

# Valley County Planning and Zoning Department

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208-382-7115



## Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Credit Card	<input type="checkbox"/> Cash	<input type="checkbox"/> Check # _____
FILE # VAR <u>26-001</u>		FEE \$ <u>250-</u>		
ACCEPTED BY _____		DATE <u>3-23-2026</u>		
CROSS REFERENCE FILE(S): <u>V-1-17 10' setback variance</u>				
PROPOSED USE: _____				
<input type="checkbox"/> Shared Driveway	<input checked="" type="checkbox"/> Setback Variance	<input type="checkbox"/> Other		

Applicant Name Michael DeBak

Applicant Signature [Signature] Date 23 MARCH 2026

Mailing Address PO Box 985  
Cascade, Idaho 83611

Phone [Redacted] Email [Redacted]

Property Parcel Number RP0003800003150

Subdivision (if applicable) Crown Point Subdivision 2

Parcel Physical Address 31 Rabbits Drive

### 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.

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.

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**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.
- 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.

In 2017, we applied and were granted a relaxed setback to the rear of our property (31 Robbins Drive) from 20' to 10'. We are asking for it to be amended to 5' for the following reasons:

- For us to place an addition to the current structure we need to be 5 feet away from the septic tank and but cannot conform to that and keep the current orientation of the existing structure.
  - We received the 10' setback due to two waterlines/easements across our property and the limited room for a septic system.
  - The current structure is within the setback parameters, but due to the trajectory it will inch closer to the property line the farther we go out, when we build the addition. It is not possible to build any addition without addition room to the rear of our property.
  - Currently, the south side of our property our neighbors have a garage that is within 4' of our side property (their rear setback), a well house over our property line, and a deck within 5 feet of our side property. On the north side our neighbors have two woodsheds on the property line as well as a storage shed (which we would like at least 5 feet away from the side property line, so we have the room to properly maintain a short retaining wall as well as get the property line properly marked unencumbered).
  - Our rear property line backs up to state land and will have no adverse impact on any of our neighbors.

*Topographic Reason: Current Septic System was placed in an area free of granite. The remainder of the lot is too steep to build. Due to these reasons and the*

Michael G. Walcom  
Dena J. Walcom

*above mentioned a variance is requested. mu*

