

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



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>26-003</u>	FEE \$	<u>250.00</u>	
ACCEPTED BY	<u>Ken Smith</u>	DATE	<u>4/22/26</u>	
CROSS REFERENCE FILE(S):	<u>Relaxing setback 7.5' -> 4'</u>			
PROPOSED USE:	_____			
<input type="checkbox"/> Shared Driveway		<input checked="" type="checkbox"/> Setback Variance		<input type="checkbox"/> Other

Applicant Name Rogers Cabin LLC

Applicant Signature *Ken Smith* **Date** 4/16/2026

Mailing Address 2611 E Margate Ct
Eagle, ID 83616

Phone (208) 899-3698 **Email** justin@kinghigginsconstruction.com

Property Parcel Number RP000140000200

Subdivision (if applicable) Big Smoky No. 1 Subdivision Lot 20

Parcel Physical Address 12969 Sandy Dr., Donnelly, ID 83615

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.

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.

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Cascade, Idaho 83611

RE: 12969 Sandy Drive, Donnelly, ID 83615. Parcel #RP000140000200

To Whom It May Concern:

The existing deck has become structurally compromised due to prolonged exposure to the significant snow loads typical of winters in Valley County. Constructed in 1978 as part of the original home, the deck has been in service for nearly 50 years and has reached the end of its safe functional lifespan.

Since its construction, the property has undergone minimal architectural changes, reflecting an ongoing commitment to preserving its original character. In keeping with this approach, the proposed project is limited strictly to replacing the existing deck within its current footprint. No expansion, reconfiguration, or encroachment beyond the established dimensions is proposed.

A setback variance is requested due to the deck's current height and the unique configuration of the lot. The deck's walking surface sits approximately 24 inches above grade; however, the addition of a built-in perimeter bench increases the overall height to approximately 44 inches. This exceeds the 36-inch threshold and triggers setback requirements.

The lot's geometry creates a practical constraint. While the home is oriented parallel to the lake, the west property line tapers toward the southwest corner. As a result, the deck sits approximately 7 feet from the BOR line at the northwest corner, 9 feet at the southwest corner, and approximately 4.5 feet at its closest midpoint. Bringing the structure into full compliance would require a substantial reduction in the deck's size and alteration of its long-standing design.

We respectfully request a variance to reduce the required setback from 7.5 feet to 4 feet. This limited adjustment would allow for reconstruction of the deck to match its existing footprint, including the integrated bench that contributes to the height classification. The request represents the minimum relief necessary to address the site's constraints while preserving the established structure.

Approval of this variance will enable replacement of a deteriorated and unsafe structure without expanding its footprint or increasing its impact. It maintains the historical character of the property, respects the surrounding environment, and ensures continued safe use for years to come.

Your consideration is greatly appreciated.

Sincerely,

Kyle Kirby
Property Owner

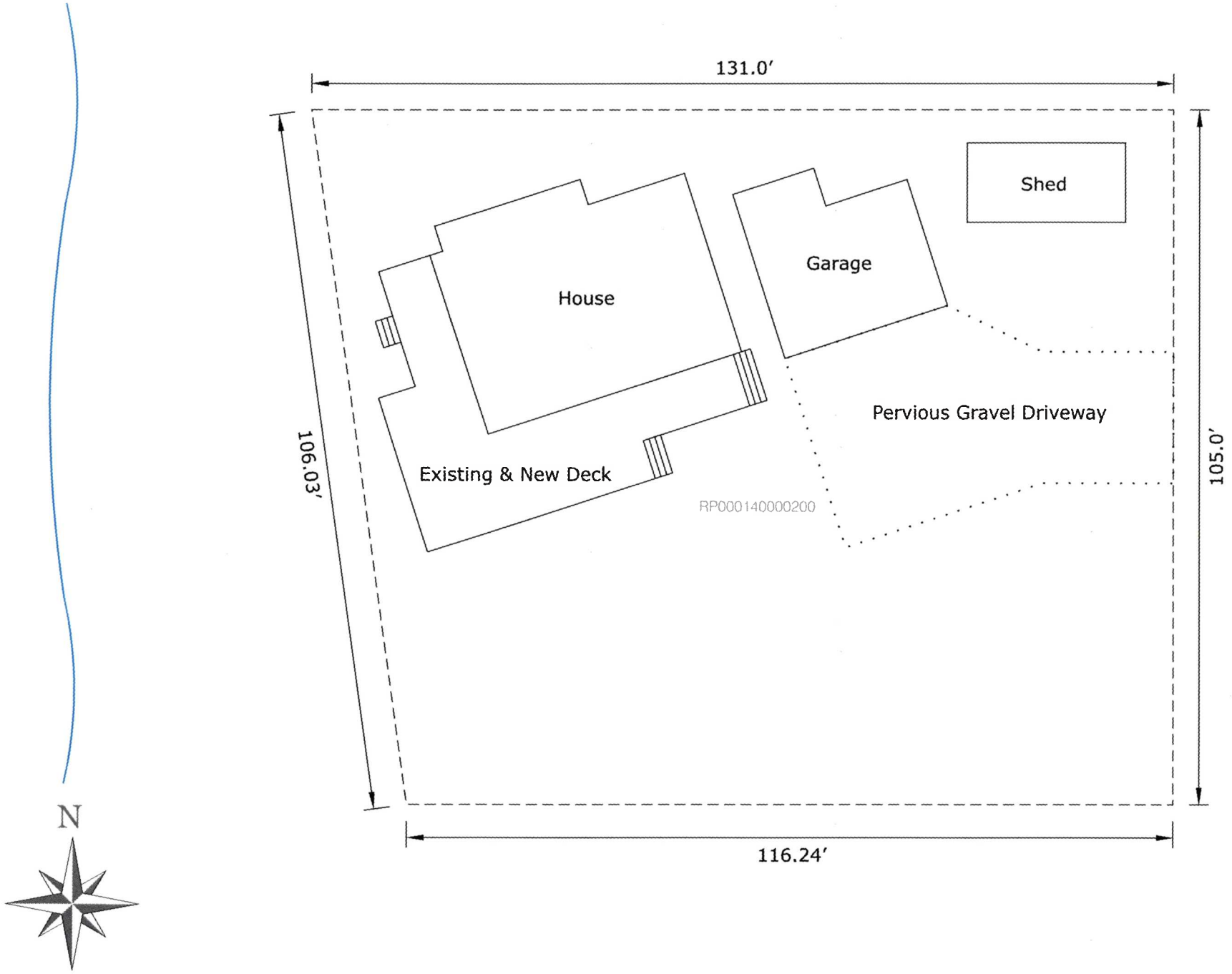
Ken Bettinson
Property Owner

Justin Higgins
KH Construction LLC
611 E. Roosevelt Ave.
Nampa, Idaho 83686
208-899-3698
justin@kinghigginsconstruction.com

