

CONDITIONAL USE PERMIT

Kevin Cook

Accessory Building w/ Living Space

STAFF REPORT



Madison County Planning and Zoning Application Summary and Staff Report

Application Type:	CONDITIONAL USE PERMIT
Applicant:	Kevin Cook
Surveyor/Engineer:	N/A
Location:	4220 W 3800 S, Rexburg
Date for Consideration:	September 14, 2022

Project Description:	The applicant is applying for a Conditional Use Permit to construct a duplex on their 3.24 Acre lot at 4220 W 3800 S, Rexburg
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Staff Recommendation:	Madison County Code allows a Duplex in Trans Ag Zones with a Conditional Use Permit. The maps on the following pages indicate the location of the parcel and the building, as well as neighboring land uses. The property is zoned Trans Ag.
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Possible Motions

<p><u>Approval</u> I move to recommend APPROVAL of the application from Kevin Cook for a Conditional Use Permit for a Duplex as proposed in application materials received August 5, 2022, with the following conditions:</p> <ol style="list-style-type: none"> 1. 2. 	<p><u>Denial</u> I move to recommend DENIAL of the application from Kevin Cook for a Conditional Use Permit for a Duplex as proposed in application materials received August 5, 2022, for the following reasons:</p> <ol style="list-style-type: none"> 1. 2. 	<p><u>Tabled</u> I move to TABLE the application from Kevin Cook for a Conditional Use Permit for a Duplex as proposed in application materials received August 5, 2022, and request additional information from the applicant, including:</p> <ol style="list-style-type: none"> 1. 2.
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Description/Definition of Current and Proposed Zoning – Madison County Code Section 101-137

Sec 101-137 Standards Applicable To Conditional Uses

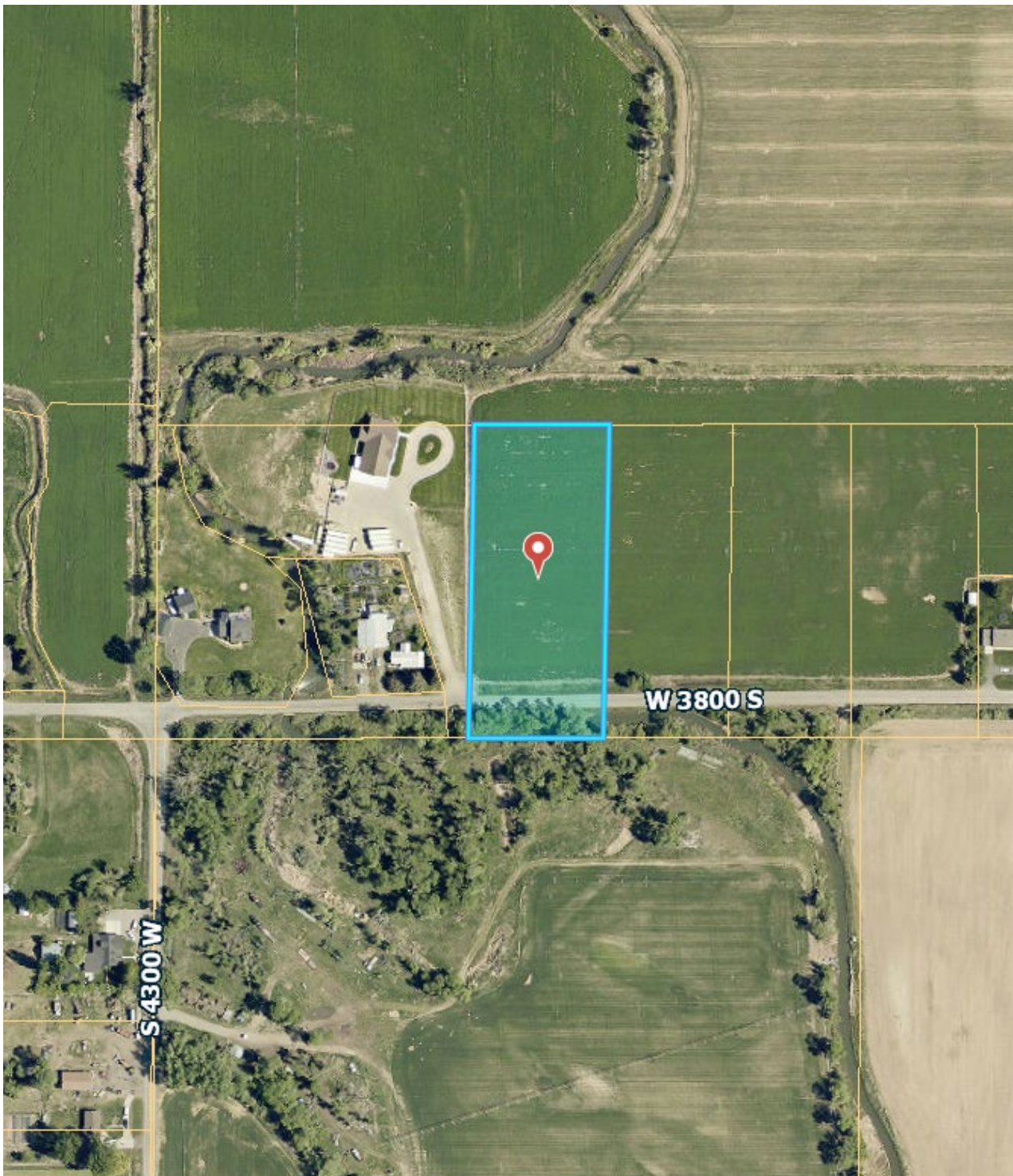
The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

