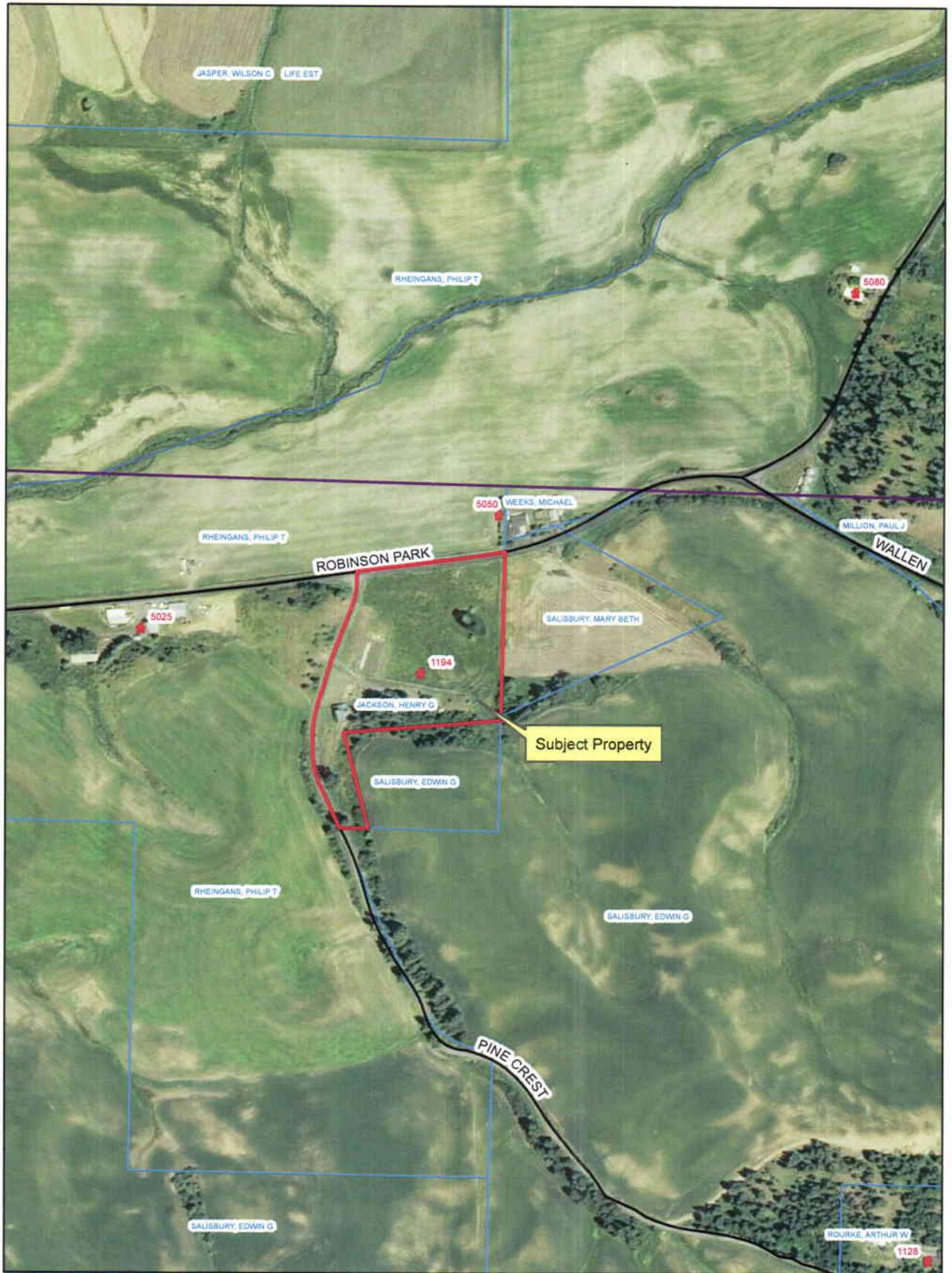
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LCZC Hrg: VAR 806
Applicant: Lichtenfels
Exhibit #: 1C
Date: 3/3/2010

