



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

July 18, 2013

Garden Valley School Flex Room
1053 Banks Lowman Road
Garden Valley, Idaho 83622

Present: Chair Rosemary P. Ardinger, Vice Chair Dan Gasiorowski, Commissioner Peter Wilson, and Commissioner Thomas Faull. **Excused:** Commissioner John Jaugeri, Commissioner Mitchel Tain and Commissioner Jayne Reed.

Staff Present: Planning & Zoning Acting/Interim Administrator Rora Canody, Deputy Administrative Assistant Nola Yonker and Prosecuting Attorney Ian Gee.

Roll Call: Chair Ardinger requested Deputy Administrative Assistant Yonker call the roll. There being four (4) members present, Chair Ardinger declared a quorum was present and called the meeting to order at 6:30 p.m.

Vice Chair Gasiorowski made a motion to amend the agenda to remove approval of the Regular Meeting Minutes of June 27, 2013, and to add review and approval of the Findings of Fact and Conclusions and Order for: Rowland's Auto Body; Valley of the Pines; Gold Hill Reclamation & Mining 4th Amendment for Mud Flats; and Mores Creek Cabins and Campground; seconded by Commissioner Wilson. All ayes, motion carried.

Minutes: Chair Ardinger requested a motion to approve Special Meeting/ Joint Workshop Minutes of June 5, 2013. Vice Chair Gasiorowski made the motion to accept the minutes of June 5, 2013 Special Meeting/Joint workshop as written; seconded by Commissioner Wilson. All ayes, motion carried.

The minutes for the regular meeting of June 27, 2013 tabled until the next regular meeting.

Review and Approval of Findings of Fact, Conclusions, and Orders:

Rowland Auto Body Findings of Fact, Conclusions, and Order

Chairman Ardinger asked for a motion regarding the Findings of Fact, Conclusions and Order for Rowland's Auto Body Conditional Use Permit. Vice Chair Gasiorowski made a motion to approve the Findings of Fact, Conclusions and Order for Rowland's Auto Body Conditional Use Permit, as presented; seconded by Commissioner Faull. Chairman Ardinger called for a voice vote. Ayes: Commissioner Gasiorowski, Commissioner Faull, Commissioner Wilson, Chairman Ardinger yes. Nay: none. There being four (4) ayes votes and no nay votes; motion carried.

Valley of the Pines Findings of Fact, Conclusions, and Order

Chairman Ardinger asked for a motion regarding the Findings of Fact, Conclusions and Order for Valley of the Pines Conditional Use Permit. Commissioner Faull made a motion to approve the Findings of Fact, Conclusions and Order for Valley of the Pines Conditional Use Permit, as presented; seconded by Commissioner Gasiorowski. Chairman Ardinger called for a voice vote. Ayes: Commissioner Gasiorowski, Commissioner Faull, Commissioner Wilson, Chairman Ardinger yes. Nay: none. There being four (4) ayes votes and no nay votes; motion carried.

Gold Hill Reclamation & Mining 4th Amendment Mud Flats Findings of Fact, Conclusions and Order

Chairman Ardinger asked for a motion regarding the Findings of Fact, Conclusions and Order for Gold Hill Reclamation & Mining 4th Amendment Mud Flats Conditional Use Permit.

Commissioner Wilson made a motion to approve the Findings of Fact, Conclusions and Order for Gold Hill Reclamation & Mining 4th Amendment Mud Flats, as presented; seconded by Commissioner Faull. Chairman Ardinger called for a voice vote.

Ayes: Commissioner Gasiorowski, Commissioner Faull, Chairman Ardinger yes. Nay: Commissioner Wilson. The vote being three (3) ayes votes and one (1) nay vote; legal counsel stated that the majority vote of the quorum present carried the motion. Motion carried to approve.

Mores Creek Cabins Findings of Fact, Conclusions and Order

Chairman Ardinger asked for an approval of the Findings of Fact, Conclusions and Order for Mores Creek Cabin Conditional Use Permit. Commissioner Gasiorowski made a motion to approve the Findings of Fact, Conclusions and Order for Mores Creek Cabin Conditional Use Permit, as presented; seconded by Commissioner Wilson. Chairman Ardinger called for a voice vote; then stated she would have to recuse herself from the vote, as she has a conflict of interest. Vice Chair Gasiorowski took over the meeting at this time. He called Commissioner Reed by phone to establish a quorum for a voice vote on the Findings of Fact, Conclusions and Order for Mores Creek Cabin Conditional Use Permit. Vice Chair Gasiorowski repeated the motion and asked for a voice vote. Ayes: Commissioner Reed, Vice Chair Gasiorowski, Commissioner Faull, Commissioner Wilson. Nay: none. Recused: one. There being four aye (4) votes, motion carried.

Chair Ardinger returned to the meeting and proceeded with the

Public Hearing Set back Variance Request Robert Dale Andreason

Chair Ardinger stated it was now 6:44 p.m. and the public hearing would be heard for the Set Back Variance Request #2013-003 for Robert Dale Andreason. Chair Ardinger called upon the applicant for his presentation.

