

Valley County Planning and Zoning Department

219 N. Main
PO Box 1350
Cascade, ID 83611
www.co.valley.id.us
cherrick@co.valley.id.us
208-382-7115



Application for Vacations
of Plats, Portions Thereof,
Public Rights-of Ways,
or Easements

See Section 10-6-2 Valley County Code

Subject to I.C. 55-22 Underground Facilities Damage Prevention

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Check # <u>319</u> or <input type="checkbox"/> Cash
FILE # <u>VAC 23-62</u>		FEE \$ <u>500 -</u>
ACCEPTED BY _____		DEPOSIT _____
CROSS REFERENCE FILE(S): <u>V-3-23</u>		DATE <u>8-7-2023</u>
PROPOSED USE: _____		
<input type="checkbox"/> Vacation of Plat <input type="checkbox"/> Vacation of Road and/or Right-of-Way <input checked="" type="checkbox"/> Vacation of Utility Easement <input checked="" type="checkbox"/> Other <u>drainage</u>		

Name of Applicant(s): Kevin Petersen
Applicant's Signature: Kevin Petersen Date: 8/1/2023
Mailing Address of Applicant(s): 247 8th Ave North, Twin Falls ID, 83301
Phone #: [REDACTED] email: [REDACTED]

Required Attachments

1. Narrative describing property and the reason(s) for the request
2. Map, sketch, or plat showing the property and names and addresses of owners of adjoining property.
3. Letters from, or signatures on a petition, of each owner of adjoining property stating:
 - their approval of the proposed vacation,
 - their willingness to share in the costs,
 - they are aware that vacated property becomes part of adjoining property subject to the rights and easements of utilities.
4. Application for Release of Idaho Power Easement, if applicable.
5. An application processing fee of \$500.00.

Submit **ten copies** of all application materials with the fee to the Planning and Zoning Administrator a minimum of 45 days prior to the regularly scheduled Planning and Zoning meeting. Regularly scheduled meetings are held the second Thursday of each month. When an application is submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

Pursuant to "Idaho Code", Section 67-6516 and Section 9-5H-10 of the Valley County Code, the Planning and Zoning Commission shall be empowered to grant variances relaxing or modifying the requirements of the Valley County Land Use and Development Ordinance with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots, and other land use requirements of this ordinance.

A variance may be granted if:

- the applicant can prove undue hardship is a result of characteristics of the site,
- that special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures, and
- that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

In the case of the Planned Unit Development (PUD) involving variations from the requirements of this Ordinance, it shall not be necessary for the applicant to file a separate application for such variances.

Procedure:

- When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.
- The fee set by resolution of the Board of County Commissioners shall accompany the variance application. The fee is \$250.00. An administrative shared driveway variance fee is \$50.00
- An application for a variance shall be reviewed by the Administrator and the Planning & Zoning Commission in accordance with Valley County Code Section 9-5H-11. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, and the public in accordance with Section 9-5H-6B.
- A variance may be granted if the Planning & Zoning Commission makes specific findings of fact based directly on the particular evidence in the application which support conclusions that the above conditions have been met by the applicant.
- Within ten (10) days after a decision has been rendered, the Administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
- The Planning & Zoning Commission's decision shall be a recommendation to the Board of County Commissioners.
- The County Clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular Board meeting.
- The Board shall consider and act upon the Commission's recommendations by following the procedures outlined in Valley County Code Section 9-5H-11.
- A permit for the variance may be issued by the Administrator or staff after approval of the Board of County Commissioners.
- Subject to Idaho Statute 55:22 Underground Facilities Damage Prevention.

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Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT	<input checked="" type="checkbox"/> Check # <u>319</u> or <input type="checkbox"/> Cash	
FILE # <u>V-3-23</u>	FEE \$ <u>500 (see VAC)</u>	
ACCEPTED BY _____	DATE <u>8-7-23</u> <i>concurrently</i>	
CROSS REFERENCE FILE(S): <u>VAC 23-02</u>		
PROPOSED USE: _____		
<input type="checkbox"/> Shared Driveway	<input checked="" type="checkbox"/> Setback Variance	<input type="checkbox"/> Other

Applicant Name Kevin Petersen

Applicant Signature Kevin Petersen Date 8/1/2023

Mailing Address 247 8th Ave North
Twin Falls, ID 83301

Phone _____ Email _____

Property Parcel Number RP005340000450

Subdivision (if applicable) Whispering Pines

Parcel Physical Address 3200, 3600, Lot #45

Required Attachments

1. Proposed Site Plan
2. Narrative statement demonstrating:
 - That special conditions and circumstances exist which are not a result from any action of the Applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
 - That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
3. Shared Driveway Variances require a shared driveway maintenance agreement. The shared driveway must be built to the satisfaction of the relevant fire department.

