

Boise County Planning and Zoning Department

413 Main Street, PO Box 1300
 Idaho City, Idaho 83631
 Phone: 208-392-2293
www.boisecounty.us



**MASTER PUBLIC
 HEARING APPLICATION
 RECEIVED**

Var. 2022-001 ~~OCT 01 2021~~ 10:00 AM
 W. H. H. Drawn 11/30/21

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

BOISE COUNTY
 PLANNING & ZONING *Newitt Var. 2022-003*

- | | | |
|---|--|---|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, FINAL |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUBDIVISION, AMENDED PLAT |
| <input type="checkbox"/> ROAD NAME CHANGE | <input type="checkbox"/> CONDITIONAL USE PERMIT | <input checked="" type="checkbox"/> VARIANCE |
| | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | <input type="checkbox"/> OTHER _____ |

HEARING BEFORE: BOARD OF COUNTY COMMISSIONERS P&Z COMMISSION

PROJECT NAME: _____

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: 1.55

Subdivision Name (if applicable): Garden Valley Summer Home Sites 1 Lot: 33, 34, 35 Block: 2

Site Address: _____ City: Garden Valley, ID

Tax Parcel Number(s): RP027010020350 Current Land Use: vacant / camping

PROPERTY OWNER: Name: Allan Holm - DA Properties LLC APPLICANT: Name: Same

Address: _____ Address: _____

City: Boise State: ID Zip: 83704 City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ Telephone: _____ Fax: _____

Email: _____ Email: _____

I consent to this application, I certify this information is correct, and allow Planning and Zoning staff to enter the property for related site inspections. I agree to indemnify, defend and hold harmless Boise County and its employees from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application.

I consent to this application, I certify this information is correct, and allow Planning and Zoning staff to enter the property for related site inspections. I agree to indemnify, defend and hold harmless Boise County and its employees from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application.

Signature: Allan Holm 9-30-21

 Signature: All Owner(s) of Record Date

Signature: _____

 Signature: Applicant Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPROPRIATE APPLICATION FORM

EXHIBIT 01

1 of 4

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OCT 01 2021
BOISE COUNTY
PLANNING & ZONING
VARIANCE APPLICATION

VAR # ~~2022-004~~ - Withdrawn
New # 2022-003

The Planning and Zoning staff is available to discuss this application and answer questions. Upon receipt of the required materials the Planning & Zoning Administrator will stamp the application received and review the application for completeness. Once the application is deemed complete a public hearing will be scheduled with the Planning & Zoning Commission. It is recommended that the Applicant review the Unified Land Use Ordinance #2016-01 (ULO) prior to submittal. This Ordinance along with application materials are located on the County website at www.boisecounty.us.

See ULO #2016-01, Chapter 2, Section 2.9: To allow a modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, building height, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. For purposes of this Section, a road or sign shall be deemed a "structure".

To expedite the review of your applications, please be sure to address each of the following items:

SECTION I: PERSONAL AND PROPERTY RELATED DATA

| | | | |
|---------------------------|--------------------------------|------------|-------|
| Owner: | Allen Hahn - DA Properties LLC | | |
| Email: | [REDACTED] | | |
| Phone: () | Mailing Address: | [REDACTED] | |
| City: | Boise | State: | ID |
| | | Zip Code: | 83704 |
| Applicant (if different): | Same | | |
| Email: | _____ | | |
| Phone: () | Mailing Address: | _____ | |
| City: | _____ | State: | _____ |
| | | Zip Code: | _____ |
| Engineering Firm: | _____ | | |
| Contact Person: | _____ | Phone: () | _____ |
| Address: | _____ | Email: | _____ |
| Surveyor: | _____ | Phone: () | _____ |
| Variance Request: | _____ | | |

Location and size:

Property Address: _____

Parcel Number: RP 027 01 00 20350 Section: _____ Township: _____ Range: _____

Recorded Deed #: 80244 ³⁴⁰ 330 Date Deed Recorded: 8-12-2020

Total Acreage of Parcel: 1.55

Assessor Exemptions (i.e. agriculture, timber, etc.): No: X Yes: _____

list: _____

Is property currently mortgaged? Y (if yes, Certificate of Acceptance of Mortgagee is required on survey)

I consent to this application, I certify this information is correct and I authorize the Boise County Planning & Zoning Department staff and its designated inspection agent to enter the property for any site inspection or compliance purposes as long as this application and a conditional use permit are in effect. I agree to indemnify, defend and hold harmless Boise County and its employees from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application.