VAR #806 Aerial Photo and Adjacent Property Owners Map



Legend

-  Rural Addresses
-  Parcels
-  Subject Property
-  Sections



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 Applicant: Lichtenfels
 Exhibit #: 1D
 Date: 3/3/2010

VAR #806 Floodplain Overlay and 10 ft Contour Map



Legend

-  Parcels
-  Subject Property
-  Sections
-  Floodplain
-  10ft contour

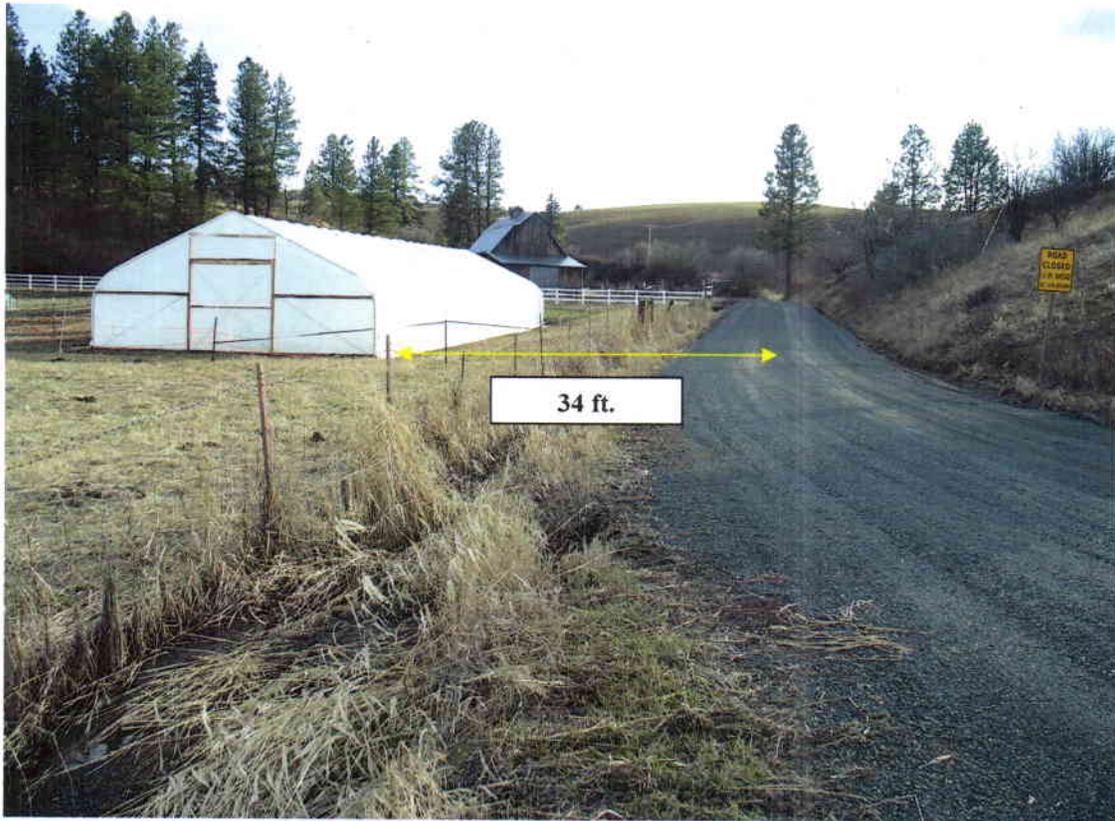


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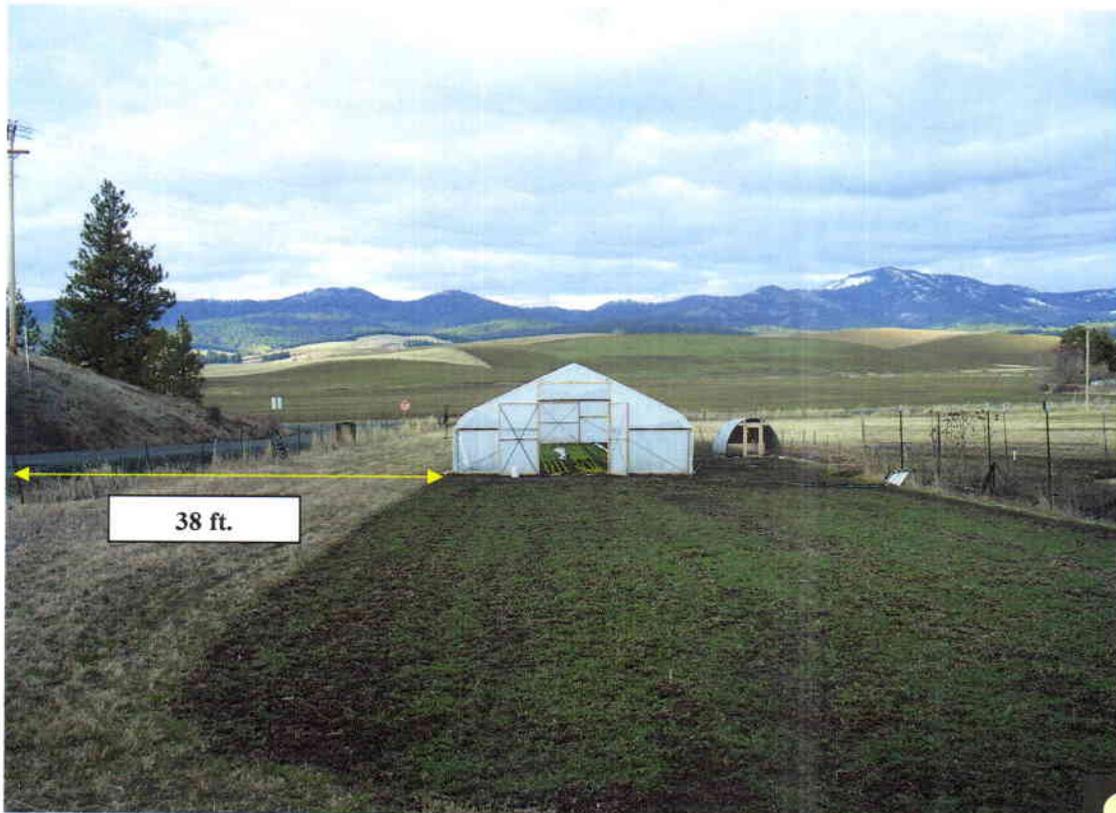
LCZC Hrg: VAR 806
 Applicant: Lichtenfels
 Exhibit #: 1E
 Date: 3/3/2010

