



Elmore County Land Use and Building Department

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www.elmorecounty.org

STAFF REPORT PLANNING AND ZONING COMMISSION

Application: Variance VAR-2025-04

Hearing: November 20, 2025, at 7:00PM

James Roddin
Director

David Abrahamson,
Planner I

Andrew Meek
Planner II

Johnny Hernandez
Building Official

Colton Janousek,
Building Inspector

Joshua Proffit
Building Inspector

Matt Gochmour,
Code Enforcement

Sandra Nuner
Permit Technician

Elizabeth Elliott
Administrative Assistant

Date Report Compiled: October 21, 2025

Agenda Item: Variance to build a home within 100' of the South Fork of Boise River, which requires a variance from the Zoning Ordinance Section 7-2-41(B)5.

Applicant: Mr. Mitchell S. Armuth

Case Number: VAR-2025-04

County Staff:

David Abrahamson, Planner I

Andrew Meek, Planner II

Angie Michaels, County Contract Engineer

Abbey Germaine, County Contract Legal

Parcel Number: RP000590010030

Acres: .41

Zoning District: General Agriculture (AG)

REQUEST:

Mr. Mitchell S. Armuth ("Applicant") has submitted a variance application to the Land Use and Building Department ("Department") to request building a home within 100' of the South Fork of Boise River, which requires a variance of the Zoning Ordinance Section 7-2-41(B)5, on a .41-acre lot (Parcel Number: RP000590010030) ("Site").

BACKGROUND:

Applicant applied for a Variance to build a home within 100' of the South Fork of Boise River, which requires a variance from the Zoning Ordinance § 7-2-41(B)5 requirement for the Area of Critical Concern Overlay District and Zoning Ordinance §7-5-5 (B), which restricts any grading within 100' of the South Fork of the Boise River.

The Applicant is looking to demolish the original house and build a new residential dwelling at the Site. The Featherville Summer Subdivision #2, where the Site is located, was platted in 1978, which means that the Site is a Parcel of Record. The vicinity map (Exhibit 1) reflects the Site and the existing structures.

The following Pre-application activities have taken place in preparation of the proposal:

- The Variance application was turned in on April 3, 2025, with fees being paid on May 1, 2025 (Exhibit 2). This action did not follow the procedural requirement of the Zoning Ordinance Title 7, Chapter 3, in that the application was turned in before having a Pre-Application meeting with the Department as described in the next point.
- At the Department's guidance, the Applicant completed the required pre-application meeting with the Director and Staff per Zoning Ordinance §7-3-13(A)1 on May 20, 2025.
- Following the pre-application meeting, the Applicant held a neighborhood meeting per §7-3-3 on June 23, 2025 (Exhibit 3). The neighborhood meeting, per code, needed to be held first before the application can be accepted. The Applicant was informed that the process would have to be started over.
- The Applicant conducted a new neighborhood meeting on August 4, 2025 (Exhibit 4).
- A new application, after following the requirements for Title 7, Chapter 3, was submitted on August 13, 2025 (Exhibit 5).

After review, Staff sent an initial acceptance letter on September 15, 2025 (Exhibit 6). An official letter with a set date for the P&Z hearing was sent to the Applicant on October 28, 2025 (Exhibit 6). Agency notifications were sent out per Zoning Ordinance §7-3-4 on November 5, 2025 as well as the notification letters for the neighboring property owners per Zoning Ordinance §7-3-5 (C) were sent out on November 5, 2025 (Exhibit 7). Legal Notice in the local newspaper was published on November 5, 2025, per Zoning Ordinance §7-3-5 (A) (Exhibit 8). The site posting was placed on the property per Zoning Ordinance §7-3-5 (B) on November 13, 2025 (Exhibit 9).

As required in Section 7-3-13(A)3, the Commission and Board of County Commissioners ("Board") both will need to conduct public hearings for a Variance where the Commission makes a recommendation to the Board and the Board makes the final decision on the Variance.

DOCUMENTS IN THE RECORD:

The document and exhibits referenced in the VAR-2025-04 record are numbered sequentially as they become available. This staff report references the following portions of the VAR-2025-04 record, which are included as Exhibits:

1. Vicinity Map
2. Original Application
3. Original Neighborhood Meeting
4. Neighborhood Meeting
5. Application

6. Acceptance Letters
7. Property Owner & Agency notification
8. Newspaper publication
9. Site Posting
10. Agency responses

APPLICABLE STATE AND LOCAL REGULATIONS:

VAR-2025-04 shall comply with Idaho Code § 67-6516 and the Elmore County Zoning Ordinance § 7-3-13.

REQUIRED FINDINGS RELATED TO IDAHO CODE § 67-6516:

In order to grant a variance, the Board of County Commissioners shall comply with Idaho Code § 67-6516, which states that: “A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest”.

As discussed in the Required Findings for the Zoning Ordinance below, the Applicant has been able to justify undue hardship due to characteristics of the Site and as a result, the Variance will not result in granting the Applicant a right or special privilege that is not otherwise allowed in the base zone.

REQUIRED FINDINGS RELATED TO ZONING ORDINANCE 7-3-13:

In order to grant a variance, the Board of County Commissioners shall make the following findings:

1. **The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and**

Staff Response:

The Zoning Ordinance §§ 7-2-41(B)5 and 7-5-5 detail Area of Critical Concern Overlay and Hillside regulations which require 100' setback for any new development from the South Fork of Boise River. The combination of the Site being near the river as well as the Area of Critical Concern Overlay creates a special consideration for development at the Site. The original development was established prior to the adoption of the Overlay ordinance and has received legal, non-conforming status. Because the new proposal does not seek to enlarge or expand the existing non-conforming use, the legal non-conforming use status remains.

2. **The variance relieves an undue hardship due to characteristics of the site; and**

Staff Response:

The Site is .41 acres and located in Featherville Summer Subdivision #2. The subdivision was platted in 1978, well before the adoption of the Zoning Ordinance, which added requirements for Hillside Developments Standards found in § 7-5-5 as well as Area of Critical Concern Overlay in § 7-2-41. The existing dwelling, which is being replaced, is currently located within 100' setback of the South Fork of Boise River. The Applicant will not be able to rebuild their home without a Variance, due to the proximity of the South Fork of Boise River. Therefore, the Variance would relieve undue hardship for the Applicant.

3. The variance shall not be detrimental to the public health, safety, and welfare.

Staff Response:

The proposed variance would not be detrimental to public health, safety, and welfare.. If approved, the building permit will be subject to the Zoning Ordinance regulations and review by Central District Health along with the County Engineer, who has established that as long as the new build is not closer to the river than the current structure, then the new building would be good.

STAFF RECOMMENDATION:

On the basis of the Application, record, and staff analysis above, the Planning and Zoning Commission recommends **APPROVAL** of VAR-2025-04 to the Board of County Commissioners from the Zoning Ordinance § 7-2-41(B)5 and §7-5-5 (B) to allow the proposed development within 100' of the South Fork of the Boise River on Parcel RP000590010030.

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