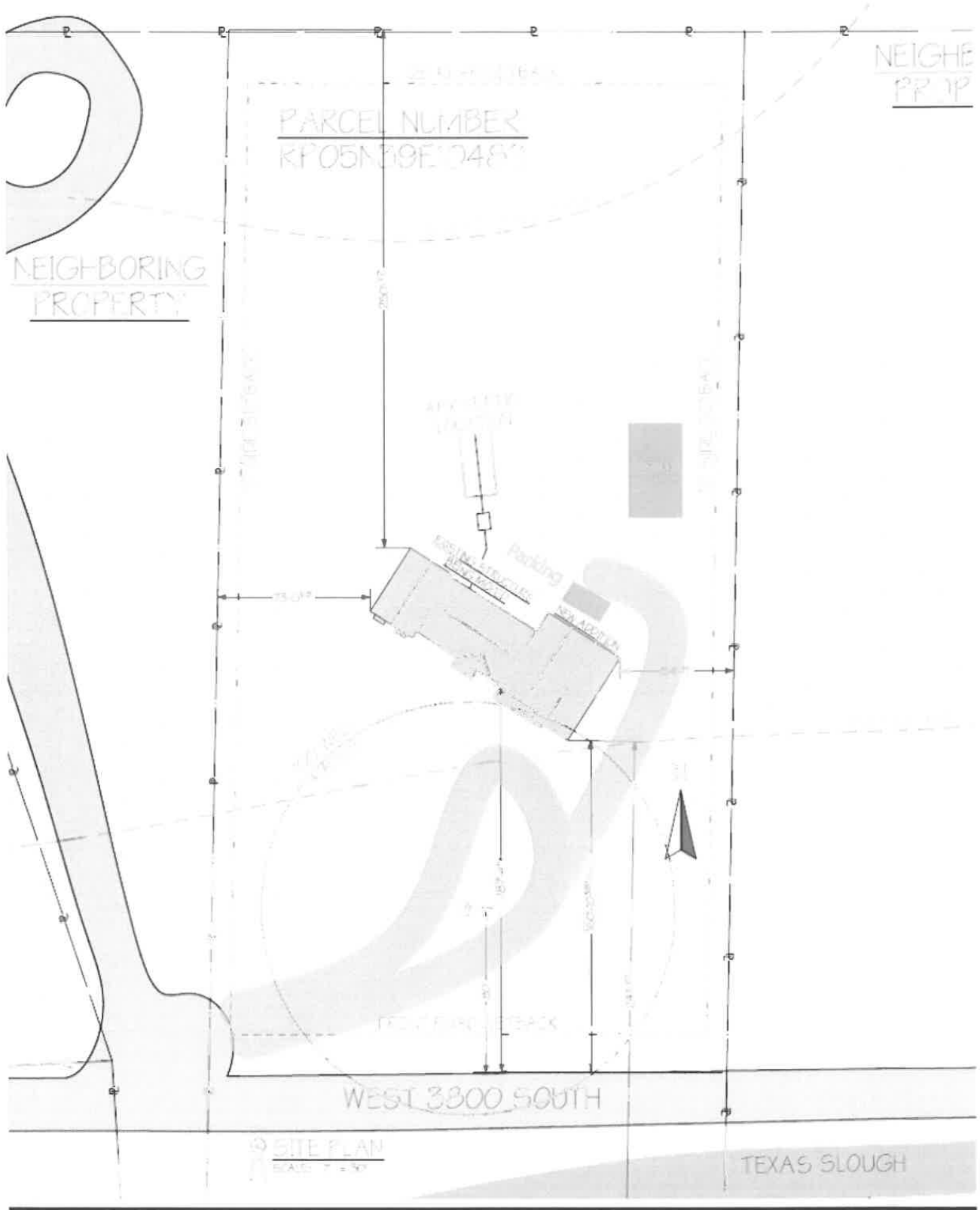
1. *In fact, constitute a conditional use as established in this part for the zoning designation involved, in that it is not already defined as a permitted use;*
2. *Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this part;*
3. *Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
4. *Not be hazardous or disturbing to existing or future neighboring allowed uses;*
5. *Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;*
6. *Not create excessive additional requirements at public cost for public facilities or services, and will not be detrimental to the economic welfare of the community;*