Date: 3/3/2010

PHOTOS OF SUBJECT PROPERTY FOR VAR #806

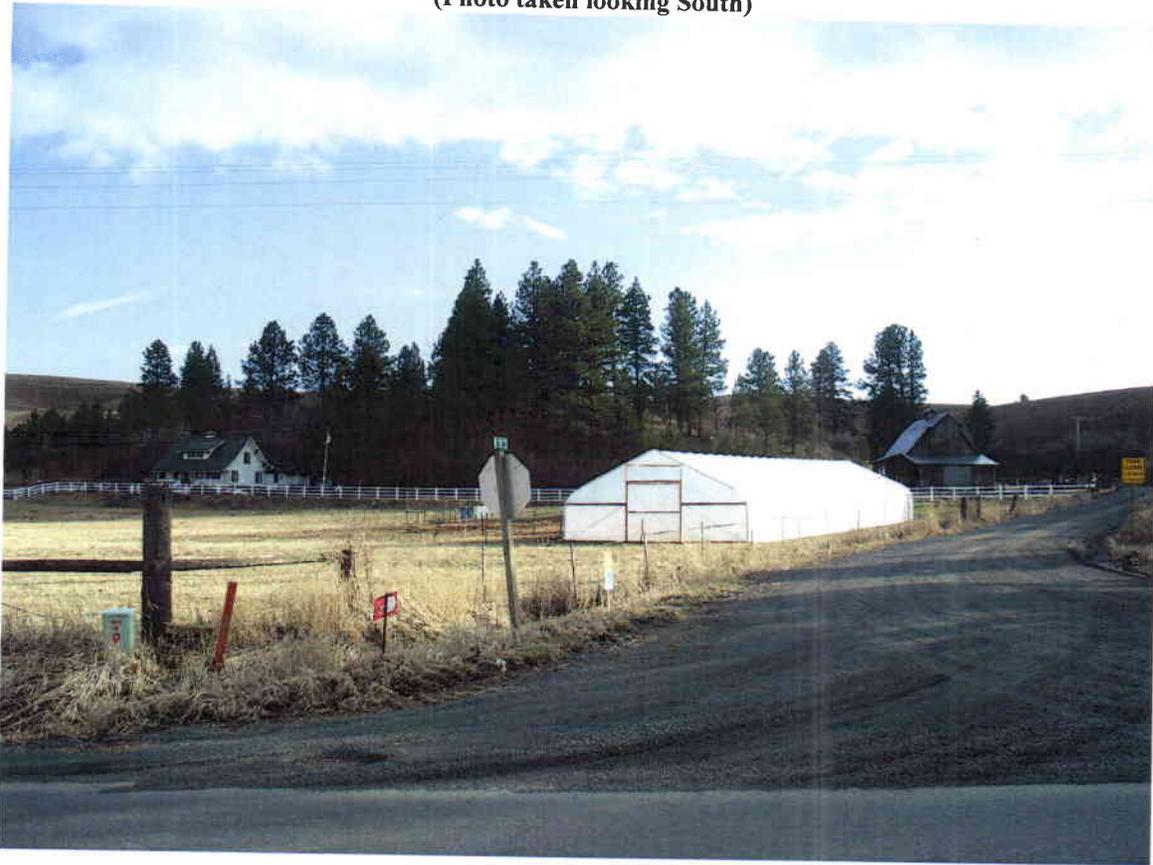


(Photo taken looking Southwest)

