



A REQUEST FOR A SETBACK VARIANCE BY:
John B. Hofman
WHERE: 3980 W 9500 S
Prepared for the Planning & Zoning Commission
November 11, 2014

APPLICANT: John B. Hofman
LANDOWNER: John B. Hofman

APPLICABLE COUNTY CODE: Variance pursuant to Title 8, Chapter 8 Teton County Zoning Ordinance, (revised 09/09/2013)

REQUEST: John and Kathleen Hofman are seeking a front yard variance of 17' (to the west) from the required 30' front yard setback for properties in the A-2.5 (79% of property) and A-20 (21% of property) zones.

LEGAL DESCRIPTION: RP03N45E173840; PART OF SW4NW4 SEC 17 T3N R45E
LOCATION: 3980 W 9500 S
ZONING DISTRICT: A-2.5 (79%) and A-20 (21%)
PROPERTY SIZE: 1.06 acres
VICINITY MAP:



PROJECT DESCRIPTION: The property owners would like to build an addition to the northwest side of their home. The existing home was built with a 17-foot front yard setback along the west property line, so a variance from the 30-foot setback is required to bring the home into compliance. The variance will also need to cover the addition, as it will be within the 30-foot setback; however, it will not be any closer to the boundary line than the current 17-foot setback.

PROJECT BACKGROUND: The Hofman family acquired a Teton County building permit and began building their home in 1998. As part of the building permit application in 1998 (exhibit 9a), the following setbacks were included: Front: 55 feet; Rear: 600 feet; Left Side: 300 feet; Right Side: 300 feet. The front of the home is facing the southwest corner of the property. The 1998 building permit does not have a zoning district listed, and historical zoning maps for that location could not be identified. A neighboring parcel's building permit from the same year showed it was zoned A-2.5, so it is likely that this parcel in question was also zoned A-2.5. The 1997 Teton County Zoning Ordinance (exhibit 10) required front yard setbacks of 30 feet for the A-0.5, 2.5, 20 and R-1 zones, and a 20-foot front yard setback was required for residential zones (R-2, 2T, 3).

The setbacks listed in the building permit do not fit within the current property boundaries. However, the deed associated with the building permit, given in 1993, referenced a parcel with 3.42 acres (exhibit 9b). The applicant assumed the land was in the same location as the property in question and where the home was built, but after the deed description was drawn out and verified by Teton County GIS, the 3.42 acres owned by the Hofman family was actually a piece of land north of where the home was built (exhibit 9d). There is no evidence that the deed was verified by the Planning & Building Department or the Assessor's Office when the building permit was issued in 1998. If the home had been built on the 3.42 acres parcel, the setbacks described in the building permit could have been possible.

The existing home has a septic tank and drainfield in the backyard. The tank is approximately 60 feet east-northeast from the corner of the back deck, and the drain field is approximately 47 feet from the tank, in the same direction (exhibit 8a). The Eastern Idaho Public Health District 7 stated that they require a septic tank to be at least 5 feet from the house and 5 feet inside of property lines. EIPH also requires drainfields to be at least 10 feet from the house if it has a crawl space or 20 feet from the house if it has a basement, and the drainfield must be at least 5 feet inside of the property lines (exhibit 8b).

The proposed addition to the home is for a new garage, new bedrooms, and a new basement area that will be connected to the existing basement. The existing garage will be converted to a family room, which is where the entrance to the addition will be located. There will be a hallway from the new garage to the existing garage/converted family room. The addition would be positioned in such a way that it would be within the current 17-foot setback, with only two corners that close to the property line. The walls of the addition would be pushed back slightly further than the 17-feet (exhibit 3). The layout of rooms within the proposed addition has not been finalized; however, there is a site plan attached with a potential layout as per the applicant's description (exhibit 5a).

OVERVIEW OF VARIANCE APPROVAL:

8-8-1-A. DEFINITIONS: A "variance" is a modification of the requirements of this title as to lot or land parcel size, coverage, width, depth, and front, side and rear yard setbacks, parking spaces, height of buildings or other ordinance provisions affecting the size or shape of a structure and the placement of a structure upon the lot or land parcel. A variance does not include a change of authorized land use.

8-8-1-B. UNDUE HARDSHIP: A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest nor the general land or conditions in the vicinity of the application and that the variance will not be a material detriment to public health, safety and welfare nor to neighboring property owners.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6516, requires “Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration.”; and Title 8, Section 8-1-F of the Teton County Zoning Ordinance requires “Before granting or denying a variance the commission, acting as the board of adjustment, shall hold at least one public hearing in accordance with sections 67-6509, 67-6511 and 67-6516 of the Idaho Code, as applicable. The purpose of this hearing is to allow affected persons the opportunity to be heard by the commission (board of adjustment).” A notification was sent via mail to surrounding property owners within a 300-foot buffer area. A notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS:

We have not received any comments at the time of completing this document.

CONSIDERATION OF APPROVAL:

A variance is to be granted to an applicant only upon showing of undue hardship because of:

1. Characteristics of the site;
2. That the variance is not in conflict with the public interest nor the general land or conditions in the vicinity of the application; and
3. That the variance will not be a material detriment to public health, safety, and welfare nor to neighboring property owners.

SPECIFICATIONS OF COMMISSION: Upon granting or denying a variance, the Commission shall specify findings, in writing, for:

4. The ordinance or ordinances, criteria, and standards used in evaluating the application;
5. The reasons and justification for approval or denial;
6. The actions, if any, which the applicant could take to obtain a permit for the variance.

RECOMMENDED CONDITIONS OF APPROVAL

- Not exceed the requested variance.
- Obtain all other required permits from Local, State, and Federal Agencies.
- Compliance with Teton County Building Code.

PLANNING & ZONING COMMISSION ACTION:

A. Approve the variance request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the variance request, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Deny the variance request, application request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

PLANNING STAFF RECOMMENDATIONS:

Staff would recommend granting the front yard setback variance if you feel comfortable with the explanation of the “undue hardship” described by the applicant in the application and in the testimony given, and you can specify the justification for the approval.

Staff suggests the following motion:

The following motion could state a finding of fact and conclusion of law if a Commissioner wanted to approve the application:

After evaluation State Statute, County Code as well as the application materials, staff report, and presentations to the Planning & Zoning Commission, I concluded that the Criteria for Approval of a Variance found in Title 8-8-1 can be satisfied with the inclusion of the recommended conditions of approval,

- *and having found that based on the site, granting the Variance to Mr. Hofman can be justified,*
- *and having found that the proposal is not a detriment to the public’s or neighbors’ health, safety, and welfare,*
- *I APPROVE the Variance applied for by Mr. Hofman for a reduced front yard setback of 17’ on the west property line and as described in the application materials submitted October 7, 2014.*

Prepared by Kristin Rader

Attachments:

1. Application
2. Narrative
3. Site Plan
4. Aerial Image
5. (a) Site Plan with Staff Drawing of Room Location
(b) Applicant Confirmation of Staff Drawings
6. Deed (2003)
7. Correction Deed (2004)
8. (a) Septic Permit with Location Information
(b) Email with Required Distances from Septic from Mike Dronen, EIPH
9. (a) 1998 Building Permit
(b) Deed (1993)
(c) Tax Number Descriptions for 1993 Deed
(d) Drawing of Tax Number Descriptions from 1993 Deed
10. 1997 Teton County Zoning Ordinance Setback Requirements
11. Adjacent Landowner Notification
12. Site Visit Photos

End of Staff Report



TETON COUNTY
PLANNING & ZONING
OCT 24 2014
RECEIVED

VARIANCE APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Board of Adjustment, who will make the final decision at a public hearing. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6516 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: John B. Hofman

Applicant: John B. Hofman E-mail: bjhofman@gmail.com

Phone: (208) 406-4603 Mailing Address: 234 S. 17th Ave

City: Pocatello State: ID Zip Code: 83201

Engineering Firm: _____ Contact Person: _____ Phone: () _____

Address: _____ E-mail: _____

Location and Zoning District:

Address: 3980 W 9500S Victor Parcel Number: RPO3N45E17384D

Section: 17 Township: 3N Range: 45E Total Acreage: ~~1.03~~ 1.06

Present Zoning District: A2.5 / A20 Requested Zoning District: N/A
(79%) (21%)

- Latest Recorded Deed to the Property Affidavit of Legal Interest N/A
- Fee in accordance with current fee schedule paid 10/24/2014

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Board of County Commissioners public hearing.

• Applicant Signature: [Signature] Date: 10/7/14

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 have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: _____ Date: _____



Fees are non-refundable.

SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

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

1. Attach a site plan of the property under consideration, drawn to scale showing:
 - Perimeter, dimensions and topography of the property;
 - The names and locations of all streets bordering the property;
 - The location of all easements or rights-of-way;
 - The location and dimensions of present and proposed structures;
 - The distance from all structures to the property lines.