7. *Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*
8. *Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and*
9. *Not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

(Prior Code, title 10, § 1.4.3; Ord. No. 384, § 1.4.3, 3-12-2012)

Zoning – The subject property is in the Trans Ag Zone.





APPLICATION



CONDITIONAL USE PERMIT APPLICATION

DEFINITION:

A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. (Unified Development Code Chapter 101 Article V)

SUBMITTALS:

The review process will require up to 15 working days. Applicants will be required to meet with Planning and Zoning Administrator before the Public Hearing will take place. All information called for on this form shall be required for a complete application and no incomplete application will begin the review process. Completed application must also be accompanied with the subsequent fee of \$600.00.

APPLICANT/OWNER CONTACT INFORMATION

APPLICANT:

Name: Kevin Cook
Phone: 2083512447
Email: kevintcook01@gmail.com
Mailing Address: 148 S 5th West, Rexburg Idaho 83440

Signature: [Signature] Date: 6-5-22

**if you are not the owner of the property applying for an administrative permit, please attach an affidavit of legal interest to your application. **

OWNER:

Name: Kevin Cook
Phone: 2083512447
Email: kevintcook01@gmail.com
Mailing Address: 148 s 5th west Rexburg, ID 83440

Signature: _____ Date: _____

OFFICE USE ONLY:

RECEIVED

STAMP

AUG 5 2022

HERE

Madison County
P&Z and Building

Date Received: _____
Permit Type: _____
Permit #: _____
Fee Paid: _____
Date Fee Paid: _____

REQUIRED ATTACHMENTS

Additional attachments may be required on a case by case basis

- Proof of Ownership
- Legal Description
- Site Map - Plan of the proposed site showing location of all buildings, parking & loading areas, traffic access & traffic circulation, open spaces, landscaping, refuse & service areas, utilities, signs, yards & such other information that may be required determining if the proposed conditional use meets the intent & requirements of the ordinance.
- Fee Payment - Checks can be made payable to Madison County. Credit Card payments can also be arranged with an added 3% processing fee.

Zone: Trans Ag Comp Plan Land Use Designation: _____

Is the Parcel, or future parcels, in the Floodplain? No

Does the property contain any streams, rivers, lakes or wetlands? NO

Can access be provided to the parcel(s)? YES

Can Madison County setbacks be met for any structures to be constructed? YES

Is the Parcel adjacent to any agriculture activities? YES

NATURE OF REQUEST

Describe the nature of the proposed request, and its usage: We are hoping to build an extra living space onto our house, that we are in the process of building, that can be use for family or others in need of a place to live.

What is the existing use of the property involved? Single family dwelling

Are you proposing a business? NO

If yes, what type? _____

Does the current zoning of the parcel(s) allow for above described business or structure type? NO

Total square footage of all proposed businesses: _____

Give a narrative statement evaluating the effects on adjoining property, such as elements of noise, dirt, or other dust, glare, odor, fumes & vibration on adjoining property. Include the general compatibility with adjacent properties in the district and relationship of proposed use to the Comprehensive Plan:

There will be more traffic and noise than with the single family as there will be more than one family living in the building. We will be vigilant in keeping the area peaceful and will be selective on who lives in the additional unit.