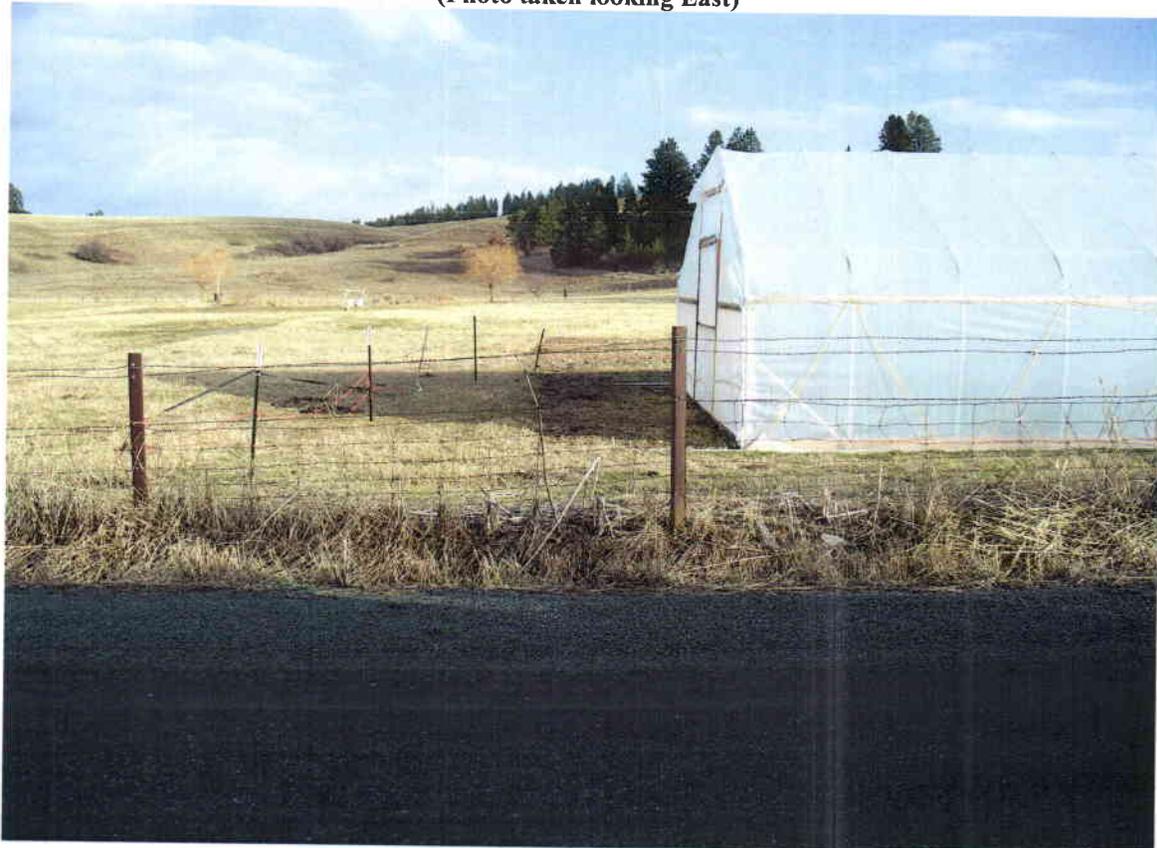


(Photo taken looking Northeast)

(Photo taken looking South)



(Photo taken looking East)





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 Claire Lichtenfels & Henry Jackson		b. Home Phone 883-9541	c. Work Phone	
d. Mailing Address 1194 Pine Crest Rd	e. City MOSCOW	f. State ID	g. Zip code 83843	
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) RP39ND5W112411A	b. Site Address (if applicable) 1194 Pine Crest Rd		
c. Road Used to Access Site Pine Crest Rd	d. Floodplain designation(s) Zone A-C	e. FEMA Panel # 160086 0245 B	
f. Existing Uses residential, agricultural			

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) private well	b. Sewage Disposal (i.e. city, sewer district or private septic system) private septic system
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties agricultural/Forest	b. Existing Uses of Adjacent Properties agricultural
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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.

Asking variance to section 3.02.03 of Zoning code in regards to setback from county road (Pine Crest Rd), 34' from center of road instead of 60'

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 Claire Lichtenfels	b. Date 1-25-10
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 and Board of Adjustment shall have the authority to require any fee if necessary to make a fair rezoning request.

Office Use Only

Date Received by County 1/27/10	Fee Amount 150⁰⁰	Receipt No. 371966	By DB
VAR # 806	Date Determined Technically Complete 2/10/10	By DB	
Hearing Date March 3, 2010			

LCZC Hrg: VAR 806
Applicant: Lichtenfels
Exhibit #: 2
Date: 3/3/2010



Variance Narrative Worksheet

Application Information

Applicant's Name

Claire Lichtenfels

Phone Number

883-9541

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.

To place 96'x30' hoophouse (temporary agricultural structure comprised of metal frame covered with plastic) on the west side of our property, parallel to Pine Crest Rd with a setback of 34' from the center of Pine Crest Rd, a gravel county road. The primary use of the hoophouse will be to grow greens during the winter season and to extend the growing season to allow successful production of hot weather crops such as tomatoes, peppers, etc. Hoophouse has no electricity or plumbing.

Existing Uses of Property

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

The property is currently occupied by our house, barn + woodshed. The property is used for vegetable and poultry production as well as pasture land for horses.

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.

Please see attached sheet citing neighbors' support of variance. This includes neighbors who farm adjacent property as well as neighbors who use Pine Crest Rd to access their properties. Pine Crest Rd is a gravel road that is closed to through traffic during the winter months and during the remaining months is used little by anyone not residing off of Pine Crest.

