



# 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 .17 acre lot in Viola

## Description of application:

A request by Debra Musick for a variance to allow a 5-foot setback from the edge of the side right-of-way (alley) in lieu of the 20-foot setback from the edge of a public right-of-way (alley) that is required for structures in the Suburban Residential zone. The property is located at 1009 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 RP01640005018A. The completed application was received by the Latah County Planning and Building Department on January 23, 2013. The applicant's request would result in a reduction of the centerline setback from 60-ft to 25-ft. The right of way is an 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:

**Size of Parcel:** .17 acres  
**Soils:** Southwick silt loam, 12 to 25% slopes, Latah silt loam 0 to 3% slopes (Latah County Soil Survey Sheet #21)  
**Floodplain:** Zone "C"

### Land Use and Regulations:

**Comprehensive Plan Designation:** Industrial, Commercial, Residential  
**Existing Zoning:** Suburban Residential  
**Existing Uses:** Residential  
**Neighboring Zoning:** Suburban Residential  
**Neighboring Uses:** Public Right of Way, Residential

### Infrastructure/Services:

**Water:** Viola Water & Sewer  
**Sewer:** Viola Water & Sewer  
**Access:** 1009 Miller Rd.  
**Schools:** Moscow School District  
**Fire Protection:** Moscow Rural Fire District  
**Law Enforcement:** Latah County Sheriff

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

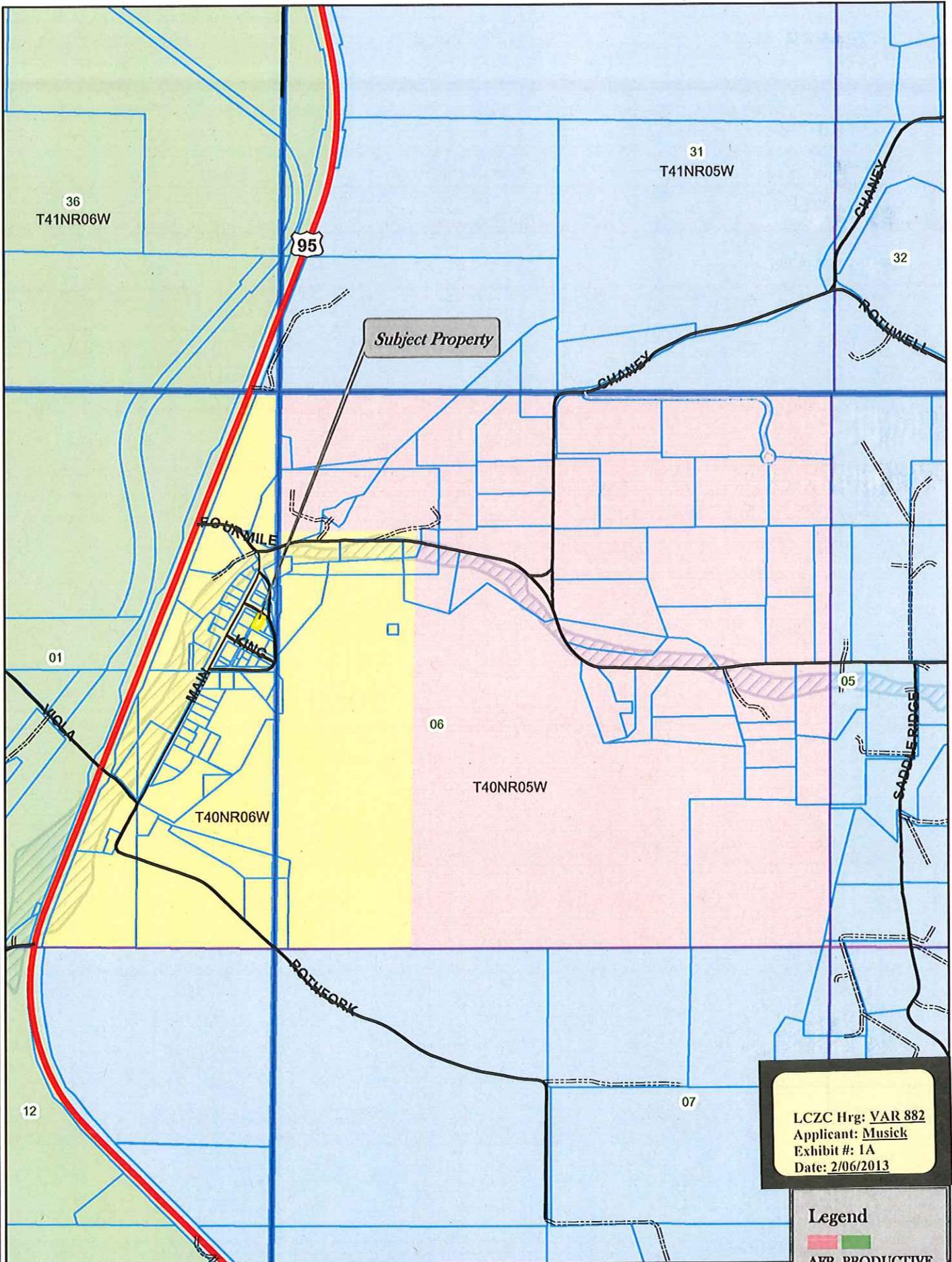
Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