What are the estimated septic systems for request: We have planned for a 7 bedroom home with the septic permit and will be able to accommodate the added living space.

What type of water supply system would be used on site: Residential well shared with the added living space.

What will be the largest number of employees working at this site? no additional employees

What is the proposed parking for the employees? _____ The additional living space will have parking around back by their entrance into the living space as shown on the site map. _____

What will be the nature of the business at this site? _____ Additional residents on the property.

What are the proposed days of operation? _____ 24 x7 access to allow for another family to have a home to live in. _____

If commercial, industrial, or a home occupation, what will be the hours of operation? _____ 24 x 7 access for an additional family will be living on the property. _____

How many customers are expected daily? _____ This will be a two-bedroom addition living space so a maximum of 4 people. _____

What is the estimated daily traffic to be generated? _____ One or two more cars parked on the property and will be using the existing driveway. _____

Will the traffic be primarily private vehicles or commercial trucks? _____ Private vehicles. _____

Will storm water and run off be planned for? If yes, please describe: _____ Rain gutters will be in place and the parking will be sloped to allow for run off. _____

If proposed use is residential, describe the number and type of dwelling units:
One additional living space or unit will be added. _____

What provision(s) has/have been made for fire protection?
_____ The code for fire alarms will be in place. _____

Where is the nearest fire hydrant?
_____ This property is in the country so there is no fire hydrants around. The closest one is around 3 miles away. _____

Is any point of the building further than 150 feet from access, sufficient in width for firefighting equipment?

_____ Yes there is room for firefighting access.

How much parking is being provided on-site? (Include a drawing of the parking plan)

_____ There will be at least two parking stalls provided. Drawing included.

Where will the refuse generated be stored?

_____ There will be refuse removal provided by a local company.

Indicate the type of equipment that will be used in the conduct of the business:

_____ No equipment needed for the business.

Indicate surrounding land uses:

_____ Residential homes are on both sides of the property.

Explain how your request constitutes a conditional use as established under conditional uses in the zone districts the request is in:

_____ We are requesting the permission to have an additional living space on the property and allow for an additional address or sub address and mail box. They will use the same drive way but have separate parking around back of the house. There is a separate entrance in the plans.

How will your request be in harmony with the general or specific objectives of the Comprehensive Plan and Zoning Ordinances:

_____ The request is asking for the approval to have an additional living space on the property to and allow for another family to live there. One more living space will not affect the traffic on the road to cause any other congestions.

Describe how this request will be in harmony with the general vicinity and not change the essential character of the area:

_____ We will live on 3.24 acres and one more residence will not affect the harmony and character of the area. We have approved the neighbors to have this same conditional use permit have been approved and they are building two houses on the same property. They are building a second house on the property for there in-laws, from what we can tell and in talking to the home owners.

Demonstrate and describe how your request will not be hazardous or disturbing to existing or future neighbors:

_____ With a couple more cars coming in and out this will not affect the neighbors as we have a large family and have many cars as it is. The additional residents will not be doing any business activities on the property so they will not be increasing any other traffic as well. Noise can be an issue, but we will have a renter's agreement that will require that no loud parties or activities be allowed so the neighbors will not be disturbed. We will be selective in who lives in this additional living space.

Demonstrate and describe how this request will be served adequately by essential public facilities and services:

_____ There will be separate parking for the unit and separate clothes washer and drying facilities as well as private kitchen, living, dining, bathroom, and two bedrooms. The main road of 3800 S will be accessible all the time.

If a commercial, multi-family, or public assembly use, where is the nearest collector street?

_____ Thornton interchange with Hwy 20.

Where is the nearest arterial street? _____ They will have access to W 3800 S.

How will this impact surrounding schools? _____ There may have the potential to have more students at the schools.

The commission may address other points than those discussed above, but a narrative addressing at least these applicable points will assist in processing your application.

