



AGENDA

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If you would like to comment on a public hearing agenda item, please select the best option for your participation:

1. Join us via Zoom (*please mute your device until called upon*).
Join the Webinar: <https://ketchumidaho-org.zoom.us/j/89767501402>
Webinar ID: 897 6750 1402
2. Address the Commission in person at City Hall.
3. • Submit your comments in writing at participate@ketchumidaho.org (*by noon the day of the meeting*)

This agenda is subject to revisions. All revisions will be underlined.

CALL TO ORDER: By Neil Morrow

ROLL CALL: Pursuant to Idaho Code 74-204(4), all agenda items are action items, and a vote may be taken on these items.

COMMUNICATIONS FROM COMMISSIONERS:

1. Public Comments submitted.

CONSENT AGENDA:

ALL ACTION ITEMS - The Commission is asked to approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.

2. Approval of the February 11, 2025 minutes from the Planning and Zoning Commission.

PUBLIC HEARING:

3. Recommendation to continue the Sawtooth Serenade Design Review Application (P24-027) to a date uncertain.

4. Recommendation to review and make a determination on the Stanek Variance (P25-004) for setbacks at 260 W 2nd Street.

NEW BUSINESS:

5. Recommendation to review and provide feedback on prioritization of code changes for Phase 3 Code Update.

ADJOURNMENT:

Public Comment

Cyndy King

From: John Shetron <johnshetron@yahoo.com>
Sent: Wednesday, February 12, 2025 8:51 AM
To: Participate
Subject: Sawtooth Serenade

Dear Ketchum Planning and Zoning,

I am writing to express my support for the proposed Sawtooth Serenade project located at 260 N 1st Ave, Ketchum. I am a property owner at 360 N 1st Ave and am obviously concerned with any development in the area. The Sawtooth Serenade project is an aesthetically pleasing project and will certainly enhance the neighborhood. Please approve the Sawtooth Serenade project as proposed.
Thank you

Sincerely

John Shetron
360 1st Ave N
208/450-9332

Sent from my iPhone

Cyndy King

From: Pat Higgins <pathiggins@cox.net>
Sent: Monday, February 17, 2025 6:41 PM
To: Participate
Subject: Public comment

Dear City Council, KURA, P and Z,

I am happy to see that you are looking at other options for workforce housing other than the Washington St. lot. I have always believed that the Lift Tower Lodge was the appropriate place to do this. It's a win win in my opinion.

Pat Higgins

Sent from my iPad



**CITY OF KETCHUM
MEETING MINUTES OF THE
PLANNING & ZONING COMMISSION
Tuesday, February 11, 2025**

CALL TO ORDER: *(00:00:10 in video)*

Neil Morrow called the meeting of the Ketchum Planning and Zoning Commission to order at 4:30 p.m.

ROLL CALL:

Neil Morrow
Susan Passovoy
Brenda Moczygemba
Tim Carter
Matthew McGraw

ALSO PRESENT:

Morgan Landers – Director of Planning & Building
Abby Rivin – Senior Planner
Paige Nied – Associate Planner
Dave Thielsen – Applicant Representative for Sawtooth Serenade
Zac Rockett – Applicant Representative for Knob Hill Residence

COMMUNICATIONS FROM COMMISSIONERS: *(00:00:35 in video)*

- None

CONSENT AGENDA: *(00:00:40 in video)*

1. Approval of the February 3, 2025 minutes from the Planning and Zoning Commission
2. Recommendation to approve the Warm Springs Preserve Floodplain Development Permit (P24-002) Findings of Fact, Conclusions of Law, and Decision

Motion to approve the consent agenda.

MOVER: Brenda Moczygemba

SECONDER: Matthew McGraw

AYES: Susan Passovoy, Matthew McGraw, Tim Carter, Brenda Moczygemba, & Neil Morrow

NAYS:

RESULT: UNANIMOUSLY ADOPTED

NEW BUSINESS: *(00:00:50 in video)*

3. Election of Chair

Motion to elect Neil Morrow as Chair of Planning & Zoning Commission

MOVER: Susan Passovoy

SECONDER: Tim Carter

AYES: Susan Passovoy, Matthew McGraw, Tim Carter, & Brenda Moczygemba

NAYS:

RESULT: UNANIMOUSLY ADOPTED

Motion to elect Brenda Moczygemba as Vice-Chair of Planning & Zoning Commission

MOVER: Tim Carter

SECONDER: Susan Passovoy

AYES: Susan Passovoy, Matthew McGraw, Tim Carter, Neil Morrow

NAYS:

RESULT: UNANIMOUSLY ADOPTED

PUBLIC HEARING: *(00:02:00 in video)*

4. Recommendation to review and provide feedback on the Sawtooth Serenade Design Review Application (P24-0247)
 - Staff Presentation on Sawtooth Serenade Design Review Application, previous review stages, previous review comments from P&Z Commission, items that are still outstanding; Morgan Landers *(00:02:25 in video)*
 - Commission questions and Staff responses regarding gross floor area; Susan Passovoy, Morgan Landers *(00:13:30 in video)*
 - Staff Presentation on design review elements, bulk and flatness of building, materials palette, activation of the ground floor; Morgan Landers *(00:14:25 in video)*
 - Applicant presentation on revisions made to Sawtooth Serenade project in response to previous P&Z review such as material palette, metal to wood siding, lowered bench for seating; David Thielsen *(00:24:00 in video)*

PUBLIC COMMENT: *(00:51:50 in video)*

5. Public comments
 - Public comment from Michael O'Neill expressing support for project. *(00:52:25 in video)*

NEW BUSINESS (CONT.): *(00:53:10 in video)*

6. Continuation of previous Action
 - Commission deliberation and discussion of Sawtooth Serenade revisions, responses to applicant examples; Brenda Moczygemba, Susan Passovoy, Matthew McGraw, Tim Carter, Neil Morrow *(00:53:20 in video)*
 - Applicant discussion with Commission; David Thielsen, Brenda Moczygemba *(01:10:40 in video)*
 - Commission deliberation and discussion of Sawtooth Serenade revisions, responses to applicant examples; Brenda Moczygemba, Susan Passovoy *(01:11:10 in video)*
 - Staff presentation on FAR, housing incentive, density, in response to Commission questions on same; Morgan Landers *(01:15:40 in video)*

- Commission deliberation and discussion of Sawtooth Serenade revisions, responses to applicant examples; Susan Passovoy, Matthew McGraw, Tim Carter, Neil Morrow *(01:17:20 in video)*
- Staff presentation and Commission questions on Applicant's requested continuation to a Date Certain of February 25; Morgan Landers, Neil Morrow, Matthew McGraw, *(01:23:10 in video)*

Motion to Continue at a Date Certain at 5:56 p.m. *(01:14:00 in video)*

MOVER: Susan Passovoy

SECONDER: Tim Carter

AYES: Susan Passovoy, Tim Carter, Brenda Moczygemba,

NAYS: Matthew McGraw, Neil Morrow

RESULT: Continued to February 25 Planning & Zoning Meeting

7. Recommendation to review and provide feedback on the Knob Hill Residence Pre-Application Mountain Overlay Design Review. *(01:25:30 in video)*
 - Staff Presentation on Knob Hill Residence Pre-Application Design Review Application, site elevation, lot consolidation process, overview of design review criteria, setback / dimension requirements, staff recommendations for modifications to landscape plan; Abby Rivin *(01:26:50 in video)*
 - Commission questions and staff responses regarding presentation; Brenda Moczygemba, Abby Rivin, Neil Morrow, Matthew McGraw, Morgan Landers, *(01:43:20 in video)*
 - Applicant representative presentation on Knob Hill Residence; Zac Rockett *(01:53:00 in video)*

PUBLIC COMMENT: *(02:16:40 in video)*

8. Public comments
 - Public comment from Susan Scoville expressing concerns regarding wildlife disruption. *(02:17:15 in video)*
 - Public comment from Jolyon Sawrey on behalf of neighboring houses for Stevensons and McDermotts expressing concern regarding building location, supporting Staff recommendation to decrease building height and profile.