2. Undue Hardship: A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of:
 - Undue hardship because of characteristics of the site;
 - The variance is not in conflict with public interest or the general land conditions in the vicinity of the application;
 - The variance will not be a material detriment to public health, safety or welfare nor to neighboring property owners.
 - Any other information necessary to assure the fullest presentation of facts and evaluation.

SECTION III: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

Notification is required in accordance with Title 67, Chapter 65; Section 6509 of the Idaho Code. Notice shall be provided by mail to property owners within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the paper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

SECTION IV: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION V: PLANNING AND ZONING COMMISSION (BOARD OF ADJUSTMENT) ACTION



John & Kathleen Hofman
234 S. 17th Ave
Pocatello ID 83201
(208) 406-4603

To Whom It May Concern,

Oct 7th 2014

Our names are John and Kathleen Hofman. We own the property at 3980 W. 9500 S. Victor Idaho. Sixteen years ago we built a family cabin. At that time we were planning on a two-phase project as our family grew. We have six children and eight grandchildren. Recently we decided it was time to begin phase #2 and add onto our cabin.

When we contacted the Teton County Planning Division we were surprised to find out that we couldn't do this addition as we had hoped. This is because our cabin is out of compliance with the current set-backs of 30' on the front from the property line. After speaking with Jason Boal and Wendy Danielson (who were very both nice and helpful), and after hearing their recommendations, we feel encouraged in going forward with our variance request.

We acknowledge that our cabin structure is non-compliant because the front of it is 17' off of the property line. And we have absolutely no desire to increase the non-conformity with our addition. In the process we have looked at every possible option of adding on to our cabin. After looking at all options and considering them back and forth, the only real possibility, given the design of our cabin, is to build on to the north side (as you see in our drawing) and jog our addition back 10' from the existing structure and then jog it back 20' in order to stay 17' off of the property line.

We are kicking ourselves right now! We are frustrated because if we had realized that we would have these set-back issues sixteen years ago when we started building, we would have built our cabin further away from the property line.

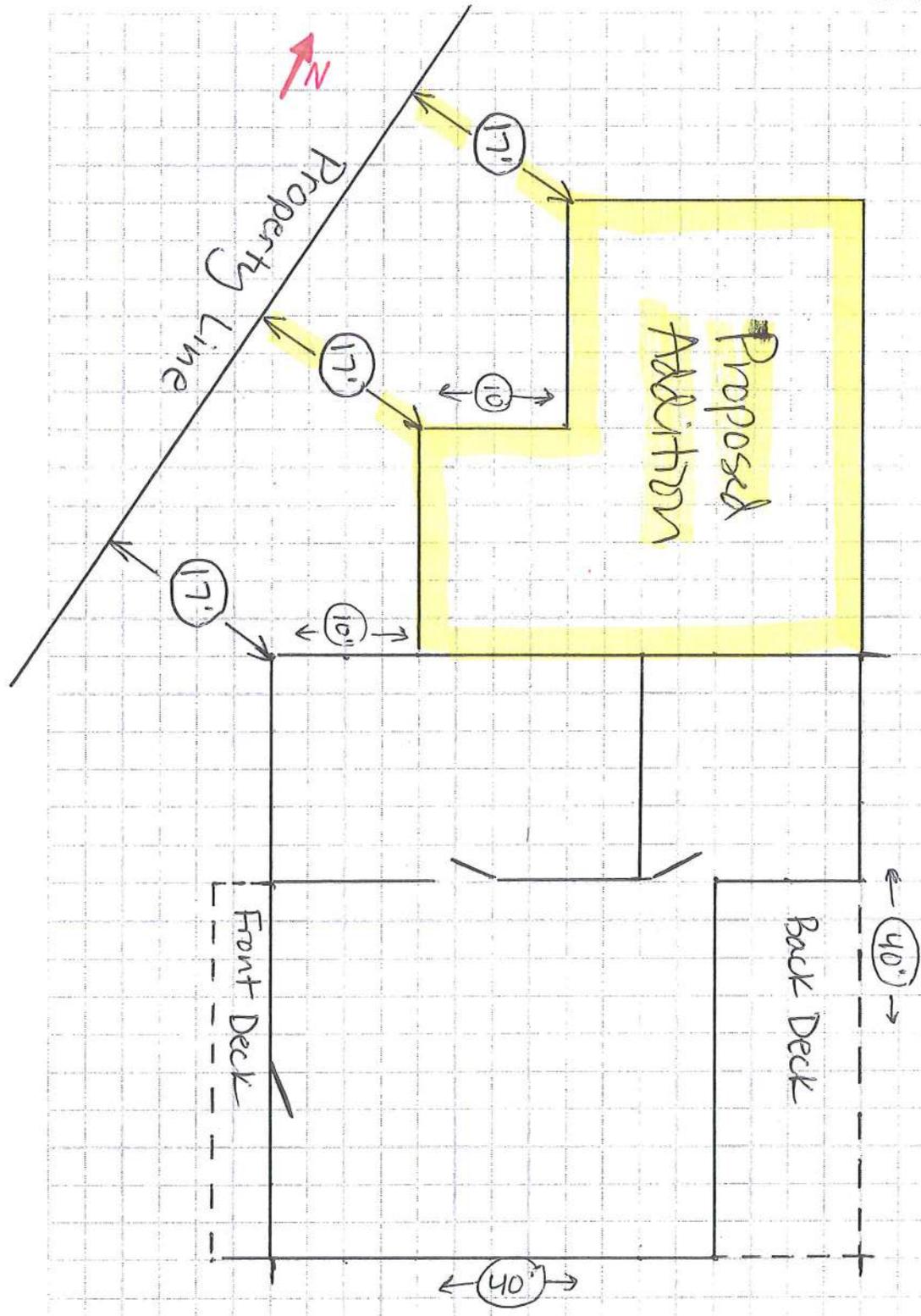
We have only two neighbors who would possibly be impacted by this proposed addition: Steven and Amber Hawkins and Julie and Deric Devenere. We have discussed our dilemma with both of them and both couples said that they would be willing to testify on our behalf because our proposed addition would have no impact on them. We currently share costs with both families for road maintenance and we have a great relationship with both families.

As such, we are respectfully asking that the "planning staff" grant us our request for maintaining the current 17' setbacks we have on the front of our cabin and continuing them at 17' for the proposed addition.

Thank you very much for your consideration.