To whom it may concern,

I am submitting this request for a variance to the required set back measurement to the public utility easement located along the private access road of Kayla Way located within the Whispering Pines subdivision.

We are the owners of lot # 45 within the Whispering Pines subdivision, which is divided into two separate land areas by Kayla Way and the utility easement. Although, Kayla Way has utility easements designated along both sides of the road, neither side has utilities providing services to Lot #45, so the roadway and easements consume a large portion of lot #45, yet this space provides only access to the main property driveway.

Because the Whispering Pines HOA requires that any RV kept on the property must be covered for storage, I am attempting to get a building permit to complete an addition to an existing permitted and approved shop located on the property. The East side of this existing building is located 30 feet from the utility easement line. The proposed addition is being planned for the space between the existing building and the easement line. The addition required for the RV storage is to be 16 feet in width and 40 feet long. This addition will reduce the setback from the edge of the new addition to the easement line to 14 feet instead of the 20 feet currently required.

This location is the only flat section of land available for building on the lot and which is located on the side of Kayla Way that actually does have access to electrical power, which enters the property from the west side power transformer, located on Arlington Heights roadway.

I have received approval for this addition from both the Whispering Pines HOA and from Idaho Power which is demonstrated by the included copies of emails from both. I am hopeful that the committee can act quickly to review and approve this request to allow the permit to be issued in time to complete the building process this fall. I am not aware of any impact to neighboring lot owners because the change is actually located within the lot #45 property boundaries. I am also aware that similar requests have been made to allow for reduced setbacks to the utility easements in the past.

Respectfully,

Kevin and Darla Petersen

247 8th Ave North

Twin Falls, Idaho 83301





Kevin Petersen <kevin.petersen680@gmail.com>

Idaho Power

1 message

Marshall, Paul [REDACTED]

Wed, Jul 12, 2023 at 3:21 PM

To: [REDACTED]

Idaho Power does not have any concerns with Kevin Petersen extending his shop as long as the footprint of the building is not within the public utility easement. Please take this as written consent from Idaho Power. Thanks

IDAHO POWER LEGAL DISCLAIMER

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



Kevin Petersen <kevin.petersen680@gmail.com>

Petersen Shop Additional Approval

misty percifield [REDACTED]
To: Kevin Petersen [REDACTED]

Mon, Jul 17, 2023 at 11:13 AM

Whispering Pines HOA
PO Box 448
Cascade, ID 83611

07/17/2023

To Valley County Building Department,

The Whispering Pines HOA has approved the shop building plans for Kevin and Darla Petersen located at [43 Kayla Way, Cascade, Idaho](#).

This approval is with the agreement that there will not be any living quarters within the shop or business ran out of the shop.

Thank you,

Bruce Anderson - President

Russ Powers - Architectural Control

Jack Anderson - Architectural Control

On Tue, Jul 11, 2023 at 1:44 PM Kevin Petersen [REDACTED] wrote:
Whispering Pines HOA Committee,

Please find the attached documents for your review in order to proceed with the approval of our current request to approve an addition to our existing shop, located at [43 Kayla Way](#). This building was approved in June of 2020. The docs. include photos of the existing shop to demonstrate the style and colors of the existing building and the new proposed addition. The documents also include drawings that indicate the two addition phases, plan view and elevations.

Please let us know if you require any more information or have questions. We plan to complete the two additions in 2023 and 2024 and would appreciate documented approval so that the building permits can proceed.

