



A REQUEST FOR A SETBACK VARIANCE BY:
Steven and Patricia Wuthrich
WHERE: 3543 Edge Braid Ct.
Prepared for the Planning & Zoning Commission
October 14, 2014

APPLICANT: Steven and Patricia Wuthrich
LANDOWNER: Wuthrich Family Trust

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

REQUEST: Steven and Patricia Wuthrich are seeking a side yard variance of 14' (to the west) from the required 30' side yard setback for properties in the A-2.5 zone.

LEGAL DESCRIPTION: RP004750020050
LOT 5 BLK 2 TETON SADDLEBACK VISTA PHAS I SEC 14 & 13 T4N R45E
LOCATION: 3543 Edge Braid Ct.
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 6.92 acres
VICINITY MAP:



PROJECT DESCRIPTION: The property owners would like to build an addition to the rear of their home. The existing home was built with a 14-foot side setback, so a variance from the 30-foot setback is required to bring the home into compliance before a building permit may be issued. 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 14-foot setback.

PROJECT BACKGROUND: When the Wuthrich family purchased their property in 2009, the home was already built. The building permit for the home was issued in 2007 to the previous owner, who completed the exterior of the structure. The applicants finished the interior of the home in 2009 after purchasing the property. As part of the building permit application in 2007, the site plan was submitted for the incorrect lot in the subdivision, which was smaller in size and in a different block. However, the site plan showed a side yard setback of 50-feet on the west side, which would have made the home in compliance. The side yard setback is actually 14-feet on the west side.

The proposed addition to the home is for a new master suite on the first floor. Because of the layout of the existing home and locations of the septic and well, the northwestern corner of the home is the only location for the addition (as shown on the site plan attached). The new addition would be within the 14-foot setback requested for this variance.

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.

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 side 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. and Mrs. Wuthrich 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. and Mrs. Wuthrich for a reduced side setback of 14” on the west property line and as described in the application materials submitted September 11, 2014.

Prepared by Kristin Rader

Attachments:

- Application
- Narrative
- Site plans (aerial images & with dimensions)
- Septic location information
- Deed & Trustee Authorization
- Site Plan from 2007 Building Permit
- Site photos
- Adjacent Landowner Notification

End of Staff Report



TETON COUNTY
PLANNING & ZONING
SEP 11 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: Steven and Patricia Wuthrich
Applicant: Steven and Patricia Wuthrich E-mail: wuth@comcast.net
Phone: (920) 951-7075 Mailing Address: 141 Brodia Way
City: Walnut Creek State: CA Zip Code: 94598
Engineering Firm: _____ Contact Person: _____ Phone: () _____
Address: _____ E-mail: _____

Subdivision: Teton Saddleback Vistas
Location and Zoning District: _____
Address: 3543 Edge Braid Ct. Driggs, ID Parcel Number: RP004750020050
Section: _____ Township: _____ Range: _____ Total Acreage: 6.92
Present Zoning District: A-2.5 Requested Zoning District: A-2.5 (No Change)

- Latest Recorded Deed to the Property Affidavit of Legal Interest
 Fee in accordance with current fee schedule

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: Steven Wuthrich Date: 9-11-14
Patricia Wuthrich

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: *Patricia W. Wink* Date: 9-11-14
Patricia Wink 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

September 11, 2014

To: Teton County, Idaho
Planning and Zoning

From: Steven and Patricia Wuthrich

Re: Variance for property at 3543 Edge Braid Ct., Driggs, ID
(Teton Saddleback Vistas)

To Whom It May Concern:

We are applying for a variance to the side set back for our home at 3543 Edge Braid Ct., Driggs, ID, within the Teton Saddleback Vistas subdivision. We have incurred an undue hardship due to characteristics of the site as related to the original building/development of the site.

We purchased the house in August of 2009. All exterior construction, septic, and well had been completed. The interior was not finished. We did not alter any exterior construction related to the house.

We are now planning an addition to the home and have discovered the house was constructed within the 30-foot side set back required by the county for the zoning district of A-2.5. The house is approximately 14 feet to the side property boundary, at the closest point. (See attachment 1)

We are requesting a variance to conform this existing condition for the property as well as the ability to construct an addition of approximately 1100sq ft, which will contain a Master Bedroom suite and meet the requested variance (See attachment 2). Based on the layout of the house, this is the only location to add a first floor Master at the back of our house.

