



MASTER ADMINISTRATIVE REVIEW APPLICATION

GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 South McKinley, Emmett, Idaho 83617 www.gemcounty.org phone: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- | | | |
|--|---|---|
| <input type="checkbox"/> ALTERNATIVE COMPLIANCE
(LANDSCAPE PLAN) | <input type="checkbox"/> DESIGN REVIEW ADMINISTRATOR APPROVAL | <input type="checkbox"/> SECONDARY DWELLING SITE PLAN |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE | <input type="checkbox"/> FLOODPLAIN DEVELOPMENT PERMIT | <input type="checkbox"/> SIGN PERMIT |
| <input type="checkbox"/> CERTIFICATE OF ZONING COMPLIANCE
WITH PRIOR APPROVAL | <input type="checkbox"/> PLAT TIME EXTENSION | <input checked="" type="checkbox"/> TEMPORARY HARDSHIP PERMIT |
| <input type="checkbox"/> DIRECTOR DETERMINATION | <input type="checkbox"/> PRIVATE ROAD APPLICATION | <input type="checkbox"/> TEMPORARY USE PERMIT |
| | <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT | |

PROJECT NAME: HARDSHIP - SEAN

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: _____ Section: _____ Township: _____ Range: _____ Total Acres: _____

Subdivision Name (if applicable): _____

Site Address: 2395 Waterwheel Rd Lot: _____ Block: _____
City: Emmett

Tax Parcel Number(s): _____ Current Zoning: _____ Current Land Use: _____

PROPERTY OWNER:

Name: THERESE BURGESS

APPLICANT: THERESE

Name: ~~SEAN~~ Burgess

Address: 2395 Waterwheel Rd

Address: 2395 Waterwheel Rd

City: Emmett State: ID Zip: 83617 City: Emmett State: ID Zip: 83617

Telephone: 208.369.7160 Fax: _____

Telephone: 208.369.7160 Fax: _____

Email: _____

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

I certify that the information in this application is correct to the best of my knowledge.

Therese Borgen 11-4-2022
Signature: (Owner) Date

Therese Borgen 11-4-2022
Signature: (Applicant) Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (S).

THP 22-004

OFFICE USE ONLY

File No.: _____ Received By: JV Date: 11-8-22 Fee: 225.00 Receipt No: 2023-00043



TEMPORARY HARDSHIP SUBMITTALS AND CHECKLIST

GEM COUNTY DEVELOPMENT SERVICES

NAME OF PERSON IN NEED OF ASSISTANCE: Sean Burgess

Legal description of property where temporary resident will be placed. Attach an exhibit if necessary.

2395 Waterwheel Rd Emmet

Describe the reasons why this person needs assistance (age, health, physical disability, etc.)

He has disability, and needs to live in a trailer
on the property so that his mom can look after
him. He

Describe the type of dwelling to be placed on the premises: (manufactured home or RV type, size and where it will be placed on the property).

RV

Will the temporary dwelling utilize an existing domestic well or will a new well be dug? existing

Will the temporary dwelling be hooked to an existing or new septic system? new

An estimate of how long the need for the temporary dwelling will exist? unknown

Submittal Requirements:

FEE: A \$225.00 fee must accompany this completed application. (Non-refundable)

PROOF OF OWNERSHIP OR VALID OPTION HOLDER: Attach a copy of your property deed, option agreement, quit claim deed, or title report with complete legal description.

SITE PLAN: A plan showing location of all existing buildings, parking, driveway(s), well, septic and proposed site for temporary manufactured home for property under consideration. Show the dimensions of the parcel and all building setbacks (front, side, rear).

PLAT MAP: Show property under consideration and surrounding properties.

AERIAL PHOTO: Show property under consideration and surrounding properties.

(THE ABOVE ITEMS WILL BE PROVIDED BY THE DEVELOPMENT SERVICES OFFICE)

A MEDICAL PROFESSIONAL'S STATEMENT: (a written and signed statement confirming need of hardship)

SIGNED HOME REMOVAL AGREEMENT FORM (SEE ATTACHED)

Checklist

<u>SUBMITTALS</u>	<u>APPLICANT</u> (√)	<u>STAFF</u> (√)
FEE	✓	✓
PROOF OF OWNERSHIP	✓	✓
SITE PLAN	✓	✓
MEDICAL PROFESSIONAL'S STATEMENT	✓	✓
HOME REMOVAL FORM	✓	✓
PLAT MAP	N/A	✓
AERIAL PHOTO	N/A	✓
PROPERTY OWNERS WITHIN 300'	N/A	✓

Applicant's signature Theresa Burger Date: 11-4-2022

FOR OFFICE USE ONLY

APPLICATION COMPLETION DATE: _____



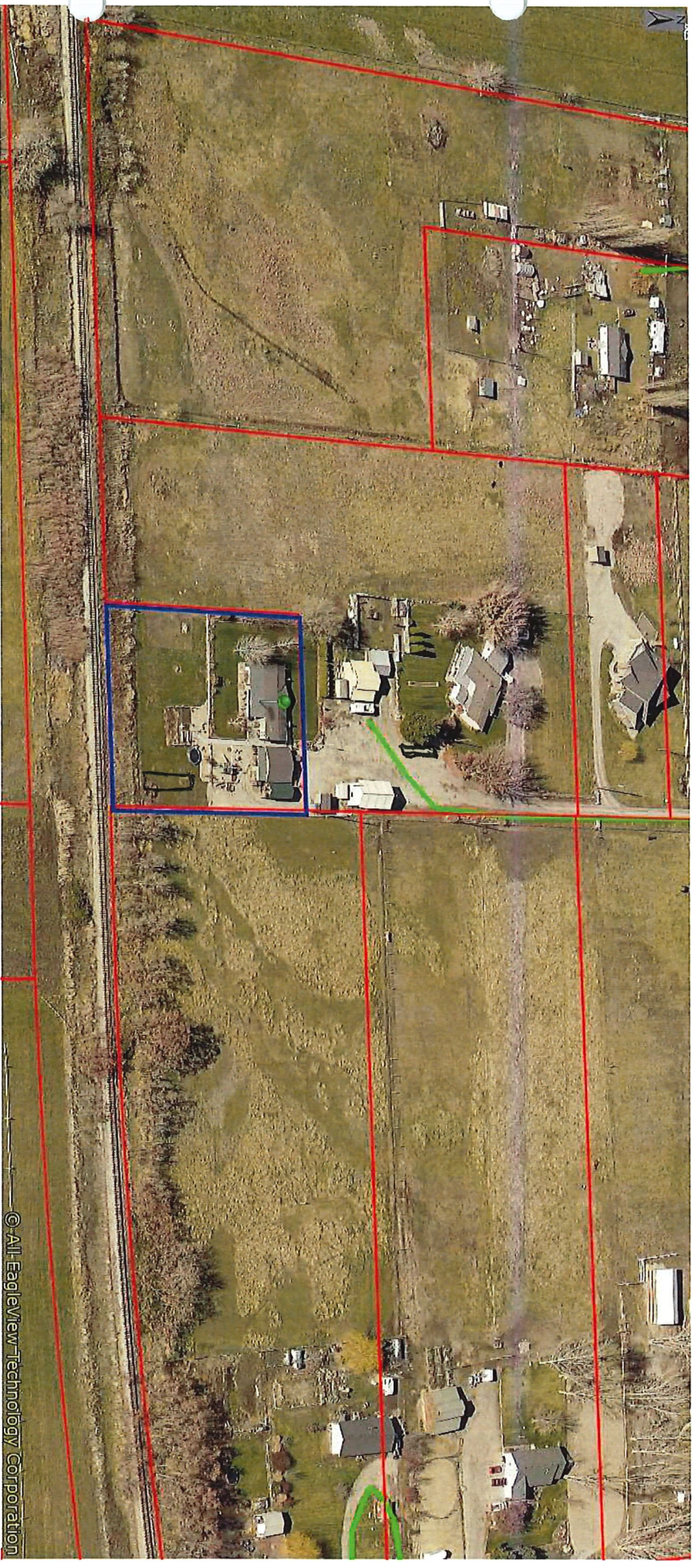
TEMPORARY HARDSHIP PERMIT DWELLING REMOVAL AGREEMENT FORM

I/We, Dr. Brett T. Munford Theresa Burgers
request approval of Temporary Hardship Permit # _____. I/We agree that if Temporary
Hardship Permit is approved that the dwelling will require obtaining a Zoning Permit for the
placement of the unit. I/We understand and agree that the dwelling may not be placed on a
permanent foundation. I/We understand and agree that a condition of approval of the Temporary
Hardship Permit is that when the need no longer exists, or if the property is sold, the permit is void
and the dwelling **must be removed within sixty (60) days.**

Theresa Burgers Date 11 / 4 / 2022
Property Owner

Theresa Burgers Date 11 / 4 / 2022
Applicant (if different)

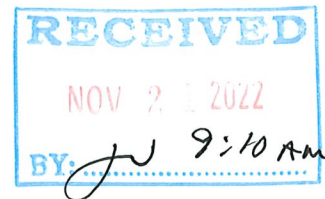
2395 Waterwheel



11/24/2021

Daniel Domingo
2393 Waterwheel Rd
Emmett, ID 83617

November 16, 2022



Gem County Development Services Department
109 S McKinley Avenue
Emmett, Idaho 83617

RE: Hardship – Sean THP 22-004 Temporary Hardship Permit 2395 Waterwheel Rd

Dear Stephanie Crays:

In regards to the requested Temporary Hardship Permit for 2395 Waterwheel Rd, I feel that I would be adversely affected by this application. I am requesting in writing that a public hearing be held before the Planning and Zoning Commission.