NEW BUSINESS (CONT.): *(02:24:25 in video)*

9. Continuation of previous Action
 - Commission discussion of Applicant presentation; Brenda Moczygemba, Tim Carter, Susan Passovoy, Matthew McGraw, Neil Morrow *(02:24:50 in video)*
 - Applicant response to Commission discussion; Zac Rockett *(02:39:50 in video)*

ADJOURNMENT:

Motion to adjourn at 7:14 p.m. (02:42:30 in video)

MOVER: Neil Morrow

SECONDER: Susan Passovoy

AYES: Brenda Moczygemba, Susan Passovoy, Matthew McGraw, Tim Carter, & Neil Morrow

NAYS:

RESULT: UNANIMOUSLY ADOPTED

Neil Morrow – P & Z Commissioner

Morgan Landers – Director of Planning & Building



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
FEBRUARY 25, 2025 MEETING**

PROJECT: Stanek Remodel

FILE NUMBER: P25-004

REPRESENTATIVE: Joey Stevenson, Stevenson Architecture

OWNER: Josh and Julie Stanek

REQUEST: Variance to allow for an encroachment of approximately 4.7 feet into the front setback of the subject property on West 2nd Street.

LOCATION: 260 West 2nd Street

ZONING: Tourist (T)

OVERLAY: N/A

NOTICE: A public meeting notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on February 5, 2025. The 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.

REVIEWERS: Morgan Landers, AICP – Director of Planning and Building
Genoa Beiser – Associate Planner

INTRODUCTION AND BACKGROUND

The City of Ketchum received building permit application 24-KET-00378 on July 25, 2024. The building permit was for partial demolition, remodel, and an increase in building footprint for a single-family residence. An existing ADU was to remain, and no alterations were proposed. Reviews were performed by City Staff and a building permit was issued on September 17, 2024.

On October 1, 2024 a stop work order was issued after receiving a complaint about the project and investigating further. The City found that demolition of the single-family residence went beyond the permitted scope of work as walls that were proposed to remain had been demolished. During review of the approved plans compared to the demolition work that was conducted, staff recognized that a mistake was made in permitting a non-conforming portion of the structure to be removed and reconstructed as is. Following the issuance of the stop work order, Staff and the City Attorney met with the applicants on multiple occasions to determine the next steps as outlined in the applicant’s submittal materials. The previously existing non-conforming portion of the structure can be seen in Figure 1. The site conditions upon issuance of the stop work order can be seen in Figure 2.

NORTH EAST PERSPECTIVE -
EXISTING: SETBACK DIAGRAM



Figure 1 Non-conforming portion in question



Figure 2 Site condition observed upon issuance of the stop work order.

Non-conforming buildings are regulated by Ketchum Municipal Code (KMC) 17.136. The determination by the Administrator of the non-conforming regulations outlined in KMC 17.136.060 and KMC 17.136.070 is that the non-conforming portions of buildings can be structurally altered or repaired and strengthened or restored, but not removed and reconstructed. KMC 17.136.050 contains additional regulations that shall only apply to the additions or enlargements of non-conforming buildings but do not apply to removal and reconstruction of an existing non-conformity. As noted in the applicant's submittal on page 69 and 70 (page 3 and 4 of the Variance Exhibit 2: Detailed Narrative) there is disagreement between the Administrator and the applicant as to how the regulations apply.

To provide a path forward for the applicant, staff allowed the applicant to stabilize the site and provide weather and safety protection to the structure. Staff also provided the applicant with three possible paths forward:

1. Re-design the building to be compliant with all setback requirements.
2. Apply for a Variance to obtain permission to rebuild the non-conformity as planned (and as existed prior to demolition)
3. Receive an official determination from the Administrator on the non-conforming section of the KMC and appeal that determination.

Following consideration of the options, further discussions with staff and the City Attorney, and consideration of the potential timeframes, it seemed the most direct path forward was to go with option #2. The determination needed from the Planning and Zoning Commission today is if the applicant is eligible for a variance to reconstruct the non-conforming portion of the building in the same footprint as had existed prior to demolition. Staff has provided a review of the Variance criteria outlined in KMC 17.148.010 below for the Commissions consideration in their decision making.

ANALYSIS

The KMC allows for the granting of variances to provisions of the code provided the applicant can demonstrate the following to be true:

- A. The strict enforcement of the provisions of this Code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.**
 - a. Staff Analysis: Strict enforcement of the provisions of Code would require redesigning the home to bring the non-conforming portion into compliance with the front setback requirement of the Tourist Zone. While this has financial impacts, there are also impacts to the duration of time the applicant must secure alternative housing solutions.
- B. The variance is necessary because of the unique size, shape, topography or location of the subject property.**
 - a. Staff Analysis: While the underlying land that makes up the lot itself does not meet this condition, the lot was previously developed and an existing footprint, basement, and ADU remain on the site providing unique challenges for redesign and redevelopment.
- C. The subject property is deprived, by provision of this Code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.**
 - a. Staff Analysis: This property lies in the Tourist Zone. In the Tourist Zone you may build a single-family home with an attached ADU. This is in line with other properties in the vicinity which are also in the Tourist Zone. However, as mentioned above, there are exiting site conditions, due to the lot being previously developed and in it's current condition, that other properties in the vicinity and under an identical zone are not impeded by.
- D. The need for the variance is not the result of actions of the applicant or property owner.**

- a. Staff Analysis: Staff made an error in permitting the removal and reconstruction of the non-conformity. However, the applicant also made an error in demolishing past the scope of work that was permitted in the building permit. Therefore, the need is not fully the result of actions of the applicant.

E. The variance does not create health and safety hazards.

- a. Staff Analysis: 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.

F. The variance does not relieve an applicant from any of the procedural provisions of this Code.

- a. Staff Analysis: As noted above, variances can be approved provided the request is reviewed and considered following the procedures outlined in KMC 17.148.020. This applicant has been reviewed pursuant to those requirements.

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.

- a. Staff Analysis: The KMC 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.

H. The variance does not relieve an applicant from conditions established during prior permit review.

- a. Staff Analysis: The granting of this variance would not relieve the applicant of conditions as there were no special conditions of approval prior to permit review.

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.

- a. Staff Analysis: As noted under subsection C above, 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 (KMC 17.12.020).

J. The variance is the minimum necessary to grant relief to the applicant.

- a. Staff Analysis: Granting the variance would allow the applicants to move forward with minimal impact and time delays. 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.

STAFF RECOMMENDATION

Recommendation to review and make a determination on the Stanek Variance (P25-004) for encroachment into the front setback at 260 W 2nd Street.

