

Planning and Zoning Commission
Findings of Fact, Conclusions of Law & Decision

Charles Montgomery, Size Variance
Hearing Date: February 18, 2013

A request by Charles Montgomery Jr. for a variance to vary the rear setback from twenty feet (20') to one foot (1') for the property located at 512 W. 7th Street N., Middleton, Idaho.

APPLICANT: Charles Montgomery Jr.
512 W. 7th Street N.
Middleton, ID 83644

REPRESENTATIVE: Same as applicant

APPLICATION SUBMITTAL: Application was accepted on December 21, 2012.

NOTICE OF PUBLIC HEARING:

Published notice IPT:

Letters to Property Owners: January 31, 2013
Letter to Applicant: January 31, 2013
Letters to Agencies: January 31, 2013
Property Posted:

HISTORY OF PREVIOUS ACTIONS: None

AGENCY RESPONSES: None

WRITTEN COMMENT RECEIVED BEFORE HEARING:

Lane and Edmae Bryson (neighbors), in favor because not interfere with view
469 W. 7th Street N.
Middleton, Idaho

COMMENT(S) RECEIVED AT HEARING: None

MIDDLETON CITY CODES (MCC): 5-2-4 (Accessory Structure) and 5-3-4 (Variance Procedure)

ANAYLSIS:

The subject property is located in an R-3 (single-family residential) zone, and applicant desires to construct a covered RV parking adjacent to his residence. The construction plans show a 48' x 23' stone RV slab with an automatic gate, and access onto Blue Grass Way, a publicly maintained road. This lot is on a corner and is approximately 9,538 square feet, which is adequate to comply with the lot coverage requirement of not more that 50% of the lot area can be covered by buildings or structures. City public utility services are available at the subject property and will not be impaired if the application is granted.

FINDINGS OF FACT

1. MCC 5-3-4(E) governs consideration of this application.
2. Notice of this hearing was given according to State and City codes.
3. If approved, the improvements on the lot will comply with all bulk and placement standards except the rear setback.
4. A literal interpretation and enforcement of the rear setback would result in practical difficulty with the applicant's residentially-related use of his property inconsistent with zoning ordinance objectives.
5. A corner lot is a unique site characteristic, and is uncommon to a substantial majority of residential lots in the City zoned R-3.
6. A literal interpretation enforcement of the rear setback requirement to this lot would deprive the applicant of privileges enjoyed by owners of other non-corner properties in the R-3 zone.
7. Granting this variance will not constitute a grant or special privilege inconsistent with the rear setback requirements on other R-3 zoned properties.
8. Because no detriment to the public health, safety or welfare has been identified by the applicant, the City, reviewing agencies providing services to the subject property, neighbors, or other potentially affected parties.
9. Granting this variance will not interfere with public roadway functions or traffic conditions.
10. Granting this variance will not materially injure properties in the vicinity.

CONCLUSIONS OF LAW

All requirements for providing notice and hearing procedures as set forth in the City of Middleton Code and Title 67, Chapter 65, Idaho Code have been met.

DECISION

On February 18, 2013 the Middleton Planning and Zoning Commission voted unanimously to approve this application.



Planning & Zoning Commission Chairman



City Clerk

