

CITY OF STAR

LAND USE STAFF REPORT

TO:

Mayor & Council

FROM: MEETING DATE: FILE(S) #: City of Star Planning Department *Sher 1. Muh* **July19, 2022 – PUBLIC HEARING** V-22-01 – 11600 Coriander Lane Variance

OWNER/APPLICANT/REPRESENTATIVE

Applicant/Owner:

Kevin Zinngrabe 11600 Coriander Lane Star, Idaho 83669

Representative:

Ron Manning Forsgren & Associates 1109 West Myrtle Street Suite 300 Boise, Idaho 83702

REQUEST

Request: The Applicant is seeking approval of a Variance from City Council for Ordinance 10-1-5 for Flood Hazard Reduction to allow fill within portions of the Floodway. The property is located at 11600 Coriander Lane in Star, Idaho. The property is currently zoned Residential (R-2).

PROPERTY INFORMATION

Property Location: The subject property is generally located on the west side of N. Star Road, south of S. Main Street. Ada County Parcel No. S0418417322.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held Neighborhood Meeting Held Application Submitted & Fees Paid Application Accepted Residents within 300' Notified Legal Notice Published June 23, 2022 June 30, 2022 June 29, 2022 July 1, 2022 July 1, 2022 July 3, 2022

July 8, 2022

HISTORY

• History on when the property was annexed and zoned by the City are unavailable.

ZONING ORDINANCE STANDARDS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

8-1B-6: VARIANCE:

A. Authority to Grant Variances: The council may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary, non-financial hardship.

B. Process:

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a variance.

2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.

3. An application and fees shall be submitted to the administrator on forms provided by the city.

C. Standards: The variance shall comply with Idaho Code section 67-6516. A variance may be considered as a waiver of development standards when associated with a conditional use permit, development agreement or planned unit development.

D. Required Findings: In order to grant a variance, the council shall review the application at a public hearing and use its discretion to make the following findings:

1. The variance does not grant a right or special privilege that is not otherwise allowed in the district;

2. The variance relieves an undue hardship because of characteristics of the site, which must be other than financial in nature; and

3. The variance is not detrimental to the public health, safety, and welfare.

10-1-5: Provisions For Flood Hazard Reduction

- A. General Standards: In all special flood hazard areas the following provisions are required:
 - 1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
 - 3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
 - 4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - 6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - 8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor and used solely for parking, access, and storage shall:
 - A. Be constructed entirely of flood resistant materials at least to the flood protection elevation; and
 - B. Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - 1. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

- 3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- 4. The bottom of all required flood openings shall be no higher than BFE above the interior or exterior adjacent grade;
- 5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- 6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or flood resistant wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- 9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.
- 10. Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, or stream setback, provided there is no additional encroachment below the flood protection elevation in the floodway, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.
- 11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection 10-1-4E9. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection 10-1-4C3.
- 12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
- 13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC § 1334.

- 16. All subdivision proposals and other development proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data.
- 17. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- 18. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.
- 19. <u>Fill is prohibited in the floodway, including construction of buildings on fill. This</u> <u>includes not signing the Community Acknowledgment page for Conditional Letters</u> <u>or Letters of Map Revision (CLOMR-F or LOMR-F).</u>

PROJECT OVERVIEW

VARIANCE:

The applicant is requesting a variance to Section 10-1-5A-19 of the Star Municipal Code regarding Provisions for Flood Hazard Reduction. The subject property contains an existing 2,300 square foot agricultural structure. The property lies within the Boise River floodway. The intent of the applicant is to remove the existing barn and replace with a new single-family dwelling using the current barn footprint. The City Engineer has been working with the applicant on this replacement concept to ensure that the new building would replace the existing structure, with no additional disturbance to the floodway. The variance request is necessary in order for the applicant to construct the "ramp" from the driveway in order to access the garage area of the new dwelling. This would require additional fill to occur within the floodway. The applicant states that a pending Hydrologic and Hydraulic (H&H) report will demonstrate that the resulting fill to create the driveway will not increase flooding issues downstream as a result of its construction.

PUBLIC RESPONSES

None received.

STAFF ANALYSIS & RECOMMENDATIONS

The Council should consider the entire record and testimony presented at their scheduled public hearing, including testimony from the applicants hydrologist, the City Engineer and the applicant prior to rendering its decision on the matter. <u>Council should determine if the approval to allow fill in the floodway would:</u>

1. Grant a right or special privilege that is not otherwise allowed in the district;

2. Relieve an undue hardship because of characteristics of the site, which must be other than financial in nature; and

3. Not be detrimental to the public health, safety, and welfare.

Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date.