John and Kathleen Hofman, children and grandchildren
(208) 406-4603

John B. Hofmann Property
3980 W. 9500 S, Victor ID



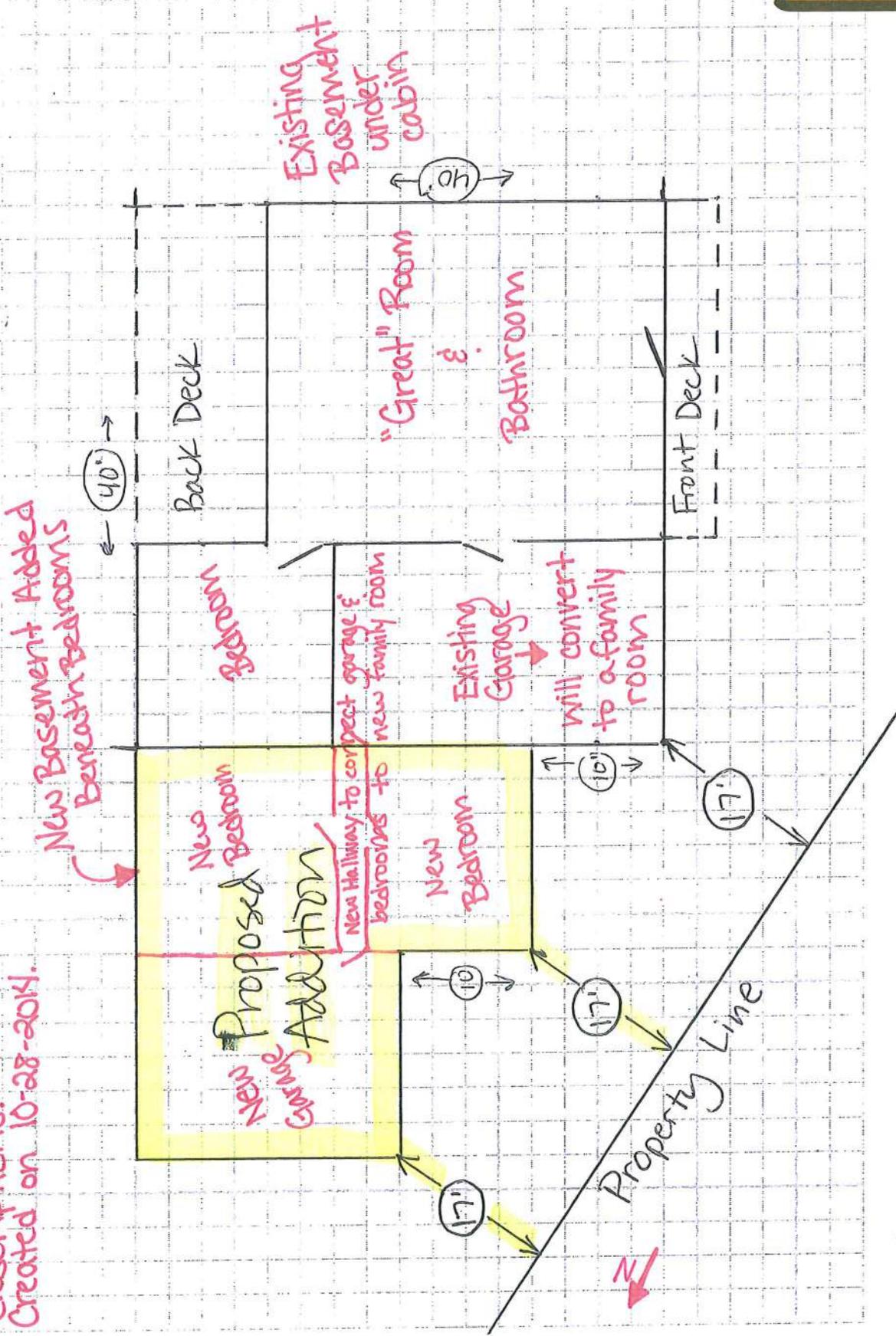


9500 S

3980 W

John B. Hofman Property
 3980 W. 9500 S. Victor ID

Staff drawing
 of room locations
 as per John Hofman's
 descriptions.
 Created on 10-28-2014.



Kristin Rader

From: John Hofman <
Sent: Tuesday, October 28, 2014 4:53 PM
To: Kristin Rader
Subject: Re: Site Plan with Rooms

Kristin
Your drawings and labels will work . we haven't decided exactly for sure the layout inside but the variance points would not change with this drawing. so I think for the variance request it is perfect. and when we get approval we will be getting a professional plan drawn with exact detail of rooms and hallway etc. So what I am saying is this will work - Thanks for all you are doing to help us- I am sorry the deed mess was such a pain. Thanks again John
feel free to call me if I need to do anything else :

On Tue, Oct 28, 2014 at 4:10 PM, Kristin Rader < > wrote:

Hi John,

Can you please look over this and make sure I identified the rooms correctly. I just kind of guessed on where the connections would be for the addition. If I didn't get this correct, can you please comment on the site plan if possible on where you're actually planning on locating the rooms?

Thanks,

Kristin Rader

Planner

Teton County, Idaho

150 Courthouse Drive #107

Driggs, Idaho 83422



RECEIVED

158536



NOV 18 2003

WARRANTY DEED

TETON CO, ID
CLERK RECORDER

For Value Received **Keith Davis and Claudia Davis**
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

John B. Hofman and Kathleen Hofman, husband and wife

whose address is: **234 South 17th, Pocatello, ID 83201**

Hereinafter called the Grantee, the following described premises situated in **Teton** County, Idaho, to-wit:

**PART OF THE SW 1/4 NW 1/4 SECTION 17, TWP. 3N RNG 45E. B.M. TETON COUNTY, IDAHO,
BEING FURTHER DESCRIBED AS:**

FROM THE E 1/4 CORNER OF SAID SECTION 17.

**THENCE N 00°39'48"W. 45.78 FEET ALONG THE WESTERN SECTION LINE TO THE TRUE
POINT OF BEGINNING:**

THENCE N 00°00' 14"W. 541.04 FEET FURTHER ALONG THE SECTION LINE TO A POINT

THENCE S 89°52' 03"E. 10.00 FEET TO A POINT

THENCE S 00°00' 14"E. 254.46 FEET TO A POINT

THENCE S 89°52' 03"E. 142.00 FEET TO A POINT

THENCE S 00°00' 14"E. 286.58 FEET TO A POINT

THENCE N 89°52' 03"W. 152.00 FEET TO THE TRUE POINT OF BEGINNING

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: *11-18-03*

Keith W. Davis
Keith Davis

Claudia Davis
Claudia Davis

STATE OF Idaho
COUNTY OF TETON

)ss.

On this *18* day of *November*, 2003, before me, a Notary Public, personally appeared Keith Davis and Claudia Davis, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jerrilee J. Brower

RECEIVED

SEP 02 2004

TETON CO., ID
CLERK RECORDER

163221

CORRECTION WARRANTY DEED

(Corrects legal description on Warranty Deed recorded on November 18, 2003, records of Teton County, Idaho, as Instrument No. 158538.)

FOR VALUE RECEIVED

Keith Davis and Claudia Davis

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

John B. Hofman and Kathleen Hofman, husband and wife

whose current address is: 234 South 17th, Pocatello, ID 83201

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Part of the Southwest ¼ Northwest ¼ of Section 17, Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: from the West ¼ corner of said Section 17, thence North 00°39'48" West, 45.78 feet along the Western Section line to the true point of beginning; thence North 00°00'14" West, 541.04 feet further along the Section line to a point; thence South 89°52'03" East, 10.00 feet to a point; thence South 00°00'14" East 254.46 feet to a point; thence South 89°52'03" East, 142.00 feet to a point; thence South 00°00'14" East, 286.58 feet to a point; thence North 89°52'03" West, 152.00 feet to the true point of beginning.

SCRIVNER STATEMENT

Grantor(s) and Grantee(s) have instructed Preparer to act as a scribe in retyping/adding information to the contract or form supplied by them. Preparer has done so as a courtesy and accepts no liability or responsibility for the drafting of said contract or form and has given the parties no legal advice.

The parties acknowledge that they have been advised by Preparer to seek legal counsel of their own choice at their own expense in connection with any aspect of this transaction. The parties understand that Preparer makes no representations or warranties as to the effect, validity or enforceability of the language.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 8-24-04
Keith W Davis
State of Idaho 8-24-04 *Claudia Davis*
County of Teton } ss.
}

On this 24 day of August, 2004, before me, a Notary Public in and for said State, personally appeared Keith Davis and Claudia Davis, known, or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/sh~~e~~^{ey} executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for the State of Idaho
Residing at: Driggs, ID
Commission Expires: 2-7-08

DISTRICT SEVEN HEALTH DEPARTMENT
SEPTIC SYSTEM INSPECTION REPORT

Activity Code: 01
Travel Time: 60 Inspection Time: 20

INSPECTION CONDUCTED FOR: Name JOHN HOFMAN Permit No 4198017

LOCATION OF INSPECTION: Street Address _____ City _____
Legal Description: ¼ Section _____ Section 17 Township 3N Range 45E
Subdivision: _____ Lot _____ Block _____

BEHIND FINE FEATHER

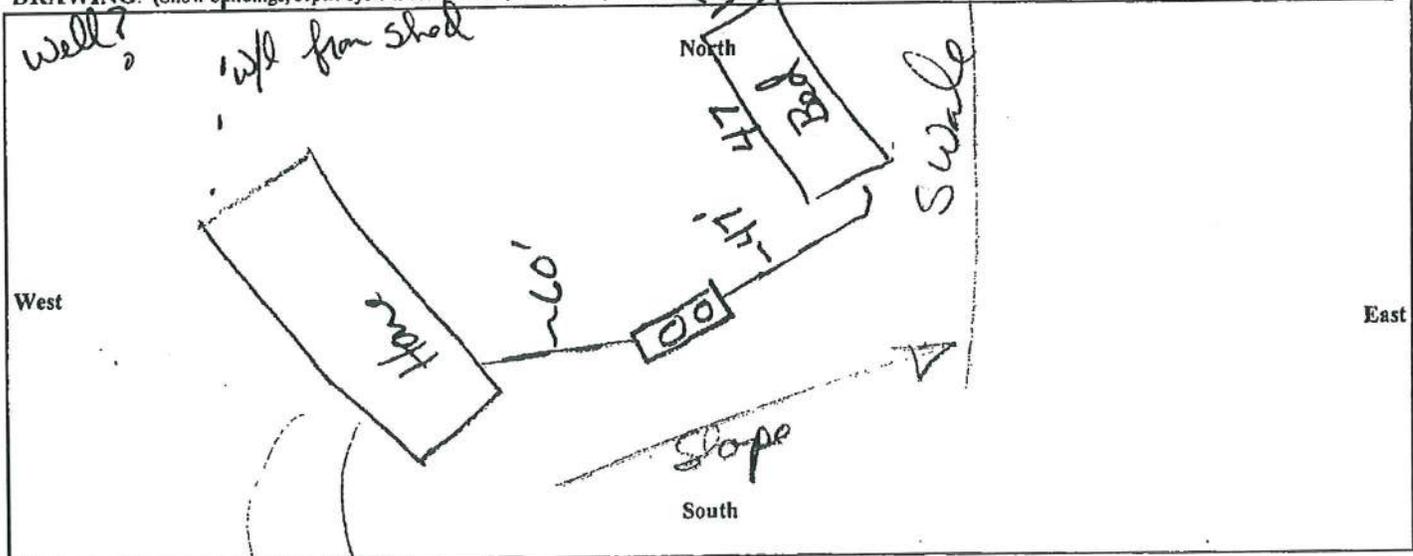
SEPTIC TANK INSPECTION

- Capacity of Septic Tank Installed 1000 gallons. Septic Tank capacity = or greater than permit requirements? Yes No N/A
- Was Septic Tank construction in compliance with State regulations and was tank State approved? Yes No
- Were inlet and outlet properly sealed? Yes No
- Did Septic Tank meet minimum separation requirements as required by permit? Yes No
- Was extension of manhole required? Yes No Depth from final grade to manhole. 1 1/2 feet