RECOMMENDEND MOTIONS

The P&Z Commission may move to continue, approve, approve with conditions, or deny the application based on the information presented. If the Commission is inclined to approve the requested Variance application, staff recommend the following condition of approval to address next steps:

1. 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.

Approve: "I move to approve Variance Application P25-004 and direct staff to return with Findings of Fact, Conclusions of Law, and Decision."

Approve with Conditions: "I move to approve Variance Application P25-004 with condition of approval as outlined by staff and direct staff to return with Findings of Fact, Conclusions of Law, and Decision."

Deny: "I move to deny Variance Application P25-004."

ATTACHEMENTS

1. Applicant submittal



City of Ketchum
Planning & Building

OFFICIAL USE ONLY
Application Number:
Date Received:
By:
Fee Paid:
Approved Date:
By:

Variance Application

Submit completed application and documentation to planningandbuilding@ketchumidaho.org Or hand deliver to Ketchum City Hall, 191 5th St. W. Ketchum, ID If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code. You will be contacted and invoiced once your application package is complete.

OWNER/APPLICANT INFORMATION	
Name: Josh and Julie Stanek	Joey Stevenson - Architect
Phone: 208-720-4688	208-720-3025
Email: Joshstanek@gmail.com	Joey@stevensonarchitecture.com
Mailing Address: PO Box 4261, Ketchum, ID 83340	
Legal Description: RPK0000062005B, KETCHUM LOTS E 1/2 OF 5 & 6 BLK 62 8250 SQ FT	
Zoning District: T: Tourist	
Overlay District: NONE	
ADDITIONAL INFORMATION	
Requirement(s) of the Zoning Code Title 17 to be Varied: Please see attached	
Please state the undue hardship you believe would result from the strict enforcement of this requirement: Please see attached	
Please state the unique characteristics of the site, i.e. unique size, shape, topography or location of the property: Please see attached	
Note: The criteria for granting a variance are listed on the reverse side of this application form.	

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.


Applicant Signature

01/07/2024

Date

VARIANCE EVALUATION CRITERIA

- The strict enforcement of the provisions of this Code creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.
- The variance is necessary because of the unique size, shape, topography or location of the subject property.
- The subject property is deprived, by provision of this Code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.
- The need for the variance is not the result of actions of the applicant or property owner.
- The variance does not create health and safety hazards.
- The variance does not relieve an applicant from any of the procedural provisions of this Code.
- 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.
- The variance does not relieve an applicant from conditions established during prior permit review.
- The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the subject property is located.
- The variance is the minimum necessary to grant relief to the applicant.



Variance Application

Stanek Addition – 260 W. Second St.

Current Permit #: 24-KET-00378

Owner / Applicant Information:

Owner: Josh and Julie Stanek
Phone: 208-720-4688
Email: Joshstanek@gmail.com
Mailing Address: PO Box 4261, Ketchum, ID 83340

Applicant: Joey Stevenson, AIA
Phone: 208-720-3025
Email: Joey@Stevensonarchitecture.com
Mailing Address: PO Box 7214, Ketchum, ID 83340

Legal Description:

- a. Parcel: RPK0000062005B
- b. Legal Description: KETCHUM LOTS E 1/2 OF 5 & 6 BLK 62 8250 SQ FT

Zoning District: T, Tourist
Overlay District: None

Table of Contents:

- I. INTRODUCTION
- II. APPLICATION FOR VARIANCE
- III. VARIANCE EVALUATION CRITERIA
- IV. EXHIBITS

I. INTRODUCTION.

Applicants are Julie and Josh Stanek. Julie and Josh have two children, ages 5 and 3 and intend to make this their long-term residence. Julie is a teacher at Hemingway Elementary. Josh is an attorney who practices in a variety of different legal areas, including public defense, and is on the board of Pioneer Montessori School and Reducing Recidivism.

Applicants purchased the home at 260 W 2nd Street in October, 2023. Over the winter months and while contemplating design for a remodel, the applicants rented the residence through the Ketchum Lease to Locals program.

The existing structure was nonconforming as a portion of it encroached into the front setback. Applicants and their architect coordinated with Ketchum Planning Department



beginning in January 2024 to determine whether and under what conditions, the nonconforming portion of the building could remain in place.

On or about 7/23/2024 applicants submitted plans for a building and demolition permit. On August 29, 2024, applicants received comments from the planning department and other third parties asking for minimal additional information or amendments to the application for permit. On September 16, 2024 Applicant's FAR Exceedance Agreement went before the City Council on their consent agenda and a building a demo permit was issued on or about September 17, 2024 after approval of the FAR Agreement. The permit application included a narrative regarding the setback encroachment and plans to demo that area, build a proper foundation, and rebuild it without any enlargement of the nonconformity.

On 10/1/2024 a stop work order was issued. At the time it was issued there was a belief by the inspector that there was no approval for demolition at all. Applicants had walls within the conforming area demolished for which they did not have a demo permit. Pervasive water intrusion was observed to the extent that there was mold in the insulation and on the exterior sheathing. Additionally, the headers were not adequate. The city issued a demo and building permit for the encroachment and the Applicants had relied on the demo permit issued by the City. A small unsafe and not to code cinder block foundation remains and protrudes from the ground approximately 6-12 inches. The Architect immediately followed the Building Inspector back to the City to meet with P&Z Staff to further understand the basis of the Stop Work Order. Initially, the City claimed that we did not have a permit to demolish the building. Upon further review of the approved permit documents, it was clear that demolition was included in the application and subsequent permit, at which point the City requested additional time to coordinate with the Planning Director as to next steps. No official letter of Stop Work was received, beyond the red posted notice on the construction site.

On 10/10/2024 the Architect met with the Planning reviewer to understand the City's official determination as to the Stop Work Order. During the conversation it was evident and later admitted, that the City had made an error in review of the application and was not sure how specific portions of section 17.136 applied to the project. Initially the City felt that we were only in violation of 17.136 due to additional demolition. After review of the specific section, the City felt that this may not be the case and requested to further review the nuances with the Planning Director. No official letter of Stop Work was received.

On October 15, 2024, Applicants and their architect met with Planning Director, Morgan Landers, to determine whether and under what conditions work could re-commence. At the meeting, Ms. Landers admitted that under her interpretation of the Code, the City made a mistake granting the building permit because there is no ability for nonconformities to be demolished and rebuilt. No Detailed description as to how or why this was not applicable was provided. The Architect offered to provide a modified permit application proving that the same scope of work was permissible through alternate means and methods of construction, preserving the existing non-conforming structure through an alternate foundation design. In said scenario, the Client could have met the means and intention of the code. Had the City provided proper coordination or application review, the exact same scope of work could have been permitted.



On October 23, 2024, Applicant, Josh Stanek, Attorney Fritz Haemmerle, and the architect had a zoom call with the City of Ketchum attorney, Matt Johnson. On October 29, 2024, **Matt Johnson advised applicants that the City's recommended path forward after consultation with the planning director was to submit a variance application given the unique circumstances in this case including the reliance by Applicants on the permit issued by the City.**

Applicants believe they have a constitutional property right to continue to use the preexisting and nonconforming condition of the building, specifically the minor encroachment into the setback and to restore the nonconformity in the exact same dimensions as previously existed. Furthermore, the refusal to allow applicants to replace the material in the wall to make it structurally sound and continue the nonconforming use is a violation of Applicants Due Process Rights.

As a general rule, the mere "intensification" of a nonconforming use does not render it unlawful. *Prince George's County v. E.L. Gardner, Inc.*, 47 Md.App. 471, 424 A.2d 392 (1981) (a distinction is to be drawn between enlargement or extension of nonconforming [*610] [**1343] uses and an intensification of such lawful uses, in that the latter may be permissible while the former is not).

Baxter v. Preston, 115 Idaho 607, 609-610

Due process protects the fundamental or primary use of the property prior to the enactment of a new zoning ordinance; therefore, a **nonconforming use** is not impermissibly enlarged or expanded until there has been some change in the fundamental or primary use of the property.

due process rights are substantial rights. *See Mitchell v. W.T. Grant Co.*, 416 U.S. 600, 610, 94 S. Ct. 1895, 40 L. Ed. 2d 406 (1974) ("Due process of law guarantees no particular form of procedure; it protects substantial rights.").

Eddins v. City of Lewiston, 150 Idaho 30, 35

Further applicants could have permitted the exact scope of work in two separate permits had they not reasonable relied upon the issued permits to demolish the wall (not foundation) within the setback. That would have been completed by first applying for a permit to structurally strengthen and/or restore the wall within the setback to a safe condition and once that construction was complete, by applying for a permit for the additional scope of work.

II. APPLICATION FOR VARIANCE.

1. Requirement(s) of the Zoning Code title 17 to be Varied:



a. 17.12.030 - Dimensional standards, districts matrix.

T – Tourist, Front Setback of 15’

Variance Request. We are requesting a variance to restore the building 5’ into the front setback with a foundation that complies with the relevant building codes. The nonconformity will not be enlarged or extended at all and there was never a proposal to increase the degree of nonconformity.

b. 17.136.050 Enlargement of a nonconforming building or a nonconforming use.

A nonconforming use shall not be enlarged or extended, and a nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity, except in the community core district where one-family dwellings may increase their original square footage by 20 percent. Additions and/or enlargements to existing buildings are not considered to be nonconforming or to increase the degree of nonconformity, so long as the additions and/or enlargements comply with the following:

- A. Any additional square footage may be subject to the current requirements of the underlying zone district at the discretion of the planning and zoning department head.
- B. Fifty percent of the building footprint and exterior walls of a nonconforming structure must remain unaltered.

c. 17.136.060 - Alteration of a nonconforming building.

A nonconforming building may be structurally altered or repaired in any way permitted by these regulations.

Variance Request. To allow for the portions of the structure that are not being enlarged, to not count towards the ‘alteration’ calculation or that the rebuilding of the walls in a safe condition and up to code and in the exact same location and dimensions as previously existed, is not an “alteration” under the unique circumstances in this case. We are requesting this to include the demolition and replacement of structurally deficient portions of building. We are also asking that these portions do not contribute to the alteration calculation of 17.136.050.

2. Undue Hardship you believe would result from the strict enforcement of this requirement:

Preexisting uses and development are protected under the Code and are constitutionally protected rights under the constitution. Strict enforcement of the code after reasonable reliance by Owners on the issued permits would eliminate any and all rights to the preexisting use and condition of the property vested in the Owners, including a violation of their due process rights. The taking of constitutional rights and codified rights is an extreme and undue hardship. Based on the City’s alleged error in issuing permits to the owners, the preexisting use of the property is no longer



permitted without the granting of this variance application and Owners lose all preexisting and vested rights in the use of the preexisting nonconforming conditions of the property. This is a violation of due process which itself is a substantial right. See *Eddins*.

Undue Hardships are further described in the variance criteria evaluated below.

3. Unique Characteristics of the site, i.e. unique size, shape, topography, or location of the property.

The common and approved definition of Topography includes man-made or artificial conditions of the property. Meriam Webster defines topography as follows:

- a:** the configuration of a surface including its relief and the position of its natural and man-made features
- b:** the physical or natural features of an object or entity and their structural relationships

The house on subject property is part of the old city townsite -- specifically the East ½ of Lots 5 & 6 of Block 62 – and has a home that was built prior to zoning being established in the city. The Tourist Zoning designated on the property sets forth a 15’ front setback and, accordingly, a concomitant 5’ intrusion of the pre-existing home’s garage in the setback of the 8,250 square foot lot. This combination of Tourist Zoning setback requirements imposed on an existing small corner lot underscores the unique characteristics of the site.

Further, the subject property has unique topography given the unusual circumstances and reliance on the permit granted by the City. The Property includes an existing footprint with foundation that protrudes in areas from the grade (approximately 6-12 inches in the encroachment), a sizable basement that remains untouched under the base floor where the residence has been demolished, and remaining structure that was intended to be re- incorporated into the proposed residence.

The footprint is unique because it encroaches into the setback which use was constitutionally protected but portions of it, including the portion of encroachment, was not structurally safe. The area around the footprint includes finished landscaping and developed trees. The building permit included construction on the existing footprint in all areas that the building previously existed with only a small addition outside of the existing footprint and in compliance with the base zoning code.

As discussed above, the variance was the recommended course of action to attempt to resolve the dispute over the nonconforming use which applicants believe they have due process rights to continue to use, whether or not such nonconformity is intensified (i.e. structurally strengthened/replaced with new material).

Other unique features of the Property are discussed in the Variance Criteria below.



III. Variance Evaluation Criteria:

Applicants acknowledge that some of the information provided below may be applicable to numerous variance criteria but attempts to include the information where most relevant.

- a. Strict enforcement of the provisions of this Code creates an undue hardship to the property owner; however economic feasibility shall not be considered an undue hardship.
 - i. Preexisting uses and development are protected under the Code and are constitutionally protected rights under the constitution. Strict enforcement of the code after reasonable reliance by Owners on the issued permits would eliminate any and all rights to the preexisting use and condition of the property vested in the Owners. The taking of constitutional rights and codified rights is an extreme and undue hardship . Based on the city's alleged error in issuing permits to the owners, the preexisting use of the property is no longer permitted without the granting of this variance application and Owners lose all preexisting and vested rights in the use of the preexisting nonconforming conditions of the property.
 - ii. The hardship is unwarranted, excessive and undue given that the hardship results from City error in issuing the permits which Owner relied upon. Now the variance application is necessary in order to complete the scope of work originally permitted and which could be permitted under the city's interpretation of the code had owners not relied upon issued permits.
 - iii. Owners design intended to incorporate the still existing portion of the residence with a high quality architectural design by incorporating depth to the front of the residence, intended to maintain the footprint of the structure and maintain the historical character of the property to be consistent with the prior home.
 - iv. Using the existing footprint allows applicants to maximize use and preserve the environment as currently exists in the neighborhood, including the trees and landscaping currently existing on the property. Redesign will create additional hardship due to the time delay to redesign the property including the time required to produce engineering drawings.
 - v. Because the nonconformity has been almost entirely demolished, excepting the protruding cinder block foundation, Owners cannot submit a series of applications which would otherwise allow them to build their desired residence.
 - vi. While financial hardship shall not be considered, there is significant financial hardship as well. Applicants have a property that now cannot be rented while awaiting consideration of the variance. They have carrying costs which they mitigated over the past by renting the property through lease to locals. Redesign would also be extremely costly as would building on a different footprint to utilize the property under the base zoning laws. This also has been a financial



hardship on the contractor and his employees who expected to be working on the project pursuant to the issued permits.