Staff would recommend that if the Council grants the variance request that it be conditioned upon acceptance and approval of an H&H report by the City Engineer indicating that no additional flooding would occur downstream of the property as a result of the additional fill being constructed.

CONDITIONS OF APPROVAL

- 1. The applicant shall submit a Hydrologic and Hydraulic (H&H) report to the City Engineer for review and approval. If the report is not approved, the variance shall be null-in-void.
- 2. The applicant shall comply with all requirements of the Unified Zoning Ordinance and Building Code for the City of Star regarding any development of this property unless as otherwise approved by Council.
- 3. Any Conditions of Approval as required by Star Fire Protection District and Star Sewer and Water District.
- 4. Any additional Condition of Approval as required by Staff and City Council.

COUNCIL DECISION

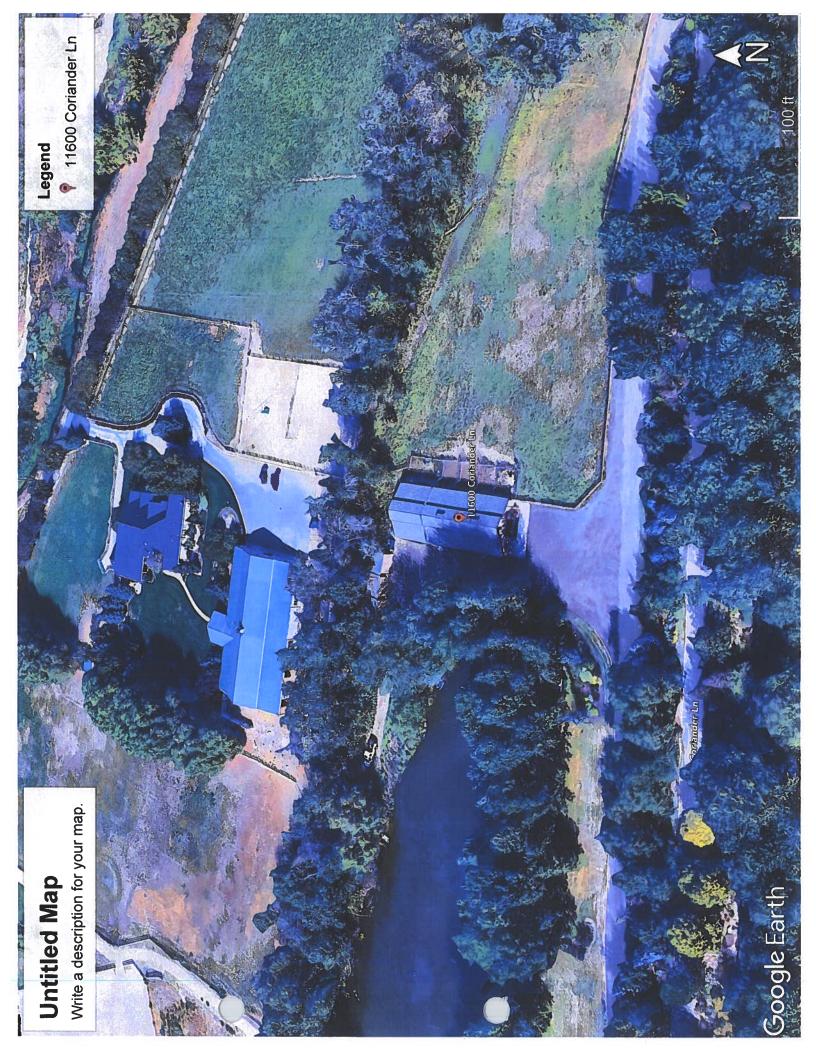
The Star City Council ______ File Number V-22-01 for 11600 Coriander Lane on

______, 2022.





This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





VARIANCE APPLICATION

***All information must be filled out to be processed.

File No.: $\sqrt{-22} - 0$ Date Application Received: $6 - 29 - 23$ - Processed by: City:	_ Fee Paid: _	1150.00
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Applicant Information:

PRIMARY CONTACT IS: Applicant X Owner Representative

Applicant N	ame: Kevin Zinngrabe, Manager	
	ddress: 11600 Coriander Lane Star ID Zip: 83669	-
	-275-2169 Fax: N/A Email: mail4kz@gmail.com	_
Owner Nan	Te: Kevin Zinngrabe Manager of WNBC Group, LLC	
	ress: 11600 Coriander Lane Star ID Zip: 83669	-
Phone: 951-		_
	ntive (e.g., architect, engineer, developer): In Manning M.S., P.E., CFM Firm Name: Forsgren & Associates	_
Address: 11	109 West Myrtle Street Suite 300 Boise Idaho Zip: 83702	_
Phone: 916-	225-9167 Fax: 208-383-0819 Email: rmanning@forsgren.com	_
Site Addres	Information: SS: 11600 Coriander Lane Star ID 83669 Coning: R-2 Parcel Number(s): S0418417310; S0418417322; S04184	 17280
Applicatio	n Requirements:	
	plications are required to contain one copy of the following unless otherwise noted.)	_
Applicant (√)	Description	Staff (y)
x	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
x	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	

Completed and signed Variance Application

X

X

Fee

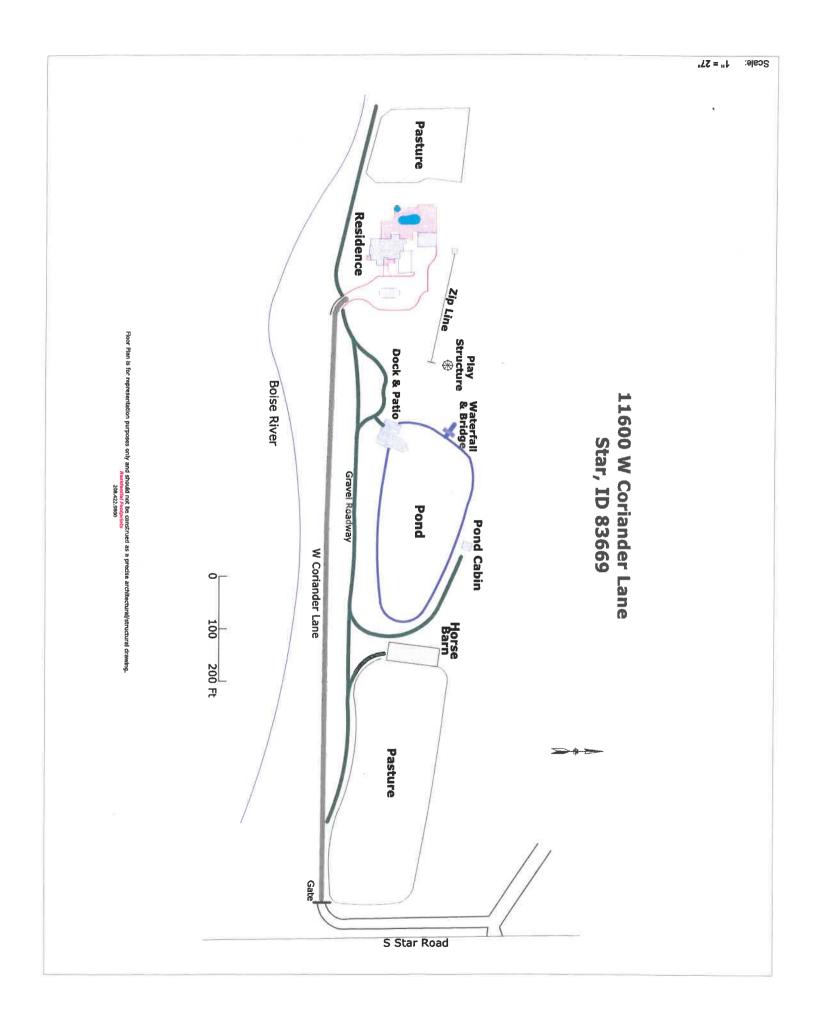
	Narrative fully describing the request: (must be signed by applicant)	
	Address in the narrative how this request meets the following findings:	
	The variance shall not grant a right or special privilege that is not	
	otherwise allowed in the district.	
	Granting the variance will not provide any special privilege that is denied	V
	to other lands, structures or buildings in the same district.	
	> The variance relieves an undue hardship because of characteristics of	
	the site	
	The variance shall not be detrimental to the public health, safety, and	
Х	welfare.	
х	Recorded warranty deed for the subject property	V
Х	One (1) 8 1/2" X 11" Copy of the recorded plat the property lies within	1
	Legal description of the subject property with engineer's seal. (Lot, Block, and	
	Subdivision name if located in a recorded subdivision OR a metes and bounds legal	1
	description of the property if not in a subdivision)	
Χ	Submit two (2) paper and one (1) electronic copy	
x	Two (2) 11" X 17" vicinity maps showing the location of the subject property	
х	One (1) 8 1/2" X 11" vicinity maps showing the location of the subject property	-
x	Two (2) 11" X 17" copies of site plan	V
	If the signature on this application is not the owner of the property, an original	
	notarized statement (affidavit of legal interest) from the owner stating the	1
Х	applicant is authorized to submit this application.	
	Names and addresses, printed on address labels, of property owners within	
	three hundred feet (300') of the external boundaries of the property being	
X	considered as shown on record in the County Assessor's office.	
	Two (2) Electronic versions of the site plan, vicinity map, & legal description in	
	PDF format submitted on disks with the files named with project name & plan	V
х	type. We encourage you to submit at least one color version.	
	Signed Certification of Posting with pictures. (see attached posting requirements	
X	and certification form)	