I am objecting to the approval of this permit for the following reasons:

1. The current property has a 3 bedroom, 2 bath home that is currently occupied by Therese Burgess and her son Sean Burgess, that she assists with his daily tasks.
2. There are 2 RV's currently on the property, one of which is rented to Therese's brother, that has been living there since she bought the property in June 2022.
3. Her Review Application states RV is for her son's use and that is not correct. It is being used as a rental.

Respectfully,

Daniel Domingo



Hospital Main Campus
1202 E Locust Street, Emmett, ID 83617
(208) 365-3561

November 7, 2022

RE: Sean Burgess
DOB: 07/30/1988

To Whom It May Concern:

The above gentleman suffers from a disability. He is somewhat independent however, due to the patients' disabilities, he needs to live on the property of 2395 Waterwheel Road, in a trailer, so his mom can help take care of him.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Brett Mumford, DO

A handwritten signature in black ink, appearing to read "Brett Mumford", is written over a series of light blue circular patterns that are part of the background design of the letter.



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR

PLANNING & ZONING

PHONE: (208) 365-5144

WEB PAGE: GEMCOUNTY.ORG

STAFF REPORT

DESCRIPTION: TEMPORARY HARDSHIP PERMIT APPLICATION

FILE NUMBER(s): THP-22-004

PLANNING AND ZONING COMMISSION HEARING DATE: FEBRUARY 13, 2023

**PROPERTY OWNER: THERESE M BURGESS
2395 WATERWHEEL ROAD
EMMETT, ID 83617**

APPLICANT: SAME

PROPERTY LOCATION: 2395 WATERWHEEL ROAD

STAFF PLANNER: JENNIFER KHARRL

1. APPLICATION SUMMARY:

The property owner, Therese Burgess, is requesting a Temporary Hardship Permit (THP) for her son to reside in a temporary RV for medical reasons so she can help assist him. The site of the proposed THP is zoned R-2, Residential Transitional, and is approximately 1.00 +/- acres in size. The recommending medical professional on this application is Brett Mumford, D.O., of Valor Health, who notes that Sean needs assistance from his mother due to medical issues.

Because the Development Services Department received a letter from an affected property owner opposing the THP application and requesting a public hearing, Gem County Code (GCC) 11-19-2 requires a public hearing be held before the Zoning Commission. Otherwise, THP applications are administrative.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:

The property is located at 2395 Waterwheel Road. The property lies within Section 4 of T 06N, R 01W.

B. Assessor Parcel No(s): RP06N01W045393

C. Current Owner(s): Therese M Burgess
2395 Waterwheel Road
Emmett, ID 83617

D. Applicant(s): Same

E. Present Zoning: R-2, Residential Transitional (1- acre min. lot size)

F. Present Comprehensive Plan Designation: Area of City Impact

G. Property Size: Approx. 1.00 acres

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was submitted to the Development Services Department and deemed complete on November 8, 2022.

B. Notice of Temporary Hardship Application/ (Public Hearing if applicable):

- Notice of the Temporary Hardship Application for the Gem County Development Services Department was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Gem County Code 11-19-2 on November 10, 2022. (Note: This mailing informed neighbors of the initial application and differs from the public hearing mailing, which was sent only after the letter of opposition was received.)
- Notice of Public Hearing on the application for the Gem County Planning and Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on January 25, 2023. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on January 20, 2023. The physical property was posted for the public hearing on January 25, 2023.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute a temporary hardship permit as determined by Gem County Code Title 11, Chapter 19 -1. By reason of the provisions of the Gem County Code Title 11, Chapter 19-2, a public hearing is required before the Zoning Commission.

D. History of Previous Actions on Property: None.

E. Companion Applications: No companion public hearing applications were filed.

4. LAND USE

A. Existing Land Use(s): Single-family residence with a few outbuildings.

B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of active and inactive agricultural lands and single-family residential properties.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Area of City Impact	R-2, Residential Transitional	Rural Residential, irrigated agriculture
South of site	Area of City Impact	A-2, Rural Transitional Agriculture	Rural Residential, irrigated agriculture, Pacific Northern Railroad
East of site	Area of City Impact	A-2, Rural Transitional Agriculture	Rural Residential, irrigated agriculture
West of site	Area of City Impact	A-2, Rural Transitional Agriculture	Rural Residential, irrigated agriculture

D. Existing Site Characteristics: A single family dwelling and outbuildings are located on the site.

E. Physical Constraints and Opportunities:

1. Wastewater & Domestic Water:

- a. The single-family dwelling is served by an individual septic system and well. Southwest District Health Department will need to approve the new septic system/hookup for the temporary RV.