Sincerely,
Kevin and Darla Petersen
Email: [REDACTED]
Cell: [REDACTED]

Mail: [247 8th Ave North](#)
[Twin Falls, Idaho 83301](#)

LOT SOLD
3.95 AC 5/22

LOT SOLD
3.45 AC 1/23

LOT SOLD
5.79 AC 7/22

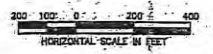
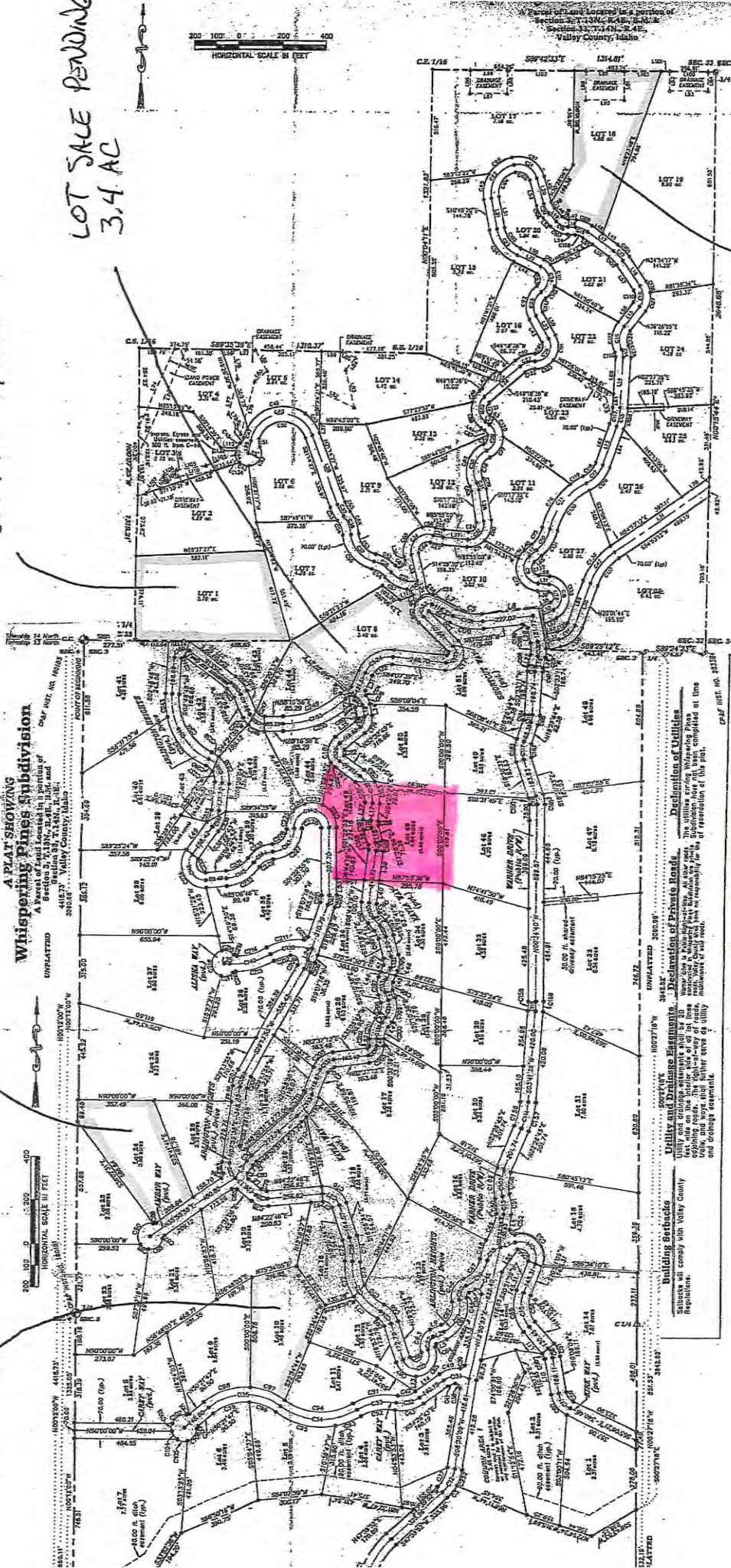
LOT SALE PENDING
3.4 AC

LOT FOR SALE
4.88 AC
\$250K

LOT # 45
Whispering Pines

**A PLAT SHOWING
Whispering Pines Subdivision**

A parcel of land located in a portion of Section 3, T13N, R4E, E1/4, and Section 4, T13N, R4E, E1/4, and Section 5, T13N, R4E, E1/4, Valley County, Idaho.



Building Setbacks
Buildings will comply with Valley County regulations.

Utility and Drainage Easements
Utility and drainage easements shall be 20 feet wide and shall be located as shown on this plat. The utility owner, Whispering Pines, shall be responsible for the installation, maintenance, and repair of all utility lines and drainage structures.