FEE REQUIREMENT:

** I have read and understand the above requirements. I further understand fees are due at the time of filing. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.

Kevin Zinngrabe, Manager Applicant/Representative Signature 06/23/2022 Date

**Note: All presentation boards, material boards, and documentation that are a part of the public hearing shall become property of the City of Star.



APPLICATION FOR VARIANCE 11600 Coriander Lane, Star, Idaho 83669

Narrative Describing Request

Applicant, WNBC Group, LLC ("Applicant") through is Manager, Kevin Zinngrabe, seeks a variance from City of Star Ordinance 10-1-5 concerning provisions for flood hazard reduction. Under section A.19 of Ordinance 10-1-5, fill is prohibited in the floodway, including construction of buildings on fill. For the following reasons, and pursuant to Ada County Ordinance 8-7-4, Applicant requests the county grant his application for a variance.

- 1. The variance will not grant a right or special privilege that is not otherwise allowed in the district.
- 2. Granting the variance will not provide any special privilege that is denied to other lands, structures, or buildings in the same district.
- 3. The variance will relieve an undue hardship due to characteristics of the site.
- 4. The variance will not be detrimental to the public health, safety, and welfare.
- 5. The variance complies with Idaho Code § 67-6516.

Attachments

The following documents are specifically referenced in the Narrative and thus marked as Exhibits hereto. Other submissions required in connection with this Application are included but not specifically marked as Exhibits.

DESCRIPTION
Copy of Neighborhood Meeting Notice and Meeting Sign-in Sheet
Recorded Warranty Deed for the Subject Property
Record of Survey

D	Legal Description of Property with Engineer's Seal
E	Site Plan
F	Color Aerial
G	Vicinity Map
Н	Forsgren Associates, Inc. Memorandum

Background

Applicant is a family-owned entity which acquired the real property located at 11600 Coriander Lane, Star, Idaho in September 2020 (the "Property"). *See* Warranty Deed attached as Exhibit B. The Property is approximately eleven (11) acres and consists of three parcels: S0418417310 (6.5 acres); S0418417322 (5.03 acres); and S0418417280 (.085 acres). The Property is zoned R-2 and as constructed, includes a residence, small cottage, and horse barn. For reference, the current residence is located on Parcel S0418417310, the barn is located on parcel S0418417322, and the cottage is located on parcel S0418417280.

A Record of Survey was recorded in June 2022 as Instrument No. 2022052596 by Tealey Land Surveying (Exhibit C) (the "Survey"). The Survey was done in connection with a Lot Line Adjustment, the application for which is pending before the City of Star. The parcel subject to this Application is identified as Parcel A on the Survey; the Engineered stamped legal descriptions for both resulting parcels (A and B) are provided with this Application as Exhibit D.

The Site Plan, attached as Exhibit E shows the approximate locations of the existing improvements. Because the barn is particularly relevant to this Application, a color aerial map

showing the location of the barn is attached as Exhibit F.¹ A vicinity map for the Property is attached as Exhibit G.

The Zinngrabe family acquired the Property (in the name of WNBC, LLC) with the intent of making Star their permanent home. Kevin and Nanci Zinngrabe, along with Kevin's 85-yearold mother, Carol Zinngrabe, currently reside at the Property. Carol occupies the home on the west side of the Property and Kevin and Nanci have been attempting to build a second home on the Property to be near Carol, who is unable to reside alone without care.