- vii. The variance is supported by the introductory provisions of the Zoning Regulations, namely that existing development is protected. 17.04.010.A.1. Based on the unique circumstances of this case, the application is made because the relevant provisions of the zoning code are not “readily understood by all residents, or for that matter the city employees who consulted with applicants or approved the application for demolition and building permits. 17.04.010A.4. This ambiguity, which applicant believes includes broad discretion within the code to have approved the initial application and which could allow discretion to continue with the approved building design, is now part of the basis for the recommendation for applicants to request a variance from the Board. The zoning title is intended to minimize the number of zoning restriction in order to encourage imagination and diversity of development. 17.04.010.C. The design as approved creates building depth and maintains the character of the neighborhood and lot which has existed for decades.

- b. The Variance is necessary because of the unique size, shape, topography or location of the subject property
 - i. Application of this variance was recommended by the Planning Director and City attorney.
 - ii. The subject property has unique topography.¹ It includes an existing footprint with foundation that protrudes in areas from the grade, a sizable basement that remains untouched under the base floor where the residence has been demolished, and remaining structure that was intended to be incorporated into the proposed scope of work. The footprint is unique because it encroaches into the setback which use was constitutionally protected but portions of it, including the portion of encroachment was not structurally safe. The area around the footprint includes finished landscaping and developed trees. The building permit included construction on the existing footprint in all areas that the building previously existed.
 - iii. The subject property does not meet the dimensional standards requiring that lots have an eighty foot width.
 - iv. The property is in the Tourist zone, one-half block away from the Community Core where owners are permitted to build lot line to lot line. Along 2nd Avenue in the community core between 1st and 3rd street every building is built to the lot line adjacent to 2nd avenue with no setback at all.

¹ The definition of topography is “the arrangement of the natural and artificial physical features of an area.”



- v. The lot is not the traditional Ketchum city lot which stretches from the alley to the adjacent street. Instead the lot is north south facing with a single family home to the west, a duplex to the south, and an unimproved alley to the east. The corner of the lot is the intersection of the alley between 2nd and third avenue and 2nd Street. Applicant believes the only other lot with similar dimensions is directly adjacent to the subject property.
 - vi. The property has an existing building footprint with a basement in the middle of the footprint. It would take significant time and effort to develop a new design or move the existing design to within the setback area and incorporate the undemolished portion of the structure. The proposed building is located in the same location as the previously existing building which was demolished based on reliance on the approvals granted by the city and for which the unsafe foundation still exists and protrudes from the ground. The variance request and ability for applicant to build as approved fulfills the goals of the Ketchum 2014 Comprehensive Plan specifically (1) minimizes the alteration of existing topography, (2) high quality architectural design, (3) a blend of housing types in mixed use zoning area, and (4) provides workforce housing to applicants. The proximity of the home to the front setback (which on a standard lot would be on 3rd Avenue but in this case is 2nd street, is consistent with historical development patterns in the area as is evident by the pre-existing nature of the building.
- c. The subject property is deprived, by provision of this code, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.
- i. There is a clear intent in the zoning code to allow existing non-conformities to remain and that existing development be protected. The proposed continuation of the preexisting condition of the building would have been or could have been protected had the City properly advised or reviewed the application for building permit through a series of permits. Other existing buildings in the identical zone and in any zone within Ketchum continue to have the right and privileges to maintain their residences/buildings despite nonconformity, i.e. protect existing development. If Applicants had not relied on the permits, the exact scope of work proposed could have been permitted in separate applications and/or with more complicated and likely less safe structural construction methods.
 - ii. The deprivation of rights and privileges enjoyed by properties in all zoning districts which the applicants now face could have been permitted under the interpretation of the code by the planning department had they properly advised applicants/owners or reviewed the application for building permit consistent with the director's interpretation of the code.
 - iii. Applicant maintains that under the code there is discretion for the planning director to approve the design plan and scope of work without resorting to a variance application.



- d. The Need for the variance is not the result of actions of the applicant or property owner.
- i. Based on conversations with the planning director, applicant understands that the stop work order remains in effect because nonconforming areas (in this case the setback encroachment) are not permitted to be restored by demolishing and rebuilding to a safe condition (i.e. that the nonconforming portions of the building must remain standing.) The position of the planning director is that the demolition permit should have never been issued as proposed with the demolition and rebuilding to code of that section of the building but at this point, the Applicants relied on the issued demolition and building permit and therefore the only remaining structure that remains is the protruding cinder block foundation. The original permit application included a narrative that stated “We are proposing removing and replacing the encroachment with new footings and foundation. The encroachment will be rebuilt to the existing conditions.”
 - ii. As discussed, the entire scope of work in the original application could have been permitted in alternate ways through alternative means and methods of construction or through a series of building permit applications. Please refer to the attached Exhibit 2, detailed narrative, for a full explanation on the nuances of alternative construction and permitting. Now that the Applicant relied on the demolition permit that had been granted and removed the wall within the setback, the alternate methods of permitting are not available to Applicants. The situation is a direct result of alleged errors in granting the original permit application and issuing a building and demolition permit (including the advice and consult of the city of Ketchum during the design phase).
 - iii. Additional walls were demolished that were not permitted for demo because they were unsafe. The walls had no headers and footers on doors and windows, they were framed with 2x4s instead of 2x6s as required under building codes which would allow the proper r-factor, and there was water intrusion and mold. Those walls will not be altered in any way but rebuilt to the exact location and dimensions in a safe and proper way under the appropriate building codes. This scope of work could have been permitted as a separate permit had the Applicant requested two separate permits, the first to restore the encroachment to a safe condition, and a second comprehensive building permit for the rest of the scope of work after the encroachment was restored to a safe condition. These additional walls were removed to improve health and safety and not for any malicious or underhanded reason. Based on the most recent information provided the primary reason for the stop work order is the mistake the city made in issuing the permits at all.
- e. The variance does not create health and safety concerns.
- i. The variance is requested in order to make the proposed residence structurally sound and build to code and improve health and safety. The portion of work requested by this variance has been in existence for decades. It is a 5’



encroachment into a 15' setback and poses no hazard to the public and or occupants, if constructed to current building codes. Perpetuation of the unsafe condition of the building would have continued the health and safety concerns that will be addressed by building the residence to current building codes. The original proposed scope of work for which permit(s) were issued, improves the condition of the property to make it more safe by constructing a proper foundation to the appropriate building code.

- f. The Variance does not relieve an applicant from any of the procedural provisions of this code.
 - i. Applicants previously went through the required procedural provisions required by the Ketchum Code to receive the required building permit. A building permit was issued after the normal procedural review by interested parties within the City of Ketchum including a request for comments from the planning department. The applicants submitted a Design Review Application for the FAR exceedance agreement, the FAR Agreement was placed on the consent agenda, applicants paid the fee associated with the FAR Agreement, and the appropriate permit was granted.
 - ii. The variance is being requested on the recommendation of the City, Morgan Landers, and Matt Johnson as a means to paper the approval and avoid a precedent for the planning director in review of future applications.
- g. The variance does not relieve an applicant from any standard or provisions that specifically states that no variance from such standard or provision is permitted.
 - i. No. Preexisting development is protected under the code. There is no language known to the applicant that specifically states that no variance from the requested language is permitted. This application for variance is made at the recommendation of the Planning Director and City attorney.
- h. The variance does not relieve an applicant from conditions established during prior permit review.
 - i. No. Applicant was not required to meet any conditions during a prior permit review. The City previously issued demo and building permits for the work to be completed within the setback which work is currently stopped pending variance application and review by the Board. This variance application is submitted at the recommendation of the planning director and city attorney.
- 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. No. Preexisting development is protected. The use is for a single-family home which is permitted in the Tourist zone.