• Applicant Signature: Allen Holm

Date: 9-16-21

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I consent to this application, I certify this information is correct and I authorize the Boise County Planning & Zoning Department staff and its designated inspection agent to enter the property for any site inspection or compliance purposes as long as this application and a conditional use permit are in effect. I agree to indemnify, defend and hold harmless Boise County and its employees from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application.

• Owner Signature: _____

Date: _____

SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

A variance is a modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots, or Road Standards or Sign Standards.

RECEIVED

OCT 18 2021

Boise County Planning and Zoning Department

BOISE COUNTY
PLANNING & ZONING

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AFFIDAVIT OF LEGAL INTEREST and Letter of Authorization

DA Properties LLC "Owner" whose address is [REDACTED]
City Boise State ID Zip 83704

As owner of property more specifically described as:

Boise County lots RP027010020350, RP027010020330
RP027010020340

HEREBY AUTHORIZES Alden Holm as Agent to represent and act for the Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Boise County Board of Commissioners, Boise County Planning and Zoning Commission, Boise County Planning and Zoning Staff, and or other Boise County Departments relating to the modification, development, planning, platting, re-platting, improvements, use or occupancy of land in Boise County, Idaho. Owner agrees that; Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application of any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that; Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platted or re-platting, improvement, occupancy, or use of any structure or land involved in the application shall take place until approved by the appropriate official of Boise County, Idaho, in accordance with applicable codes and regulations.

Owner agrees to pay any fines and be liable for any other penalties arising out of failure to comply with the terms of any permit or arising out of any violation of applicable laws, codes, or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on the behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER: Alden Holm
(Signature of Owner)

(Signature of Owner)

(Signature of Owner)

(Secretary or Corporate Owner)

Alden Holm Member/Manager
(Print Name) (Title)

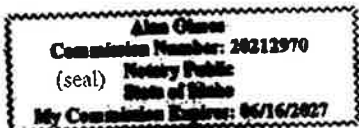
(Print Name) (Title)

(Print Name) (Title)

(Print Name)

NOTARY STATE OF IDAHO) ss
COUNTY OF Ada)

SUBSCRIBED and sworn to before me by Alden Holm
on this 14th day of October, 2021



[Signature]
Notary Public
My Commission expires on: 06/16/27

10/14/21
Date

SECTION III: ITEMS REQUIRED

1. Application complete & signed; including Affidavit of Legal Interest and Letter of Authorization, if applicable.
2. Latest recorded deed to the property.
3. Application fees paid in full in accordance with the current fee schedule; including any/all applicable fees.
4. Attach a site plan of the property under consideration, drawn to scale showing:
 - a. Perimeter, dimensions and topography of the property;
 - b. The names and locations of all street bordering the property;
 - c. The location of all easements or rights-of-way;
 - d. The location and dimensions of present and proposed structures; and
 - e. The distance from all structures to the property lines.
5. Narrative: A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of:
 - a. Explain undue hardship because of characteristics of the site;
 - b. The variance is not in conflict with public interest or the general land conditions in the vicinity of the application;
 - c. The variance will not be a material detriment to public health, safety or welfare nor to neighboring property owners.

SECTION IV: PUBLIC HEARING AND NOTICE

PUBLIC HEARING DATE SET: _____

PUBLIC HEARING TIME: _____ LOCATION: _____

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: BOARD OF COUNTY COMMISSIONERS ACTION

Approved

Denied

Date: _____

THIS BOX TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT

FILE # Var 2022-001 Rec'd Date: 10-1-21

Fee paid: \$ 800 Date: 10/1/21

Payment type: Check Number: 3674

Receipt #: 759320 Are application materials attached? Yes No

ACCEPTED BY [Signature] Date: 6 Sept 2022

Delayed per Applicant request to speak to COA

September 16, 2021

Narrative

As you are aware, each lot in the Garden Valley Summer Home Sites #1 was supposed to have its own water and sewer system installed when the subdivision was originally platted. However, because the water/sewer system was never finished, and the lots are smaller than the two acres recommended by CDH for a septic system, they cannot be developed for a home.