Because of the Property's proximity to the Boise River there are certain constraints on building. Accordingly, Kevin and Nanci have abandoned plans to build their home on the East side of the Property, and intend to remove an existing structure (the barn) and construct their home using the same "footprint" as the barn. Doing so ensures that no new or additional structures are developed within the floodway, and there will be negligible to no increase to the Base Flood Elevation (BFE). *See* Forsgren Associates, Inc. Memorandum, p 2, Exhibit H. In other words, Applicant is removing one structure and replacing it with another in order to avoid impact on the floodway. The proposed new home has been designed in accordance with all applicable requirements given its location (*See* Exhibit H), and in consultation with the City's Engineer, Ryan Morgan, as well as Forsgren Associates, Inc.

The need for the present Application has arisen due to the fact a small amount of fill would be necessary in order to construct a "ramp" to access the garage of the new residence (which is constructed at a higher elevation). If requested, Applicant is prepared to provide a Hydrologic and Hydraulic (H&H) report which is expected to show the modest amount of fill necessary to

¹ The larger residence and structures directly north of the barn (and shown on Exhibit F) are not located on the subject Property.

construct a portion of the driveway would not increase flooding up or downstream (in the event of flood event).

Procedural

Notice of the Neighborhood Meeting was timely provided and a copy of the same is attached hereto as Exhibit A. The meeting will be held on June 29, 2022. Applicant has discussed this matter with several neighbors and is not aware of any objections to this Application.

A sign regarding the public hearing in this matter has been posted on site.

Discussion

Granting the variance is warranted for the following reasons.

First, a variance is simply a modification to existing ordinance requirements, which, in this case, is necessary for Applicant to construct a second residence (replacing an existing barn) on Property with unique site characteristics.

Applicant has been through numerous rounds of negotiations and planning in order to design and plan a home that is both appropriate in the neighborhood, and which complies with federal and local regulations. The design presented does both and, as will be discussed in more detail by the Applicant's representative at the hearing, will have negligible to no impact on the floodway. Accordingly, granting the variance does not confer a special privilege or benefit to Applicant or Applicant's property; rather the variance would be appropriate in any situation where the party seeking a variance has shown the same is warranted.

If the variance is *not* approved, the Applicant will be prevented from constructing the home that has been specifically designed for the unique site characteristics (on the exact same footprint as a structure that will be removed). In addition, Kevin and Nanci will be required to relocate Carol to an alternative location where they can construct housing on site and provide

necessary care for her.² Considering that Carol has just settled in her new home, denying the variance would, create a completely unnecessary hardship for an elderly woman who has only recently relocated to a home where she intended to reside the remainder of her life.³

Further, because the new structure will not impact the floodway (and is in fact designed to avoid any additional impact as opposed to the existing barn) there also will be zero effect to the public health, safety, and welfare. As stated above, the Applicant is merely substituting an existing structure with another, save a small amount of fill which is required to construct a garage. The impact is negligible (to non-existent) on the floodway, and there is no effect whatsoever on the public health, safety or welfare.

Summary

Applicant has been working on this project for nearly two years, and has had regular communication with the City regarding the same. In addition, Applicant has collaborated with its own engineers and designers to ensure that any activity on the Property complies with all local, state and federal regulations and laws.

This request meets all the requirements for granting the Application for Variance, and Applicant respectfully requests the City approve the same.

Signature on Next Page

 $^{^2}$ While smaller or alternate structures may not require a variance, the Applicant has invested considerable time and effort to design a home that both complies with the covenants in the neighborhood and which will have no impact on the floodway. This includes abandoning plans to build a home and retain the barn and attempting to purchase other property near Carol's house. The point being, the Applicant has exhausted its options.

³ Carol has severe arthritis and scoliosis of the spine both of which limit her mobility. She also suffers from heart disease. Carol requires assistance with daily tasks such as unloading groceries, cleaning, driving and making meals. She is mobile, but only for short distances and has limited stamina. In sum, it is unsafe for her to reside alone without a caretaker on-site.

WNBC Group, LLC

By: MANAGER Kevin Zinngrabe, Manager

6-29-2022

Date



MEMORANDUM

DATE:5/24/2022TO:Ryan Morgan, P.E. (City of Star)FROM:Ron Manning, P.E. (Forsgren Associates)SUBJECT:11600 Coriander Ln. No-Rise Justification



This memo documents the information used to determine that the proposed construction of a residential structure on 11600 Coriander Lane in Star, Idaho does not appear to cause a rise in the base flood elevation (BFE). The client (Kevin Zinngrabe) has proposed replacing an existing barn structure with a residential home similar in footprint. The building site is approximately 200-ft north of the north bank of the Boise River and 600-ft downstream of Star Rd.



