

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 from an adjacent property line, setback variance from a parcel not zoned commercial, and a request to approve residential access onto a state highway for a short plat.

Description of application:

A request by Jonathan and Deann Billing for a variance to allow a 9-foot setback in lieu of the 10-foot setback from an adjacent property line and to allow a structure within 10 feet of a parcel not zoned commercial that is required for the residence located at 5513 Hwy 95, a 7-foot setback in lieu of the 10-foot setback from an adjacent property line this is required for the residence at 5505 Hwy 95 N., a request to allow a structure within 10 feet of a parcel not zoned commercial for the residence at 5519 Highway 95, and a request to approve residential access onto a state highway for a short plat, in Section 02, Township 41 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Numbers RP41N05W022852A and RP41N05W023142A.

The completed application was received by the Latah County Planning and Building Department on August 13, 2015. The application was signed by the applicant, Deann Billing.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 4.96 acres
Floodplain: Zone "A"

Land Use and Regulations:

Comprehensive Plan Designation: Industrial/Commercial/Residential
Existing Zoning: Agriculture Forest/Commercial
Existing Uses: Residential
Neighboring Zoning: Agriculture Forest/Commercial
Neighboring Uses: Agriculture/Forestry/Residential

Infrastructure/Services:

Water: Public
Sewer: Public
Access: Highway 95
Schools: Potlatch School District
Fire Protection: Potlatch Rural Fire District
Law Enforcement: Latah County Sheriff

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6516

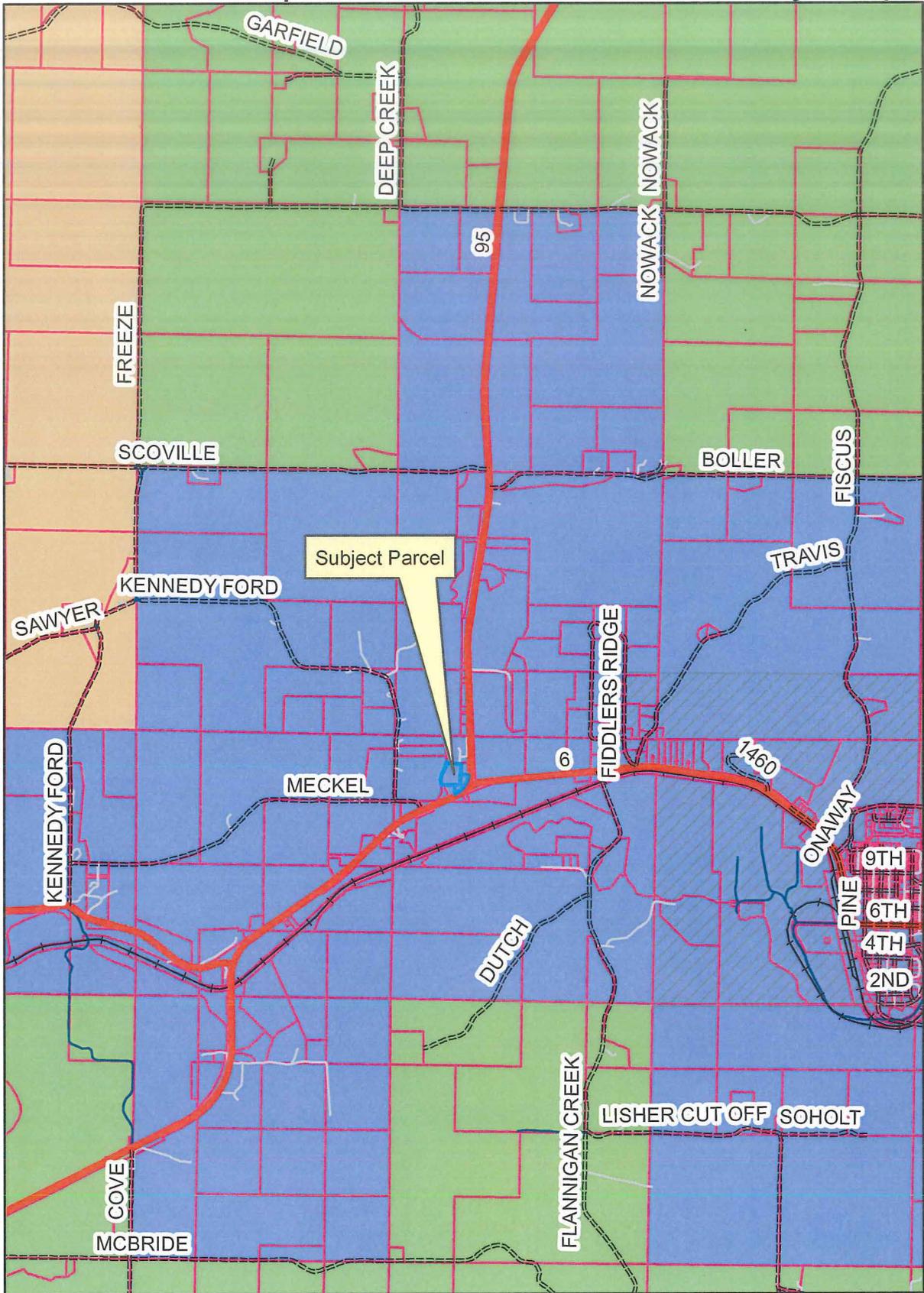
Latah County Land Use Ordinance # 269, as amended:

Section 3.04 Commercial
Article 7 Variances

Latah County Comprehensive Plan

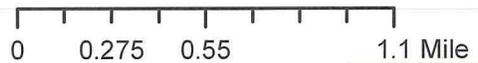
VAR 954 Comprehensive Plan and Vicinity Map

Planning and Building Department



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

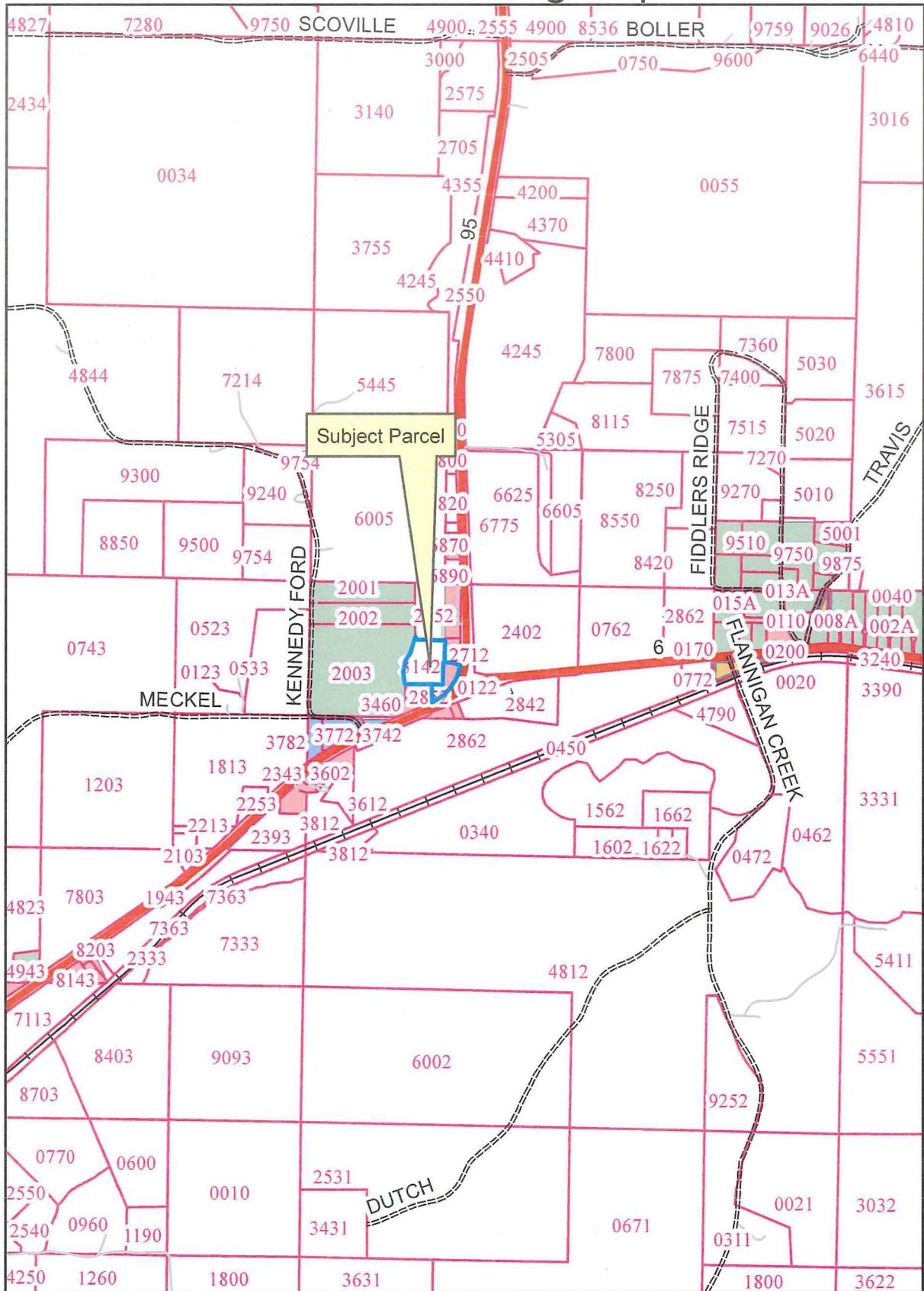
Created by: CAB



LCZC Hrg: VAR954
Applicant: **Billig**
Exhibit #: 1A
Date: **09/02/2015**

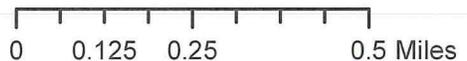
VAR 954 Zoning Map

Planning and Building Department



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Created by: CAB



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|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: VAR 954
Applicant: Billing
Exhibit #: 1B
Date: 09/02/2015

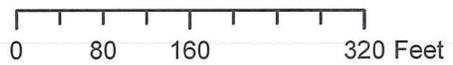
VAR 954 Aerial Photograph and Adjacent Property Owners

Planning and Building Department



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

Created by: CAB



LCZC Hrg: VAR 954
Applicant: Billing
Exhibit #: 1C
Date: 09/02/2015



Application for Short Plat to Use Existing Residential Access Approach to a State Highway

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 Jonathan + Deann Billing	b. Home Phone 208-882-8715	c. Work Phone 208-596-8811	
d. Mailing Address 1034 S Harding St	e. City Moscow	f. State ID	g. Zip code 83843
h. Property Owner (if different than applicant) same	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) RP41N0SW022852A / RP41N0SW023142A	b. Site Address (if applicable) 5505 Hwy 95 N, Potlatch ID 83855		
c. Road Used to Access Site Hwy 95 N	d. Floodplain designation(s) part of Lot 3	e. FEMA Panel #	
f. Existing Uses residential rental properties (CUP)			

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. Short Plat Application Information

a. Short Plat Application in association with this application: Billing Short Plat	b. Number of lots of proposed Short Plat: 3
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties Commercial Ag/Forest	b. Existing Uses of Adjacent Properties Commercial, residential
