



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: see attached letter of authorization Date: 20 March 2014

*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**

TO: Jason Boal, Planning Administrator and the Planning and Zoning Board.

## SECTION II: 2 UNDUE HARDSHIP JUSTIFICATIONS

On behalf of the owner, we have attached: (1) a copy of the deed from predecessor to owner, (2) the plat of Teton Valley Lodge Sites Division III, and (3) a site drawing.

The Owner is applying for a variance from current setback requirements as provided in the latest version of Teton County's Zoning Ordinance. Teton Valley Lodge Sites Division III was platted, and CC&Rs filed, in 1982. The side yard setback, under the CC&Rs, was 20'. Under the County's zoning ordinance, side yard setbacks are 30'. Complying with the 30' side yard set back would be a serious hardship to the owner.

The owner wants to move their home from Lot 1 Block 1 Teton Valley Lodge Sites to Lot 11 Division III of the same subdivision. As you can see from the Site Drawing, the house moved and sited on Lot 11 would encroach on the 30' setback by 3'10" on the South and 5'8" on the North. Siting would be within the 20' side yard setbacks of the CC&R's. Notice also on the site drawing, that the marginal encroachments on both sides of the house are for a very short distance. The house fits within the setbacks on front and back.

There are at least 8 homes already in Division III that have been built to the 20' side yard setbacks that if built now would have to be granted an exemption. It is hard to see how a public interest is compromised by the size and location of these homes, nor is it apparent why the Pitman home moved from one lot to another would compromise a public interest. Applicants home is similar in size to other existing homes in the Subdivision. Even if Applicant were to build a new house, the reduced building area would substantially affect home design and orientation. Teton Valley Lodge Site owners purchased lots relying on then existing setbacks.

Applicant has advised his two neighbors of his intentions of moving his existing house to this lot and they have given their approval. They have even offered the not built on portion of their lots be used if necessary to help accommodate the moving equipment. The Home Owners Association has likewise been advised and has no objection. A moving company has designed an acceptable move route and all affected landowners have consented.

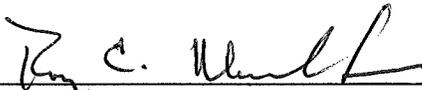
When the subdivision was platted, the septic sites were located off lot and there is a community well, both to accommodate setback issues. In most subdivisions in the County, septic systems and wells have to be located on the lot

and that creates its own set of proximity (to wetland, to house, to river, to well) issues that are avoided by having septic systems off site.

You can see on the site drawing that the current river setback is in the middle of the interior subdivision road. Enforcing that standard would eliminate all useful purposes of this or any other lot lying east of the road.

In summary, moving the Pitman home from one lot to another in the same subdivision will not be a material detriment to public health, safety or welfare nor to neighboring property owners. A variance is not in conflict with public interest or the general land conditions in the vicinity. Given that this is an existing subdivision and owners have relied on 20' side yard setbacks, most lots are already built on, sewer and water are off site and the marginal encroachment is very small, not granting the variance would amount to an undue hardship.

Respectfully Submitted this 28<sup>th</sup> day of March, 2014.



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ROY C. MOULTON

ATTORNEY AND AGENT FOR OWNER



PLANNING AND BUILDING DEPARTMENT  
AFFIDAVIT OF LEGAL INTEREST and  
LETTER OF AUTHORIZATION

C.J. Pitman Limited Partnership Ltd "Owner" whose address is 536 Meadow Run Drive  
City Chapel Hill State NC Zip 27517-8022

As owner of property more specifically described as: Lot 11, Block 4, Teton Valley Lodge Sites,  
Division III, Teton County, Idaho

HEREBY AUTHORIZES Roy Moulton 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 Teton County Commissioners, Teton County Planning and Zoning, Building, and or other County Departments relating to the modification, development, planning, platting, re-platting, improvements, use or occupancy of land in Teton 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, weather 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 Teton 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 forgoing 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:

X Charles Joseph Pitman  
(Signature of Owner)

Charles Joseph Pitman Title Managing Member  
(Print Name) CJ Pitman Management, LLC

X \_\_\_\_\_  
(Signature of Co-Owner)

\_\_\_\_\_  
(Print Name) Title \_\_\_\_\_

X \_\_\_\_\_  
(Secretary or Corporate Owner)

(Print Name)

NOTARY:  
STATE OF: North Carolina SS. \_\_\_\_\_

COUNTY OF: Chatham Zip 27517

Subscribed and sworn to before me by Charles Joseph Pitman  
this 20<sup>th</sup> day of March, 2014.

CATHERINE L LANKFORD  
NOTARY PUBLIC  
ORANGE COUNTY, NC

WITNESS my hand and official seal.

X Catherine L Lankford  
Notary Public

08/01/2014  
Expiration Date



**Instrument # 229797**  
TETON COUNTY, IDAHO  
09-30-2013 11:08:57 No. of Pages: 2  
Recorded for: FIRST AMERICAN TITLE - DRIGGS  
MARY LOU HANSEN Fee: \$13.00  
Ex-Officio Recorder Deputy, Mary Lou Hansen  
Index to: DEED, WARRANTY

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
81 North Main Street/P.O. Box 42  
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **479690-T (tm)**

Date: **September 13, 2013**

For Value Received, **Thomas C. Hendrick, a married man as his sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **C.J. Pitman Limited Partnership, a Texas limited partnership**, hereinafter called the Grantee, whose current address is **536 Meadow Run Drive, Chapel Hill, NC 27517**, the following described premises, situated in **Teton County, Idaho**, to-wit:

**Lot 11, Block 4, Teton Valley Lodge Sites, Division III, Teton County, Idaho, according to the recorded plat thereof.**

**TOGETHER WITH an easement for access to the Teton River as granted in Easement Deed recorded September 9, 1997 as Recorder's No. 128184 and an Easement Deed recorded January 12, 2000, as Recorder's No. 136407, Records of Teton County, Idaho**

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.