Area map. Existing barn delineated in red and the direction of flow delineated in blue.

The existing barn is a single-story, approximately 3,040 sq.ft (92'L x 33'W). The proposed residence will be 3,430 sq.ft (98.5'L x 40.5'W). The proposed residence is of the same overall dimensions, shape and orientation as the existing structure (see figure below).



Proposed residence site layout. Proposed residence in red.

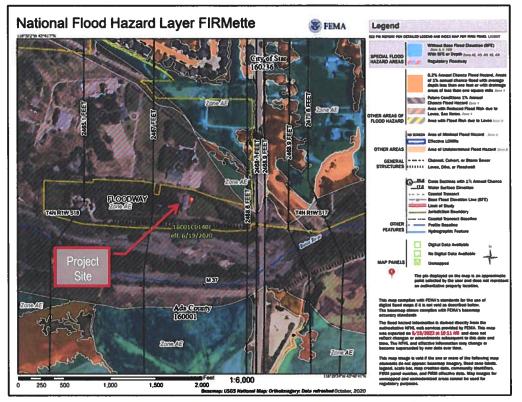
The project is within the Regulatory Floodway (Zone AE) of FEMA FIRM panel 16001C0140J, effective date June 19, 2020. The proposed structure is situated between two FEMA cross sections with BFE's of 2467.0-ft and 2468.6-ft (NAVD88). An interpolation between these cross sections yields a BFE of approximately 2467.70-ft. The 2019 LiDAR collected by Flood Control District 10 appears to show a ground elevation around the existing structure as 2,466-ft. For an average 100-yr flood depth of about 1.7-ft at the structure. The finished floor elevation of the proposed residence should be a minimum of 2469.7-ft (2-ft minimum above the interpolated BFE). This means the finished floor is at least 3.7-ft above existing ground.

The provided building plans (attached) show a similarly shaped and oriented structure to the existing structure. The proposed building is founded on spread footings with vertical stem walls. No fill will be placed around the structure except for the driveway (east face) which is upstream of the structure and within the existing area of obstruction and should not pose additional obstruction to flow. The southern edge of the driveway will be graded to existing ground, and a vertical retaining wall will be constructed along the northern edge of the driveway.

Given the materials provided, dimensions of the proposed and existing structures, and comparing the crosssectional area of both structures perpendicular to flow, the proposed residence should not obstruct flow significantly more than the existing barn resulting in negligible to no increase in the BFE.

This document does not certify a no-rise condition as no hydraulic modeling was not completed. This only represents an opinion based on engineering experience and judgement. This judgement is subject to revision if deviations from the provided materials occurs.

FORSGREN



National Flood Hazard Layer FRIMette, Panel 16001C0140J (6/19/2020)



Southwest corner of existing barn.





South face of existing barn.

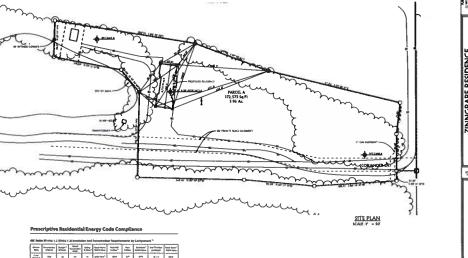


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101	NandTOL Brites	20	0#				
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ivel .	CURPT CONT ELEMET	20	10				
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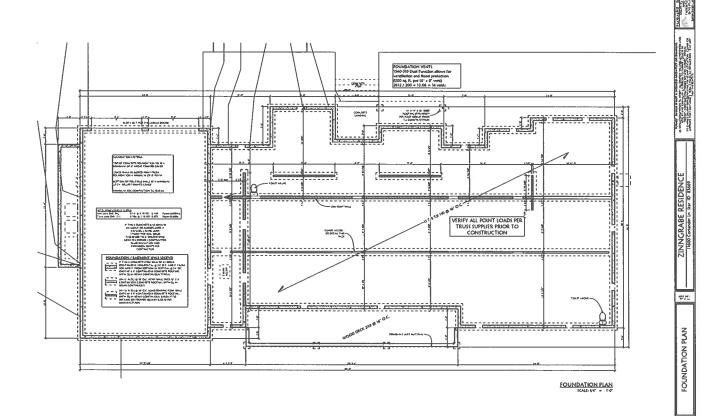
111 4 FOOTPRINT STUDY