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5. Existing Residential Access Approach to State Highway Request Information

A. Existing Residential Access Approach Requested for Approval per Section 8.02.01 of the Latah County Land Use Ordinance ITD Permit #02-15-149	B. Explanation of Request access for residential homes
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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 Deann Billing	b. Date 7/13/15
c. Signature of Property Owner (if different than applicant)	d. Date

7. Other Requirements

Per §8.02.02 of the Latah County Land Use Ordinance select which of the following applies to this request:

The original parcel from which a rezone was created does not touch any other public roadway (If applicable indicate Rezone # _____)

An area rezoned prior to the adoption of this provision (12/23/2008) does not touch any other public roadway (If applicable indicate Rezone # _____ and date of rezone _____)

It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches the parcel. (If applicable additional documentation may be required as per the discretion of Staff or the Latah County Zoning Commission)

8. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

Fee: (\$150.00) Make checks payable to Latah County.

Completed Narrative Worksheet: See instructions on the Attached 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, location of proposed access approach, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.

Copy of ITD Permit: Copy of permit from ITD for residential access approach for one or more homes dated December 23, 2008 or before or a letter from ITD that states that they recognized the approach on the subject property for residential use prior to December 23, 2008.

Vicinity Map: The map should show the site location in relation to the city or town nearest your location, outlying neighborhoods, highways and roads, and natural features.

