

**4. Public Hearing for Tong (H-2025-0049) by Dara Tong, located at 485 E. Overland Rd.**

- A. Request: Annexation of approximately 0.496 acres of land from R1 in Ada County to the R-4 zoning district. The applicant entered into an agreement with the city to annex within six months of receiving City Utility Services due to a failed septic system.

Smith: Next up is Item No. 4, Annexation -- it says Tong Annexation, H-2025-0049. We can begin with the staff report. Well -- so, we will start with the staff report and, then, we can -- no. You are good. I will call you. You are good. Thank you.

Ritter: Good evening, Commissioners. So, tonight we are looking at an annexation. So, this is an annexation of 0.496 acres of land from R-1 in Ada county to the R-4 zoning district and it's located at 485 East Overland Road. So, the applicant entered into an agreement with the city to annex within six months of receiving utility service due to a failed septic system. No new development or redevelopment of this property is being proposed at this time and the use will remain residential for the foreseeable future. There is an existing outbuilding -- detached accessory structure on the property that encroaches into the rear setback. Because no development is being proposed the applicant must either remove the structure or obtain approval from City Council to allow it to remain as a legal nonconforming grandfather structure. So, that's basically the gist of this application. They are fulfilling their duty to come in and annex with the city after receiving services. So, that's basically what I have for you.

Smith: Any questions for staff? Would the applicant like to come forward? And can we begin with your name and address.

Tong: My name is Dara Tong and the address 485 East Overland Road.

Smith: Thank you. And, then, do you -- yeah, if you wanted to add any comments or anything?

Tong: No, I don't have any comments. I'm good.

Smith: I guess I do have one question for you regarding that -- that outbuilding -- that rear building and is it -- is the -- is your intention to ask City Council to allow that to be grandfathered in, to not have to -- to not have to remove that structure?

Tong: The --

Smith: So -- yeah. So, the -- as staff was saying is you have a structure that's the structure in the rear if we are looking at the -- this building -- or this map -- this image. You have the structure here that the mouse is pointing to that doesn't conform. It's -- it's not aligned with kind of what city code requires and so if -- from what the applicant -- or from what staff is saying is that when we annex that either needs to be removed or you can ask City

Council to be grandfathered in. Is that to be -- to be allowed to -- to remain there, because it was already there?

Tong: I didn't remove anything. It's just a --

Smith: Okay. So, the goal is to -- the goal is to not remove that? Is that -- I don't want to -- I just want to make sure we have a proper understanding of the conversation --

Ritter: The conversation is he wants to keep the structure there.

Smith: Okay. He wants to keep -- okay. Cool. Okay. Thank you. No, I will -- any -- any questions, Commission? Okay. Thank you. Madam Clerk, is there anyone signed up to testify?

Lomeli: Thank you, Mr. Vice-Chair. No one has signed up.

Smith: Okay. Is there anything else you would -- you would like to add? Anything? Okay. Thank you. Commissioner Perreault?

Perreault: Mr. Vice-Chair, I move that we close the public hearing for application Tong, H-2025-0049.

Stoll: Second.

Smith: It's been moved and seconded. All those in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: FOUR AYES. TWO ABSENT.**

Smith: I guess I will just add something. I -- I think based on -- I just wanted to make sure we are clear about kind of the implications of that. I don't have a problem with letting the -- the structure stay there. I would be comfortable even recommending to City Council that that's what they do. Obviously, they can take that or leave it, but that seems fine where it is. That's the only thing that I would add. But I don't know if anyone else has thoughts.

Perreault: Mr. Vice-Chair?

Smith: Commissioner Perreault.

Perreault: I agree. I don't -- I don't have a concern about that accessory structure in the back and would recommend to Council that we allow that to be left.

Smith: Commissioner Stoll, Commissioner Sandoval, anything you guys would like to add?

Stoll: Just what do you guys have stated captures my sentiment.

Smith: If I can get a motion then.

Perreault: Mr. Vice-Chair?

Smith: Commissioner Perreault.

Perreault: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2025-0049 as presented in the staff report for the hearing date of February 5th, 2026, with no modifications.

Smith: Is your intention to -- I guess I think if you -- if you wanted to recommend that staff -- or the City Council keep that I think that would be a modification.

Perreault: Mr. Vice-Chair?

Smith: Commissioner Perreault.

Perreault: I wasn't of the understanding that staff was -- staff recommending that it be removed? I didn't think staff was recommending it being removed. So, I don't think we have to make that modification.

Smith: Okay. Okay. That's fine.

Stoll: Second.

Smith: All right. It's been moved and seconded. All those in favor say aye. Any opposed? Motion carries. Thank you.

**MOTION CARRIED: FOUR AYES. TWO ABSENT.**