SUBSURFACE DISPOSAL (DRAINFIELD) INSPECTION

- Type of Disposal System installed Bed w/ STRAW Meets permit requirements? Yes No N/A
- Disposal Area Size 564 Square Feet In compliance with Permit Issued? Yes No
- Did Disposal System meet the minimum separation distance as required by the Permit? Yes No
- Was Disposal System constructed in compliance with the State Technical Guidance Manual? Yes No
- Maximum depth of Disposal System 2 Feet. In compliance with Permit Issued? Yes No

DRAWING: (Show buildings, septic system components, water lines, surface waters, & wells within 300 feet of septic system. Important to show distances.)



SELF-INSPECTION; If given approval for self inspection Installer certifies that information provided is accurate and system was installed as shown.

Installers Signature X _____ License #: _____ Date: _____

Installed by: Billy Malkin Official Use Only License #: _____

This System appears to:

- Be in Substantial Compliance with permit and is approved. Yes
- Have Minor deficiencies which could cause premature failure, but still in substantial compliance with Intent of Rules. Recommend that deficiencies be corrected, which could improve your system, but system is still approved. Yes
- Have Major deficiencies which violate the Intent of Rules and must be corrected, system not approved. Yes

Comments: _____

INSPECTED/REVIEWED BY EHS: Raymond Keeling EHS # _____ DATE: 2 Jul 98

Kristin Rader

From: Mike Dronen
Sent: Monday, October 27, 2014 1:35 PM
To: Kristin Rader
Subject: RE: Hoffman Septic Information

Kristin –

The septic tank must be at least 5 ft from the house and 5 ft inside property lines. The drainfield must be at least 10 ft from the house (with slab/crawl space), 20 ft from the house (with basement) and 5 ft inside the property lines.

Mike

From: Kristin Rader [mailto:kristin.rader@tetoncountyidaho.gov]
Sent: Monday, October 27, 2014 1:13 PM
To: Mike Dronen
Subject: RE: Hoffman Septic Information

Mike,

One last question (I think). Is there a specific distance that has to be maintained from the septic tank and drain field to development?

Kristin Rader
Planner
Teton County, Idaho
150 Courthouse Drive #107
Driggs, Idaho 83422



From: Mike Dronen [mailto:mike.dronen@ehd.idaho.gov]
Sent: Monday, October 27, 2014 1:08 PM
To: Kristin Rader
Subject: Hoffman Septic Information

Kristin –

Attached is the septic information requested. Not a great sketch, but hopefully it may help. Please let me know if you have any questions.

Mike

Michael Dronen
Eastern Idaho Public Health District
820 Valley Centre Drive, Driggs, ID 83422

TETON COUNTY, IDAHO, BUILDING PERMIT APPLICATION

TETON COUNTY BUILDING DEPARTMENT
89 N. MAIN, P.O. Box 763. DRIGGS, IDAHO 83422
(208) 354-2593

**PERMIT ISSUED UPON
PLAN APPROVAL**

OWNER: John Hofman

**** A COPY OF THE WARRANTY DEED MUST ACCOMPANY THIS APPLICATION ****

MAILING ADDRESS: 136 S. 8th Pocatello, Id. 83201

APPLICANT (if other than owner) Kincaid Const. Inc.

*** If applicant is other than owner, a statement authorizing applicant to act as agent for owner must accompany this application.

MAILING ADDRESS: Po Box 136 Victor, IDAHO

BUILDING LOCATION: Section 17 Township 3N Range 45E Map # _____

General Location Lane past Keith Davis

Street Address (to be assigned if not existing): _____

Subdivision Name and Lot #: _____

ZONING DISTRICT: _____ PROPERTY SIZE: _____

PROPOSED USE: (i.e., single family dwelling, garage, etc...) single family

IS THIS BUILDING TO BE USED FOR RESIDENTIAL OR COMMERCIAL?

KINCAID CONSTRUCTION, INC.
P.O. BOX 136 PH. 208-767-2713
VICTOR, ID 83455

5358

92-155/1241

4/7 1998

PAY TO THE ORDER OF Teton County \$ 443.50
Four Hundred Forty Three and 50/100 DOLLARS

KEY BANK
Key Bank of Idaho
Driggs Office
P.O. Box 748
Driggs, Idaho 83422
1-800-678-5391

FOR John Hofman

Robert F. Kincaid

Permit Number: 040798-1 Actual Value \$ 76551.24
Permit Fee: \$ 443.50

FOR THE CITY OF TETON, IDAHO

- IMPORTANT NOTICE -

ed within two (2) business days of scheduled and approved final inspection of structure. **NO EXCEPTIONS.**

NO REFUND

PERCENT OF SLOPE TO BE DEVELOPED:

House site 2 % Driveway 1 %

** Slopes in excess of 15% require conformance with County Regulations for grading, drainage and erosion control.

SEE ATTACHED SCHEDULE FOR THE FOLLOWING RESTRICTIONS

BUILDING SETBACKS FROM PROPERTY LINES AND ROAD EASEMENTS:

Front 55' Rear 600' Left side 300' Right side 300' *al*

BUILDING SETBACKS FROM WATERWAYS: (either on or adjacent to site) *Mr. B.*

creek & springs _____ river _____ ponds _____ irrigation ditch _____ *al*

HEIGHT OF BUILDING FROM NATURAL GROUND (outside measurements): 24' feet

~~~~~  
**ALL HABITABLE STRUCTURES MUST HAVE AN APPROVED SMALL WASTEWATER (SEPTIC) PERMIT, CITY SEWER HOOKUP PERMIT, OR OTHER WASTEWATER PERMIT APPROVED BY DISTRICT 7 HEALTH DEPARTMENT BEFORE A BUILDING PERMIT WILL BE ISSUED.**  
~~~~~

NOTE: A water well permit is not required for the issuance of this permit. However, should a well be constructed, the regulations and instructions of the State Engineer's Office and the Department of Environmental Quality, when appropriate, must be complied with.

*Plan review fees are non-refundable and are paid in full at the time of application.
Teton County's acceptance of the plan review fee DOES NOT constitute plan approval.*

APPLICANT'S SIGNATURE, CERTIFICATION & AUTHORIZATION: Under penalty of perjury, I hereby certify that I have read this application and state that the information herein is correct and I swear that any information which may hereafter be given by me in hearings before the Planning Commission of Teton County or the Board of County Commissioners of Teton County shall be truthful and correct. I agree to comply with all County regulations and State laws relating to the subject matter of this application and hereby authorized representative of this County to enter upon the above mentioned property for inspections purposes. I have received a copy of the "Notice To Developers and Builders" concerning Section 404 of the Clean Water Act and understand that it is my responsibility to determine the proposed development on the property listed fully complies with the applicable regulation.

Robert F. Lorcand
Signature of Owner/Applicant

4-7-98
Date

*****BUILDING PERMIT FEES ARE DUE IN FULL AT TIME OF APPLICATION***
PLANS NOT PICKED UP AT COMPLETION OF PROJECT WILL BE DISCARDED**

RECEIVED

114096

OCT 25 1993

Warranty Deed

TETON Co. Id.
Clerk Recorder

For Value Received Keith and Claudia Davis

the grantors, do hereby grant, bargain, sell and convey unto John and Kathleen Hofman

whose current address is 136 S. 8th
Pocatello ID 83201

the grantee s, the following described premises, in Teton County Idaho, to wit:

3.420 Acres, Section 18, Township 3 North, Range 45 East,
Tax #2456 less #2964

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said
Grantee s, that they're the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Keith W. Davis
Keith Davis, Grantor

Claudia Davis
Claudia Davis, Grantor

John Hofman, Grantee
John Hofman, Grantee

Kathleen Hofman, Grantee
Kathleen Hofman, Grantee

STATE OF IDAHO, COUNTY OF
On this 21st day of October, 1993,
before me, a notary public in and for said State, personally appeared

known to me to be the person, whose name
subscribed in the within instrument, and acknowledged to me that
he executed the same.

