

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
Nov. 2023 - 001 NOV 21 2022

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

BOISE COUNTY
PLANNING & ZONING

- | | | |
|---|--|---|
| <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: S/E Section: 33 Township: 10N Range: 4E Total Acres: 0.891

Subdivision Name (if applicable): TERRACE LAKES Lots 1+2 Block: 5

Site Address: N/A City: GARDEN VALLEY

Tax Parcel Number(s): R P07205005001A Current Land Use: RURAL RESIDENTIAL LOT

PROPERTY OWNER:

Name: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

Email: _____

APPLICANT:

Name: SAME

Address: SAME

City: SAME State: SAME Zip: SAME

Telephone: SAME Fax: N/A

Email: SAME

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 Boise County and its employees harmless 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.

Mike Nelson 11-14-2022

Signature: All Owner(s) of
Record

Date

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 Boise County and its employees harmless 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.

Mike Nelson 11-14-2022

Signature: Applicant

Date

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

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AFFIDAVIT OF LEGAL INTEREST and Letter of Authorization

MIKE NELSON "Owner" whose address is [redacted]
City: _____ State: _____

As owner of property more specifically described as:

LOTS 1+2 of Block 5 Terrace Lakes

HEREBY AUTHORIZES Doug Benney 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:

[Signature]
(Signature of Owner)

Mike Nelson
(Print Name)

OWNER
(Title)

(Signature of Owner)

(Print Name)

(Title)

(Secretary or Corporate Owner)

(Print Name)

STATE OF IDAHO) ss
COUNTY OF BOISE)

On This 21 day of November, in the year 2022, before me, a Notary Public in and for said State, personally appeared Mike Nelson, known or identified to me to be the person(s) whose name(s) was/were subscribed to the within Instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public of Idaho
Residing at Idaho City, Idaho
Commission expires: 10-26-28

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VARIANCE APPLICATION

VAR # 2023-001

RECEIVED

NOV 21 2022

BOISE COUNTY
PLANNING & ZONING

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:	<u>MIKE NELSON</u>
Email:	<u>[REDACTED]</u>
Phone:	<u>[REDACTED]</u>
Mailing Address:	<u>[REDACTED]</u>
City:	<u>[REDACTED]</u>
State:	<u>[REDACTED]</u>
Zip Code:	<u>[REDACTED]</u>
Applicant (if different):	<u>SAME</u>
Email:	<u>[REDACTED]</u>
Phone: ()	<u>[REDACTED]</u>
Mailing Address:	<u>[REDACTED]</u>
City:	<u>[REDACTED]</u>
State:	<u>[REDACTED]</u>
Zip Code:	<u>[REDACTED]</u>
Engineering Firm:	<u>N/A</u>
Contact Person:	<u>N/A</u>
Phone: ()	<u>[REDACTED]</u>
Address:	<u>[REDACTED]</u>
Email:	<u>[REDACTED]</u>
Surveyor:	<u>Doug Bergey</u>
Phone:	<u>208 859-0636</u>
Variance Request:	<u>Lot Size</u>

Location and size:
Property Address: N/A
Parcel Number: RP07205085001A Section: 33 Township: 10N Range: 4E
Recorded Deed #: _____ Date Deed Recorded: _____
Total Acreage of Parcel: 0.881
Assessor Exemptions (i.e. agriculture, timber, etc.): No: X Yes: _____
list: _____
Is property currently mortgaged? Y N (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: *Mike Helm*
Date: 11/14/2022

I, the undersigned, am the owner of the referenced property and do hereby give my permission to N/A 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.

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: PLANNING AND ZONING COMMISSION ACTION

Approved Denied Date: _____

THIS BOX TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT	
FILE # <u>2023-001</u>	Rec'd Date: <u>11-21-2022</u>
Fee paid: <u>\$800-</u>	Date: <u>11-21-22</u>
Payment type: <u>ck.</u>	Number: <u>2002</u>
Receipt #: <u>011382</u>	Are application materials attached? Yes ___ No ___
ACCEPTED BY <u>[Signature]</u>	Date: <u>12 Dec 22</u>

BERGEY LAND SURVEYING, PLLC
PO BOX 247
HORSESHOE BEND, IDAHO 83629
208-859-0636

EXHIBIT A

DESCRIPTION FOR MIKE NELSON
10-FOOT WIDE UTILITY EASEMENT

A Parcel of land being a 10-Foot wide utility easement lying in the SE 1/4 of Section 33, T.10N., R.4E., B.M., and being the Northeasterly 10.00 feet of Lot 2 of Block 5 of Terrace Lakes Recreation Ranch No. 5, Inst No. 79788, Records of Boise County, Idaho and depicted on attached Exhibit B, being a part of this description. And being more particularly described as follows:

This description and basis of bearing are based on that certain Record of Survey, Inst. No. 262107, Records of Boise County, Idaho.