Following are the attachments as noted above as well as additional attachments that may contain helpful information to support our request.

Attachment 1: Drawing of property with boundaries and current house location
(including distance from house to property boundaries)

Attachment 2: Proposed addition with distances to relative property boundary, including locations of septic and well

Attachment 3: Information from Eastern Idaho Public Health department regarding septic field location.

Attachment 4: Copy of latest recorded deed from Teton County website (Instrument 206752)

Please contact us if you have any additional questions. We can be reached at 925-951-7075 or 925-930-9403.

Sincerely,


Steven Wuthrich


Patricia Wuthrich



3543 Edge Braid Ct.
 Driggs, ID 83422
 Lot size = 6.92 acres

3200 sq ft. existing house
 2200 on ground/main floor

EASTERN IDAHO PUBLIC HEALTH DISTRICT
SEPTIC SYSTEM INSPECTION REPORT 1/2007

Travel Time: 20 min Inspection Time 35 min

INSPECTION CONDUCTED FOR: Name ALAN TWITTELL Permit No 4107170
 LOCATION OF INSPECTION: Street Address _____ City DRUGGS
 Legal Description: ¼ Section _____ Section 14 Township 4N Range 4SE
 Subdivision: TEION SANDEROCK VISITS. Lot 5 Block 2

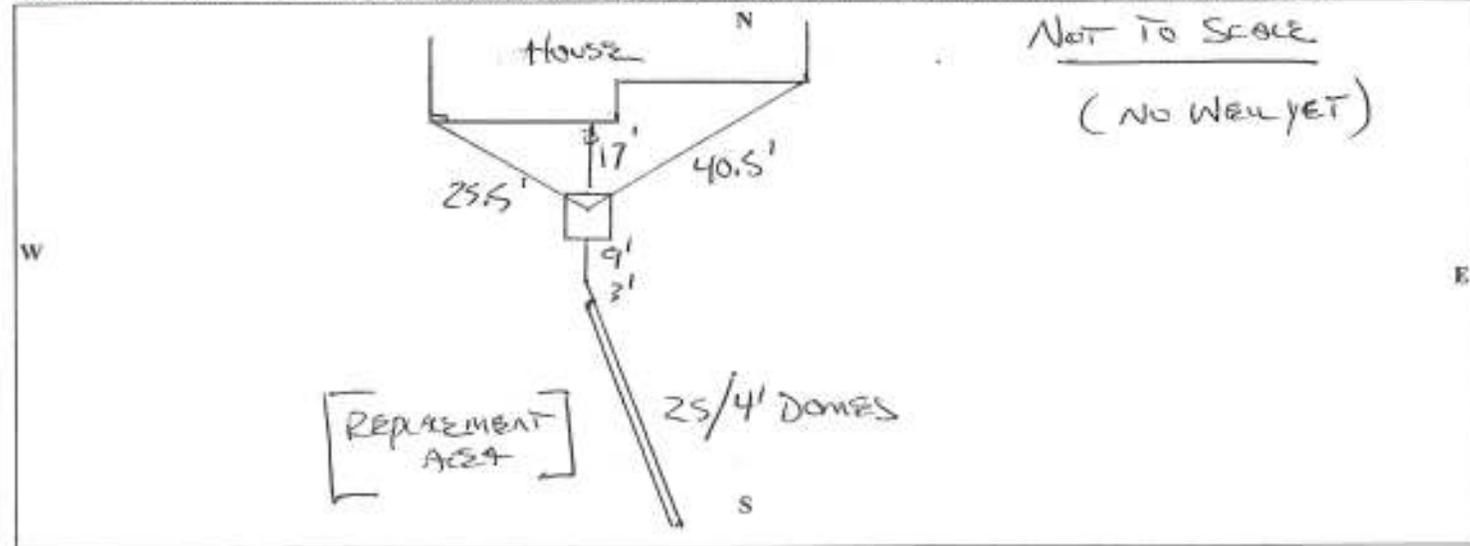
KANIA **SEPTIC TANK INSPECTION**

- Capacity Tank 1000 gallons. ATU _____ gpd. 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 feet