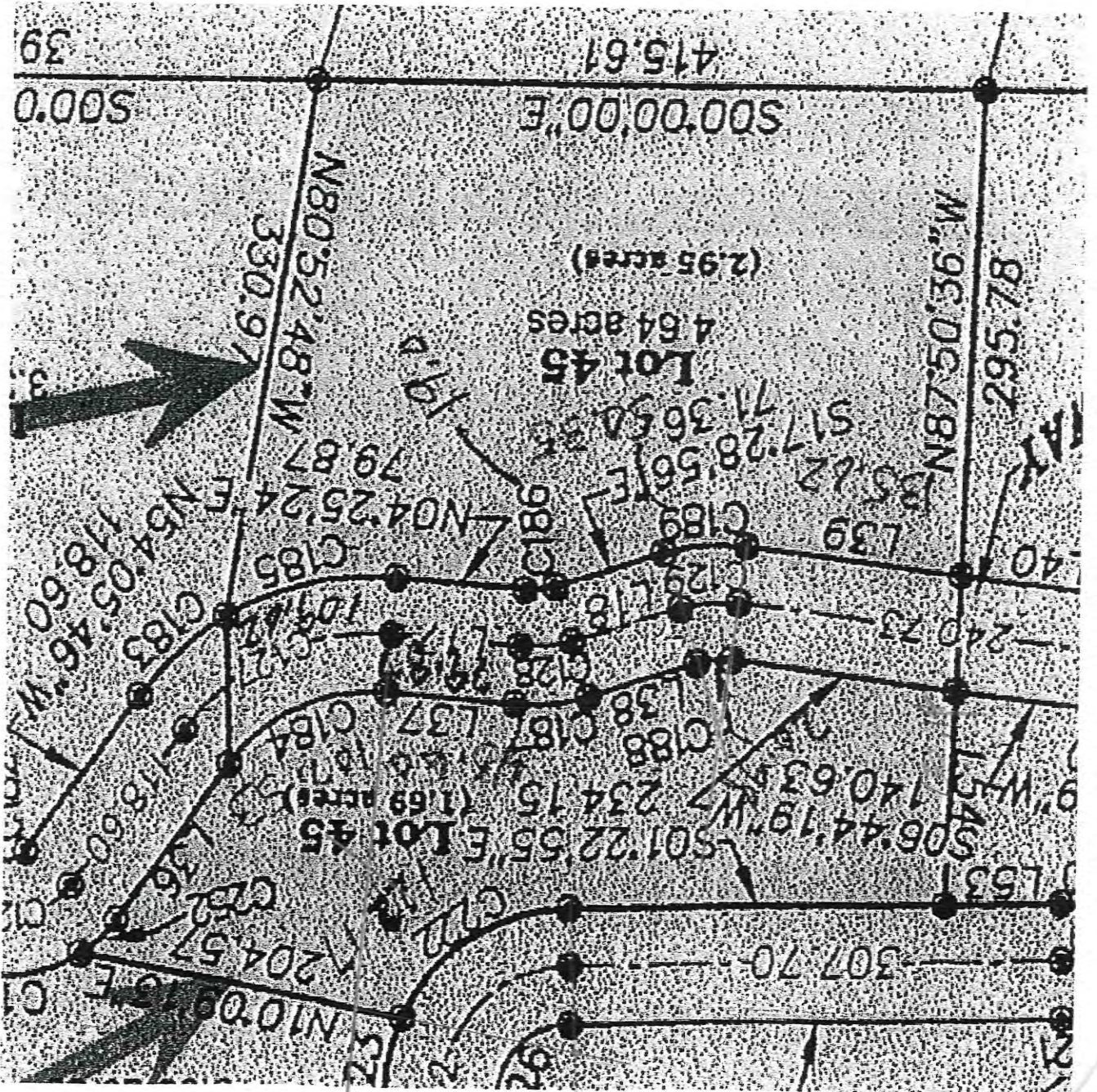
Randy and Jenny Mead
208-810-1974 / 208-291-9844
CASCADE LAKE REALTY
randy@cascadelakerealty.com
jenny@cascadelakerealty.com

Kevin and Carla
Petersen

43 Kayla Way
Lot 45
Parcel #
RP00534000450

Easement along
C188 and L38
Set back in these 2
locations would be
14' after shop addition

Whispering Pines



Kevin and Darla Peterson

45 Kayla Way
Whispering Pin



4.639 acres

202074 sq. ft.