Keith R. Johnson
Notary Public
Residing at 394 W. Yellowstone, Idaho
Comm. Expires 5/5/1998

114096

FILED

AT THE REQUEST OF

John Hofman
AT 25 MINUTES PAST 10 a.m.

DATE Oct. 25, 1993

Asa J. Drake
CLERK OF RECORDER

BY Nora Rigby
DEPUTY



Submitted by the AMERICAN LAND TITLE COMPANY, INC.

114096

EXHIBIT

9b

~~2453~~
Deleted To 599D
Beginning at the NW corner of Sec 17 T4N R45E, BM, thence S89.57'45"E for a distance of 2639.53 feet to the N4 corner of Sec 17, thence S0.01'38"W for a distance of 1327.22 feet, thence N89.54'41"E for a distance of 998.69 feet to the true point of beginning, thence S0.03'57"W for a distance of 462 feet, thence N89.54'41"E for a distance of 320.57 feet, thence N0.03'57"E for a distance of 462 feet, thence S89.54'41"W for a distance of 320.57 feet to the true point of beginning.
Contains 3.4 acres, more or less.

2454 Beginning 132 feet West of the SE corner of SW4SE4 of Sec 36 T4N R44E, BM, and running thence North 990 feet, thence West 132 feet, thence South 990 feet, thence East 132 feet to the point of beginning.

2455 Beginning at a point 34.35'46"E 816.59 feet from the W4 corner of Sec 17 T3N R45E, BM, thence East 139.42 feet, thence North 142.30 feet, thence N40.00'W 90 feet, thence N84.46'32"W 483.21 feet, thence S3.36'23"E 286.16 feet, thence N85.27'13"E 382.84 feet to the point of beginning.

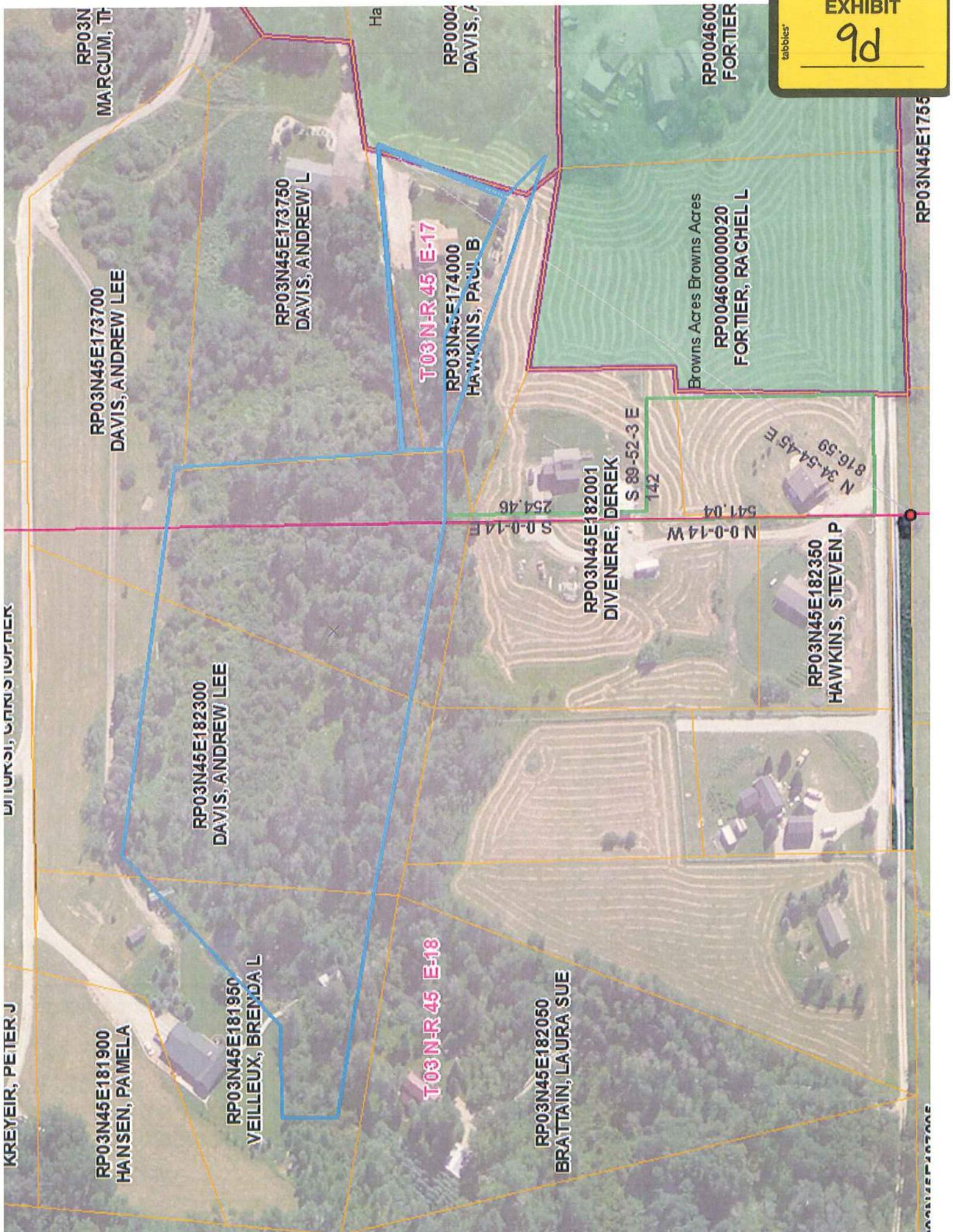
~~2456~~
Beginning at a point N37.58'32"E 648.40 feet from the E4 corner of Sec 18 T3N R45E, BM, thence N66.13'34"W 188.70 feet, thence West 227 feet, thence N79.04'40"W 462 feet, thence N80.32'15"W 297.81 feet, thence North 70.12 feet, thence N89.36'47"E 115.35 feet, thence N47.01'E 292.55 feet, thence S82.08'39"E 487.33 feet, thence S3.36'23"E 286.16 feet, thence N85.27'31"E 382.84 feet, thence S21.52'27"W 173.57 feet to the true point of beginning.

2457 Beginning at a point that is N0.04'W 30 feet from the W4 corner of Sec 17 T3N R45E, BM, thence East 762.7 feet, thence N11.03'E 440.36 feet, thence West 400 feet, thence N44.30'20"W 68.60 feet, thence N66.13'34"W 188.7 feet, thence West 227 feet, thence S0.04'E 587.2 feet to the point of beginning.

2458 Beginning at the SW corner of Sec 1 T6N R45E, BM, and running S89.30'E 55.34 feet to the true point of beginning, thence N77.49'27"E 99.28 feet, thence N55.14'28"E 100.18 feet, thence N38.34'22"E 303 feet, thence S5.09'42"E 319.71 feet, thence N89.30'W 397.05 feet to the point of beginning. Contains 1.10 acres, more or less.

2459 Beginning at a point 48 rods East and 16 rods North of the SW corner of the SW4 of Sec 2 T3N R45E, BM, and running thence West 20 rods, thence North 16 rods, thence East 20 rods, thence South 16 rods to the point of beginning. DELETES #2074.