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY

HEARING INFORMATION

Hearing Type: _____
 Date of Hearing: _____

APPLICATION

Application Deadline: _____
 Date Submitted: _____
 Fee: \$600.00
 Date Fee Paid: _____

DEADLINES

Task	Deadline	Date Completed	Initial
Application Submission			
Agency Letters			
Public Hearing			
Draft PHN			
Standard Journal			
Mail 300' List			
County Website			
Radio PSA			
PHN Posted at Buildings			
PHN posted at Property			
Packet to Commission			
Work Meeting			
Minutes			
Findings of Fact			
Commissioner's Agenda			
Email to Commissioners			
CUP Recorded			
Applicant Notified			

NEIGHB
PROP

PARCEL NUMBER:
RP05N39E104811

NEIGHBORING
PROPERTY


Barn

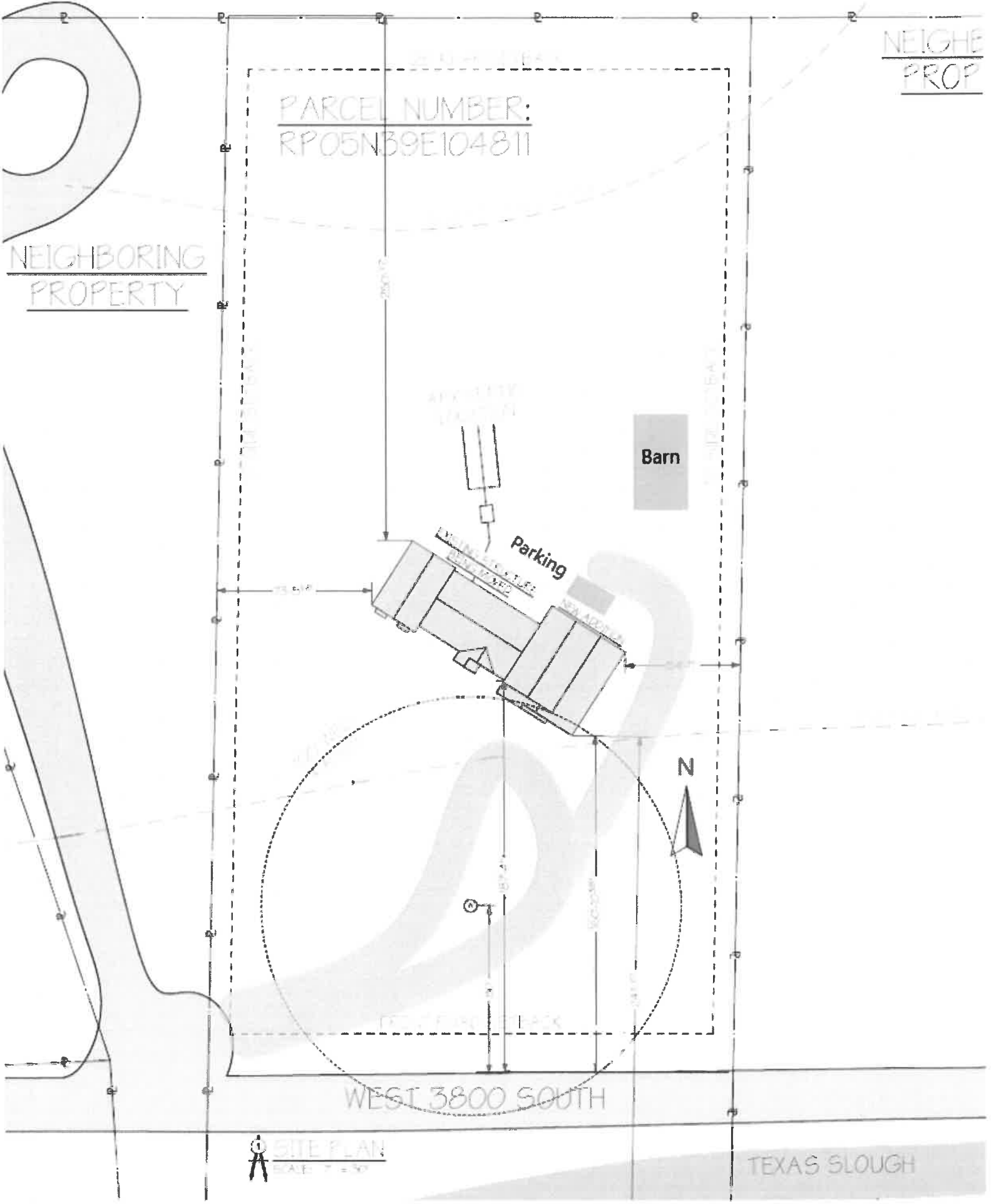
Parking



WEST 3800 SOUTH

TEXAS SLOUGH

 SITE PLAN
SCALE: 1" = 50'



WRITTEN CORRESPONDENCE