SUBSURFACE DISPOSAL (DRAINFIELD) INSPECTION

- Type of Disposal System installed GRAVELLESS TRENCH Meets permit requirements? Yes No N/A
- Disposal Area Size 300 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 3 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: MATTHEW BROTHERS EXCAVATION Official Use Only License #: 3004

- This System appears to:
1. Be in Substantial Compliance with permit and is approved. Yes
 2. 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*
 3. Have Major deficiencies which violate the Intent of Rules and must be corrected, system not approved. Yes*

Comments SYSTEM NOT YET CONNECTED TO HOUSE *See Comments

(Handwritten signature)

EASTERN IDAHO PUBLIC HEALTH DISTRICT SEPTIC PERMIT

***NOTE* THIS PERMIT IS ONLY VALID FOR ONE YEAR FROM DATE OF ISSUE and IS NOT TRANSFERABLE**

*Installation shall comply with all the requirements of Idaho's Individual Subsurface Sewage Disposal Regulations as stated below.
Failure to install the system in compliance with permit may be grounds for disapproval and may result in further legal action being taken.*

CDP No _____ T-Code: 232 Time: 20 min Permit No 4107170
 Receipt No 86059

Permit Issued To: Name ACAN TWITCHEL Phone (307) 413-3380

For Location: Address _____ City DRIGGS Zip 83422

Legal Description: 1/4 Section Section 14 Township 4N Range 45E
 Subdivision TETON SANDSTONE U.S. Lot 5 Block 2

SEPTIC TANK SPECIFICATIONS (minimums)

Size of Septic Tank: 1000 gallons Multiple tank (If using or required): Total gallons
 First tank: gallons Second tank: gallons
 Pump Chamber (If required): gallons ATU: Company: Model:

SEWAGE DISPOSAL (DRAINFIELD) SPECIFICATIONS (minimums)

Type of Standard & Basic Alternative System Permitted: GRAVELLESS TRENCH
(*) USING DOME CHAMBER SYSTEM → 300 SQ FT (*)

Type of Complex Alternative System Permitted: _____

**Note* A licensed complex installer is required to install a complex system. A homeowner cannot install complex systems.*

MAXIMUM DEPTH OF EXCAVATION: 4 Feet DISPOSAL AREA SIZE: 500/300 (*) Sq. Ft.
 SOIL TYPE: B APPLICATION RATE: 0.5 gals/day/ft²
 DISTANCE TO NEAREST SURFACE WATER (explanation): _____

SPECIAL CONDITIONS

INSPECTION REQUIRED BEFORE COVER

SEE REVERSE FOR ADDITIONAL PERMIT REQUIREMENTS.
QUESTIONS, CALL 231-2220

I hereby agree that the system will be installed as per the permit and will not make any changes from the permit without written approval from Eastern Idaho Public Health District. I also hereby authorize access to this property for purpose of inspection.

Applicant/Agent Signature X John M. Coome

ISSUED BY EHS [Signature] # SS Date Issued: 18 OCT 07
 Expiration Date: 18 OCT 07

Other requirements on reverse side of permit

EASTERN IDAHO PUBLIC HEALTH DISTRICT
APPLICATION FOR SEWAGE DISPOSAL PERMIT

Permit # 4107170

Receipt # Amt

Receipt # 86059 Amt 260.00

ch # 1348

(This is not a permit to install)

SINGLE FAMILY RESIDENCES

Owner of system: Alan Tustebell

Phone # 307-413-2388

Mailing Address of Owner: 926 100th
(Current Address)

City: Driggs

Zip: 83422

Location of actual system:

Legal Description: 1/4 Section 14 Township 4N Range 43E

Subdivision Name if applicable: TEJON SANDS PARK Div. --- Lot 5 Block 2

Address: --- Driggs City Driggs Zip 83422

Directions to property: turn left into Saddleback park on Hwy 33 - take 1st left, just house in east side of corner

Lot Size: 6.7 acres. Water Supply: Private Well () Shared Well () Public System ()

Constructional Activity: New Construction () Enlargement () Replacement ()

Wastewater Flow Information:

Maximum number of POTENTIAL bedrooms 3

Will home have basement with bathroom, laundry or other plumbing for disposal of wastes? Yes No

Will dwelling serve as a rental unit? Yes No

Proposed Disposal System:

Standard or Basic Alternative Systems:

SEPTIC TANK + GRASSLESS TRENCH

Complex Alternative System:

Note Current rules require you to hire a septic installer that has a complex installer license to install a complex systems. A homeowner cannot install complex systems.