Section 3.03                      Suburban Residential  
Article 7                              Variances

Latah County Comprehensive Plan

VAR #882 Musick Setback Variance



LCZC Hrg: VAR 882  
 Applicant: Musick  
 Exhibit #: 1A  
 Date: 2/06/2013

**Legend**

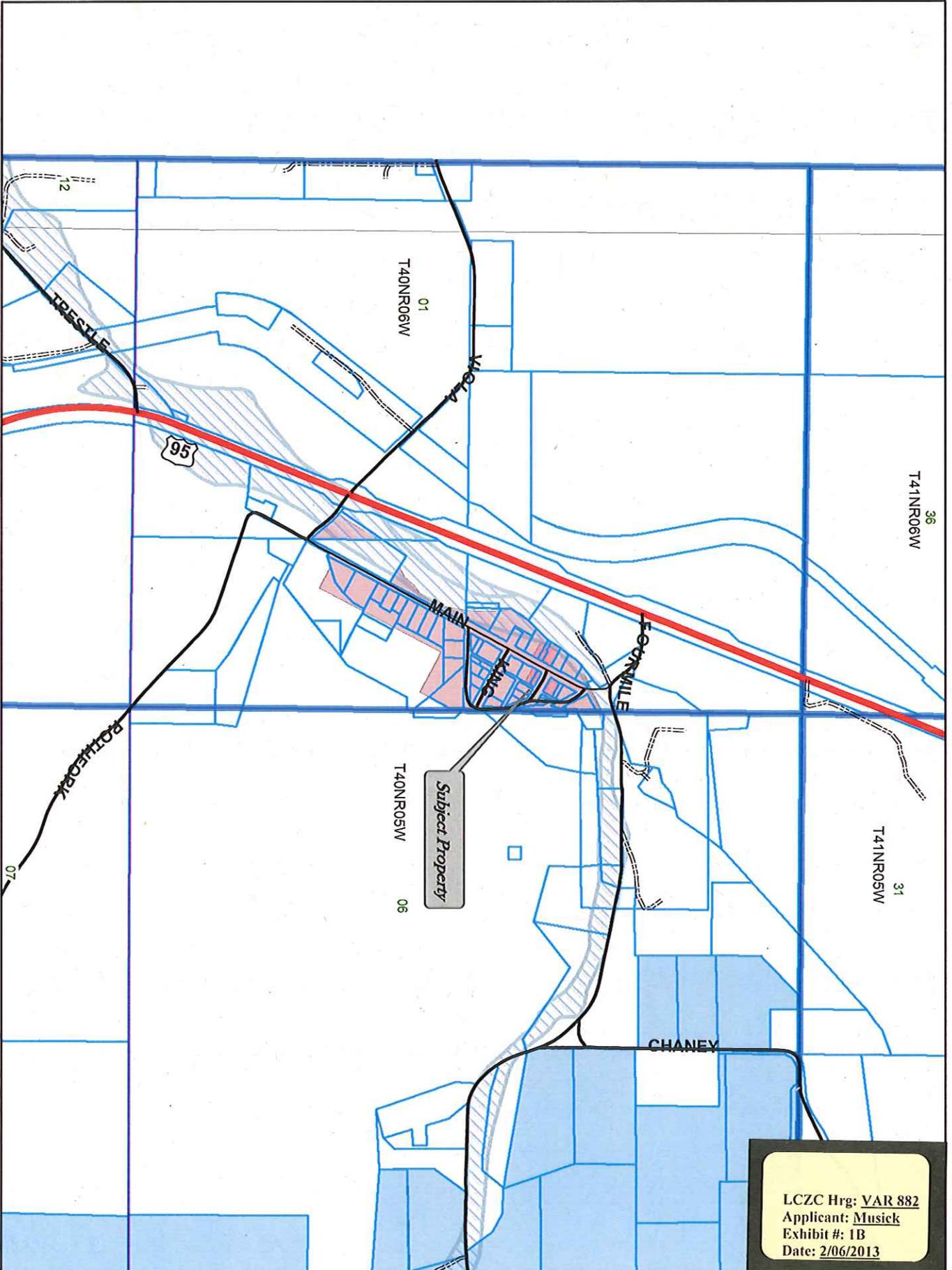
- AFR PRODUCTIVE
- AOI RURAL
- ICR

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





# VAR #882 Musick Zoning Map



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

\*Created on 4/1/2013 by JB



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

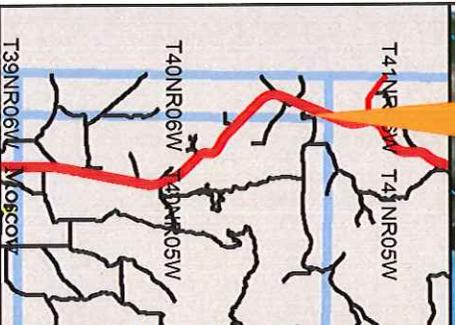
LCZC Hrg: VAR 882  
 Applicant: Musick  
 Exhibit #: 1B  
 Date: 2/06/2013