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 site on our property chosen for the hoophouse was based on the following considerations:

- ① amount of sunlight received during the winter season (Nov-March)
- ② drainage of soil
- ③ access to water (well)

LCZC Hrg: VAR 806
Applicant: Lichtenfels
Exhibit #: 2A
Date: 3/3/2010

The property is bordered by hills on the north and east. These hills are planted with tall evergreens. When the sun is lower,

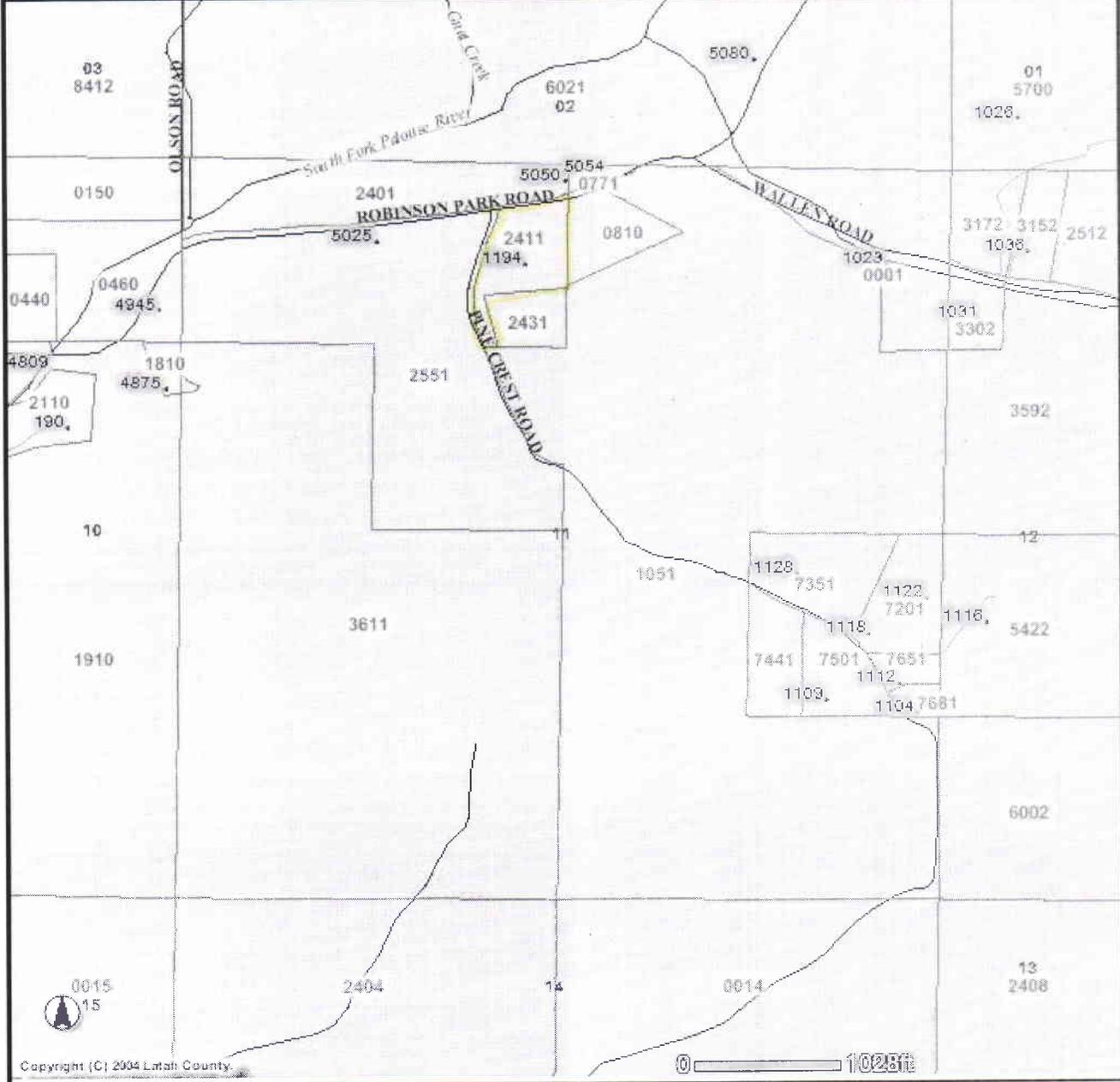
If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

during the winter months, these hills severely limit the amount of sun the property receives. The site chosen for the hoophouse receives the greatest amount of sunlight during the winter.