Commencing at a brass cap marking the West 1/4 corner of said Section 33, Corner Record Inst No. 210401, Thence South $89^{\circ}37'21''$ East 2686.05 feet to an aluminum cap marking the Center 1/4 Corner of said Section 33, Corner Record Inst No. 201556, Thence South $70^{\circ}07'16''$ East 794.46 feet an iron pin marking the Northwest Corner of Lot 1 of said Terrace Lakes Recreation Ranch No. 5, Thence South $72^{\circ}03'26''$ East 110.99 feet along the Northeasterly line of said Lot 1 to the Northwest corner of said Lot 2 and the **POINT OF BEGINNING**:

Thence South $72^{\circ}03'26''$ East 66.49 feet along the Northeasterly line of said Lot 2 to an iron pin marking the Northeast corner of said Lot 2;

Thence along a non-tangent curve to the right 11.01 feet, curve having a radius of 435.00 feet, a central angle of $01^{\circ}16'37''$ and a long chord bearing South $06^{\circ}46'13''$ East 11.01 feet along the Southeasterly line of said Lot 2;

Thence North $72^{\circ}03'26''$ West 69.94 feet along a line parallel to and 10.00 feet Southwesterly of said Northeasterly line of Lot 2 to the Northwesterly line of said Lot 2;

Thence North $11^{\circ}24'00''$ East 10.07 feet along said Northwesterly line of said Lot 2 to the **POINT OF BEGINNING**, comprising 683 square feet, more less.



REFERENCE PLAT OF TERRACE LAKES RECREATION RANCH NO. 5, INST. NO. 79788, AND RECORD OF SURVEY, INST. NO. 262107.

EXHIBIT B
IPCO EASEMENT
LYING IN THE SE 1/4 OF SECTION 33, T.10N., R.4E., B.M.
BOISE COUNTY, IDAHO
2022

TERRACE LAKES RECREATION RANCH UNIT NO. 5
BLOCK 5



SCALE: 1"=80'

32 - 33 589'37'21"E
2686.05'
1/4 CORNER
CP&F INST. NO.
210401, 102566,
90695
CENTER 1/4
CORNER, 33.
SECTION 33.
CP&F INST. NO.
201556, 164541

LEGEND

- Boundary Line
- ==== 10-Foot Wide IPCO Easement
- Found 5/8" Iron Pin
- Found 1/2" Iron Pin
- * Single Proportioned From Plat.
- ⊙ Found Brass Cap
- ⊞ Found Aluminum Cap
- △ Calculated Point

Curve Table

Curve #	Radius	Arc Length	Central Angle	Chord Direction	Chord Length
C1	435.00	159.13	20°57'33"	S2° 59' 04"W	158.24
C2	420.00	9.36	1°16'37"	S33° 44' 39"W	9.36
C3	435.00	11.01	1°27'00"	S6° 46' 13"E	11.01
C4	435.00	148.12	19°30'33"	S3° 42' 34"W	147.40