In order for us to be able to build a small home on our properties, we would like to vacate the Garden Valley Home Sites #1 subdivision and combine our three adjacent lots into one buildable lot of approximately one-and-a-half acres. That would allow us to get a septic permit and build a real home on the property. We believe it would be in everyone's best interest to let us do that.

Undue Hardship

Because we have three small lots, we are not able to build a regular home on any of them. As we explained above, CHD will not allow us to build until the lots are vacated from the subdivision. We understand that in order to have a septic system, a lot needs to be a certain size in order to have the required setbacks from property lines, wells, etc. We believe that if the lots were combined, we would be able to meet those requirements. At the current time, we are only allowed to use a portable toilet for sewer disposal. A real septic system would be much more convenient and sanitary for us.

Not in Conflict with Public Interest or General Land Conditions

There is no conflict to the public interest or general conditions that we are aware of. We know that there is a recommendation for two acres to be able to have a separate buildable lot in Boise County. We have tried to purchase adjoining lots but have been unsuccessful. We are aware of many homes in our subdivision (before being vacated) and in the general area that have lots that are smaller than two acres and have approved septic systems and homes on them. At this time, there are lots in the Garden Valley area that are for sale with septic permits already in place or pending that have less than two acres. So, we understand that two acres appears to be a recommendation, and not a firm requirement.

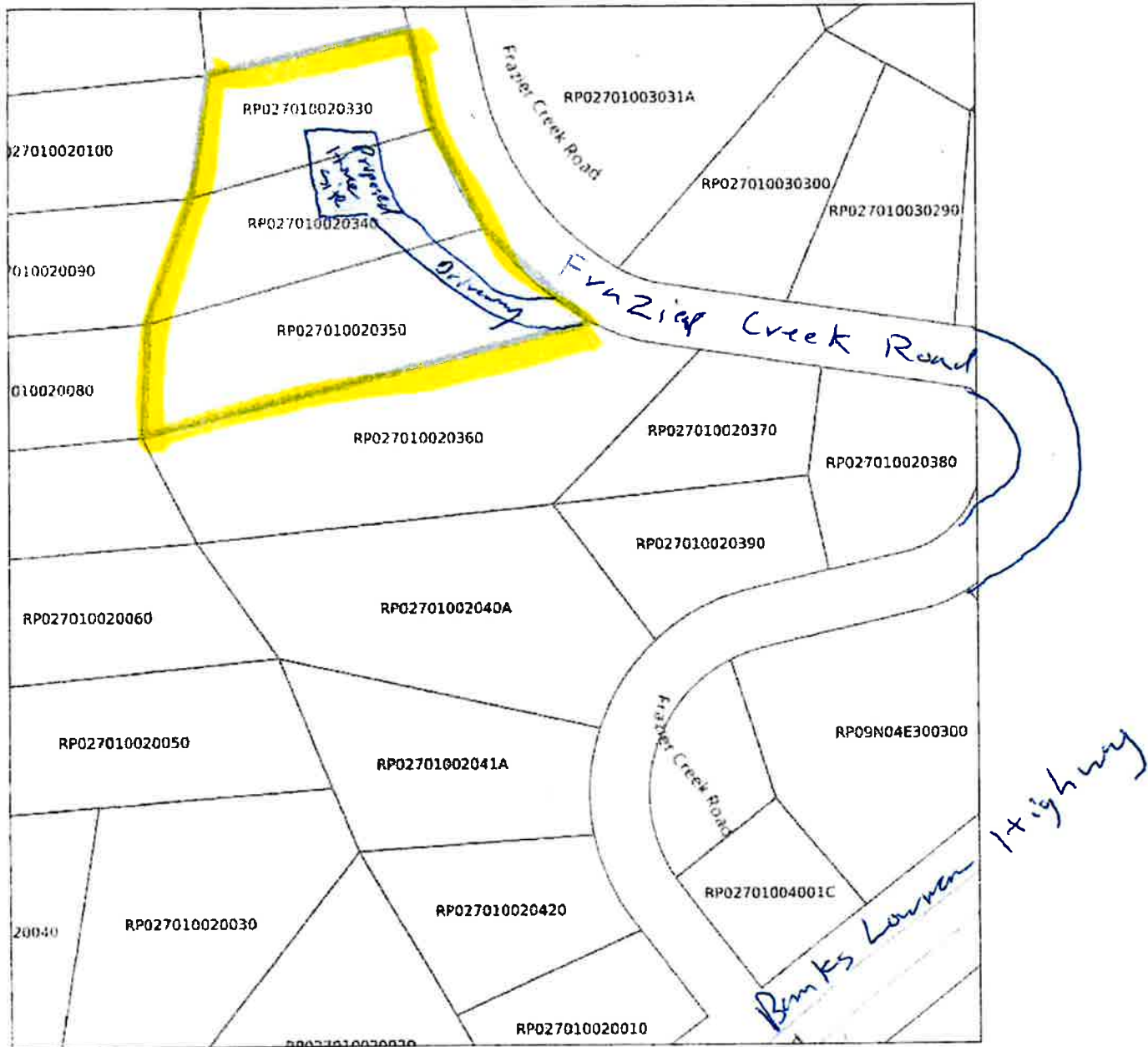
Not a Material Detriment to Public Health, Safety or Neighboring Property Owners