- j. The variance is the minimum necessary to grant relief to the applicant.
 - i. Yes. The residence existed in the same footprint for decades prior to Owners submitting their application for building permit. Applicant cannot think of any other relief that could be granted that is less than is requested by this application. Given the reliance by the applicant on the issued permits and the historical location of the structure, applicant believes this minimal five foot variance is minimum necessary for relief to the applicant and that it is equitable under the circumstances. Again applicant believes there is discretion within the code to allow the proposed scope of work without a variance at all.

IV. EXHIBITS

- 1. Communications and Coordination
 - a. Communication records of Applicant and City coordination through permitting and stop work order process
- 2. Narrative
 - a. Applicant detail narrative of contextual background
 - b. Detailed description of code interpretation and alternative permitting.
- 3. Diagrams
 - a. Drawings and documents illustrating code concepts and site context.



Stanek Addition – 260 W. Second St.

Variance Exhibit 1

Communications and Coordination

Description:

This exhibit provides a detailed narrative of Owner, Architect and City communications and coordination throughout the process leading up to the Variance application. This document provides a brief description correlating to the attached email communications.

Attendees:

Josh Stanek, Owner (JS)

Joey Stevenson, Architect (SA)

Abby Rivin, City of Ketchum Senior planner (AR)

Genoa Beiser, City of Ketchum planner (GB)

Morgan Landers, City of Ketchum, head of planning and building (ML)

Heather Nicolai, City of Ketchum Permitting technician (HN)

Matt Johnson, City of Ketchum attorney (MS)

Exhibit 1-A: preliminary meeting with AR and findings

Attendees:

JS, SA, and AR

This was our first engagement with the City. We met with Abby Riving at Stevenson Architecture's office and reviewed the preliminary floor plan. The intention of the meeting was to review our preliminary understanding of zoning constraints. We discussed the non-conforming structure. AR felt that in so far as we were not increasing the degree of non-conformity, or staying within the original non-conforming structures extents, and that we met the 50% threshold of the alteration, we would be fine to proceed as designed. The



design at this point had the existing non-conformity staying in place with a minor modification to the entry. This was our basis of understanding moving forward.

AR also noted the ROW improvement requirement based on a 50% valuation threshold. She engaged the City engineer further for clarification and determined that if we breached the 50% valuation, we would need to bring the ROW up to City standards.

AR also noted our setback requirements. While we initially felt that the property met the definition of multi family, Abby designated the second dwelling unit as an ADU and subsequently designated us as single family. While we felt this was subjective, we were still able to meet our design needs with the more restrictive setbacks and chose not to push the issue.

Documents included a floor plan and topo survey.

Exhibit 1-B: Communications 2/29/2024 - email

We further engage AR on ROW Improvements, FAR application, and setback encroachments as we navigated our understanding of the base zoning constraints from our previous conversation.

Exhibit 1-C: SD Set - email

We provide AR with our preliminary SD set for ROW and engineering review. As we assumed we would meet the 50% valuation threshold, we assumed ROW improvements would be required.

Note, the SD plan set had demo sheets included and clearly showed the extent of demolish proposed, which included the front non-conforming structure. We were operating under the assumption that if the encroachment did not increase, we would be able to replace it.

Exhibit 1-D: Demo request - email

We engaged AR to see if there was any means to de-couple Demolition, Building Permit, or ROW review. This is after we sent our SD set, clearly indicating we had demolition scope in the proposed work.



Permit applications and plan sets

These are not included in the exhibit, but are referenced here-in. Provided in the application and plan set were clear demonstrations that demolition was included in the scope of work. We provided a supplemental application narrative to reference our understanding of non-conforming structures code sections and our approach to the structure lacking a foundation. We provided demolition plans. We provided a code diagram showing which walls and square footage was to be “altered” and the calculations for percentages. We received no comments regarding this scope of work and were ultimately approved for permit.

Exhibit 1-E: Demo request 2 – email

We engaged HN to see if there was any ability to pull our demo permit ahead of building permit issuance, again indicating that we clearly had demolition scope of work included in the permit.

Exhibit 1-F: Stop Work order – email

This is email communication between Genoa Beiser and the Architect after meetings to review the stop work order. The City began to acknowledge that an error may have been made on the City’s part during permit review and that the original scope of work may not have been permissible. The Architect reviewed the City’s initial interpretation of the code sections, specifically 17.136. and provided minutes to their conversation.

Exhibit 1-G: Landers – email

Morgan Landers, after meeting with the Applicant, reviewed the situation with the City Attorney and gave notice the Applicant may engage him further.

Exhibit 1-H: City Next Steps

The Applicant engaged the City Attorney, and this email is the City’s response and recommended next steps.

Exhibit 1-A
Preliminary Coordination
1/8/2024 - 1/24/2024

Joseph Stevenson

From: Joseph Stevenson
Sent: Friday, February 9, 2024 4:34 PM
To: Abby Rivin; Josh Stanek
Subject: RE: 260 w 2nd street remodel

Hi Abby,

While I would love for this to be under \$220,000 I think with the second level, we will certainly breach the 'Substantial Improvement' threshold. Can we please go ahead and schedule a meeting with the City Engineer? What documents would be helpful to have for this meeting? I am in the process of revising the floor plans per the setback requirements. Would it be helpful to see the new floor plan with the meeting?

Thanks and have a great weekend,

Joey Stevenson
[Stevenson Architecture](#)
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Thursday, February 8, 2024 9:34 AM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>; Josh Stanek <joshstanek@gmail.com>
Subject: RE: 260 w 2nd street remodel

Hey Joey,

Based on the City Engineer's review of the preliminary plans you shared, the scope of work proposed with for the project does not trigger ROW improvements. If the project qualifies has a substantial improvement, then sidewalk improvements may be required pursuant to Ketchum Municipal Code §17.124.140. If the cost of construction of the project exceeds 50% of the market value of the structure, then the project would qualify as a substantial improvement. If the addition project does qualify as a substantial improvement, then I would recommend another meeting with the City Engineer to determine what improvements would be required.

Assessor's Information for Parcel Number:RPK0000062005B

Parcel Number	RPK0000062005B
Owner	STANEK JOSHUA STANEK JULIE
Address	260 W 2ND ST
Legal Description	KETCHUM LOTS E 1/2 OF 5 & 6 BLK 62 8250 SQ FT
Mailing Address	PO BOX 4261 KETCHUM ID 83340-0000
Acres	0.18900000
Land Value	\$1,089,000
Farm Value	\$0
Commercial Value	\$0
Residential Value	\$438,240
Manufactured Value	\$0
Personal Property Value	\$0
Market Value	\$1,527,240
Home Owner Exemption	\$-125,000
Taxable Value (2023)	\$1,402,240
Sketch	View Sketch



City of Ketchum
Planning & Building

FOR OFFICIAL USE ONLY	
PERMIT NO:	
BLD NO:	
DATE RECEIVED:	
DATE COMPLETE:	

BUILDING PERMIT APPLICATION
New Construction/Addition
Commercial – Residential – Mixed-Use

NOTE: All fields must be completed.