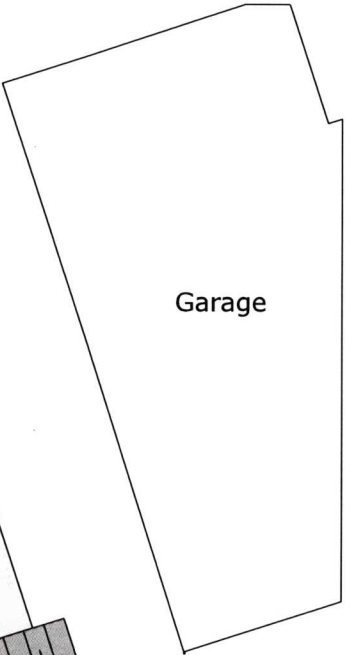
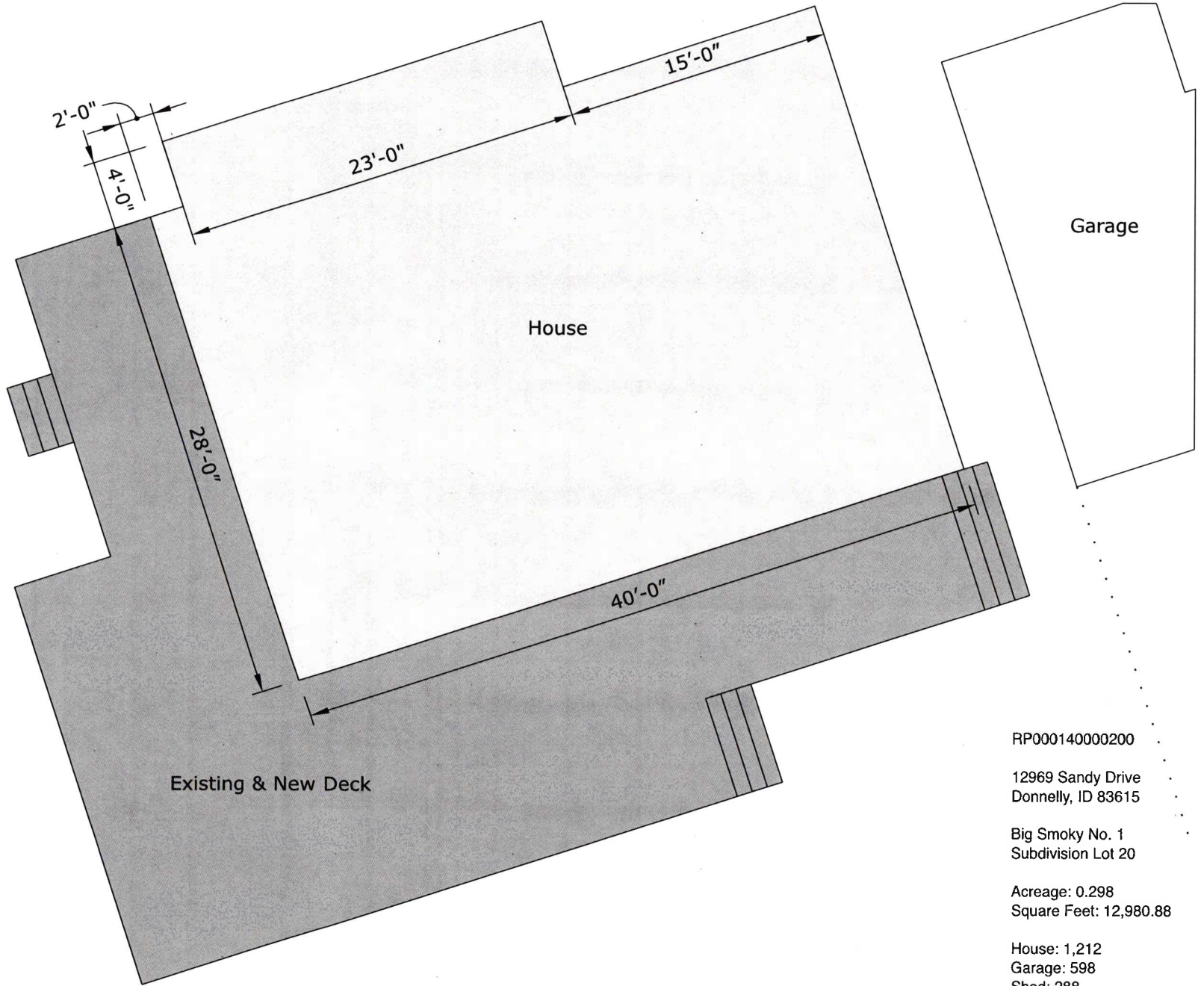
Licensed Contractor
RCE-69704

