



# CRITERIA WORKSHEET & APPLICATION SUMMARY

**Note:** This exhibit 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:**

Setback Variance on .16 acre lot in Viola

## **Description of application:**

A request by Diana Musick Renfro for a variance to allow a 25-foot setback from the centerline of the rear right-of-way (alley) in lieu of the 60-foot setback from the center-line of a public right-of-way (alley) that is required for structures in the Suburban Residential zone. The property is located at 1017 Miller Rd., Viola, Idaho, in Section 01, Township 40 North, Range 06 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01640005016BA. The completed application was received by the Latah County Planning and Building Department on April 13<sup>th</sup>, 2012. The applicant's request would result in a reduction of the centerline setback from 60-ft to 25-ft. The right of way is a unimproved platted alley.

## **Applicable Code:**

### ***Section 7.02.02 Variance Criteria***

A variance may be granted if the Zoning 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.

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.

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

### **Site Characteristics:**

<b>Size of Parcel:</b>	.16 acres
<b>Soils:</b>	Southwick silt loam, 12 to 25% slopes (Latah County Soil Survey Sheet #21)
<b>Floodplain:</b>	Zone "C"

### **Land Use and Regulations:**

<b>Comprehensive Plan Designation:</b>	Industrial, Commercial, Residential
<b>Existing Zoning:</b>	Suburban Residential
<b>Existing Uses:</b>	Residential
<b>Neighboring Zoning:</b>	Suburban Residential
<b>Neighboring Uses:</b>	Public Right of Way, Residential

### **Infrastructure/Services:**

<b>Water:</b>	Viola Water & Sewer
<b>Sewer:</b>	Viola Water & Sewer
<b>Access:</b>	1017 Miller Rd.
<b>Schools:</b>	Moscow School District
<b>Fire Protection:</b>	Moscow Rural Fire District
<b>Law Enforcement:</b>	Latah County Sheriff

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

**Local Planning Act:** Idaho Code 67-6512

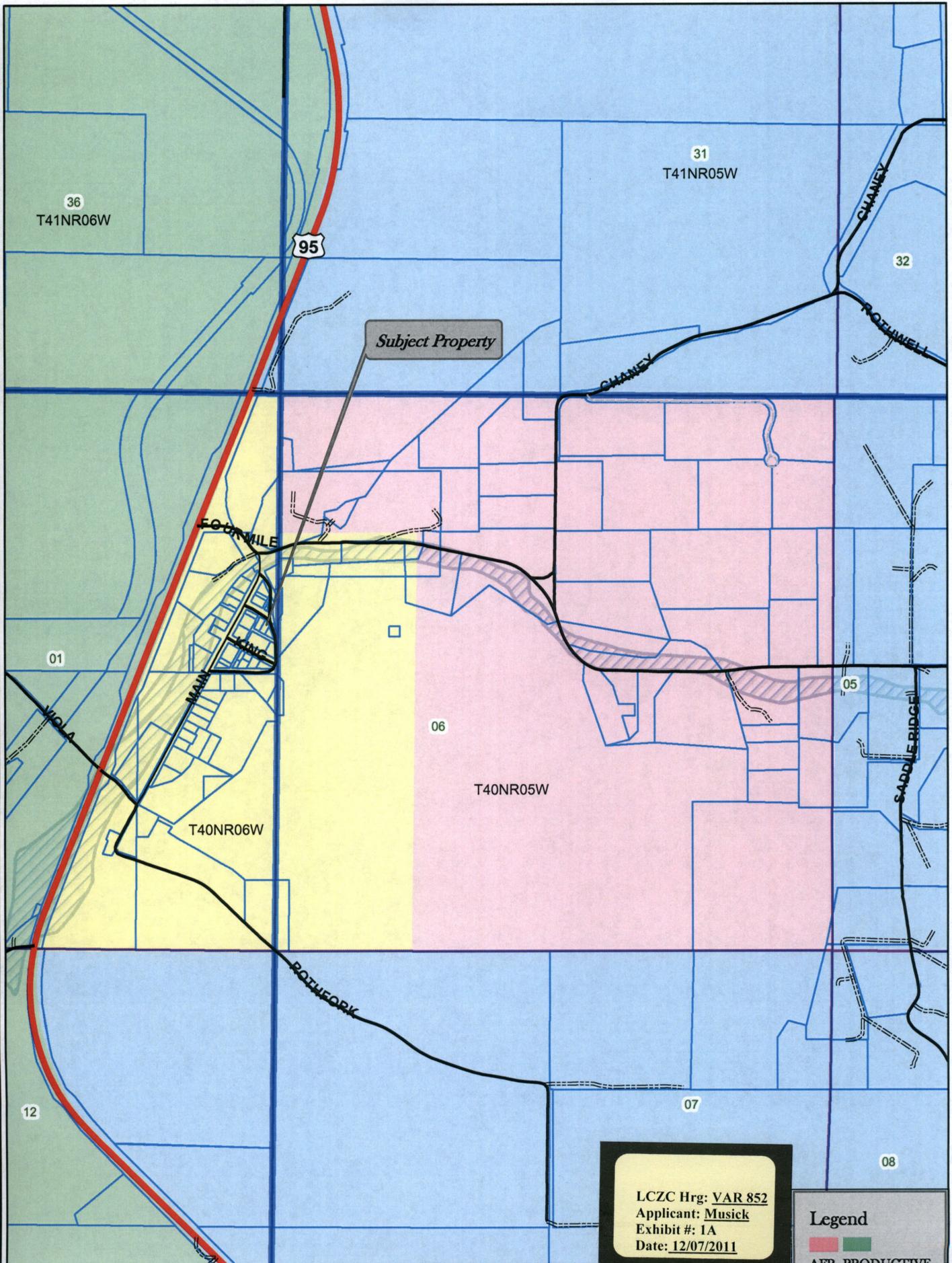
**Latah County Land Use Ordinance # 269, as amended:**