PROJECT NAME:
PROPERTY ADDRESS:
Is any portion of the project occurring on Common Area or Limited Common Area? Yes <input type="checkbox"/> No <input type="checkbox"/>
PROPERTY OWNER:

ESTIMATED COST OF CONSTRUCTION: \$ (May be audited by Building Official)
DESIGN REVIEW REQUIRED: Yes <input type="checkbox"/> No <input type="checkbox"/>
DESIGN REVIEW APPROVED: Yes <input type="checkbox"/> NA <input type="checkbox"/> Minor Modification <input type="checkbox"/>
PARCEL NUMBER: RPK
LEGAL DESCRIPTION: Lot # Block # Tax Lot # Subdivision

ABBY RIVIN, AICP | CITY OF KETCHUM

Senior Planner

P.O. Box 2315 | 191 5th Street W | Ketchum, ID 83340

office: 208-726-7801 | direct: 208-727-5082

arivin@ketchumidaho.org | www.ketchumidaho.org

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>

Sent: Tuesday, February 6, 2024 2:33 PM

To: Abby Rivin <ARivin@ketchumidaho.org>; Josh Stanek <joshstanek@gmail.com>

Subject: RE: 260 w 2nd street remodel

Thanks Abby,

Our current proposed design has a 27' height and will stick to under 30' height to maintain the minimum 10' setback.

As for ROW, I apologize but I need a little more clarification as to what is needed for Building permit submittal. I understand in a situation where sidewalk, curb and gutter were not currently installed that we would need to produce a document showing the improvements, but they do currently exist. Does our attached topo plan suffice for the required documentation? If not, what does the City Engineer need?

Thank you,

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>

Sent: Monday, February 5, 2024 3:19 PM

To: Joseph Stevenson <Joey@stevensonarchitecture.com>; Josh Stanek <joshstanek@gmail.com>

Subject: RE: 260 w 2nd street remodel

Hi Joey,

Regarding the ROW improvements, since the scope of work shown on the preliminary plans does not trigger ROW improvements, the only trigger would be if the project qualifies as a substantial improvement pursuant to Ketchum Municipal Code §17.124.140. If the cost of constructing project exceed 50% of the current market value of the structure, then ROW improvements would be required. The ROW improvements would need to be submitted concurrently with the project plans for the addition project on plans prepared by an Idaho-licensed engineer. Regarding the setbacks, the home was originally permitted and constructed as a single-family residence and the proposed use/occupancy is a single-family residence, so the minimum side setback is 10 feet or a 1 foot for every 3 feet in building height, whichever is greater. For example, if the maximum height of the home is 35 feet, then the required side setback would be 11.67 feet.

Best,
Abby

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>
Sent: Monday, February 5, 2024 1:56 PM
To: Abby Rivin <ARivin@ketchumidaho.org>; Josh Stanek <joshstanek@gmail.com>
Subject: RE: 260 w 2nd street remodel

Abby,

Thank you so much for all of this. I have a couple of questions.

1. Regarding the ROW improvements, how do we make the determination as to if these will be required? We do not find the existing sidewalk to need improvement. Since we are attempting to break ground this spring, we do need to understand how we make this determination, and if required, how it may impact entitlements. If sidewalk improvements are required, can we still commence building construction ahead of ROW review? Obviously both need to be complete to obtain C of O. Our issue is going to be availability of Civil Engineering and their time frame. We will be ready to submit for Building Permit far in advance of Civil and would like to be able to maintain our construction schedule if possible.
2. Regarding the setbacks, while I know we called the additional space an ADU, I think this was a mistake as I've always viewed it as an additional dwelling unit, not accessory. Upon my initial site analysis, I noted that the additional dwelling unit was well within the 5' setback, which seemed odd to me. After re-reading the code section, it made sense to me if the additional unit was interpreted as multiple family and not accessory. I could not find any clear delineation between when a two unit site would be deemed Multiple Family vs. ADU. My interpretation is that the T zone district is zoned for either single or multiple family. Multiple family is defined as two or more separate dwelling units, and we meet this definition. I view ADU's as language that is specific for Zone districts where multiple family is typically not allowed, and the ADU language acts as a modifier to allow for increased density. Is this fair? We'd like to proceed with the 5' side yard setback as shown in the previous plans with the understanding that we are identifying and qualifying as Multiple Family. I'm happy to swing by and chat on this one or schedule a call if you would.

Thanks again for everything and we look forward to hearing back from you - cheers

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Wednesday, January 24, 2024 10:13 AM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>; Josh Stanek <joshstanek@gmail.com>
Subject: RE: 260 w 2nd street remodel

Hi Joseph & Josh

I just reviewed the site topo map and ground-floor plan with the City Engineer. The preliminary plans show that no changes are proposed to the right-of-way, but rather an extension of the driveway asphalt on the subject private property to a new surface parking space. Since these improvements do not touch the right-of-way, you're not required to improve the adjacent rights-of-way to city standards. Based on your preliminary plans, you would not be required to improve the alley to city standards by paving with asphalt. The one caveat is that if you're project qualifies as a substantial improvement, then you may have to improve the sidewalk along 2nd Street to city standards pursuant to Ketchum Municipal Code §17.124.140, which states:

In the CC, T, T-3000, T-4000, LI-1, LI-2 and LI-3 Zoning Districts, sidewalks, curbs and gutters shall be designed and constructed by the applicant when there is new construction or when an existing building is altered or changed and such modifications require a building permit and the cumulative improvement within a three-year time frame constitutes a "substantial improvement", in accordance with standards as established by the City as to type, location and grade.

Ketchum Municipal Code §17.08.020 defines substantial improvement as:

SUBSTANTIAL IMPROVEMENT: Includes the following:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure over a three (3) year time frame either:
 1. Before the improvement or repair is started; or
 2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- B. The term does not, however, include either:
 1. Any project for improvement of a structure to comply with existing State or local Health, Sanitary, or Safety Code specifications which are solely necessary to assure safe living conditions; or
 2. Any alteration of a structure listed on the National Register of Historic Places or the Idaho Historic Sites Inventory.

If the project qualifies as substantial improvement, then improvements to the existing sidewalk along 2nd Street may be required by the City Engineer. This code section, however, would not trigger required improvements to the alley. To sum up, the City Engineer's initial read on your project is that the proposal will not trigger required ROW improvements.

I noticed one item that while I was taking a look at your ground-floor plan on sheet SD-003 that I wanted to flag. The required setbacks showing the allowable envelope indicate a 10' required from the rear property line setback at the rear property line and 5' setbacks required from the side property lines. The require side setback for one-family dwellings in the Tourist Zone is 1 foot for every 3 feet in building height or a minimum of 10 feet, whichever is greater. The side setback is calculated based on the maximum building height of the single-family home. The rear setback required for one-family dwellings in the Tourist Zone is a minimum of 15 feet.

Please don't hesitate to holler if you have any further questions. Have a wonderful rest of your week!