On Behalf of the Property Owners

SITE PLAN



HOUSE DIMENSIONS



Garage

House

Existing & New Deck

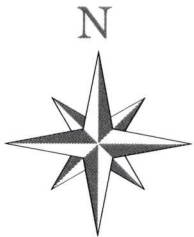
RP000140000200

12969 Sandy Drive
Donnelly, ID 83615

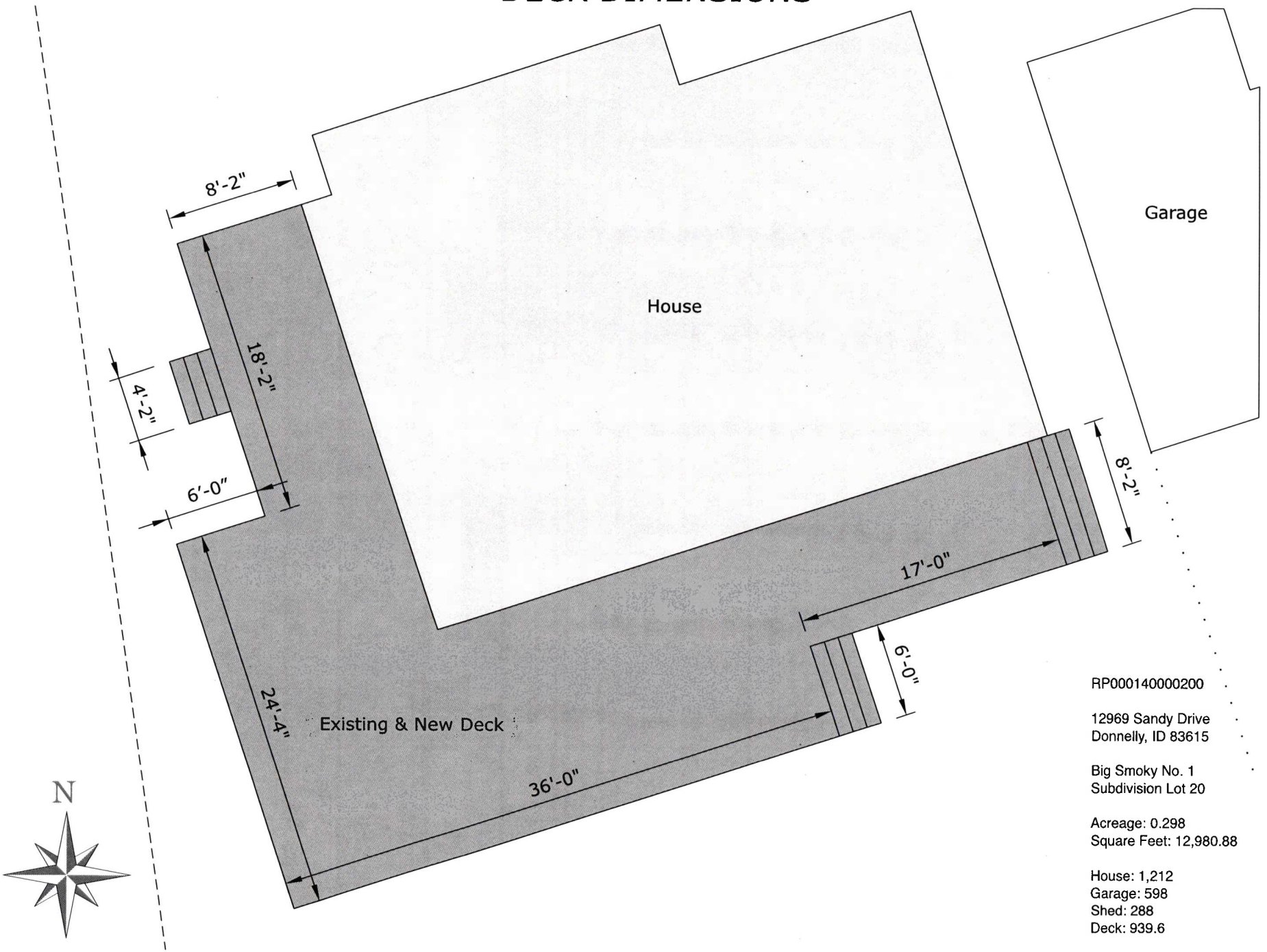
Big Smoky No. 1
Subdivision Lot 20

Acreage: 0.298
Square Feet: 12,980.88

House: 1,212
Garage: 598
Shed: 288
Deck: 939.6



DECK DIMENSIONS



8'-2"

4'-2"

18'-2"

6'-0"

24'-4"

Existing & New Deck

36'-0"