2. Hazards: Staff is not aware of any potential hazards on this property.

F. Streets and/or Access Information: The subject property has access via a shared driveway off of Waterwheel Road.

5. ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

A. Purpose Statement of Zone: Gem County Code 11-4-4.A. lists the purpose of the R-2, Residential Transitional, zone as follows: "To provide lands for the development of single-family dwellings."

B. General Standards: The minimum property size shall be one (1) acre.

C. Other: The following section of the Zoning Ordinance directly addresses the THP application:

- **11-2-2 Definitions:** "Temporary Hardship Permit" is defined as follows:

"A use allowed to install a temporary residence (manufactured home or recreational vehicle only) on a parcel of land to house a person or persons in need of assistance or care because of medical, disability, or geriatric needs. Also may be used for the purpose of retaining a caretaker."

- **11-19-1 Permit Required:**

"A property owner may apply for a temporary use permit for placement of a manufactured/mobile home or recreational vehicle (RV) for a temporary hardship permit for substantiated healthcare needs for any member of the property owner's family. Proof of healthcare need as evidenced through written and signed authorization from a medical professional is required. Under no circumstance shall the temporary dwelling be placed on a permanent foundation."

- **11-19-2 Application and Notification:**

"The application for a temporary use permit shall be filed with the Administrator and the applicant shall pay the required fee provided in Chapter 11-14-13 of this title prior to the issuance of any temporary use permit. For temporary use permits for healthcare needs, the Administrator shall give written notice of the pending application to those property owners and/or purchasers of

record within three hundred feet (300') of the exterior boundary of the subject property. Notified property owners have twenty one (21) days from the date of the mailing to respond to the notice. If an affected party is opposed to the application, a public hearing shall be held before the Commission."

6. REQUIRED FINDINGS & STAFF ANALYSIS

There are no required findings for Temporary Hardship Permits listed in the Gem County Code. The Commission must determine that an application is consistent with and can comply with the definition and standards listed in GCC 11-2-2, 11-19-1 and 11-19-2 listed above. The Commission should also base its decision upon facts and evidence of need presented during the public hearing. There are outstanding concerns that can be addressed through conditions of approval if the Commission chooses to approve the application. The THP should not change the basic character of the property from its intended use or the purpose of the R-2 zone.

Based upon the application and the recommendation from Brett Mumford, D.O., it appears there are medical needs for Sean Burgess that would justify the need for a temporary RV to be utilized for his residence to be close to his mom.

7. SITE SPECIFIC CONDITIONS OF APPROVAL

If the Commission chooses to approve the application, staff recommends the following conditions be applied to the application:

1. The property must be in compliance with all County Ordinances.
2. The permit is subject to an annual review by the Development Services Department staff.
3. Applicant shall submit proof of current registration for the RV to the Development Services Department for this year and every year that the Temporary Hardship Permit is valid.
4. The permit is non-transferable to another property and/or property owner.
5. The temporary RV must be removed as a residence when the need no longer exists or if the property is transferred or sold.
6. The temporary RV shall be located in the side or rear yard of the permanent dwelling.
7. Applicant shall comply with all requirements of Southwest District Health Department for the approval and shall submit their approved permit to the Development Services Department.
8. Only the individual identified in the application is permitted to reside in the temporary dwelling.
9. Only one RV is allowed to be used as a temporary residence with this permit and per Gem County Code. The other two RV's shall be discontinued to be used as a residence and will be verified by the Development Services Department staff.

8. STAFF RECOMMENDATION

Staff finds that the proposed temporary hardship permit may conform with the basic intent of the Zoning Ordinance with the proposed Conditions of Approval. The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. We recommend the Commission deliberate with the applicant to determine if the need for a THP is indeed justified.

CERTIFICATE OF MAILING

I hereby certify that on the 20 day of January, 2023, I served a true and correct copy of the foregoing upon:

PROPERTY OWNER LIST WITHIN 300 FEET

Burgess
2395 Waterwheel Road

Daryl Hezeltine
2640 E. Locust St
Emmett, ID 83617

Kevin Rowley
11896 Lincoln Rd
Caldwell, ID 83605

Ryan White
2700 E. Locust St
Emmett, Id 83617

Donald McMahon
2395 Waterwheel Rd
Emmett, Id 83617

Franklin Keeney
945 Santa Ln
Emmett, Id 83617

Rick Munger
965 Santa Ln
Emmett, Id 83617

Daniel Domingo
2393 Waterwheel Rd
Emmett, ID 83617

Shere Clark
PO Box 62
Emmett, ID 83617

Alfredo Guadarrama
3031 Queen Anne Dr.
Emmett, ID 83617

By depositing a copy thereof in the United States mail, with first class postage prepaid.

Stephanie Crays

Development Services Coordinator

SCrays