

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: VAR #910 Date: January 15th, 2014 Time: 5:30 p.m.

Applicant: Gerardo Alvarez

- Exhibit #1 : Criteria Worksheet Application Summary
- Exhibit #1A : Latah County Comprehensive Plan and Vicinity Map
- Exhibit #1B : Zoning Map
- Exhibit #1C : Aerial Photograph and Adjacent Property Owners Map
- Exhibit #2 : Application Form (Submitted by Applicant)
- Exhibit #2A : Narrative (Submitted by Applicant)
- Exhibit #2B : Site Plan (Submitted by Applicant)
- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing on January 15th, 2014.

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 of 33 feet

Description of application:

VAR #910 – A request by Gerardo Alvarez for a variance to allow a 33-foot setback from an adjacent property line in lieu of the 35-foot setback from the adjacent property line that is required for residential structures in the Agriculture Forest zone. The property is located at 1045 Libey Road, Viola, Idaho, in Section 32, Township 41 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP41N05W329002A. The current structure is a non-permitted structure that was built by a previous property.

The completed application was received by the Latah County Planning and Building Department on December 23rd, 2013. The request would result in a reduction of the adjacent property line setback from 35-ft to 33-ft on Helmer Lane and a reduction in the side setback from 20 feet to 18feet for the unimproved right-of-way.

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: .26 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture/Forest
Existing Uses: Forestry and Non-Compliant Dwelling
Neighboring Zoning: Agriculture Forest
Neighboring Uses: Forestry, Agriculture, Residential

Infrastructure/Services:

Water:	Private Well
Sewer:	Private Septice
Access:	1045 Libey Road
Schools:	Moscow School District
Fire Protection:	Moscow Fire District
Law Enforcement:	Latah County Sheriff

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

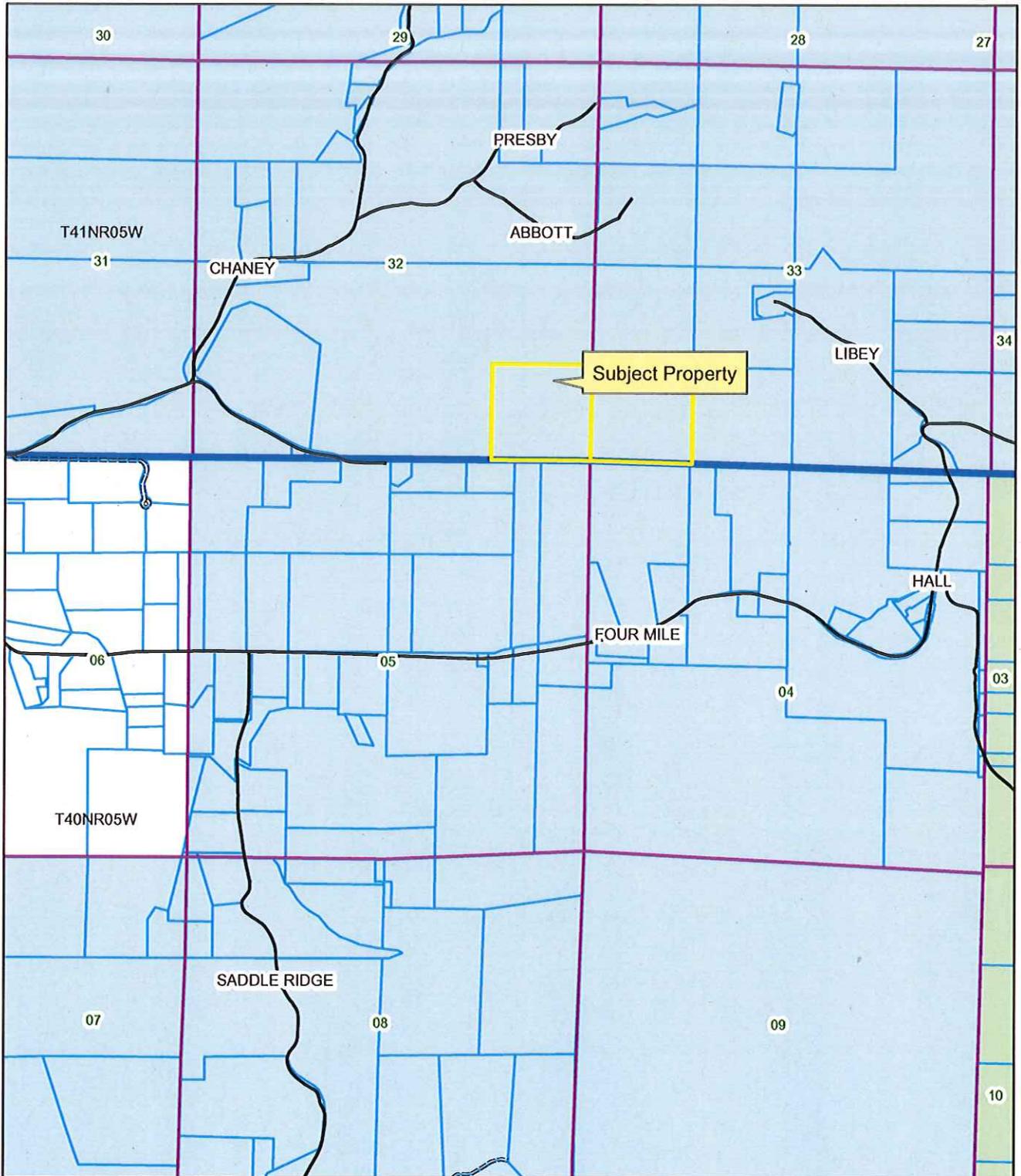
Latah County Land Use Ordinance # 269, as amended:

Section 3.01 Agriculture/Forest

Article 7 Variances

Latah County Comprehensive Plan

VAR 910 Comprehensive Plan and Vicinity Map



Legend

Comprehensive Plan	 ICR
ZONE	 PRODUCTIVE
 AOI	 RURAL



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

VAR
LCZC Hrg: CUP 910
Applicant: Alvarez
Exhibit #: 1A
Date: 01/15/2014

VAR 910 Zoning



Legend

- | | | |
|------------------------------|-----------------------------|--------------------------------|
| Parcels | Area of Impact - Genesee | Municipality |
| Zoning_Districts_2009 | Commercial | Rural Residential |
| ZONE_TYPE | Industrial | Single-Family Residential |
| Agriculture / Forest | Motor Business | Single-Family Residential (R1) |
| Agriculture / Forestry | Multiple Family Residential | Suburban Residential |



NOTE: This Document is a repr
Latah County bears no respons

VAR
LCZC Hrg: VAR 910
Applicant: Alvarez
Exhibit #: 1B
Date: 01/15/2014

VAR 910 Aerial and Adjacent Property Owner Map



Legend

 Parcels



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

VAR 910
 LCZC Hrg: ~~CGP~~ 910
 Applicant: Alvarez
 Exhibit #: 1C
 Date: 01/15/2014



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 GERARDO + TATY ALVAREZ	b. Home Phone / Work Phone 208.310.3395	c. Email GERARDO.PATY@MEXICAN-KITCHEN.COM	
d. Mailing Address 1045 LIBEY RD.	e. City VIOLA	f. State ID	g. Zip code 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) RP41N05W329002	b. Site Address (if applicable) 1045 LIBEY RD. VIOLA		
c. Road Used to Access Site LIBEY ROAD TO PRIVATE DRIVEWAY	d. Floodplain designation(s) "A"	e. FEMA Panel # NA	
f. Existing Uses AG			

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
---	---

4. Adjacent Properties Information

a. Zoning of Adjacent Properties AG/FOREST	b. Existing Uses of Adjacent Properties AG
--	--

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.

I AM SEEKING A 2FT. VARIANCE. MY HOME IS 33FT FROM THE PROPERTY LINE INSTEAD OF THE LEGAL 35FT. SEE BACK PAGE.

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 <i>Gerardo Alvarez</i>	b. Date 12.19.13
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:** (\$200.00) 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.
- Other Attachments:** The Zoning Commission / Staff 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 12/23/13	Fee Amount 200.00	Receipt No. 995736	By MZ
VAR# VAR910	Date Determined Technically Complete 12/23/13	By MZ	
Hearing Date January 15, 2014			

09/19/2013

LCZC Hrg: **CUP 910**
 Applicant: **Alvarez**
 Exhibit #2
 Date: **01/15/2014**



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 PROPOSE THAT A 2 FT VARIANCE BE ISSUED BECAUSE I CANNOT MOVE THE BUILDING OR TEAR IT DOWN. THIS IS MY PRIMARY RESIDENCE. I HAVE INVESTED A LOT OF MONEY ON THIS PROPERTY TO LEAVE IT NOW. I WOULD NOT HAVE ANYWHERE TO GO.