There is no conflict to the public health, safety or detriment to our neighbors. In fact, there are significant benefits to those around us. If we are allowed to combine these lots, then there are three fewer lots in that subdivision that would have old campers, sheds, illegal toilets or portable toilets. If we sell these three lots to different individuals, they will cut in two more driveways into the main road in a short amount of space. That could increase the traffic on that road and bring down the property values. It would be a much better addition to the neighborhood to have one nice home than three separate campers in that space.

In summary, we respectfully request that we be allowed to vacate the subdivision and be allowed to combine our three lots into one buildable lot. It would increase the property values in the area, create a healthier sewer situation and make us very happy. Thank you for your assistance.

Alden Holm and Docena Holm

Site Plan:



The subdivision is off the Banks Lowman Highway approximately 5.7 miles from Banks. The three lots we own are off Frazier Creek Road, and slope downhill to Eddy Creek, a small, seasonal creek that marks the lower edge of the lots. There are no easements that I am aware of. Currently there are no permanent structures on the lots. There is a dirt driveway cut into the properties starting on lot RP027010020350 and ending in a level area that is mostly on lot #PR027010020340 where I would like to build a small home/cabin on. The home would be in the center of the property. The lots range in size from approximately .35 acres to .70 acres for a total of 1.55 acres between all three lots. There is plenty of room for setbacks needed to properly install a septic system.