Section 3.03                      Suburban Residential

Article 7                              Variances

**Latah County Comprehensive Plan**

VAR #852 Musick Setback Variance

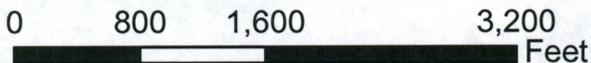


LCZC Hrg: VAR 852  
 Applicant: Musick  
 Exhibit #: 1A  
 Date: 12/07/2011

**Legend**

<span style="color: green;">■</span>	AFR PRODUCTIVE
<span style="color: purple;">■</span>	AOI RURAL
<span style="color: yellow;">■</span>	ICR

NOTE: This Document is a representation only.  
 Latah County bears no responsibility for errors or omissions.



# VAR #852 Cramer Zoning Map



LCZC Hrg: VAR 852  
 Applicant: Musick  
 Exhibit #: 1B  
 Date: 12/07/2011

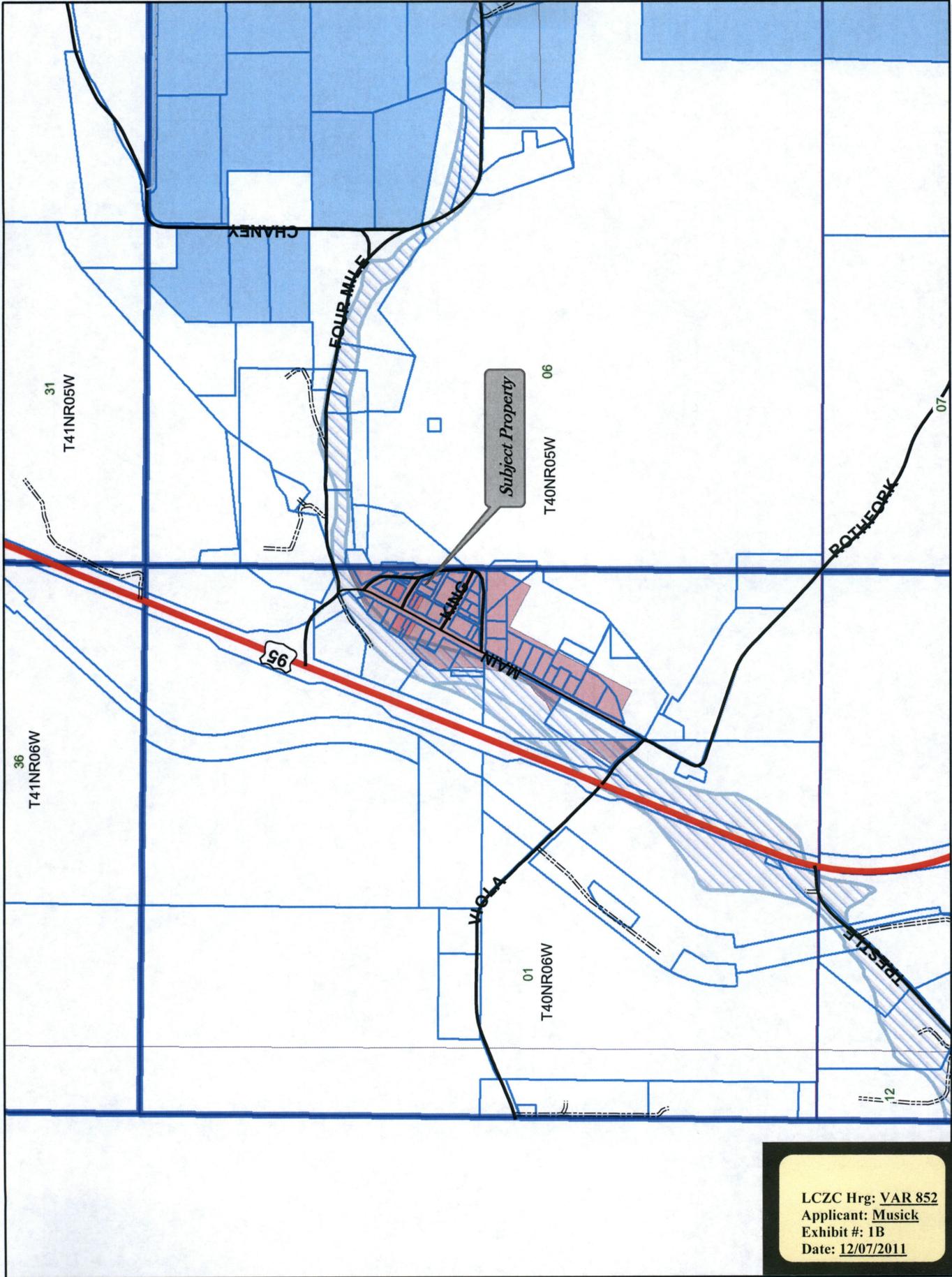
NOTE: This Document is a representation only.  
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\*Created on 4/24/2012 by JB



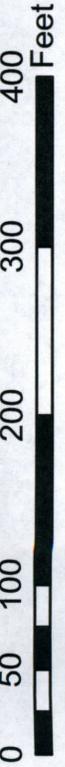
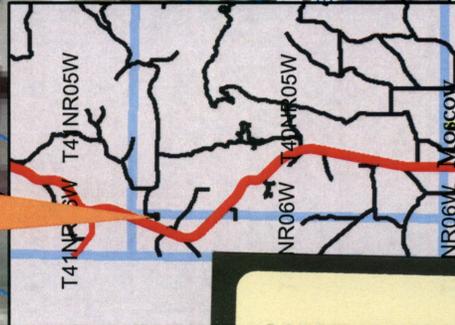
### Legend

- Agriculture / Forest Industrial
- Commercial
- Motor Business Municipality
- Multiple Family Residential Rural Residential
- Single-Family Residential (R1)
- Single-Family Residential Suburban Residential
- Areas of City Impact