# VAR #882 Musick Setback Variance



Subject Property



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

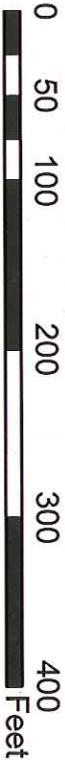
### Legend



Parcels



Floodplain

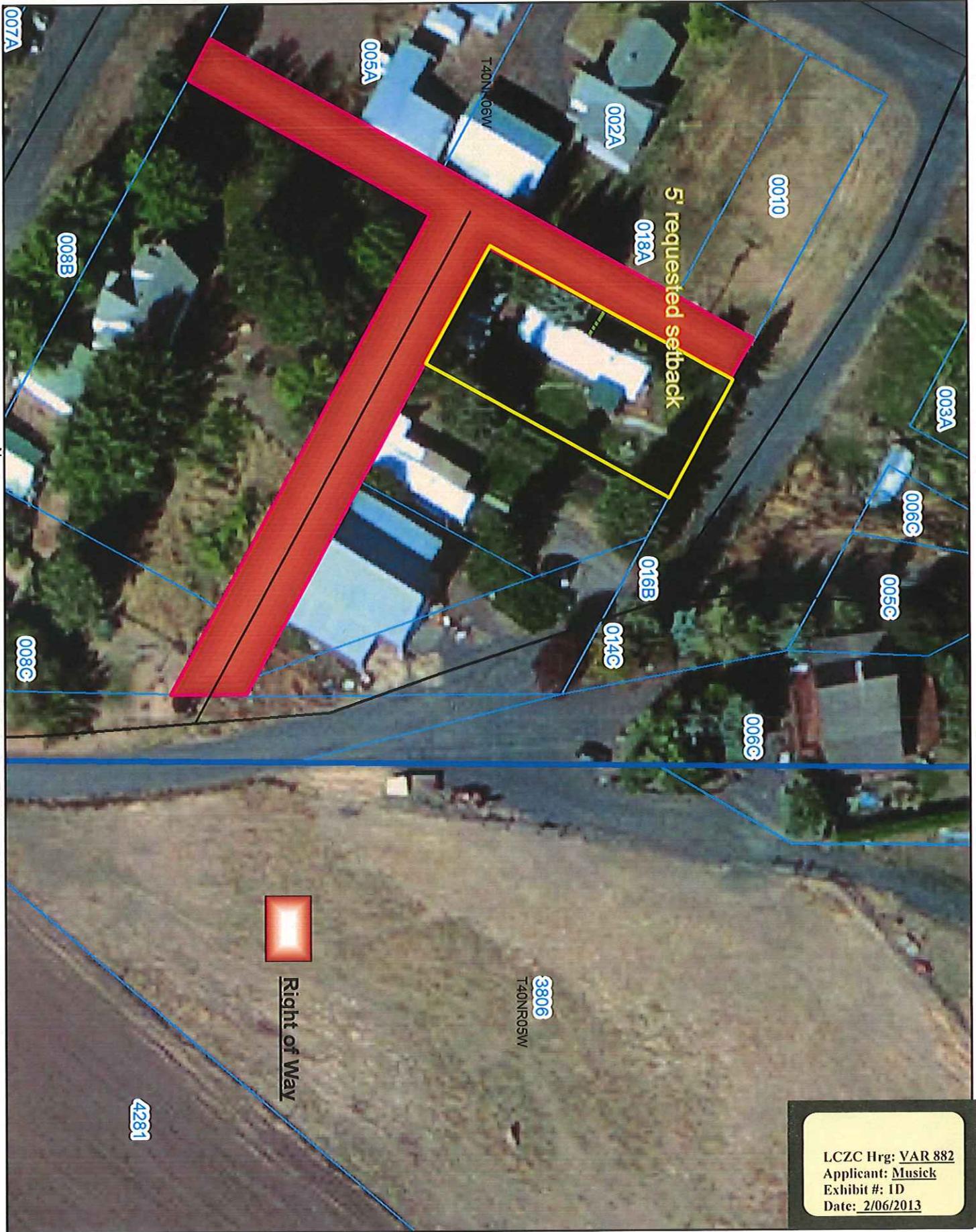


LCZC Hrg: VAR 882  
 Applicant: Musick  
 Exhibit #: IC  
 Date: 2/06/2013

\*Created on 1/29/2013 by JB



# VAR #882 Musick Setback Variance Site Map



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

LCZC Hrg: VAR 882  
 Applicant: Musick  
 Exhibit #: 1D  
 Date: 2/06/2013



LCZC Hrg: VAR 882  
Applicant: Musick  
Exhibit #: 1E  
Date: 2/06/2013



# 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	
DEBRA E. MUSICK	208-882-3394	208 882-5574	
d. Mailing Address	e. City	f. State	g. Zip code
P.O. Box 79 (1009 MILLER)	VIOLA	ID.	83872
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. Site Address (if applicable)	
RP01640005018A	1009 Miller	
c. Road Used to Access Site	d. Floodplain designation(s)	e. FEMA Panel #
Miller Rd		
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)
Viola Water & Sewer	Viola Water & Sewer

4. Adjacent Properties Information	
a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties
Suburban Res.	Residential/Vacant

**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.

3.03.03 20' Setback from The Row and 60' from Centerline

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
+ Debra Musick	01/23/2013
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"/> <b>Fee: (\$150.00)</b> Make checks payable to Latah County.
<input checked="" type="checkbox"/> <b>Completed Narrative Worksheet:</b> See instructions on the Rezone Narrative Worksheet.
<input checked="" type="checkbox"/> <b>Site Plan:</b> 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 type="checkbox"/> <b>Vicinity Map:</b> The map should show the site location in relation to the City of Moscow, outlying neighborhoods, highways and roads, and natural features.