- 2963 Beginning at a point 511.5 feet North of the SW corner of the SW4 of Sec 2 T3N R45E, BM, thence East 462 feet, thence North 264 feet, thence West 462 feet, thence South 264 feet to the point of beginning. Contains 2.8 acres, more or less.
- 2964 From the W4 corner of Sec 17 T3N R45E, BM, thence N34.54'45"E 816.59 feet to the point of beginning, thence S85.27'13"W 382.84 feet to a point, thence South 50.50 feet to a point, thence S70.31'01"E 387.23 feet to a point, thence N44.30'20"W 68.60 feet to a point, thence N21.52'27"E 173.57 feet to the point of beginning. Contains 1 acre, more or less.
- 2965 From the SW corner of Lot 2, Sec 3 T5N R45E, BM, thence N89.31'24"E 400 feet to the point of beginning, thence N89.31'24"E 400 feet along the South line of Lot 2 to a point, thence N0.07'17"E 1301.78 feet more or less to the North section line of Sec 3, thence S89.31'47"W 405.52 feet along said section line to a point, thence S0.07'18"E 1301.78 feet more or less to the point of beginning. TOGETHER WITH a right of way for ingress and egress described as follows: Beginning at the NW corner of Sec 3 T5N R45E, BM, and running thence S0.17'15"E 1319.00 feet along the section line to the true point of beginning, thence N89.31'24"E 3442.61 feet more or less, thence South 60 feet, more or less to the North bank of the Hog Canal, thence Westerly 3442.61 feet along the North bank of the Hog Canal to section line to Sec 3, thence North along the section line 60 feet, more or less to the true point of beginning.
- ~~2966 Beginning at the NW corner of Sec 3 T5N R45E, BM, and running thence S0.17'15"E 1319 feet, thence N89.31'24"E 3762.61 feet to the true point of beginning, thence N0.07'16"W 1342.12 feet more or less to the North bank of the Desert Canal, thence S89.43'06"E, along the North bank of the Desert Canal, 1460.15 feet, more or less to the East section line of Sec 34 T6N R45E, BM, thence S0.35'00"E 30 feet more or less to the SE corner of Sec 34, thence N89.48'39"E 66 feet more or less, to the NE corner of Sec 3, thence S0.03'26"E, along the East section line of Sec 3, 1292.47 feet, thence S89.31'24"W 1524.95 feet to the true point of beginning. TOGETHER WITH a right of way for ingress and egress described as follows: Beginning at the NW corner of Sec 3 T5N R45E, BM, and running thence S0.17'15"E 1319 feet along the section line to the point of beginning, thence N89.31'24"E 5287.56 feet, more or less to the East section line of Sec 3, thence South 70 feet more or less to the North bank of the Hog Canal, thence Westerly along the North bank of the Hog Canal, 5287.56 feet, more or less to the West section line of Sec 3, thence North along the section line 60 feet, more or less to the true point of beginning. DELETES #1522. Deleted to 5784, 5785, + 5786~~
- 2967 Beginning at a point 1907.48 feet East of the SW corner of the NW4 being the true point of beginning and running thence North 1485 feet, thence East 660 feet, thence South 825 feet, thence West 330 feet to the point of beginning, located in Sec 15 T3N R45E, BM. DELETES #35. Deleted to 5970



RP03N
MARCUM, TH

RP03N45E173700
DAVIS, ANDREW LEE

RP03N45E173750
DAVIS, ANDREW L

T03NR45 E-17
RP03N45E174000
HAWKINS, PAUL B

RP0004
DAVIS, J

RP004600
FORTIER

Browns Acres Browns Acres
RP004600000020
FORTIER, RACHEL L

RP03N45E182001
DIVENERE, DEREK

RP03N45E182350
HAWKINS, STEVEN P

RP03N45E182300
DAVIS, ANDREW LEE

RP03N45E181950
VEILLEUX, BRENDA L

T03NR45 E-18

RP03N45E182050
BRATTAIN, LAURA SUE

KREYEIR, PETER J

RP03N45E181900
HANSEN, PAMELA

N 0-0-14 W
S 89-52-3 E
142
541.04
254.46

N 34-54-45 E
816.59

tabbles®
EXHIBIT
9d

RP03N45E1755

RP03N45E182000



All uses shall comply with the following regulations concerning height, setback and area restrictions set forth below:

TABLE 2
 HEIGHT, SETBACK AND AREA SCHEDULE

<u>District</u>	<u>Max Height</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Area</u>
R-1	30'	30'	20'	10'	9,000
R-2	30'	20'	20'	10'	7,000
R-2T	30'	20'	20'	10'	7,000
R-3	45'	20'	20'	5'	7,000
A-.5	30'	30'	20'	10'	.5 acre
A-2.5	30'	30'	40'	30'	2.5 acres
A-2.5 (HS)	25'	30'	40'	30'	see regulations
A-20	Unlimited	30'	40'	30'	20 acres
C-1	45'	0	10'	10'	0
C-2	45'	0	10'	10'	0
C-3	45'	0	15'	10'	0
M-1	45'	0	10'	10'	0
M-2	45'	0	10'	10'	0

Additional setback requirements are 75' from the Teton River, 50' from all other waterways such as streams, rivers, and creeks, and 15' from any irrigation ditch. Height will be measured from natural or original grade, except on hillside development, which will be measured from the high side of the foundation. No further than 8 feet out from the foundation wall.

Notes:

1. This table shows minimum yard setback requirements except as required in the following notes. The height limits are the maximum allowed.
2. In R-1, R-2 and R-2T Districts, corner lots shall maintain a twenty (20) foot side yard adjacent to the street that intersects the street upon which the building fronts.
3. In R-3 Districts, corner lots shall maintain a fifteen (15) foot side yard adjacent to the street that intersects the street upon which the building fronts. Not more than forty-five (45) percent of the lot area may be covered by buildings or structures.
4. In addition to the above, on any corner lot, nothing shall be built, placed or allowed to grow in a manner as to materially impede vision ten (10) feet above the center line grades of intersecting streets; and, in the area bounded by the property lines forming a triangle on a line along the property lines a distance of thirty (30) feet at the intersection, then joining these points by a line through the property. This is called a "vision triangle".
5. In R-1 Districts, the minimum lot width shall be seventy-five (75) feet at the building setback line.

Teton County, Idaho Planning & Building Department
150 Courthouse Drive, Room 107; Driggs, ID 83422
208-354-2593 ph. 208-354-8410 fax
www.tetoncountyidaho.gov pz@co.teton.id.us



October 27, 2014

Re: Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a setback variance

Dear Property Owners:

This letter is to notify you that an application for a Variance to a side yard setback at 3980 W 9500 S in Victor has been submitted to the Teton County Planning Department by a nearby landowner. According to the Teton County Code (8-2-1A), a “variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing applicability of all of the following:

- a. Undue hardship because of characteristics of the site; and
- b. That the variance is not in conflict with the public interest; and
- c. The need for a variance is not arising as a direct result of the applicant’s own actions.”

The planning staff is soliciting comments from people in the vicinity of the applicant’s property, so that we can be aware of neighborhood issues and then include your comments in the packet of information provided to the Teton County Planning and Zoning Commission for their consideration prior to the hearing. If you have any comments or questions regarding this application, please contact us using the contact information listed above. The details below provide more information on the proposal.

Applicant: John B. Hofman **Landowner:** John B. Hofman.

Legal Description: RP03N45E173840; PART OF SW4NW4 SEC 17 T3N R45E

Zoning District: A-2.5 (79%) and A-20 (21%)

Description of the request: A variance request pursuant to the Teton County Code Section 8-4-4 (Height, Setback, and Lot Size). The Teton County Code specifies a side yard setback of 30-feet. The applicant proposes a side yard setback of 17-feet from the west property line to bring the existing home into compliance and to allow a future addition to the home.

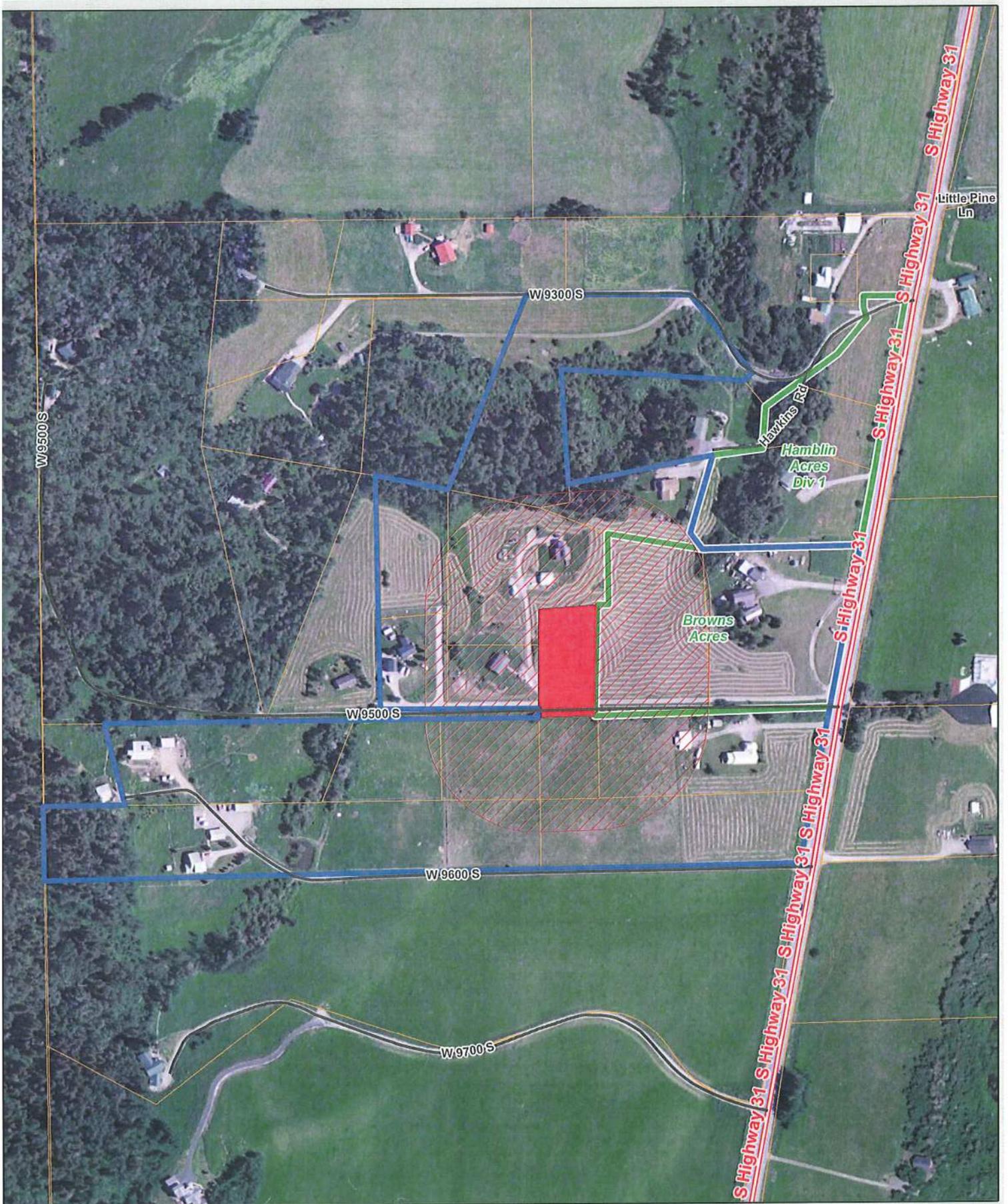
PUBLIC HEARING

The Teton County Planning and Zoning Commission will hold a hearing in the Commissioners’ Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **November 11, 2014** on this matter. This application is scheduled to be heard at 5:00 p.m.

Information on the above application is available for public viewing in the Teton County Planning and Zoning Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the Calendar or Upcoming Events and select the PZC Public hearing of 11-11-2014. Then select the agenda item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning and Zoning Department no later than 5:00pm on Friday, October 31, 2014. Written comments may be e-mailed to pz@co.teton.id.us, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

The public shall not contact members of the Planning & Zoning Commission concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.

If you have any further questions, please do not hesitate to call the Teton County Planning and Zoning Department at 208-354-2593.



Legend

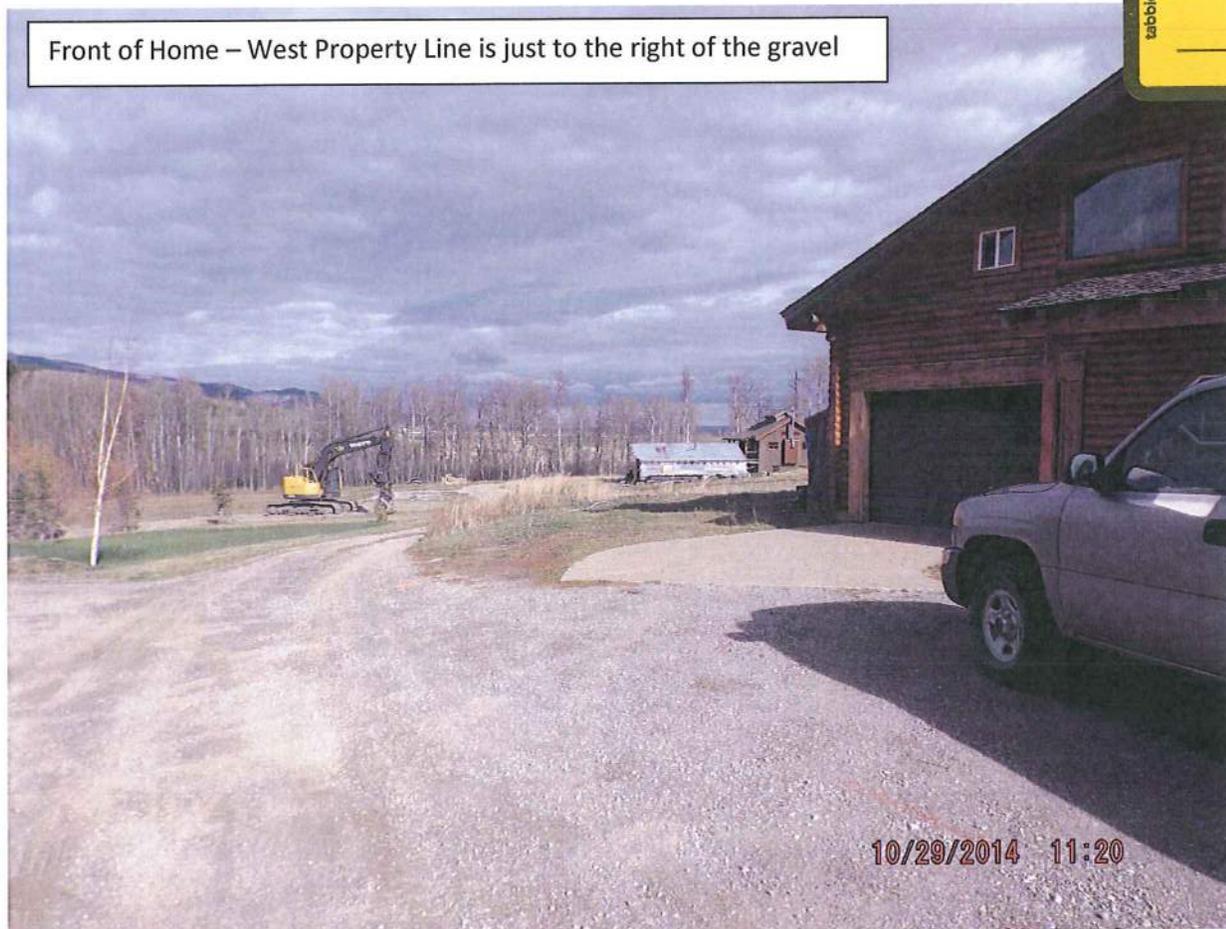
- Parcels Notified
- Subject Parcel
- Parcels
- 300 ft Notification Buffer
- Subdivisions / Phases