Mr. Andreason, 8521 Hwy 21, Lowman, ID 83633, presented his request to reduce the rear setback requirement to enable him to build his addition to the existing building, as he has limited space on his lot. His lot is such that the SF Payette River is on the south side, Hwy 21 is on the north side and lot 40 on the east side which comes to a point, lot size is .273 acres. Wade Overly is to be his builder.

Chair Ardinger requested the staff report for the application from the Planning & Zoning Staff.

Planning & Zoning Acting/Interim Rora Canody stated that the entire Planning and Zoning file is entered into the record and then gave a PowerPoint visual presentation to supplement the Staff Report that had been given to the P&Z Commission and the Applicant. P&Z Acting/Interim Administrator reported: this is a request to reduce the rear setback requirement as stated in the Boise County Zoning & Development Ordinance #2001-07, Chapter 4, Section 4-3. Surrounding property owners and agencies were mailed notification of the Variance on June 5, 2013. Notice was published in the Idaho World on June 26, 2013. Notice was posted on property June 12, 2013. Responses received from agencies were: State of Idaho Dept. of Environmental Quality, Central

District Health Department, Idaho Transportation Department, and the Lowman Volunteer Fire Department.

Public responses: adjacent property owners Lamar Cafferty and Pastor Cobbley.

Criteria: Boise County Zoning and Development Ordinance # 2001-07, Section 4-3 establishes standards for the Commission to consider when approving such a request:

- a) That special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures or buildings.
- b) That a literal application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by like properties under the terms of this Ordinance.
- c) That the hardship and/or unique circumstances do not result from actions or desires of the applicant.
- d) That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings.
- e) The relief granted by the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvements.

Staff recommendation regarding the standards:

- a) Special conditions and circumstances do exist that are peculiar to Mr. Andreason's application that are not applicable to other lands, structures or buildings. The parcel is triangular in shape, the current residence was built in the 1970's within five (5) feet of the property line and is not in a flood zone.
- b) A literal application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by like properties under the terms of this Ordinance. Adhering to the 20 foot rear set back requirement would deprive the applicant from enjoying his private property rights to build an addition on his property to his liking.
- c) Unique circumstances do exist for this application that is not a result of the applicant's actions or desires.
- d) If the variance is granted this action will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings.
- e) The relief granted by this variance will not be detrimental to the public health, safety or welfare or injurious to the property of improvements of other property owners; as the adjoining property owner has no objection to the location of the addition to the current residences. Agency responses received stated no objections to this variance request.

Staff recommends approval of the variance request by the applicant with the following conditions:

1. The Applicant shall obtain the necessary building permit from the Planning and Zoning Department to build the addition, with the approved setbacks shown on the site plan submitted with the building permit application.
2. Setbacks shall comply with the variance from BCZDO#2001-07 Table 2-A and be set at a distance equal to that of the current residence "back setback" as approved through this variance approval.

Chair Ardinger asked for questions from the Commission to Staff. The Commission had no questions. Hearing none, Chair Ardinger stated for the record that no one had signed up to give oral testimony as neutral, in support, or, in opposition to this application.

There was no rebuttal from Mr. Andreason, other than a thank you for working with him and a thank you to his realtor.

Chair Ardinger closed the public hearing and asked for discussion or deliberation from the Commission. The Commission agreed with the Staff's recommendations regarding the standards.

Vice Chair Gasiorowski made a motion to approve the application for Robert Dale Andreason, Request # 2013-003 for a Rear Setback Variance, with all conditions recommended by Staff; seconded by Commissioner Faull. Chair Ardinger asked for voice vote. Ayes: Commissioner Gasiorowski, Commissioner Faull, Commissioner Wilson, and Chair Ardinger. Nay: none. All ayes, motion carried

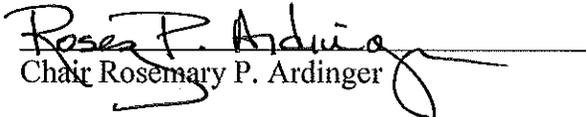
Vice Chair Gasiorowski explained to the applicant that the Findings of Fact, Conclusions and Order would be prepared and signed by the Commission at a following meeting, that could take up to 15 days.

General Discussion:

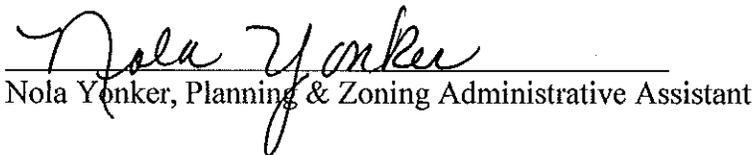
P&Z Acting/Interim Administrator Canody informed the Commission that she would try to keep the number of CUP applications at one meeting to three (3). She then reviewed what the UDO work shop accomplished, earlier in the day, and stated that the next UDO meeting was scheduled for Wednesday July 31, 2013 at the Centerville Fire Station at 10:00 a.m. A Special Meeting would be posted and advertised to include approval of the minutes for June 27, 2013 and the signing of the FCO's for the Andreason Set Back Variance application.

Having no further business, Chair Ardinger adjourned the meeting at 7:13 p.m.

Approved by the Commission this 18 day of ~~July, 2013.~~ ^{August, 2016.}


Chair Rosemary P. Ardinger

Attest:


Nola Yonker, Planning & Zoning Administrative Assistant