



PLANNING OR ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Emry – ZV2025-0001

The Canyon County Planning and Zoning Commission
considers the following:

A variance to the front setback for a home addition. The subject property is located at 15949 Hill Top Cir, Wilder, ID 83676 (Parcel R26293), also referenced as a portion of Lot 4, Block 5 in Seven Springs Park 2, within the NW ¼ of Section 13, Township 3N, Range 5W; BM; Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

- A. The record includes all testimony, the staff report, exhibits, and documents in Case File ZV2025-0001.
 - 1. All exhibits are located in the case staff report dated January 15, 2026.

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-08 (Variance), CCCO §07-02-03 (Definitions), CCCO §07-10-21 (Setbacks; Minimum Parcel or Lot Size; Height Regulations), and Idaho Code §67-6516 (Variance-Definition-Application-Notice),
 - a. Notice of the public hearing was provided per CCCO §07-05-01.
 - b. 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. *See* Idaho Code §67-6516
- 2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.
- 3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
- 4. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
- 5. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, ZV2025-0001, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 15, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decides as follows:

Variance Code Analysis (CCCO §07-08-03)

Compliant			County Ordinance and Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	07-08-03(1)	A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.
			<i>Analysis</i>	Chapter 7, Article 8 of the Canyon County Code provides the variance process consistent with Idaho Code section 67-6516. Per CCCO §07-08-01, a complete application with fees was accepted on September 12, 2025 (Staff Report Exhibit A). The request requires a public hearing due to the proposal exceeding a 33% modification to the County setback requirements. Noticing was completed per CCCO §07-05-01. Property owners within 600 feet were notified of the request and public hearing on December 11, 2025.
☒	☐	☐	07-08-03(2)	The presiding party shall ask and answer the following questions in their FCOs: A. Will granting the variance be consistent with the comprehensive plan? B. Do characteristics of the site create an undue hardship? C. Is the variance in conflict with the public interest?
			<i>Analysis</i>	A. The variance request from 30' to 3' would not make the property incompatible with the goals and policies in Canyon County's 2030 Comprehensive Plan. - The 2030 Comprehensive Plan designates the future land use to be Rural Residential. The parcel is currently zoned "A" (Agricultural). The parcel was created in accordance with the zoning ordinance at the time. - The proposed variance supports the following goals and policies of the 2030 Comprehensive Plan. <u>Private Property:</u> G1.01.00: <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i> P1.01.03: <i>Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.</i> <u>Population:</u> G2.01.00: <i>Incorporate population growth trends & projections when making land-use decisions.</i> G2.02.00: <i>Promote housing, business, and service types needed to meet the demand of the future and existing population.</i> <u>Land Use and Community Design:</u> G4.01.00: <i>Support livability and high quality of life as the community changes over time.</i> P4.01.01: <i>Maintain a balance between residential growth and agriculture that protects the rural character.</i> P4.01.02: <i>Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</i> G4.02.00: <i>Ensure that growth maintains and enhances the unique character throughout the County.</i>

				P4.02.01: <i>Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</i> G4.03.00: <i>Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.</i> G4.07.00: <i>Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.</i> G4.08.00: <i>Maintain and enhance the aesthetic beauty of the county.</i> B. The characteristics of the site <u>do</u> create hardship: • Canyon County Code or Idaho Code does not define undue hardship for the purposes of a variance. Section 67-6516 states 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. The circumstances justifying the undue hardship must be “peculiar” to the property at issue (<i>City of Burley v. McCaslin Lumber Co.</i>, 107 Idaho 906, 693 P.2d 1108 (1984)). • In the applicant’s letter of intent, the applicant states that due to extreme slopes, the location of the septic system’s drainage field, current home placement, and lot size have limited the available areas to build the home addition. <i>See Staff Report Exhibit A4 for the full letter of intent.</i> • The subject property has approximately 59.1% slopes of 15% or greater (Staff Report Exhibit B2.8). • According to the application packet, the septic system that serves the residential home has a drain field that runs West to East on the South side of the residence. This characteristic does not allow for the home addition to be built to the south of the residence (Staff Report Exhibit A4 & B3). • The current home placement impacts where an addition would be able to be built, as there are current legal non-conforming setbacks for the front of the home (Staff Report Exhibit A5). • The current legal non-conforming size of the subject parcel creates a hardship for potential locations of a home addition (Staff Report Exhibit A4 & A7). • On November 14th, a site visit was conducted, and photos were taken of the subject property and existing conditions (Staff Report Exhibit C). • Staff finds that the aforementioned characteristics of the site <u>do</u> create hardship. C. The variance is not in conflict with public interest: • The proposed variance is not expected to have an impact on residents or emergency services' ability to access any parcels off Hill Top Circle. • Hill Top Circle is a residential road that dead ends at a cul-de-sac approximately 90 feet east of the Northeast corner of the subject parcel.
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Order

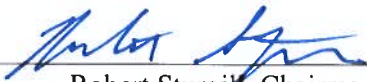
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case ZV2025-0001, a variance to the front setbacks for a home addition, subject to the following conditions as enumerated:

Conditions of Approval

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Within 30 days of approval of this application, a building permit shall be applied for the unpermitted addition found in the Northeast corner of Parcel R26293 (**Exhibit A5** of the staff report).

DATED this 15 day of January, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 15 day of January, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Caitlin Ross

My Commission Expires: 5/7/2031