# VAR #852 Musick Setback Variance

LCZC Hrg: VAR 852  
 Applicant: Musick  
 Exhibit #: IC  
 Date: 12/07/2011



**Legend**  
 Floodplain  
 Parcels

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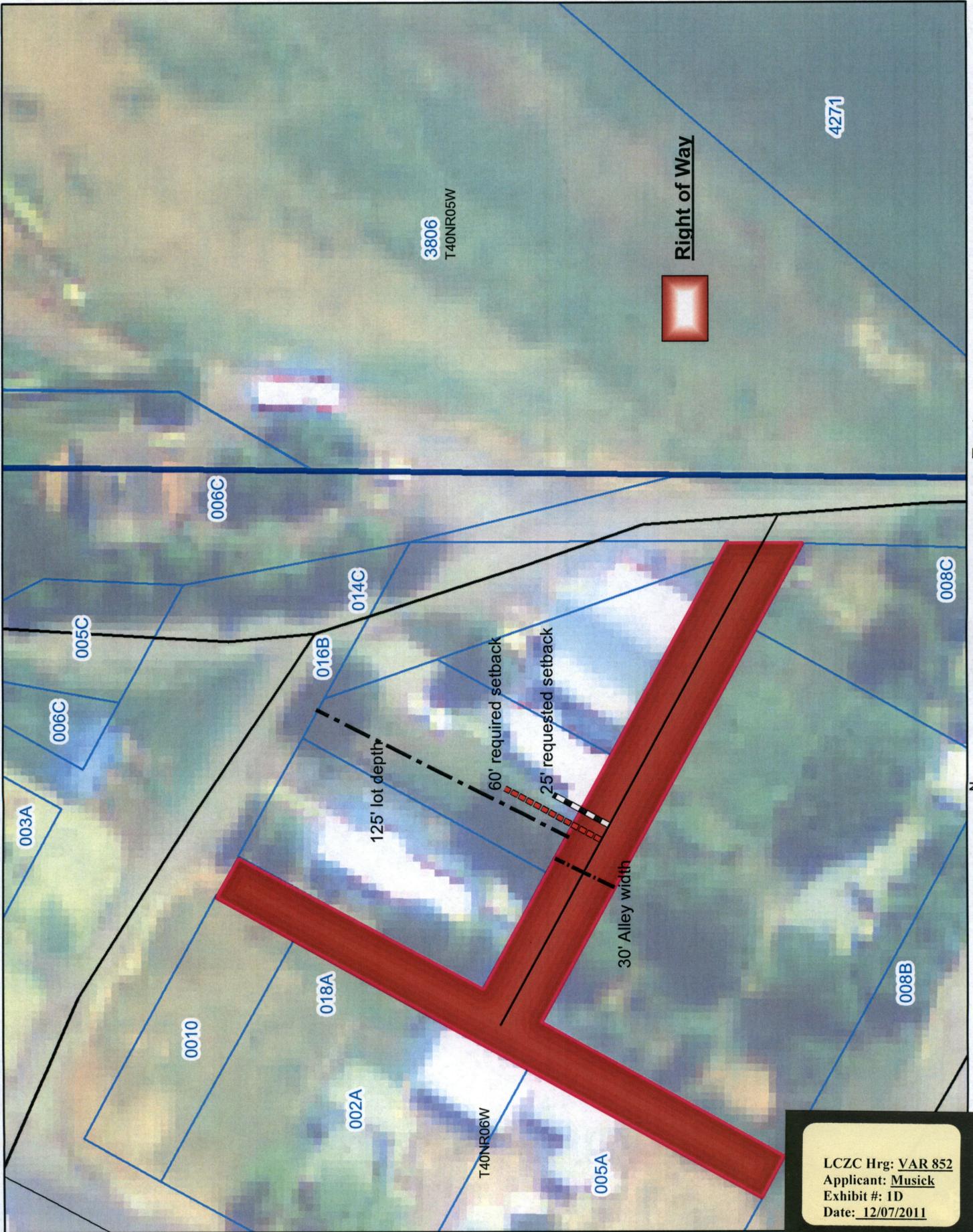
\*Created on 4/24/12 by JB



# VAR #852 Musick Setback Variance Site Map



LCZC Hrg: VAR 852  
Applicant: Musick  
Exhibit #: 1D  
Date: 12/07/2011



NOTE: This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.



LCZC Hrg: VAR 852  
Applicant: Musick  
Exhibit #: 1E  
Date: 12/07/2011





# Application for Variance in the ...

Viola

## 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, (208) 883-7220**

## 1. Applicant Information

A. Applicant Name <b>Diana Musick Renfro</b>		B. Home Phone <b>208-301-3048</b>		C. Work Phone	
D. Mailing Address <b>P.O. Box 23</b>		E. City <b>Viola</b>	F. State <b>ID</b>	G. Zip Code <b>83872</b>	
H. Property Owner (If Different than Applicant)		I. Home Phone <b>208-301-3048</b>		J. Work Phone	
K. Mailing Address		L. City	M. State	M. Zip Code	

## 2. General Site Information

A. Assessor's Parcel Number(s) <b>RP 61640005016 BA</b>		B. Site Address (If Applicable) <b>1017 Miller, Viola, ID</b>	
C. Road Used to Access Site <b>Miller St</b>		D. Floodplain Designation(s)	E. FEMA Panel #

F. Existing Uses  
**Home**

## 3. Service Provider Information (Please Attach Additional information if requested)

A. Source of Potable Water (i.e. City, Private Well, Water District) <b>Viola Water &amp; Sewer District</b>	B. Sewage Disposal (i.e. City, Sewer District or Septic System) <b>same</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>same</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.