11 PADE X

1000 614"1 87 6 North

CRABE RESIDENCE 97C SITE / COVER ALL RICHTS RESTRVED SHEET #

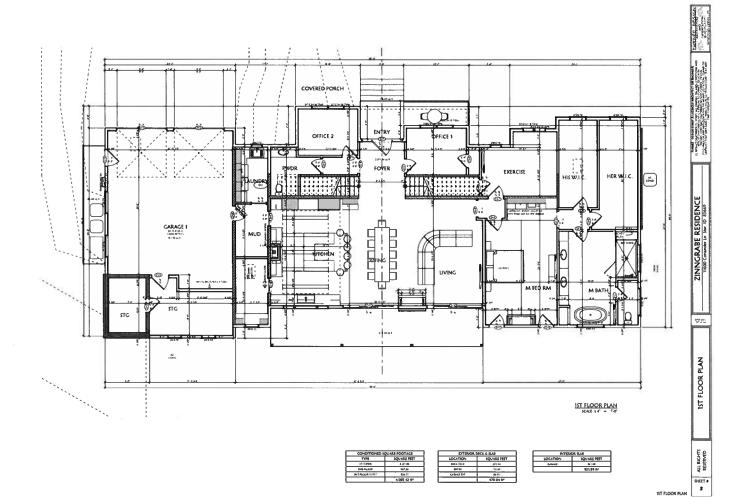
SITE / COVER Ł



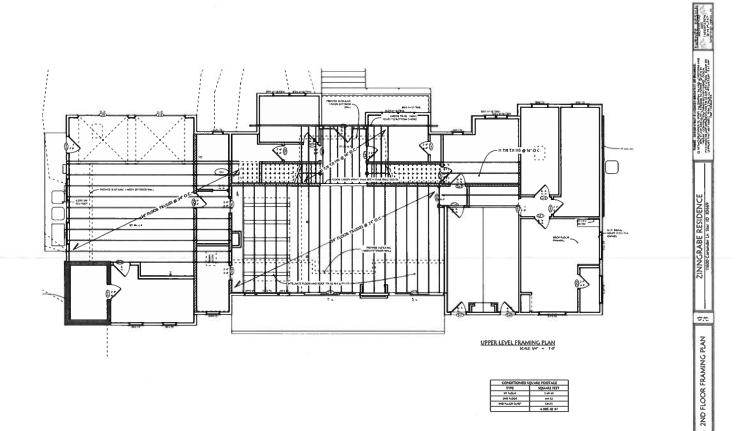
ALL RICHTS RESERVED

SHEET #

CRAWL ACCESS

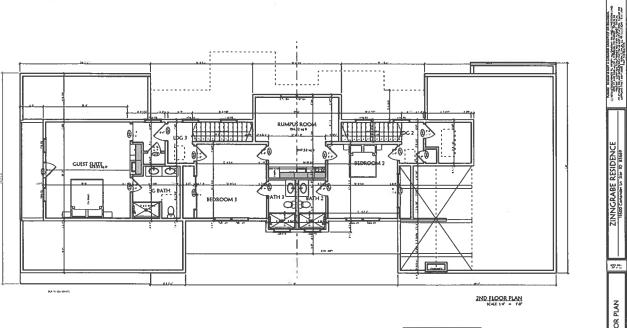


15T FLOOR PLAN



ALL RESTRICTO

2HD FLOOR FRA

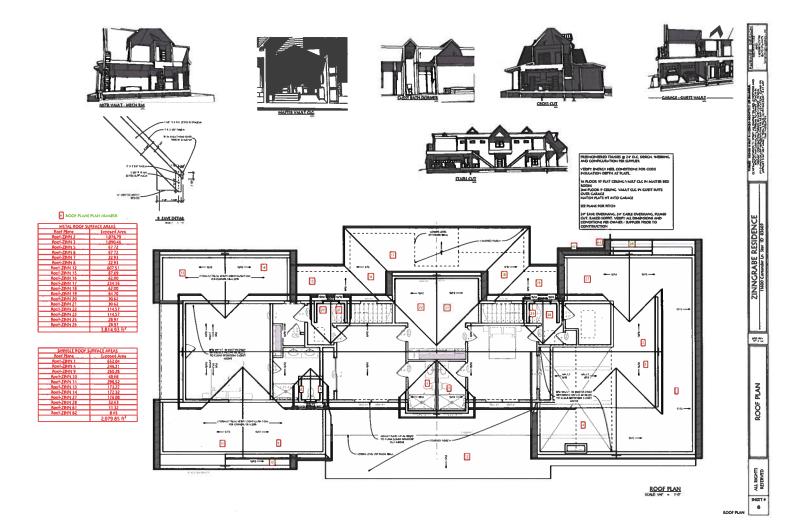




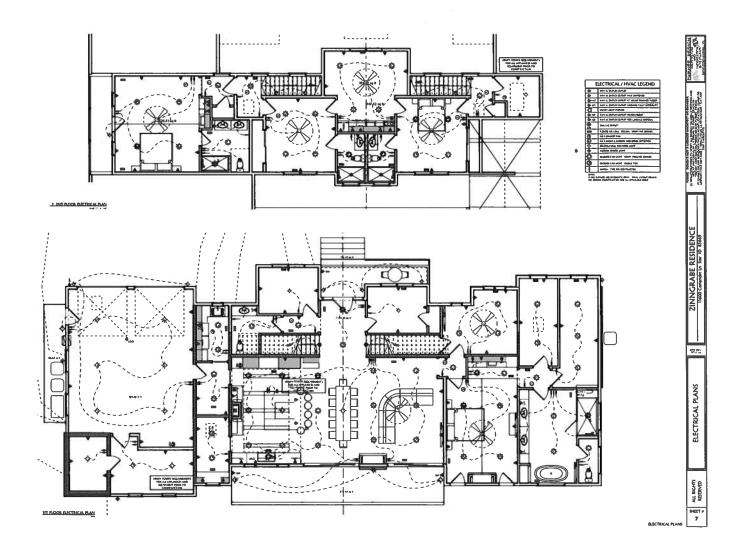
2ND FLOOR PLAN ALL RICHTS

2ND FLOOR

ALL PROFESS

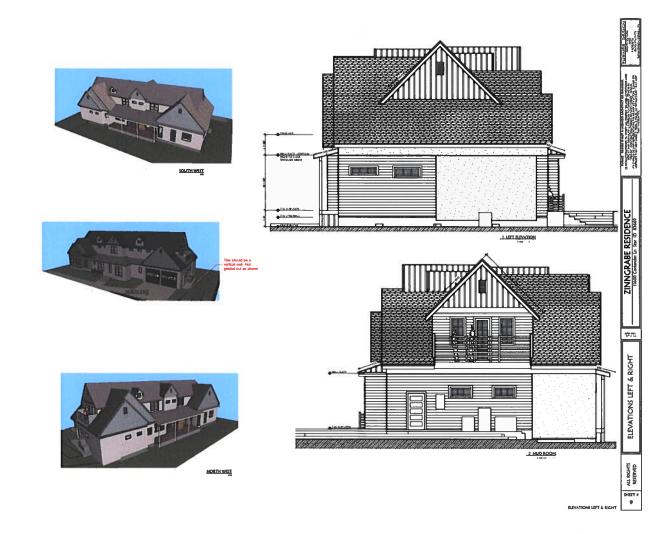


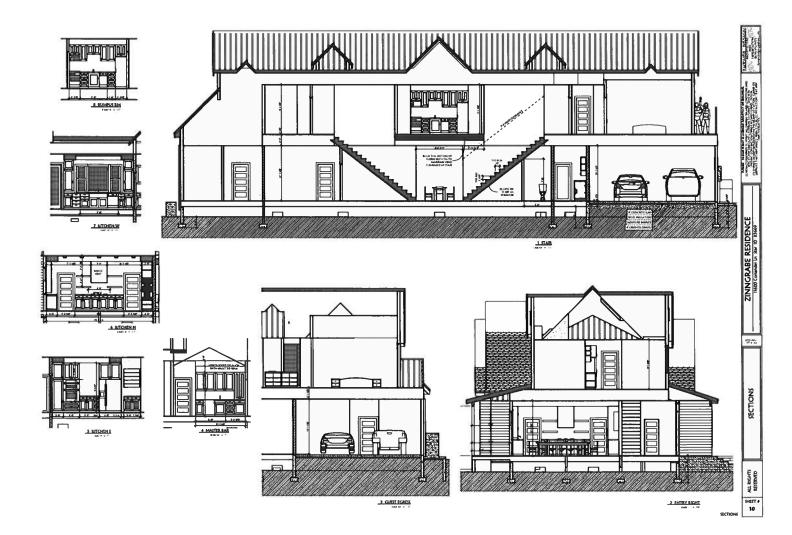
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