Parcel No.

RP005340000450

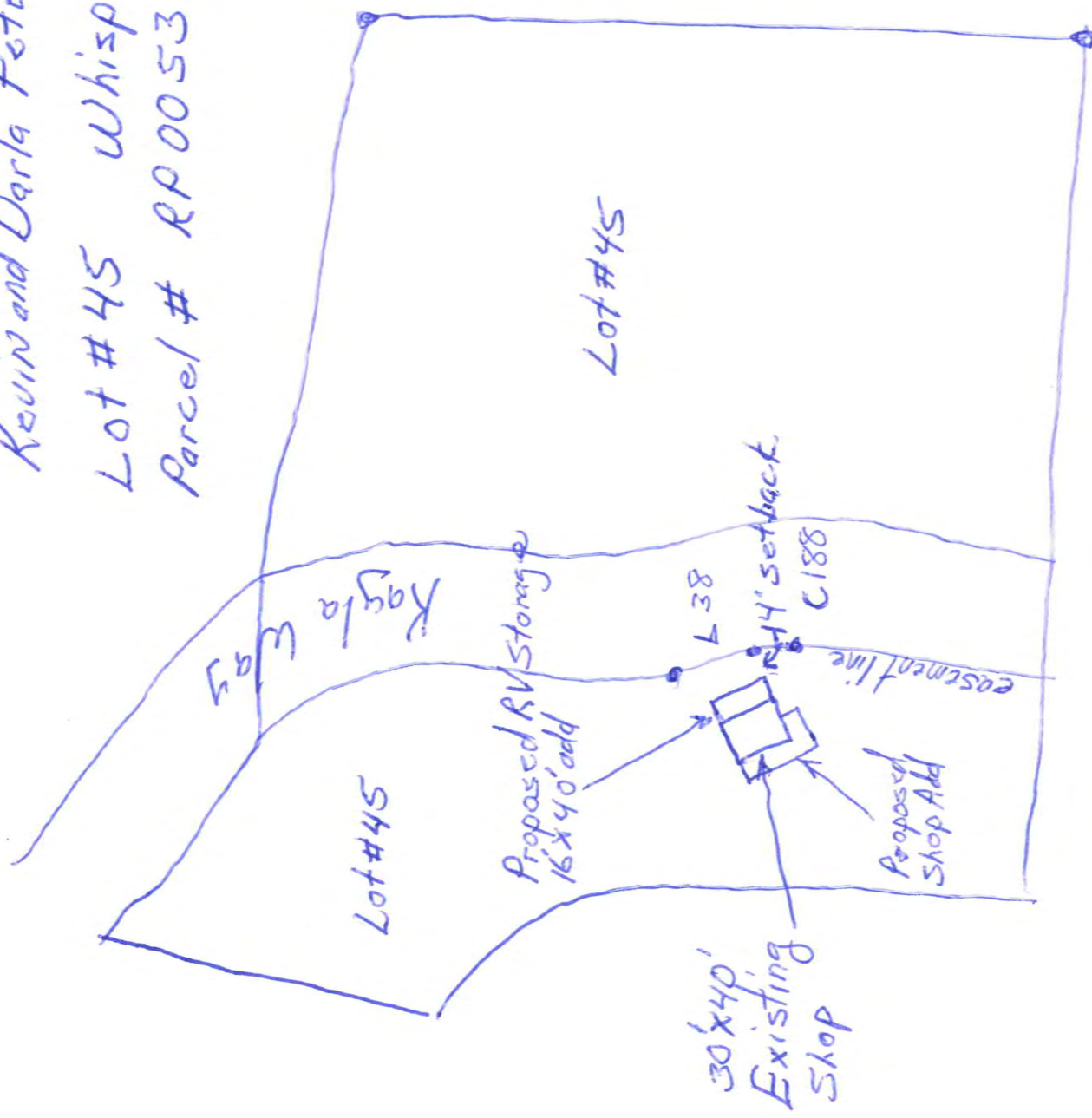
RP14NO4E33

Row 1

Kevin and Darla Petersen

Lot #45 Whispering Pines

Parcel # RP005340000450



Set back along
C188 and L38
would be 14' after addition
of RV storage