



City of Ketchum
Planning & Building

IN RE:)	
)	
Stanek Remodel)	KETCHUM PLANNING AND ZONING
Variance)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: March 11, 2025)	DECISION
)	
File Number: P25-004)	

PROJECT: Stanek Remodel

APPLICATION TYPE: Variance

FILE NUMBER: P25-004

REPRESENTATIVE: Joey Stevenson, Stevenson Architecture

OWNER: Josh and Julie Stanek

LOCATION: 260 West 2nd Street

ZONING: Tourist (T)

OVERLAY: None

RECORD OF PROCEEDINGS

The City of Ketchum received an application for a Variance for the project on January 9, 2025. The application was reviewed and scheduled for hearing after acceptance and staff review. A public hearing notice for the variance was mailed to all owners of property within 300 feet of the project and all political subdivisions on February 5, 2025. The public hearing notice was published in the Idaho Mountain Express on February 5, 2025. A notice was posted on the project site and the City’s website on February 5, 2025. The Ketchum Planning and Zoning Commission (the “Commission”) conducted their review of the Variance application during their meeting on February 25, 2025. After considering staff’s analysis and the application materials, the Commission approved the Variance application, as conditioned, unanimously.

BACKGROUND

The Applicant is requesting a variance for the front setback of the single-family residence located at 260 West 2nd Street (the “subject property”) within the Tourist (T) zone. The Variance application proposes to allow for an encroachment of approximately 4.7 feet into the front setback of the subject property. This non-conforming encroachment existed previously, and the removal and reconstruction of the non-conformity was permitted in error through building permit 24-KET-00378 issued on September 17, 2025. The applicant received a stop work order on October 1, 2024, due to demolishing past the scope of work permitted. The permitting error allowing the removal and reconstruction of the non-conformity was caught upon review of the approved plans after the stop work order was issued. A variance was required to rebuild the non-conformity.

FINDINGS OF FACT

The Commission, having reviewed the entire project record, provided notice, conducted the required public hearing, and considered the recommendation from the Commission, does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

FINDINGS REGARDING VARIANCE CRITERIA

			Variance Criteria	
Compliant				
Yes	No	N/A	City Code	City Standards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.A	The strict enforcement of the provisions of this title creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.
			<i>Findings</i>	The strict enforcement of this code would require redesigning the project, creating a significant delay and impacting the duration of time the applicant must secure alternative housing solutions thereby creating undue hardship to the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.B	The variance is necessary because of the unique size, shape, topography or location of the subject property.
			<i>Findings</i>	The lot was previously developed, then partially demolished. In its current state, the property contains an existing footprint, open basement, and ADU on the site providing unique challenges for redesign and redevelopment making the variance necessary.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.C	The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.
			<i>Findings</i>	This property lies in the Tourist Zone where single-family homes with an attached ADU are permitted. This is in line with other properties in the vicinity which are also in the Tourist Zone. However, there are exiting site conditions, due to the lot being previously developed and in its current condition, that other properties in the vicinity and under an identical zone are not impeded by.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.D	The need for the variance is not the result of actions of the applicant or property owner.
			<i>Findings</i>	The need for the variance is not the result of actions of the applicant or property owner. Staff made an error in permitting the removal and reconstruction of the non-conformity which is necessitating the variance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.E	The variance does not create health and safety hazards.
			<i>Findings</i>	This variance will not create health and safety hazards to adjacent properties or the general public as the request would still be fully contained on the property and is the same as what has existed there for many years with no incident.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.F	The variance does not relieve an applicant from any of the procedural provisions of this title.
			<i>Findings</i>	Variations can be approved provided the request is reviewed and considered following the procedures outlined in Ketchum Municipal Code 17.148.020. This applicant has been reviewed pursuant to those requirements.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.G	The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted.
			<i>Findings</i>	The Ketchum Municipal Code allows for variance to setbacks and there is no restriction on the consideration of the variance request for setbacks referenced in other sections of the KMC.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.H	The variance does not relieve an applicant from conditions established during prior permit review.
			<i>Findings</i>	The granting of this variance would not relieve the applicant of conditions as there were no special conditions of approval on the building permit prior to permit review.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.I	The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the subject property is located.
			<i>Findings</i>	This lot is zoned Tourist and the proposed use of a single-family residence and ADU is permitted as outlined in the District Use Matrix in Ketchum Municipal Code 17.12.020.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.148.010.J	The variance is the minimum necessary to grant relief to the applicant.
			<i>Findings</i>	Granting the variance is the minimum necessary to grant relief to the applicant. The request is to rebuild the demolished non-conformity in the same footprint and dimensions as had previously existed and as was proposed. No addition or expansion of the non-conformity is being requested.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Variance application for the development and use of the project site.
2. The Commission has authority to review and recommend approval of the applicant’s Variance application pursuant to Chapter 17.148 of Ketchum Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code 17.148.020.
4. The Variance application is governed under Chapter 17.148 of Ketchum Municipal Code.
5. The Stanek Remodel Variance application meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Variance Application File No. P25-004 this Monday, March 11, 2025, subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The representative will submit a building permit modification application with an updated plan set showing the full scope of demolition and construction including but not limited to any revisions to structural calculations, updated elevations and floor plans, and framing plans.

Findings of Fact **adopted** this 11th day of March 2025.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission