



# Elmore County Land Use and Building Department

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## STAFF REPORT PLANNING AND ZONING COMMISSION

Application: Variance VAR-2026-02

Hearing: February 26, 2026, 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 Gochnour,**  
*Code Enforcement*

**Sandra Nuner**  
*Permit Technician*

**Elizabeth Elliott**  
*Administrative  
Assistant*

**Date Report Compiled:** February 20, 2026

**Agenda Item:** Variance to build a home in the Mayfield Overlay on a 1.2 acre parcel, which requires a variance from the Zoning Ordinance Section 7-2-35.

**Applicant:** Binyamin Bazer

**Case Number:** VAR-2026-02

**County Staff:**

Andrew Meek, Planner II

James Roddin, Director

Angie Michaels, County Contract Engineer

**Parcel Number:** RP01N04E342600

**Acres:** 1.2

**Zoning District:** General Agriculture (AG)/Mayfield Overlay

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**REQUEST:**

Binyamin Bazer ("Applicant") has submitted a variance application to the Land Use and Building Department ("Department") to request building a home in the Mayfield Overlay, which requires 10 acres minimum for a dwelling unit, triggering a variance of the Zoning Ordinance Section 7-2-35, on a 1.2-acre lot (Parcel Number: RP01N04E342600) ("Site").

**BACKGROUND:**

Applicant applied for a Variance to build a home in the Mayfield Overlay, which requires a variance from the Zoning Ordinance § 7-2-35 requirement for the Mayfield Community Development Overlay which has a requirement of 10 acres minimum to build a dwelling unit.

The Applicant is looking to have the ability to build on a 1.2-acre parcel. The parcel was split from a larger parcel in 2007, and the Applicant had approval from the County to do improvements to the property to include Water, Sewer

and approach permit. However, after putting the well and sewer in, the County advised the applicant that a Variance would be needed due to the nature of the Mayfield Overlay. The vicinity map (Exhibit 1) reflects the Site and location.

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

- The Applicant completed the required pre-application meeting with the Director and Staff per Zoning Ordinance §7-3-13(A)1 on October 29, 2025.
- Following the pre-application meeting, the Applicant held a neighborhood meeting per §7-3-3 on November 15, 2025 after having sent the letters out on November 1, 2025 (Exhibit 2).
- The Application, after following the requirements for Title 7, Chapter 3, was submitted on December 9, 2025 (Exhibit 3).

An official letter with a set date for the Elmore County Planning and Zoning Commission (“Commission”) hearing was sent to the Applicant on January 23, 2026 (Exhibit 4). Agency notifications were sent out per Zoning Ordinance §7-3-4 on February 13, 2026 as well as the notification letters for the neighboring property owners per Zoning Ordinance §7-3-5 (C) were sent out on February 13, 2026 (Exhibit 5). Legal Notice in the local newspaper was published on February 11, 2026, per Zoning Ordinance §7-3-5 (A) (Exhibit 6). The site posting was placed on the property per Zoning Ordinance §7-3-5 (B) on February 18, 2026 (Exhibit 7).

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-2026-02 record are numbered sequentially as they become available. This staff report references the following portions of the VAR-2026-02 record, which are included as Exhibits:

1. Vicinity Map
2. Neighborhood Meeting
3. Application
4. Acceptance Letters
5. Property Owner & Agency notification
6. Newspaper publication
7. Site Posting
8. Agency Comments

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

VAR-2026-02 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 find the criteria of Idaho Code § 67-6516 have been met, 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 § 7-2-35 details the requirements to build in the Mayfield Overlay, with a minimum of 10-acres needed to have a dwelling. The Applicant submitted a zoning permit with the Department in March of 2024 for a single-family home. A well was installed by the Applicant on June 14, 2024, per the IDWR GIS website. A septic system was installed on June 3, 2024, and approved by CDH (Exhibit 1). These improvements were done with the Applicant’s understanding that building would be allowed with the zoning permit submitted. In addition, the base zone is AG and there are at least 10 other parcels under the minimum 10-acre in the Mayfield Overlay so the Variance would not grant a special privilege.

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

**Staff Response:**

The Site is on 1.2-acres and was split out from an older parcel in 2007. When the Mayfield Overlay was established in the 2014 Comprehensive Plan and Zoning Ordinance, a 10-acre minimum was required to build a dwelling. The Variance would relieve the undue hardship of the acreage requirements of the Mayfield Overlay.

- 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 and Building Official staff.

**STAFF RECOMMENDATION:**

On the basis of the Application, record, and staff analysis above, the Planning and Zoning Commission recommends **APPROVAL** of VAR-2026-02 to the Board of County Commissioners from the Zoning Ordinance § 7-2-35 to allow the proposed development in the Mayfield Overlay on Parcel RP01N04E342600.

**PROPOSED CONDITIONS OF APPROVAL**

1. Variance (VAR-2026-02) shall be granted to Binyamin Bazer to build a home in the Mayfield Overlay on 1.2-acres on RP01N04E342600.
2. The Applicant shall meet all septic standard setbacks required per Central District Health.
3. The Variance shall comply with standards set forth in Elmore County Zoning Ordinance § 7-3-13.
4. The Variance shall comply with Idaho Code § 67-6516.
5. The applicant shall obtain any applicable permits for any structures and/or other permittable projects on the property to include any required state permits and a signed building permit.
6. The applicant shall keep the property up to date with all taxes related to the uses of the property.
7. Failure to comply with any of the above conditions of approval may result in the revocation of the approval.