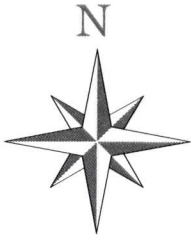
17'-0"

6'-0"

8'-2"

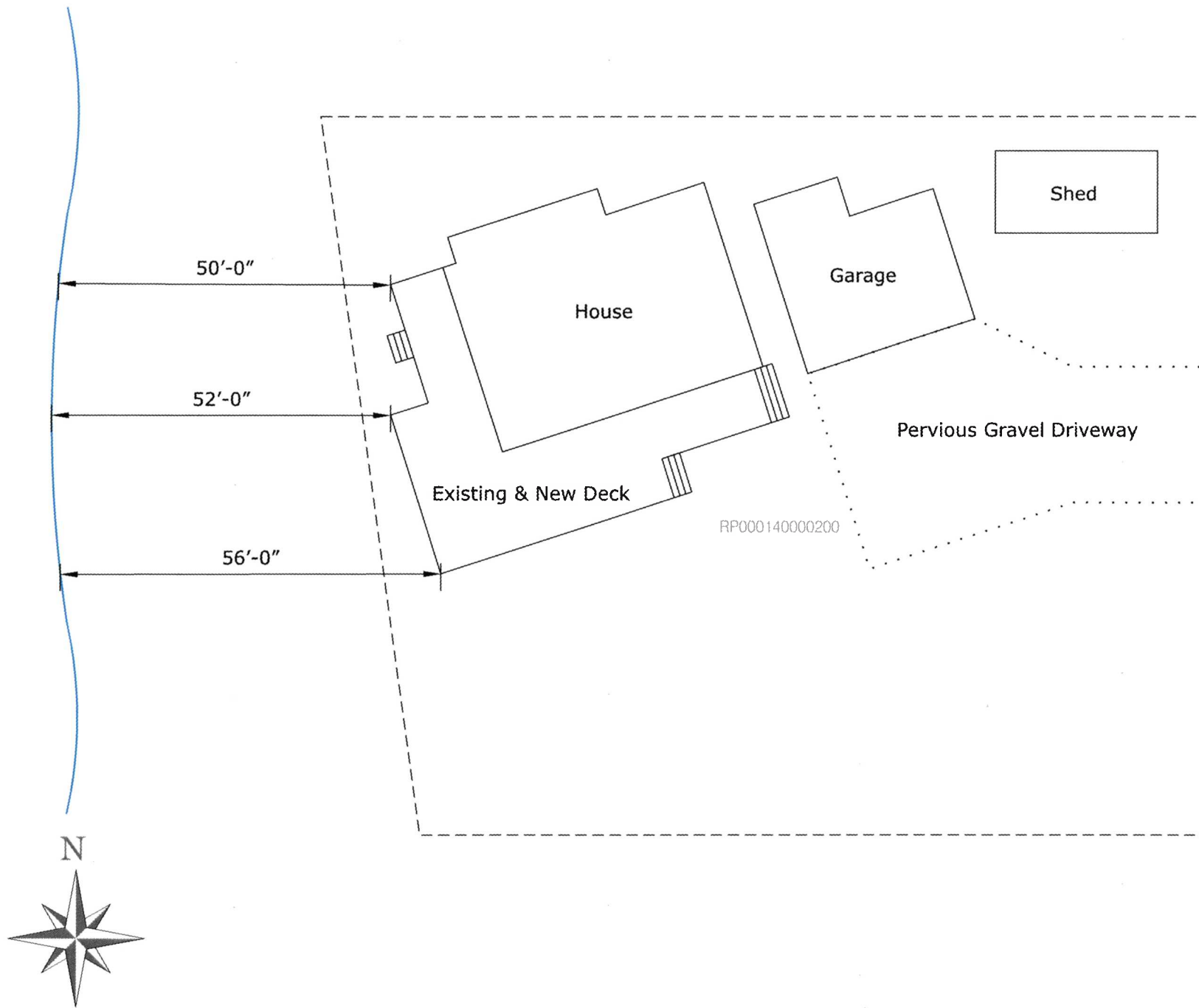
Garage

House

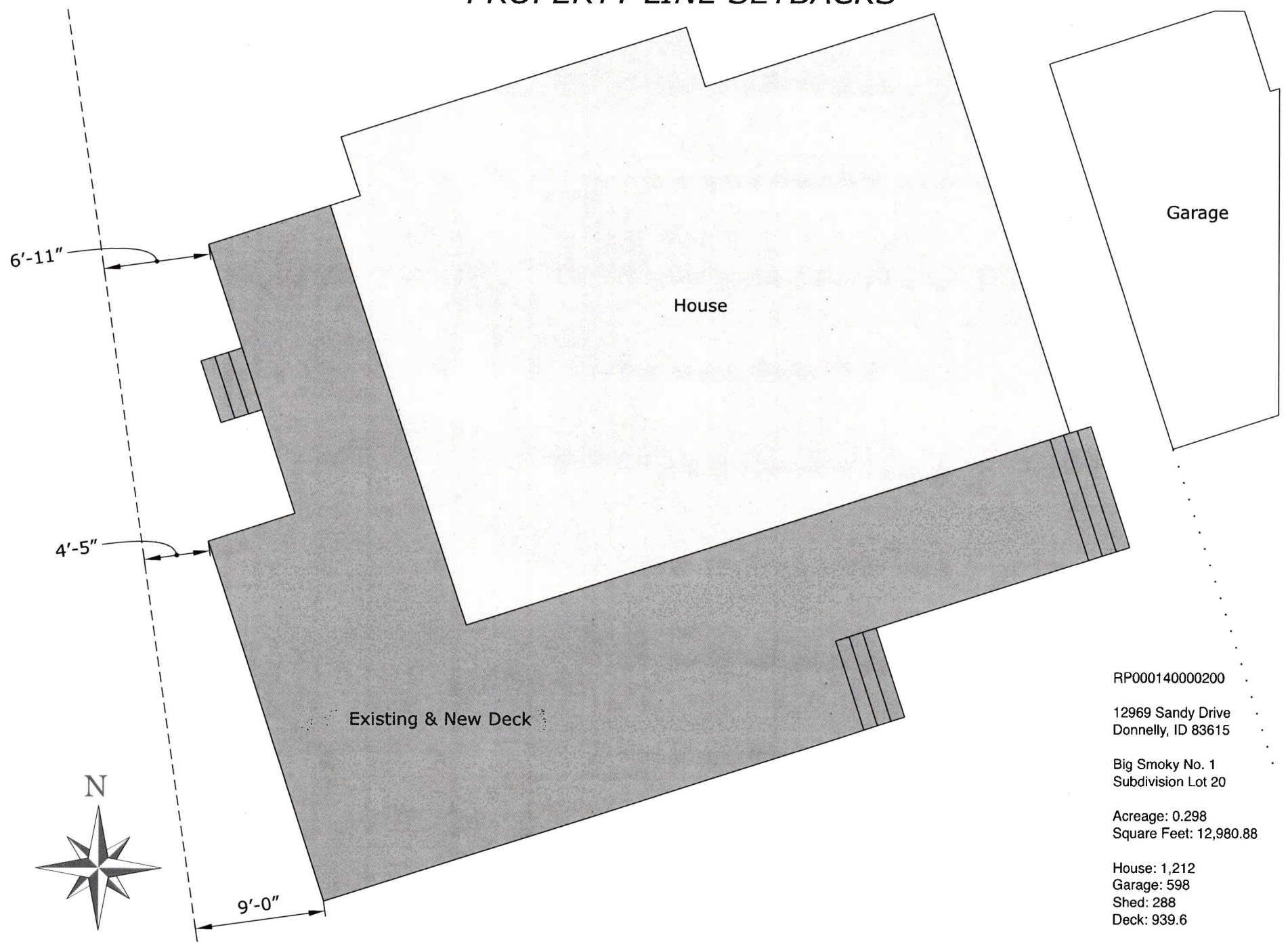


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HIGH WATER LINE SETBACKS



PROPERTY LINE SETBACKS



Garage

House

Existing & New Deck

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