I certify that public or central sewage facilities are not reasonably accessible. I understand that if this system is constructed by anyone other than homeowner, a licensed installer must install it. I understand that the system must be inspected and approved prior to final cover. I understand this is an application only and that it is necessary to have a permit before construction can begin. * Note * Once the permit has been issued, no changes can be made without prior approval from Eastern Idaho Public Health District.

Is Home Owner Installing? No

I am the: Homeowner () Owner's authorized representative: Installer () license number Contractor ()

I hereby authorize access to this property for the purpose of conducting an on-site evaluation.

Signed By: X [Signature] Date: 3-26-07

ON-SITE EVALUATION ON REVERSE SIDE

[Signature]

3-30-07

Eastern Idaho Public Health District

ENVIRONMENTAL HEALTH SECTION

BOZEMANVILLE
354 W Street
Idaho Falls ID 83402
208-523-5382
FAX: 208-528-8857

CUSTER/LINDALE
901 Monroe
Salmon ID 83467
208-756-2322
FAX: 208-756-6600

FRANCIST
45 S 2nd W
St. Anthony ID 83445
208-624-7585
FAX: 208-624-8954

INTON
119 Valley Centre Dr
Brigham ID 83422
208-354-2220
FAX: 208-354-2224

JEFFERSON/CLARK
380 Community Lane
Rigby ID 83443
208-745-7297
FAX: 208-745-8151

MADISON
314 W 3rd E
Reynolds ID 83440
208-366-3239
FAX: 208-366-4426

SEPTIC PERMIT INFORMATION SHEET

FEES:	\$ 125.00	Application Fee (Application fee may be paid separately if type system is unknown, or may be included with permit fee.)
	\$ 90.00	Permit, Standard and Basic Alternative Systems (Total Price of Permit \$ 215.00)
	\$ 140.00	Permit, Complex Systems (Total Price of Permit \$ 265.00)
	\$ 140.00	Permit, Large Systems (Total Price of Permit \$ 265.00)
	\$ 00.00	Tank Only for connection to Central System (Permit included with Application fee of \$ 125.00)
	\$ 70.00	Site Evaluations. Evaluation of property when permit is not requested (i.e., for potential buying of property). The fee may be credited toward the permit fee if requested within one (1) year.

PROCESS:

1. Submit application for permit: Obtain and **completely fill out** application, including a plot plan. Applications cannot be processed without payment of fee. **No payments can be taken in the field.**
2. Schedule site evaluation: Environmental Health Specialist must go on-site in order to evaluate the application and to assess the situation before issuing the permit. (A representative must meet the EHS at the site to answer any questions.) (Test holes may be required to determine soil type, limiting layer, or water level, etc.) **Plan on a minimum of five to six working days for processing of application.**
3. Permit Issuance: When permit is ready to issue, applicant will be called to come to the office to sign permit. The permit can be used to get building permit from Planning and Zoning. A copy of the permit should be given to licensed installer who will then be able to install system. (The permit is valid for one year only. It can be renewed prior to the anniversary date at an additional cost (\$40.00).)
4. Construction of septic system: When licensed installer has copy of permit, construction can begin anytime thereafter. System must be installed in accordance with issued permit. **Any changes must be approved by Eastern Idaho Public Health District prior to changes being made.**
5. Final Inspection Necessary: It is necessary to have the system inspected by an Environmental Health Specialist prior to covering in order to determine if system was installed in accordance with issued permit. It is the owner's or installer's responsibility to call for final inspection. **Systems covered prior to final inspection will be required to be uncovered for final inspection.**

THINGS TO REMEMBER:

1. Septic systems **MUST** be installed by a licensed installer. (List of installers can be obtained from your local health district office.) Homeowners can only install their own septic system if it is a standard system.
2. No changes to the system specifications stated on the permit can be made without prior approval from Eastern Idaho Public Health District.
3. Septic systems (tank and drainfield) **MUST BE INSPECTED PRIOR TO COVERING.**
4. **If the system is not inspected prior to covering, the installer or owner will be asked to uncover the system for inspection. This may cause more expense as system may become damaged if disturbed.**

SAVE TIME:

1. Avoid unnecessary delays by filling out the application form completely. Be sure to include a mailing address and phone number of the owners, and, if applicable, a phone number of the contact person (Builder and/or installer).
2. **Eastern Idaho Public Health District requires 24 hours notice to schedule an inspection.**

I have received, read, and
understand the above information.

Signed: _____ Date: _____



Teton County Title

MARIE LOU HANSEN
Ex-Officio Recorder Deputy
Index to DEED WARRANTY

Fee: 3.00

Instrument
206752

AND WHEN RECORDED MAIL TO:
Teton County Title
65 S. Main Street
Driggs, Id 83422

Teton County Title

WARRANTY DEED

FOR VALUE RECEIVED

Alan Twitchell, a married man as his sole and separate property,

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto
The Wuthrich Family Trust

GRANTEE(S), whose mailing address is: **141 Brodia Way, Walnut Creek, CA 94590**
the following described premises, to wit:

Lot 5, Block 2, Master Plan/Final Plat for Teton Saddleback Vistas, Phase I, as shown on the official plat thereof, recorded January 04, 2006, as Instrument No. 173852. Amended Owners Certificate recorded June 06, 2006, as Instrument No. 177562, records of Teton County, Idaho.

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 28th day of August, 2009.

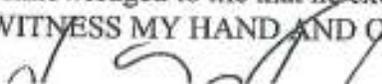


Alan Twitchell

STATE OF Idaho)
) ss.
COUNTY OF Teton)

On this 28th day of August, 2009, before me, the undersigned, a Notary Public, in and for said State, personally appeared **Alan Twitchell** known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.





Attachment 4

TRUST AGREEMENT

THIS AGREEMENT made on January 23, 2004, between STEVEN J. WUTHRICH and PATRICIA M. WUTHRICH, Husband and Wife, of the County of Contra Costa, State of California, herein designated as Trustors, and STEVEN J. WUTHRICH and PATRICIA M. WUTHRICH, Trustees, herein designated as Trustee.

W I T N E S S E T H

FIRST: NAME OF TRUST. The name of this Trust is THE WUTHRICH FAMILY TRUST.

SECOND: TRUST PROPERTY.

A. Original Trust Estate. The Trustors hereby transfer to the Trustee, without consideration from the Trustee, the sum of One Hundred Dollars (\$100), receipt of which is hereby acknowledged, upon the conditions herein provided.

B. Additions to Trust Estate. Additional property acceptable to the Trustee may be added to the Trust Estate at any time by the Trustors or either of them, or by any person or persons, by intervivos or testamentary transfer; provided, however, that no stock in an "S" tax option corporation may be added to the Trust. Such additions and title to any property so added may be, but need not be, evidenced by amendment to this agreement, or by deed, assignment, or other writing transferring

proportions in which they are entitled to share the income notwithstanding any provision of this Trust to the contrary.

D. No power of appointment granted hereunder shall be so exercised as to violate any such applicable rule or law, and any attempted exercise of any such rule or law shall be void, notwithstanding any provision of this Trust to the contrary.

IN WITNESS WHEREOF, STEVEN J. WUTHRICH and PATRICIA M. WUTHRICH, Trustors, and STEVEN J. WUTHRICH and PATRICIA M. WUTHRICH, Trustees, as evidence of their acceptance of the responsibilities of Trustee hereunder, have each signed this Trust Agreement.