Existing Uses of Property

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

THE EXISTING USE OF THIS PROPERTY IS MAINLY AG USE. THE ONLY STRUCTURES ON THE PROPERTY ARE MY RESIDENCE, A SMALL 11X11 GUEST COTTAGE, STORAGE SHED, & CORRALS FOR CATTLE.

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.

THIS VARIANCE WILL NOT BE DETRIMENTAL TO OTHER PROPERTIES IN THE VICINITY BECAUSE THEY ARE ALSO LARGE PARCELS AND ALSO USED AS AG. OTHER DWELLINGS A FAR FROM MY RESIDENCE, THEREFORE THE VARIANCE WOULD NOT BE A BURDEN TO MY NEIGHBORS. THERE ARE A LOT OF TALL PINE TREES THAT PROVIDE SHADE & PRIVACY TO ME & TO MY NEIGHBORS.

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 I AM MADE TO COMPLY WITH THE SET BACKS IT WOULD MEAN THAT I WOULD HAVE TO TEAR DOWN THE BUILDING AND CREATING A FINANCIAL BURDEN ON ME. I DON'T HAVE THE MEANS FOR DEMOLITION, CONSTRUCTION. I DON'T HAVE ANYWHERE ELSE TO LIVE. ALSO I HAVE A HERD OF COWS THAT IS THE REASON I INVESTED IN THIS PROPERTY. IF I WAS MADE TO LEAVE I DON'T HAVE ANYWHERE TO PUT MY CATTLE.

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.

* VARIANCE INFO - I DID NOT BUILD THIS BUILDING. IT WAS BUILT BY THE PREVIOUS OWNERS WHO WERE NOT REAL SURE OF THE PROPERTY LINE. THE PROPERTY LINE IS CONFUSING BECAUSE THERE IS AN OLD ROAD ^{ON} THE PROPERTY. ALSO THERE ARE REMNANTS OF AN OLD FENCE THEREFORE MAKING IT CONFUSING AS TO WHERE THE PROPERTY LINE REALLY IS. WHEN THE PROPERTY WAS SOLD TO ME IN 2011, THERE WAS A SURVEY DONE ESTABLISHING THE LEGAL PROPERTY BOUNDARY. THIS SURVEY ~~AND~~ ESTABLISHED THE HOME IN NON-COMPLIANCE OF THE LEGAL SET-BACKS.

FINAL/AS-BUILT -- Subsurface Sewage Disposal



Public Health
Protect. Promote. Prevent.

Idaho Public Health Districts



Public Health
Idaho North Central District

Permit # SP13-00330
Date 08/13/2013
Parcel # RP41N05W328002
Computer # _____

Nez Perce County
215 10th Street
Lewiston, ID 83501
Phone: (208) 799-3100
Fax: (208) 799-0349

Latah County
333 E Palouse River Drive
Moscow, ID 83843
Phone: (208) 882-7505
Fax: (208) 882-3494

Clearwater County
105 115th Street
Orofino, ID 83544
Phone: (208) 476-7850
Fax: (208) 476-7494

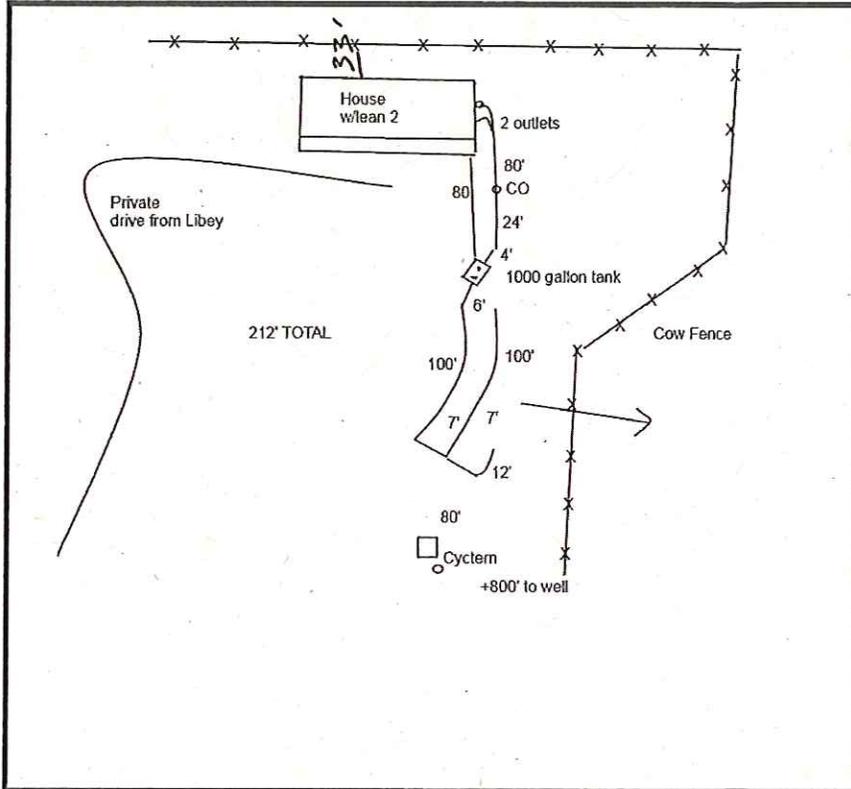
Idaho County
903 West Main Street
Grangeville, ID 83530
Phone: (208) 983-2842
Fax: (208) 983-2845