**Variance from set back requirements 3.03.03**

## 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>Diana Musick Renfro</b>	B. Date <b>4/13/12</b>
C. Signature of Property Owner (If Different than Applicant)	D. Date

## 7. Attachments

- Fee:** (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Variance 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 Planning and Zoning Commission shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the rezone request.

## Office Use Only

Date Received by County <b>4/13/2013</b>	Fee Amount <b>200.00</b>	Receipt No. <b>187860</b>	By <b>ms</b>
VAR # <b>852</b>	Date Determined Technically Complete <b>N/A</b>		By
Date Forwarded <b>---</b>	Date Received by City <b>N/A</b>		By <b>---</b>
P&Z Hearing Date <b>---</b>	Date Returned to County <b>N/A</b>		By <b>---</b>

LCZC Hrg: **VAR 852**  
 Applicant: **Musick**  
 Exhibit #: **2**  
 Date: **12/07/2011**



# Variance Narrative Worksheet

Application Information	
Applicant's Name	Phone Number
<b>Purpose:</b> To assist the Planning and Zoning Commission or Board of Adjustment in making an informed decision regarding the applicant pursuant to the requirements of Moscow City Code as adopted by Latah County.	
<b>Instructions:</b> Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.	

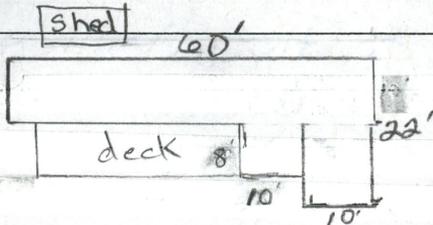
## Description of Proposal (Describe your proposal in detail. Include all aspects of your proposal.)

We would like to replace the existing mobile home for a newer manufactured home.

We can meet the 60' requirement off Miller Street + 10' ~~side~~ property line requirements. We can not meet the 60' requirement off the back alley. The alley currently is not used as an alley. The west end has been closed for years. The old church (shop) on 24B sits on the property line. We would like to request a variance

## Existing Uses of Property (Please describe what uses, structures and features currently occupy the property.)

60x10 1965 Nashua with a 10x12 add-on, a 10x8 expansion + 16x8 covered deck, small shed



## Relevant Criteria and Standards

Please respond to each of the four criteria listed in § 8-3-B by explaining how your proposal meets each particular criteria. If the provided space is insufficient, please attach your responses to this packet.

1. Special conditions and/or circumstances exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other properties similarly situated in the same zoning district.

none

our lot is 60' x 120' which make the 60' variance from all public roads very difficult.

## Office Use Only

VAR #

Page 1

Variance Narrative Worksheet

LCZC Hrg: VAR 852  
 Applicant: Musick  
 Exhibit #:2A  
 Date: 12/07/2011

2. Because of the aforementioned special conditions of the property, application of the provisions of this Zoning Code would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same zoning district under the terms of the Zoning Code.

none

3. The special conditions and/or circumstances demonstrated in Criterion 1 are not the result of actions of the applicant or the property owner.

no

4. Granting of the variance will not confer a special privilege to the subject property that is denied other similarly situated property in the same zoning district.