<input type="checkbox"/> <b>Other Attachments:</b> The Zoning Commission shall have the authority to require any attachments if it feels is necessary to make a fair and equitable rezoning request.

Office Use Only			
Date Received by County	Fee Amount	Receipt No.	By
1/23/13	\$150	157505	[Signature]
VAR #	Date Determined Technically Complete	By	
802	1/23/13	[Signature]	
Hearing Date			
2/6/13			

LCZC Hrg: VAR 882  
 Applicant: Musick  
 Exhibit #: 2  
 Date: 2/06/2013



# 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.

reduce set backs on west side to 5' from unused alley. and rear set back 35' from center line of vacant alley

## Existing Uses of Property

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

resident structure

## 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.

variance will not affect public interest alley have never been used by the public

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

parcel ~~is~~ has public right of way on three sides two of which are unused alleys. to meet the setbacks would deem the parcel unusable



## **VAR #882 – Staff Introduction**

A request by Debra Musick for a variance to allow a 5-foot setback from the edge of the side right-of-way (alley) in lieu of the 20-foot setback from the edge of a public right-of-way (alley) that is required for structures in the Suburban Residential zone. The property is located at 1009 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 RP01640005018A.

**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 Debra Musick, to the Planning and Building Department on January 23, 2013.

**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 February 6, 2013.

That is all staff has unless the Commission has questions.