Lewis County
132 N. Hill Street
Kamiah, ID 83536
Phone: (208) 935-2124
Fax: (208) 935-0223

Applicant's Name: _____ Phone #: _____
Owners Name: GERARDO ALVAREZ Phone #: (208) 310-3395
Property Address: 1045 LIBEY RD VIOLA, ID 83872
Legal Description: _____
Subdivision: _____ Section: 32 Township: 41N Range: 05W

System Type: Gravel (Yards): 0
GRAVELESS
System Mfg: Sand (Yards): 0
INFILTRATOR
Septic/Trash Tank (Gallons): Depth to Pipe (Inches): 0
1000
Septic/Trash Tank Mfg.: Rock Under Pipe (Inches): 0
WILBERT PRECAST CONCRETE
Depth to Tank Lid (Inches): Date System Installed: 08/12/2013
12
Sandpipe/Riser (Inches): Riser Longitude: 0
0
Pump Tank (Gallons): Riser Latitude: 0
0
Pump Tank Mfg.: Well Installed:
Not Applicable Yes No
Drainfield Width (Ft.): Distance to Tank (Ft.): 800
3
Drainfield Length (Ft.): Distance to Drainfield (Ft.): 800
212
Drainfield Area (Sq. Ft.): Valve: Yes No
848 D-Box: Yes No

Asbuilt (not to scale)



All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.

Notes/Conditions of Approval: Bottom leg is not in the area where I was concerned. Soiled were in good condition. No decomposed granite encountered. System is between 24 and 30" deep. ASTM 2729 used from cross over pipes. Schedule 40 at inlet and outlet.

Installer Name DARREL'S BACKHOE SERVICE Signature: _____
Installer Number IN11-00039 Date: _____

By signing above, I certify that all answers and statements on this Final/Asbuilt are true and complete to the best of my knowledge

Official Use Only				
DATE				
TRAVEL				
INSPECT				
EHS				

As-Built provided by EHS As-Built provided by Installer

Nancy M Becker
EHS Final Inspection Signer
Nancy Becker
EHS Code

LCZC Hrg: CUP 910
Applicant: Alvarez
Exhibit #: 2B
Date: 01/15/2014

VAR #910 – Staff Introduction

VAR #910 – A request by Gerardo Alvarez for a variance to allow a 33-foot setback from an adjacent property line in lieu of the 35-foot setback from the adjacent property line that is required for residential structures in the Agriculture Forest zone. The property is located at 1045 Libey Road, Viola, Idaho, in Section 32, Township 41 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP41N05W329002A. The current structure is a non-permitted structure that was built by a previous property. Mr. Alvarez is currently making application to bring the structure into compliance with both the Land Use Ordinance and Building Ordinance.

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 Gerardo Alvarez, to the Planning and Building Department on December 23rd, 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:

- | | | |
|--------------------|---|---|
| Exhibit #1 | : | Criteria Worksheet Application Summary |
| Exhibit #1A | : | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B | : | Zoning Map |
| Exhibit #1C | : | Aerial Photograph and Adjacent Property Owners Map |
| Exhibit #2 | : | Application Form (Submitted by Applicant) |
| Exhibit #2A | : | Narrative (Submitted by Applicant) |
| Exhibit #2B | : | Site Plan (Submitted by Applicant) |
| Exhibit #3 | : | Staff Introduction for Latah County Zoning Commission hearing on January 15 th , 2014. |

That is all staff has unless the Commission has questions.