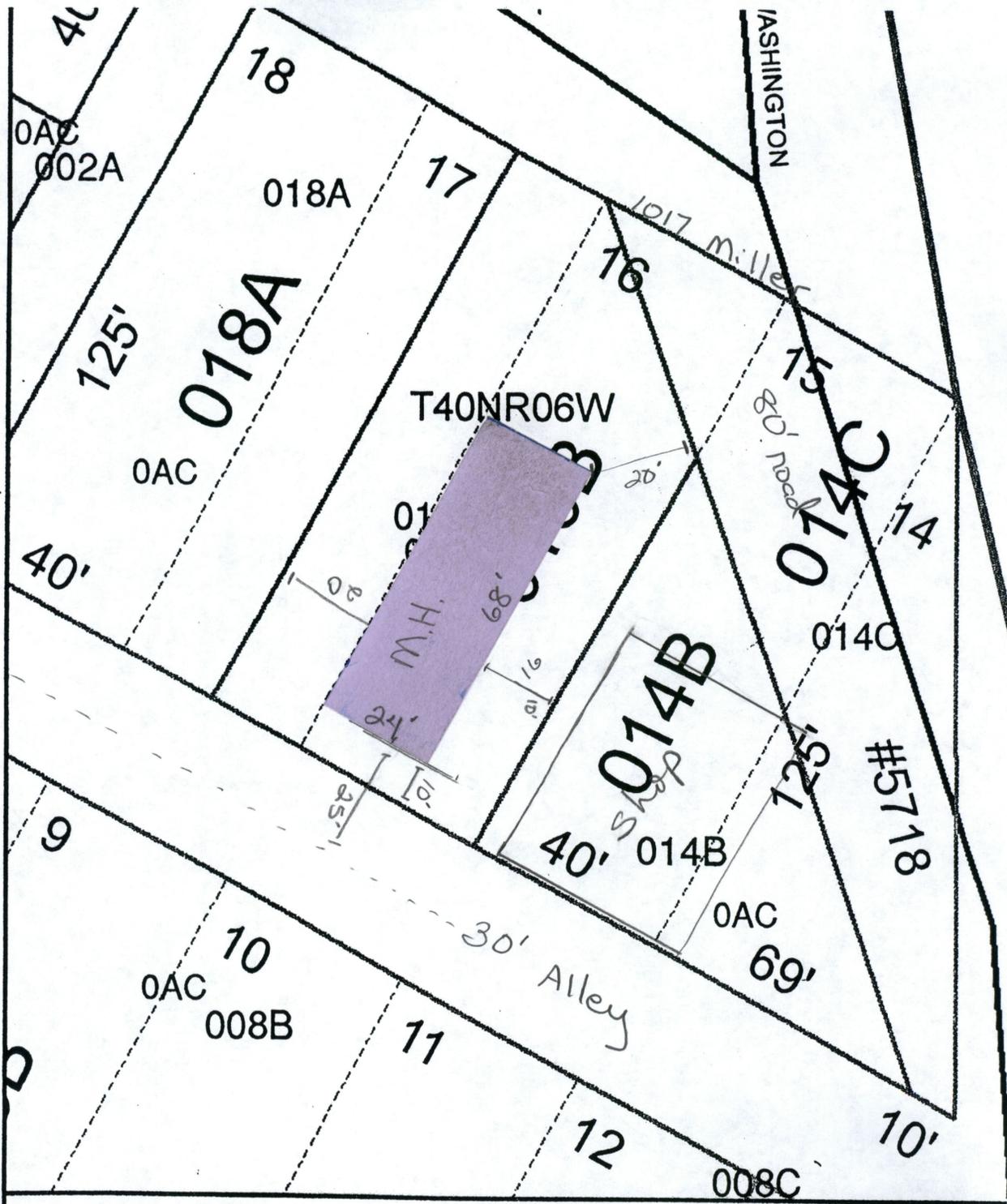
no.

I own the property to the North + East of this lot.

5. Granting of the variance will not be in conflict with the public interest or injurious to property or persons in the vicinity of the subject property.

no.

of 25' setback from center of alley instead of  
60'.



LATAH COUNTY, IDAHO  
ASSESSOR PLAT RECORD



- Legend**
- Parcels
  - Townships
  - Sections
  - Subdivisions
  - Streets
  - Sixtee

LCZC Hrg: VAR 852  
 Applicant: Musick  
 Exhibit #: 2B  
 Date: 5/02/2012

## **VAR #852 – Staff Introduction**

A request by Diana Musick Renfro for a variance to allow a 25-foot setback from the centerline of the rear right-of-way (alley) in lieu of the 60-foot setback from the center-line of a public right-of-way (alley) that is required for structures in the Suburban Residential zone. The property is located at 1017 Miller Rd., Viola, Idaho, in Section 01, Township 40 North, Range 06 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01640005016BA.

### **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 Diana Musick Renfro, to the Planning and Building Department on April 13, 2012.

### **2. Section 3.03.03 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.

### **Exhibits will now be entered into the record.**

The following exhibits were submitted with the staff packet:

#### **EXHIBITS:**

<b>Exhibit #1</b>	:	Criteria Worksheet Application Summary
<b>Exhibit #1A</b>	:	Latah County Comprehensive Plan and Vicinity Map
<b>Exhibit #1B</b>	:	Zoning Map
<b>Exhibit #1C</b>	:	Aerial Photograph and Adjacent Property Owners Map
<b>Exhibit #1D</b>	:	Site/Lot Measurements
<b>Exhibit #1E</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>	:	Site Plan (Submitted by Applicant)
<b>Exhibit #3</b>	:	Staff Introduction for Latah County Zoning Commission hearing on May 2, 2012

That is all staff has unless the Commission has questions.