BERGEY LAND SURVEYING, PLLC

PO BOX 247, HORSESHOE BEND, IDAHO 83629
PH: 208.859.0636

IPCO 10-FOOT WIDE EASEMENT

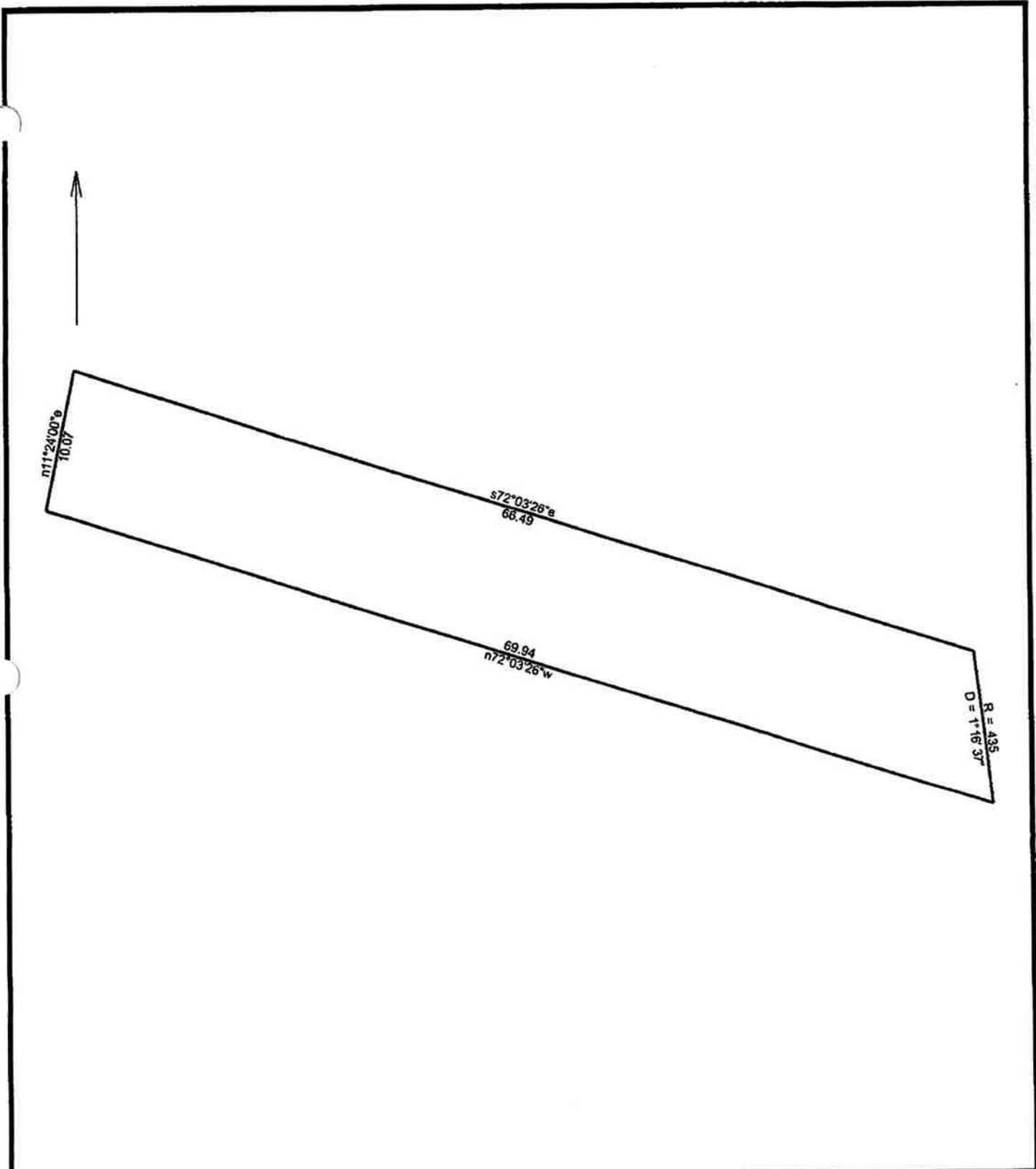
MIKE NELSON

PROJECT NO.:

NELSON-TLRR NO. 5

SHEET NO.

OF 1



IPCO 10-foot wide Easement for Mike Nelson

6/14/2022

Scale: 1 inch= 9 feet

File: IPCO Easement Mike Nelson TLRR No 5.ndp

Tract 1: 0.0157 Acres (683 Sq. Feet), Closure: s81.2056w 0.01 ft. (1/25285), Perimeter=158 ft.

01 s72.0326e 66.49

02 R1, r=435.00, delta=001.1637, chord=s06.4613e 11.01

03 n72.0326w 69.94

04 n11.2400e 10.07

To : Boise County Planning & Zoning

12/5/2022

Narrative

Back In 2020, I went to the planning and zoning department in Idaho city. Seeking to redraw the original tax lot line that was removed by the previous owner. This was done to turn 2 lots into 1 lot.

I was told that this can be done, the requirements I had to meet were to have approval from Central District Health stating that I have approval for septic systems to be installed on both lots. Also I needed approval from Terrace Lakes to have the line redrawn and have homes built on each lot.

So I started in building the lot pads, and setting up for perk tests on each Lot. I met with Jerry Davis from Central District Health. Dug the test holes and waited for spring to test the water absorption rate. One lot Passed, One didn't so we had a discussion on how to remedy this. This was fixed by a 250' French drain that was installed to divert the ground water away from the drain field. We perk tested it again the following year and it passed.

Terrace Lakes approved the lot line to be redrawn and two homes approved to be built.

I'm asking for a lot line adjustment, to bring the property from one lot to its original approved two Lots. I have done everything required of me from surveys, to Central District Health approvals, French Drains, Electrical transformers, Lot Preparation and water connections. The lots have been approved by Terrace Lakes for a home on each lot.

This Variance is not in conflict with the public interest, Both Properties have approved separate Central District Health septic systems, Separate water connections and separate electrical meters. I have spent a lot of time and money getting the requirements asked of me done. And I'm submitting for approval.

The undue hardship is caused by the county telling me what I could do was possible, and investing all the time and money that I detailed, and then the new planning & zoning director telling me it is not possible.

Mike Nelson