DATED: January 23, 2004

TRUSTORS:

Steven J. Wuthrich
STEVEN J. WUTHRICH

Patricia M. Wuthrich
PATRICIA M. WUTHRICH

TRUSTEES:

Steven J. Wuthrich
STEVEN J. WUTHRICH

Patricia M. Wuthrich
PATRICIA M. WUTHRICH

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On JANUARY 23, 2004, before me, the undersigned, a Notary Public, personally appeared STEVEN J. WUTHRICH and PATRICIA M. WUTHRICH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

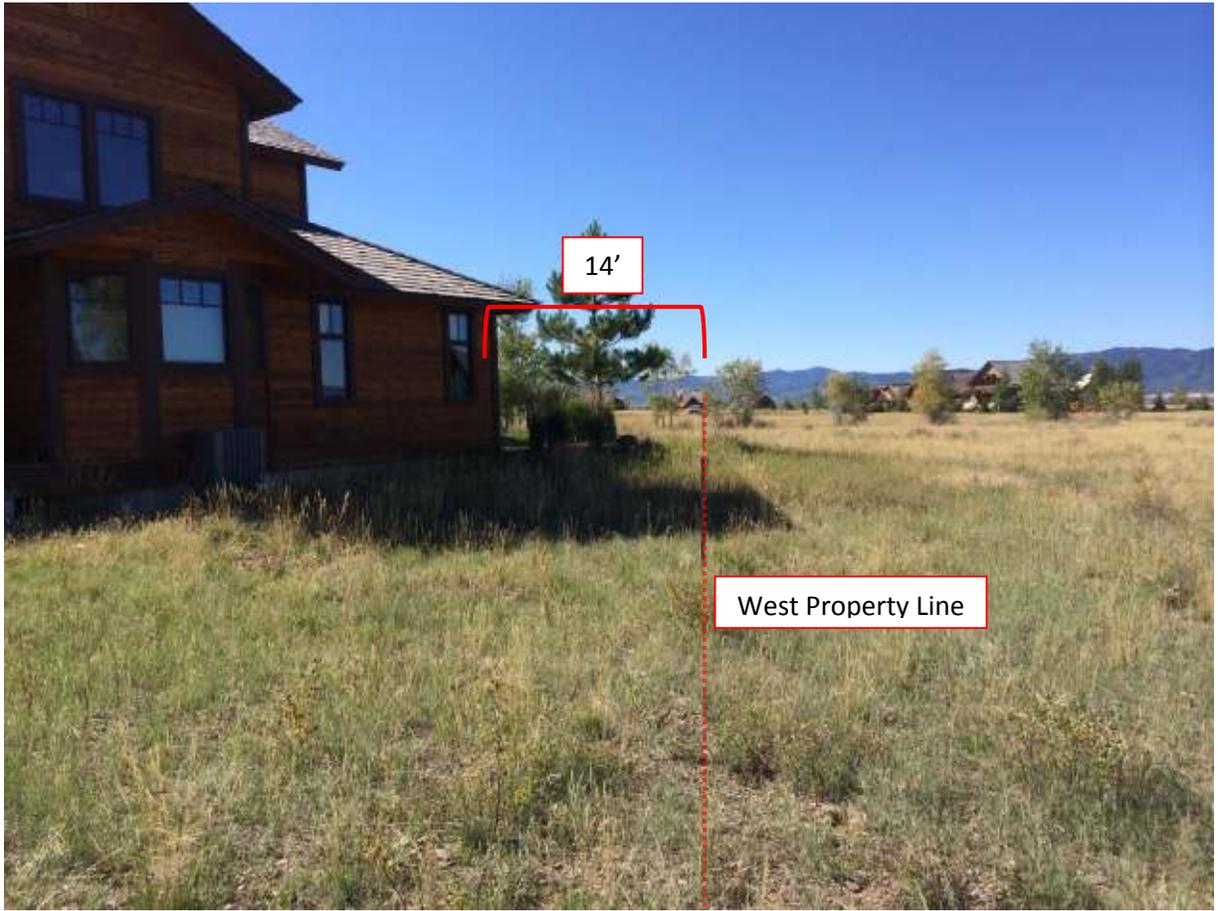




Notary Public



West Property 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



September 19, 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 in Teton Saddleback Vistas Subdivision 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: Steven and Patricia Wuthrich **Landowner:** Wuthrich Family Trust.

Legal Description: RP004750020050; LOT 5 BLK 2 TETON SADDLEBACK VISTA PHAS I SEC 14 & 13 T4N R45E

Zoning District: A-2.5

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 14-feet from the west property line to bring the existing home into compliance and to allow a future addition to the home.