In addition, our property slopes downhill from west to east as well as north to south. Because of this, during the winter ^{spring} months a large percentage of our property is either under standing water or too saturated to cultivate.

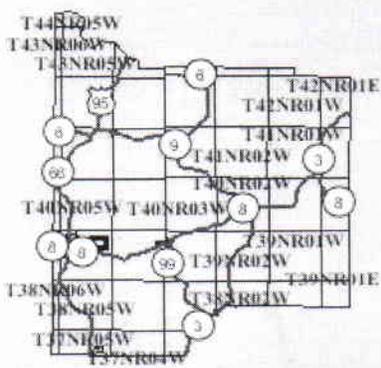
The site chosen for the hoophouse on the west side of our property is the driest as well as the one receiving the most light. The surrounding hills and patterns of water runoff combine to make the site chosen the only site on our property that would allow us to successfully meet our goal of extending our growing season.

Latah County GIS Map



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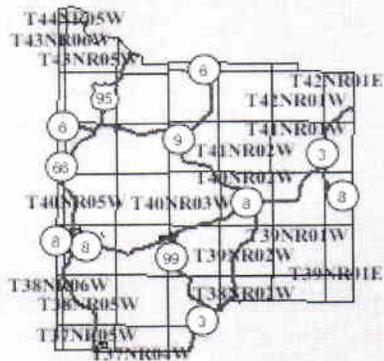
LCZC Hrg: VAR 806
 Applicant: Lichtenfels
 Exhibit #: 2C
 Date: 3/3/2010

