

7/10/2023

TC/22-355

ATTN: Teton County, Idaho Planning Department.

RE: **Millie Bates Ranch LLC Variance Request For Proposed Addition in Wetlands setback.**

To whom this may concern;

This Variance request is for a proposed addition of roughly 496 sf, located at 1979 S Bates Road to encroach approximately 15' to the northwest into the 50' wetland setback. A majority of the 20 acres parcel is encumbered by wetlands and the existing home is also partially located in the 50' wetland setback. Test pits were dug for a new leachfield as shown on the wetland site plan and we were given approval from EIPH. Attached with this application is a septic permit from EIPH. The proposed addition is located adjacent to the existing home where wetland and land has been previously disturbed.

Considerations for Approval

1. A literal interpretation of the provisions of the LDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located.

***Can be made.** Due to the new LDC standards and the existing condition of the property being encumbered by wetlands, a literal interpretation of the current LDC standards would prohibit development on the parcel. A majority of the LA-35 zoned properties are situated in wetlands but are much larger parcels. This specific parcel is 20 acres in size which limits the development options. The proposed addition is situated in proximity to the existing single-family home and there is no standard in the LDC that allows development where previous wetlands or land within wetland setbacks was already disturbed.*

2. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the Zoning District in which the property is located.

***Can be made.** The applicant should be allowed reasonable development on their property. Denying this variance application would infringe on those property rights. Proposed development is located near already disturbed areas and the applicant has already received approval from EIPH to replace and upgrade the existing septic system.*

3. The requested variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the general welfare.

Can be made. This proposed addition is reasonable development situated adjacent to an existing single-family home. The leachfield replacement will better improve groundwater quality.

4. The special circumstances are not result of the actions of the applicant.

***Can be made.** The applicant purchased the property with the existing single-family dwelling located on it. The septic system was outdated and not in compliance with EIPH standards. This proposed addition and leachfield replacement is not a result of the actions of the applicant.*

5. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure.

***Can be made.** The proposed addition is taking place within close proximity to where existing development exists on site. The addition is needed to provide an In-Law suite adjacent to the existing house. The 50' wetland setback is encroached upon by 15' so the request is minimal in terms of the setback encroachment and the size of the addition proposed which only totals approximately 496 sf.*

6. The variance does not permit a use of land, buildings or structures, which are not permitted by right in the Zoning District or the LDC, including Chapter 5.

***Can be made.** The proposed addition meets all other applicable setbacks other than the 50' wetland setback. All other applicable LDC standards are being met.*

7. Granting of the variance is not in conflict with the public interest.

***Can be made.** This variance does not conflict with any public interest. Septic approval was given from EIPH.*

8. The variance does not reduce lot size below the minimum lot size in the Zoning District, except as provided in section 1-8.

***Can be made.** The parcel size is not changing due to this Variance request.*

Please let me know if you have any questions.
Sincerely,

Taylor R. Cook

Taylor R. Cook, LEED, MCRP
Tcook@nelsonengineering.net