EXHIBIT 01c

1 of 3

027010020110

ex Road

RP027010020330

P027010020100

Potential Home Site

RP027010020340

Driveway

010020090

RP027010020350

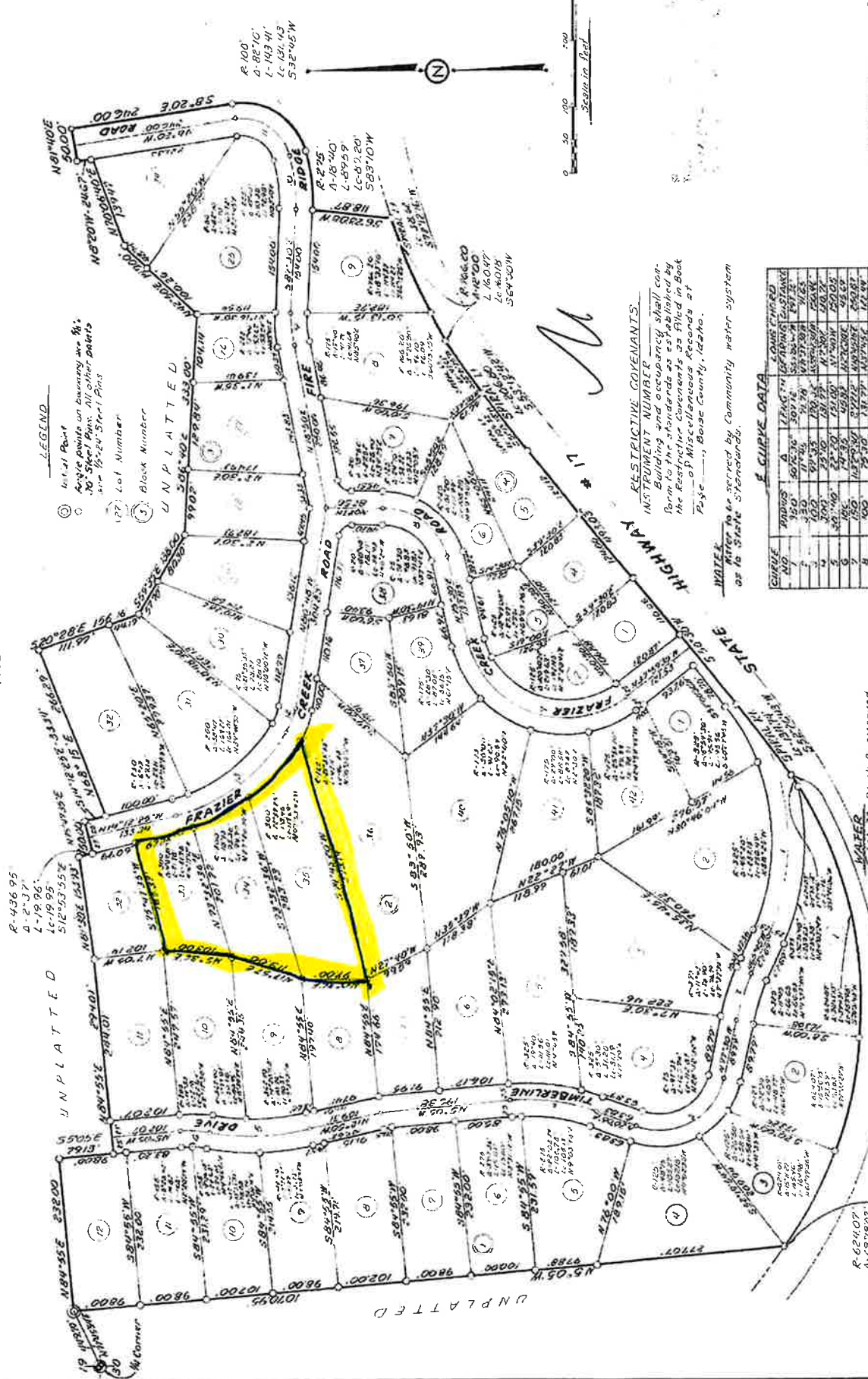
020080

RP027010020360

GARDEN VALLEY SUMMER HOME SITES UNIT 1

A PORTION OF SECTIONS 19 & 30, T. 9 N., R. 4 E., B.M., BOISE COUNTY, IDAHO
TUDOR ENGINEERING COMPANY

1973



LEGEND

- ① Int'l Point
- ② Angle points on boundary are 1/2 1/2 30' Steel Pins. All other points are 1/2 1/2 30' Steel Pins.
- ③ Lot Number
- ④ Block Number

UNPLATTED

RESTRICTIVE COVENANTS:
INSTRUMENT NUMBER _____
Building and occupancy shall conform to the standards established by the Restrictive Covenants as filed in Book _____ of Miscellaneous Records at Boise, Boise County, Idaho.

WATER
Water to be served by Community water system as to State Standards.

E CURVE DATA

| CURVE | PROVS | A | TRKCTN | OPENING | DISTANCE |
|-------|-------|--------|--------|---------|----------|
| 1 | 150 | 507.76 | 507.76 | 55.55 | 297.2 |
| 2 | 150 | 117.46 | 117.46 | 15.55 | 59.85 |
| 3 | 100 | 97.35 | 97.35 | 15.55 | 49.80 |
| 4 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 5 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 6 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 7 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 8 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 9 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 10 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 11 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 12 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 13 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 14 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |
| 15 | 100 | 117.46 | 117.46 | 15.55 | 59.85 |

EXHIBIT 01c
3/3

SEWER
Sub-surface sewerage disposal systems as to Central District Health Department Standards.

R-62407
A-697907
L-76602
L-70981
N88°53'27" W