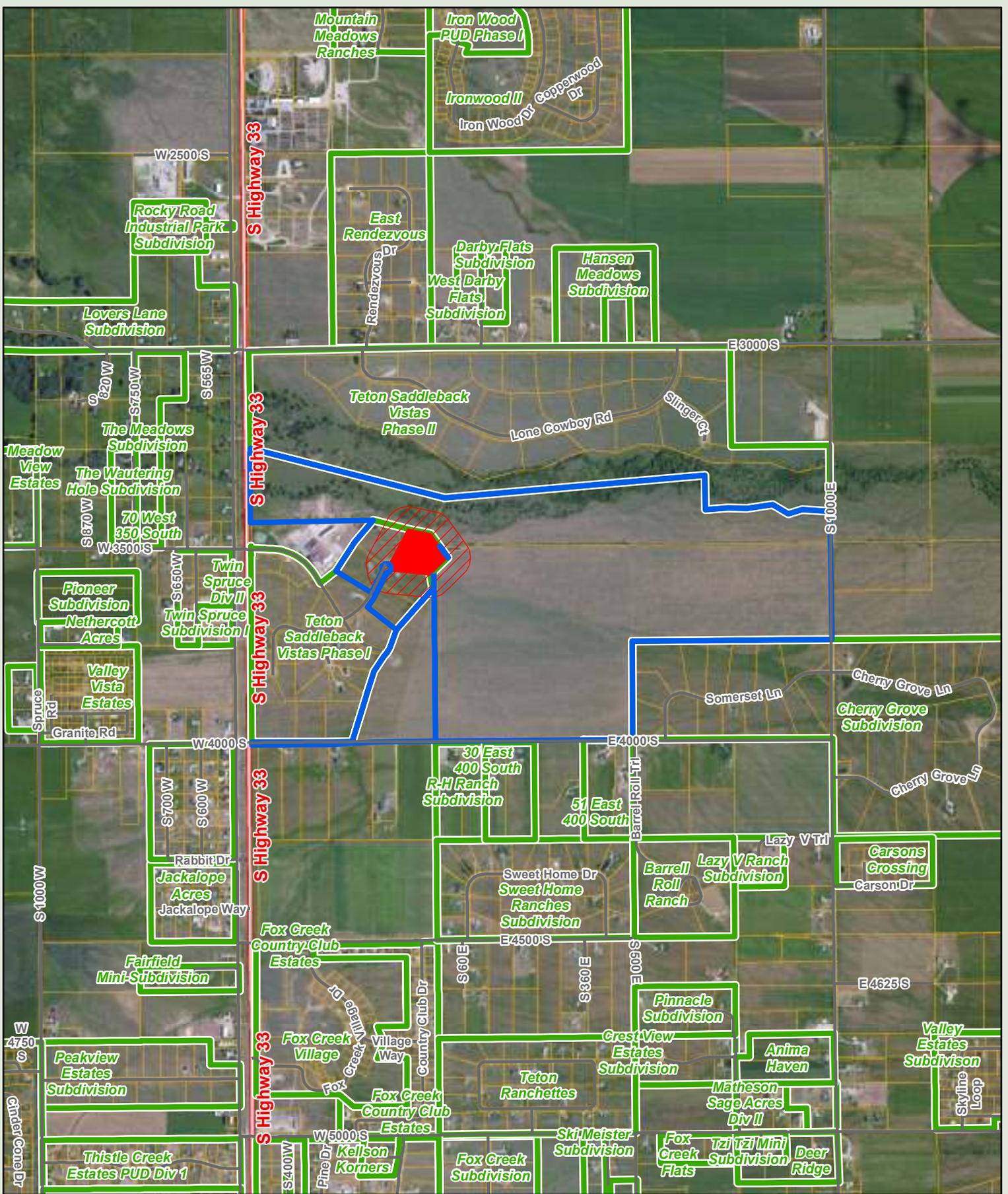
PUBLIC HEARING

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 **October 14, 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 10-14-2014. 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 3, 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 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
- Subdivisions / Phases
- 300 ft Notification Buffer
- Parcels
- Subject Parcel

**WUTHRICH SETBACK
VARIANCE NOTIFICATION**

Printed: September 15, 2014