Latah County GIS Map

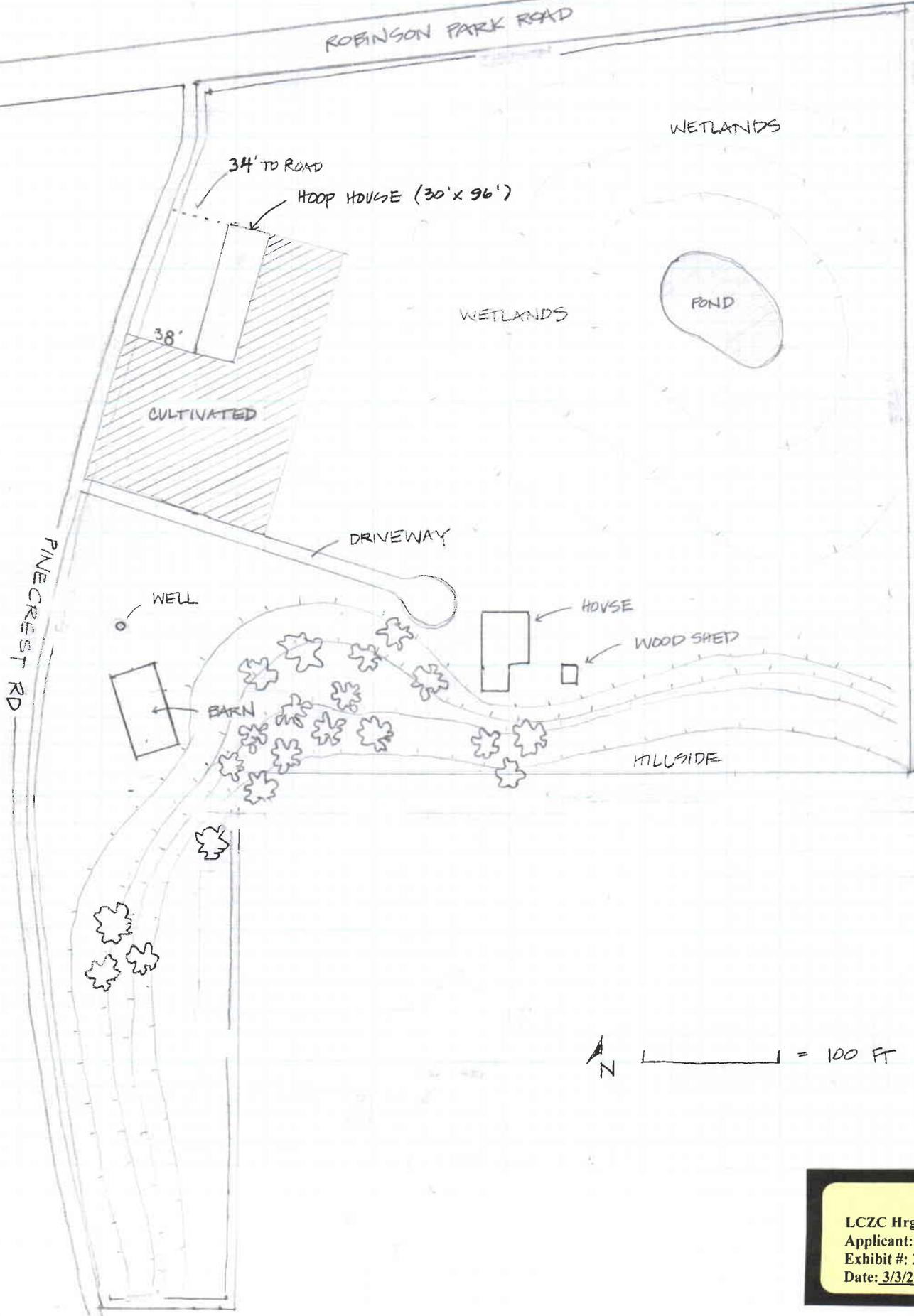


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LCZC Hrg: VAR 806
 Applicant: Lichtenfels
 Exhibit #: 2D
 Date: 3/3/2010

We support Henry Jackson and Claire Lichtenfels of 1194 Pine Crest Rd, Moscow in their request for a variance to the Zoning Code (Section 3.02.03). We understand the variance would pertain to the setback of their hoophouse from Pine Crest Rd allowing it to be 45 feet from the center of the road instead of 60 feet. The variance would not be detrimental to our properties.

Name	Address	Signature
Robin Rourke	1125 Pine Crest Rd.	Robin Rourke
Bernice Brooks	1122 Pine Crest Rd.	
Joe + Alida Beckino	1104 Pine Crest Rd	Joe Beckino
Caroline Christensen	1109 Pine Crest	Caroline Christensen
Emily Salisbury	1028 Pine Crest	Es Jolley
Maria Byers	1116 Pine Crest	Maria A Byers
Edmund Safirstay	460 Mill Rd	Edmund Safirstay

PHOTOS OF SUBJECT PROPERTY FOR VAR #806
(Submitted by Applicant)





VAR #806 – STAFF INTRODUCTION

A request by Claire Lichtenfels and Henry Jackson for a variance to allow a 34-foot setback from Pine Crest Road in lieu of the 60-foot setback from the center line of a public road that is required for structures in the Agriculture/Forest zone. The property is located at 1194 Pine Crest Road, Moscow, Idaho, in Section 11, Township 39 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP39N05W112411A.

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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	:	Staff Report
Exhibit #1A	:	Criteria Worksheet
Exhibit #1B	:	Vicinity and Comprehensive Plan Land Use Map
Exhibit #1C	:	Zoning Map
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That is all staff has unless the Commission has questions.

LCZC Hrg: VAR 806
Applicant: Lichtenfels
Exhibit #: 3
Date: 3/3/2010