**HOFMAN SETBACK
VARIANCE NOTIFICATION**

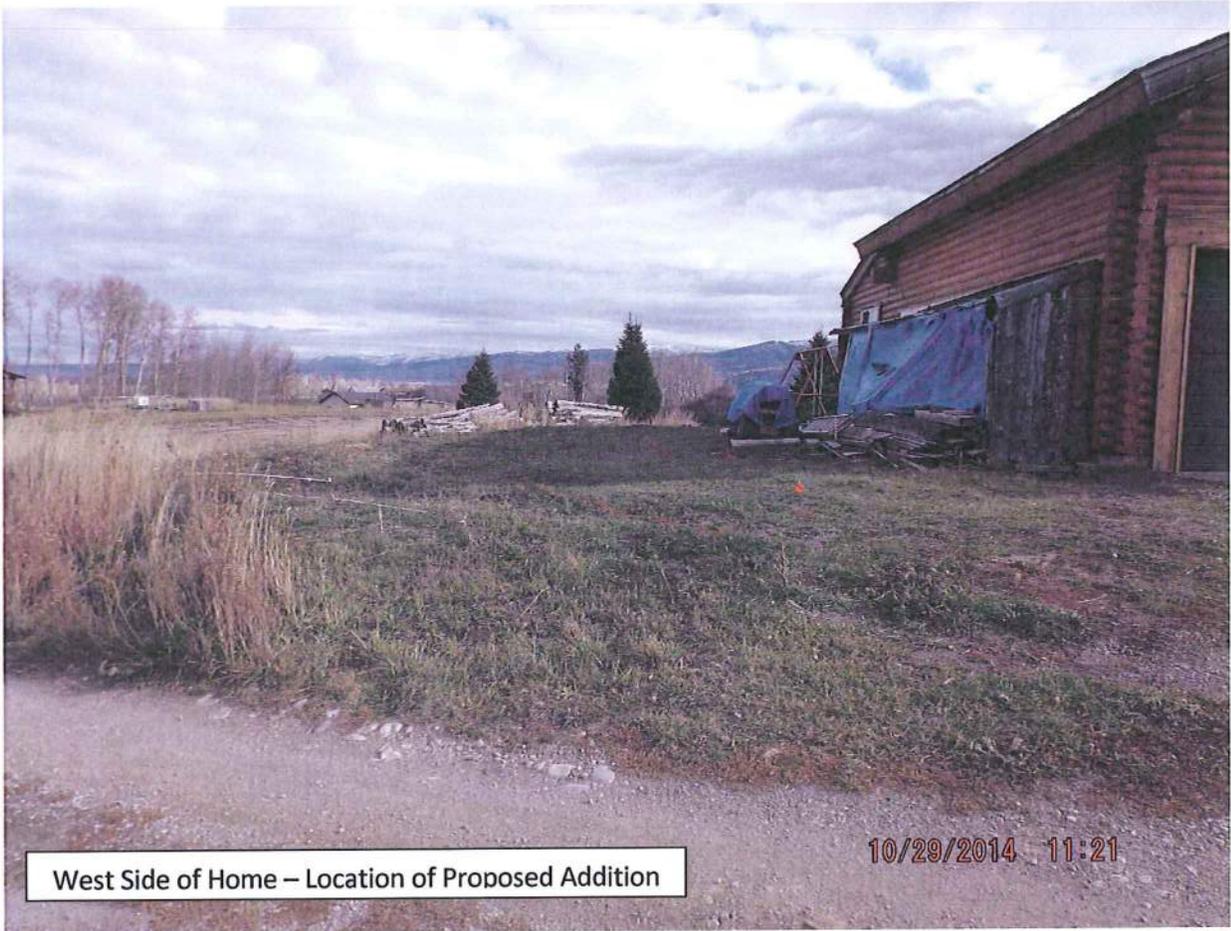
Printed: October 27, 2014



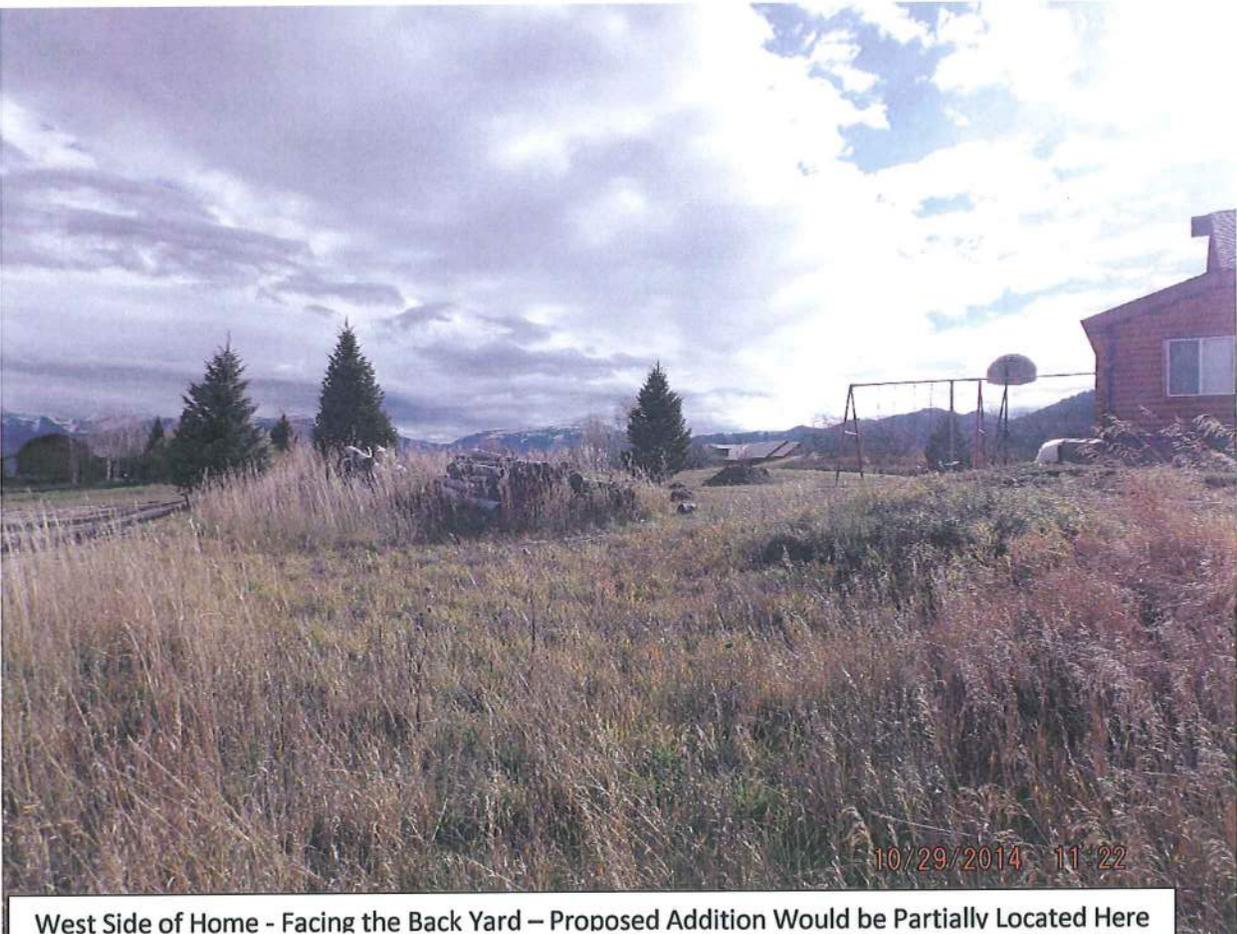
Front of Home – West Property Line is just to the right of the gravel



West Corner of Front of Home – Proposed Addition will be on the West Side of the home



West Side of Home – Location of Proposed Addition



West Side of Home - Facing the Back Yard – Proposed Addition Would be Partially Located Here



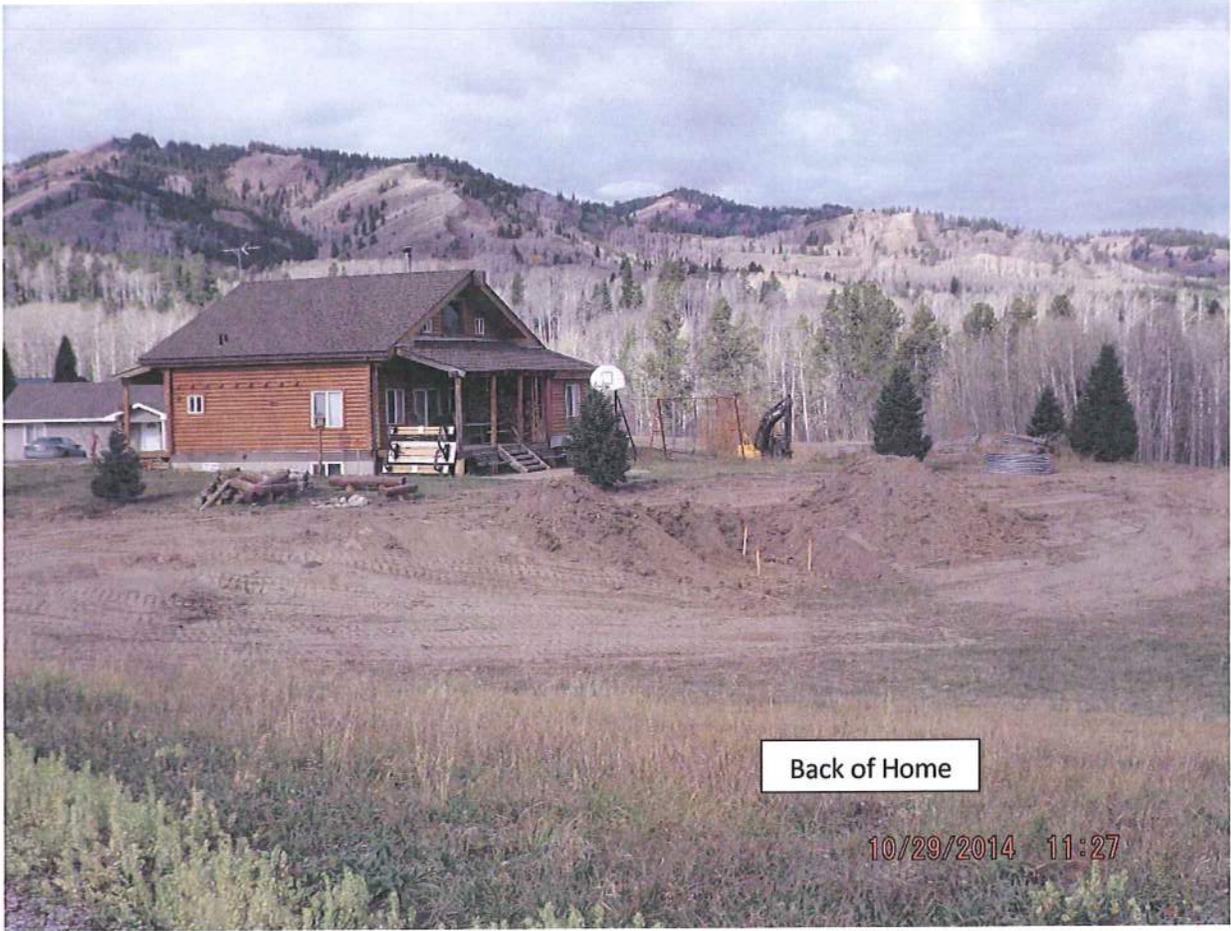
East Side of Home

10/29/2014 11:23



Back of Home

10/29/2014 11:24



Back of Home

10/29/2014 11:27