



## Elmore County Land Use and Building Department

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[www.elmorecounty.org](http://www.elmorecounty.org)

### STAFF REPORT PLANNING AND ZONING COMMISSION

Application: Variance VAR-2025-02

Hearing: July 17th, 2025, at 7:00PM

**Vacant,**  
*Director*

**David Abrahamson,**  
*Planner I*

**Andrew Meek**  
*Planner II*

**James Roddin**  
*Administration  
Manager / Interim  
Director*

**Matt Gochnour,**  
*Code Enforcement*

**Johnny Hernandez**  
*Building Official /  
Interim Director*

**Colton Janousek,**  
*Building Inspector*

**Joshua Proffit**  
*Building Inspector*

**Sandra Nuner**  
*Permit Technician*

**Alyssa Nieto**  
*Administrative  
Assistant*

**Date Report Compiled:** July 10, 2025

#### **County Staff:**

Nina Schaeffer, Contract Planner

David Abrahamson, Planner I

Mitra Mehta-Cooper, Contract Principal Planner

Abbey Germaine, County Contract Legal

**Parcel Number:** RP05S11E173010A

**Acres:** 40

**Zoning District:** General Agriculture (AG)

#### **REQUEST:**

Mr. Neil Helmick ("Applicant") has submitted a variance application to the Land Use and Building Department ("Department") to request a 1,900 sq. ft. Accessory Dwelling Unit ("ADU") on a portion of a 40-acre lot (Parcel Number: RP05S11E173010A) ("Site"). The Applicant requests a 1,900 sq. ft. ADU to be used as the property owner's primary residence and for their family members to move into the existing home at the Site.

#### **BACKGROUND:**

The Elmore County Zoning and Development Ordinance ("Zoning Ordinance") allows an ADU in Ag zone through administrative decision to be added to a single-family primary dwelling, or as a detached unit. The purpose of accessory dwelling units is to provide more affordable housing and provide additional density with minimal costs and disruption to existing neighborhoods. However, the Zoning Ordinance Section 7-2-96 (A) states that, "A house with an accessory dwelling unit is similar to that of a duplex but can be distinguished from a duplex because of its less intense use, smaller size..." Section 7-2-96(D)1 further states that "the ADU shall not be larger than nine hundred (900') square feet". Therefore, the Applicant applied for a variance to build a 1,900 sq. ft. ADU on this parcel on January 24, 2025, (Exhibit 4). The parcel currently has a 2,368 sq. ft. primary home, 3 outbuildings, 1 shed, and 1 barn for a total of 6 buildings. The vicinity map (Exhibit 1) reflects the Applicant's property and existing structures.

The Applicant completed the required pre-application meeting with the Director and Staff per Zoning Ordinance §7-3-13(A)1 (Exhibit 2) on December 16<sup>th</sup>, 2024. Furthermore, the Applicant held a neighborhood meeting (Exhibit 3) on January 11<sup>th</sup>, 2025, at 1:00 PM at the Site. The Applicant submitted the Variance application and required four hundred dollars (\$400) fees to the Department on January 27<sup>th</sup>, 2025. Staff sent an application acceptance letter to the Applicant on May 12<sup>th</sup>, 2025, notifying the Applicant of their Planning and Zoning Commission (“Commission”) hearing date, time, and location (Exhibit 5). Email was sent to let the Applicant know of the date change of the public hearing date. (Exhibit 5A) The Mountain Home Newspaper published the public hearing details on July 2, 2025 (Exhibit 7). Public hearing notifications to property owners and agencies was sent on June 24, 2025, (Exhibit 6). A public hearing site posting was done on July 17<sup>th</sup>, 2025 (Exhibit 8).

As required in Section 7-3-13(A)3, the Commission and Board of County Commissioners (“Board”) shall both conduct public hearings for a Variance from the Zoning Ordinance requirements in accordance with Idaho Statute and this Ordinance, 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-2025-02 record are numbered sequentially as they become available. This staff report references the following portions of the VAR-2025-02 record, which are included as Exhibits:

1. Vicinity Map
2. Pre-Application meeting notes
3. A. & B. Neighborhood Meeting information
4. Application
5. A. & B. Acceptance letter and Email on change of hearing date
6. Property Owner & Agency notification
7. Newspaper publication
8. Site Posting
9. Agency responses
10. Public Comment Letter – Doug King
11. Letter of reconsideration

#### **APPLICABLE STATE AND LOCAL REGULATIONS:**

VAR-2025-02 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 failed to justify undue hardship due to characteristics of the Site and as a result, the Variance will 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:**

Most of the unincorporated land in Elmore County has a base zone of Agriculture. The parcel is currently zoned Agriculture and is intended to remain designated as agriculture according to the Elmore County future land use map.

According to the Elmore County Allowed Use Table 7-2-26(B) found at §7-2-26 of the Zoning Ordinance, ADUs are allowed with administrative approval when following the general standards under § 7-2-96. One such standard is §7-2-96(D)<sup>1</sup> stating an ADU “shall not be larger than nine hundred (900’) square feet.” The Applicant seeks to build a 1,900 sq. ft. ADU, which is 1000 sq. ft. above the requirement of the Zoning Ordinance. Therefore, the Department has required a Variance for the intended use (“VAR-2025-02”).

The purpose of allowing ADUs in Elmore County is defined at §7-2-96(A) as, *“The purpose of accessory dwelling units is to provide more affordable housing; provide additional density with minimal costs and disruption to existing neighborhoods. A house with an accessory dwelling unit is similar to that of a duplex but can be distinguished from a duplex because of its less intense use, smaller size...”*

The Applicant wishes to build a 1,900 sq. ft dwelling unit on this parcel, which does not fit the aforementioned purpose of the ADUs. The proposal is for a second home on the property, which would require a separate process of subdividing the parcel, as discussed at the pre-application meeting with the Director. Therefore, staff concludes that the approval of VAR-2025-02 would grant a special privilege to the Applicant that is not otherwise allowed in the base zone.

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

#### **Staff Response:**

The Site is 40 acres, and the existing primary dwelling unit consists of 3-stories with 2,368 sq. ft. The Applicant seeks a variance to build a 1,900 sq. ft. ADU that is a single-story home in order to accommodate mobility complications from aging. Additionally, a portion of the site is actively used for Agriculture. The Applicant seeks to add an ADU in order to accommodate future assistance in ongoing upkeep of the land. Despite such challenges, the Applicant does not wish to apply for a smaller ADU allowed within the Zoning Ordinance, request a more reasonable variance, or propose a subdivision of the parcel as discussed at the pre-application meeting with the Director. This is not considered an undue hardship due to the characteristics of the site. Therefore, this variance would not relieve undue hardship due to the characteristics of the site.

**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 of the Central District Health, Glenns Ferry Highway District, and King Hill Rural Fire District. The existing structures on the parcel were all approved by Central District Health, Glenns Ferry Highway District, and King Hill Rural Fire District.

**STAFF RECOMMENDATION:**

On the basis of the Application, record, and staff analysis above, the Department recommends that the Planning and Zoning Commission recommend **DENIAL** of VAR-2025-02 to the Board of County Commissioners to build a 1,900 sq. ft. Accessory Dwelling Unit (ADU) on RP05S11E173010A.