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 request.

Office Use Only

Date Received by County 7/13/15	Fee Amount \$150	Receipt No. 146036	By TS
SPAR # 954	Date Determined Technically Complete		By
Hearing Date			

LCZC Hrg: VAR 954
Applicant: Billing
Exhibit #: 2
Date: 09/02/2015



Short Plat Request to Use Existing Residential Access Approach to a State Highway Narrative Worksheet

Application Information

Applicant's Name

Jonathan + Deann Billing

Phone Number

208-596-8811

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 Request

Describe your request in detail.

Applying for short plat to bring property to conformity w/ Latah County zoning + parcel codes. The three residential homes ~~are~~ have been on the property for many years. They are accessed off of Highway 95 N. This application is part of the short plat process allowing the existing residential access approach to Highway 95.

Existing Uses of Property

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

3 residential homes used as investment rental properties. There is also a manufactured home owned by tenant who pays lot rent. 1 additional "storage" building - non habitable home slated for future tear-down

Relevant Criteria and Standards

Please respond to the criteria listed in Section 8.02.01.5.B of the Latah County Land Use Ordinance by explaining how your proposal meets the criteria. If the provided space is insufficient, please attach your responses to this packet.

The proposed access is not detrimental to the health or safety of those in the surrounding area or the safety of the public at large.

- Each lot has 25 feet of frontage on Hwy 95
- 1 access approved by ITD
- no new roads or driveways
- shared drive has 20+ feet graveled surface
- shared drive is existing

LCZC Hrg: VAR 954
Applicant: Billing
Exhibit #: 2A
Date: 09/02/2015

Site Plan House Variance



Surface Transportation

Alleys

Townships

0.00000450 0.009 Miles

LCZC Hrg: VAR 954
Applicant: Billing
Exhibit #: 2B
Date: 09/02/2015

VAR #954 – Staff Introduction

VAR #954 – A request by Jonathan and Deann Billing for a variance to allow a 9-foot setback in lieu of the 10-foot setback from an adjacent property line and to allow a structure within 10 feet of a parcel not zoned commercial that is required for the residence located at 5513 Hwy 95, a 7-foot setback in lieu of the 10-foot setback from an adjacent property line this is required for the residence at 5505 Hwy 95 N., a request to allow a structure within 10 feet of a parcel not zoned commercial for the residence at 5519 Highway 95, and a request to approve residential access onto a state highway for a short plat, in Section 02, Township 41 North, Range 05 West, B.M., in Latah County and referenced as Assessor's Parcel Numbers RP41N05W022852A and RP41N05W023142A.

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, Deann Billing, to the Planning and Building Department.

2. Section 3.04.04 of the Latah County Land Use Ordinance requires that all structures shall be a minimum of 20 feet from the boundaries of 10 feet from any property line not zoned Commercial and a minimum of 10 feet from any public right-of-way.

3. Section 8.02.02(5) of the Latah County Land Use Ordinance requires that unless the following requirements are met, no short plat may include driveways entering directly onto state highways maintained by the Idaho Transportation Department. All new lots created via a short plat, and rezones which will ask for a subsequent subdivision, must be designed to meet this requirement.

A. An applicant for a short plat may request a hearing before the Zoning Commission, applying the general procedures set forth in Section 7.02 of this ordinance, excepting 7.02.02 and using the criteria set below, to ask for permission to use an existing residential access approach (existing residential access approach defined as approval from Idaho Transportation Department for a residential access approach given prior to the adoption of this section) to a state highway maintained by the Idaho Transportation Department if no reasonable lot configuration can meet the requirement and one of the following applies:

1. The original parcel from which a rezone was created does not touch any other public roadway.
2. An area rezoned prior to the adoption of this provision does not touch any other public roadway.
3. It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches that parcel.

B. The Zoning Commission shall use the following criteria in making its decision:

1. The proposed access is not detrimental to the health or safety of those in the surrounding area or the safety of the public at large.

4. 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.

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.

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

EXHIBITS:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet and Application Summary |
| Exhibit #1A. | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Adjoining Property Owners and Aerial Photograph Map |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #2B. | Site Plan (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for VAR #954 on September 2, 2015 |

That is all staff has unless the Commission has questions.