Best,
Abby

ABBY RIVIN, AICP | CITY OF KETCHUM

Senior Planner

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office: 208-726-7801 | direct: 208-727-5082

arivin@ketchumidaho.org | www.ketchumidaho.org

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>

Sent: Friday, January 19, 2024 5:05 PM

To: Abby Rivin <ARivin@ketchumidaho.org>; Josh Stanek <joshstanek@gmail.com>

Subject: RE: 260 w 2nd street remodel

Abbi,

Thank you so much for meeting with us. Attached is the floor plan and survey that we looked at today. Let me know if you have any questions or need me to join in the meeting with the City engineer. Frankly, it sounds like you have a better grasp on it and I'd just be dead weight, but I wanted to offer if you feel like it would be beneficial. Otherwise, let us know what you two come up with.

Cheers -

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>

Sent: Thursday, January 18, 2024 4:22 PM

To: Josh Stanek <joshstanek@gmail.com>

Cc: Joseph Stevenson <Joey@stevensonarchitecture.com>

Subject: RE: 260 w 2nd street remodel

One of my goals is getting the hell out of city hall more and talking walking breaks outside more, so I would love to meet you over at Joe's office. See you both tomorrow at 3pm!

Best,
Abs

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From: Josh Stanek <joshstanek@gmail.com>
Sent: Thursday, January 18, 2024 4:19 PM
To: Abby Rivin <ARivin@ketchumidaho.org>
Cc: Joseph Stevenson <Joey@stevensonarchitecture.com>
Subject: Re: 260 w 2nd street remodel

Abby,

Was not expecting availability so soon but that is great for us. Can we meet at 3:00 tomorrow? Joe says we can meet at his office or at the City, whatever is best for you. Stevenson Architecture is at 208 Spruce Ave, Suite B-4A but again the city is fine.

Thanks so much,

Josh

On Thu, Jan 18, 2024 at 4:08 PM Abby Rivin <ARivin@ketchumidaho.org> wrote:

Hi Josh,

Happy to hear from you and happy new year! Mazel Tov on your purchase 260 W 2nd Street. I'd be happy to meet with you all to discuss your property, proposed improvements, and triggers for design review. I'm available tomorrow from 10:30am to noon and any time after 2pm. Next week I've got plenty of availability starting Wednesday through Friday. Let me know what day and time works for you two and we'll get a meeting on the books!

Best,
Abby

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-----Original Message-----

From: Josh Stanek <joshstanek@gmail.com>
Sent: Thursday, January 18, 2024 3:22 PM
To: Abby Rivin <ARivin@ketchumidaho.org>
Cc: Joseph Stevenson <Joey@stevensonarchitecture.com>
Subject: 260 w 2nd street remodel

Abby,

My wife and I purchased 260 w 2nd and we are working on plans for a remodel with Joe Stevenson. We have some questions about whether we might trigger design review and hoping you might be able to meet with me and Joe to

discuss some of the issues we have questions about.

I really liked working with you on our townhome which is why I'm reaching out directly. I am out of town next week so I would be unavailable but Joe I think is around and is cc'd.

Hope all is well and happy new year!!

Josh

Sent from my iPhone

--

Box 2362
Ketchum, ID 83340
joshstanek@gmail.com
208.720.4688

S Addition

260 W 2nd St.
Ketchum, ID 83340

Date: 1/19/2024

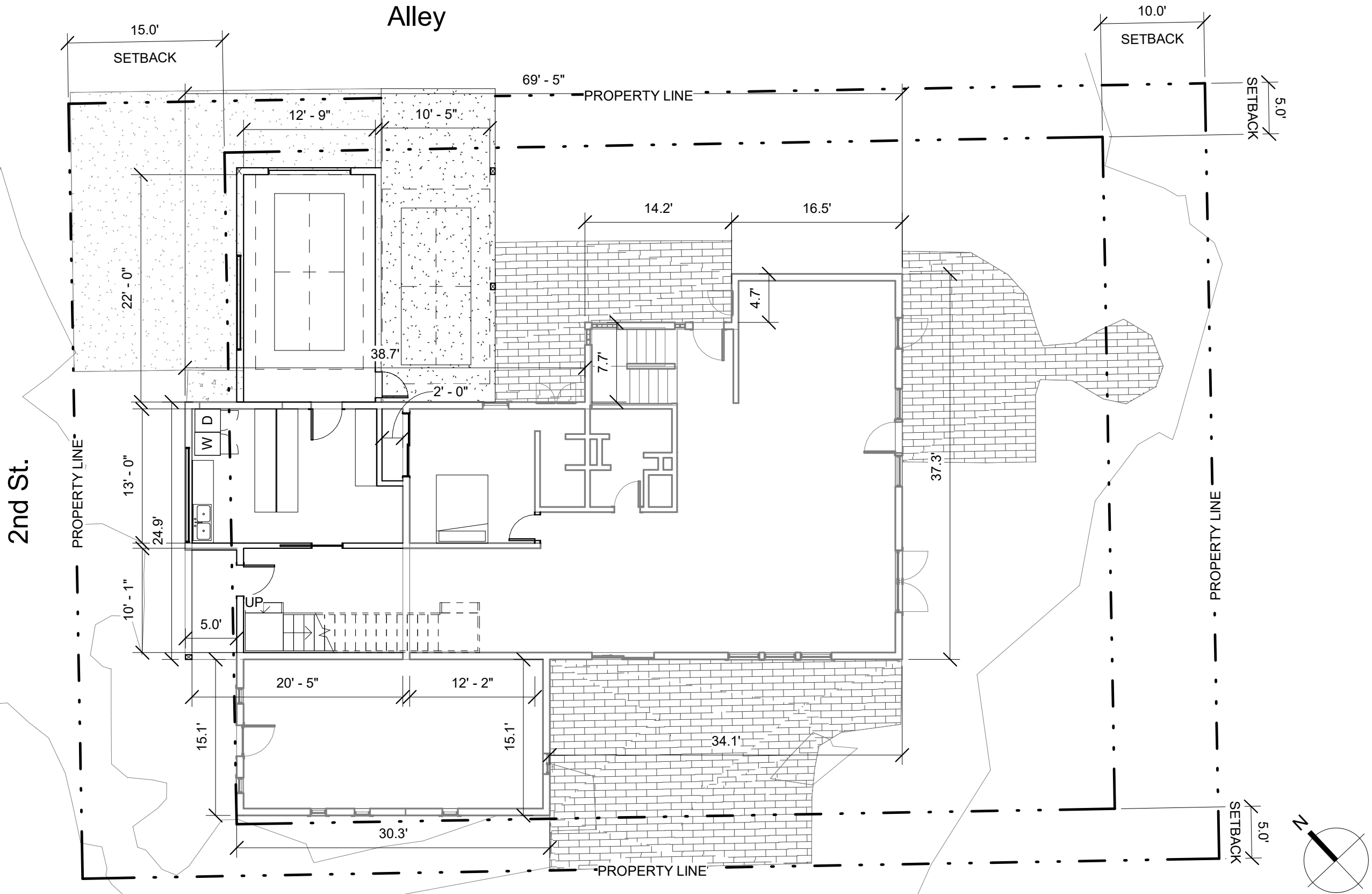
Scale: 1" = 10'-0"

Designer:



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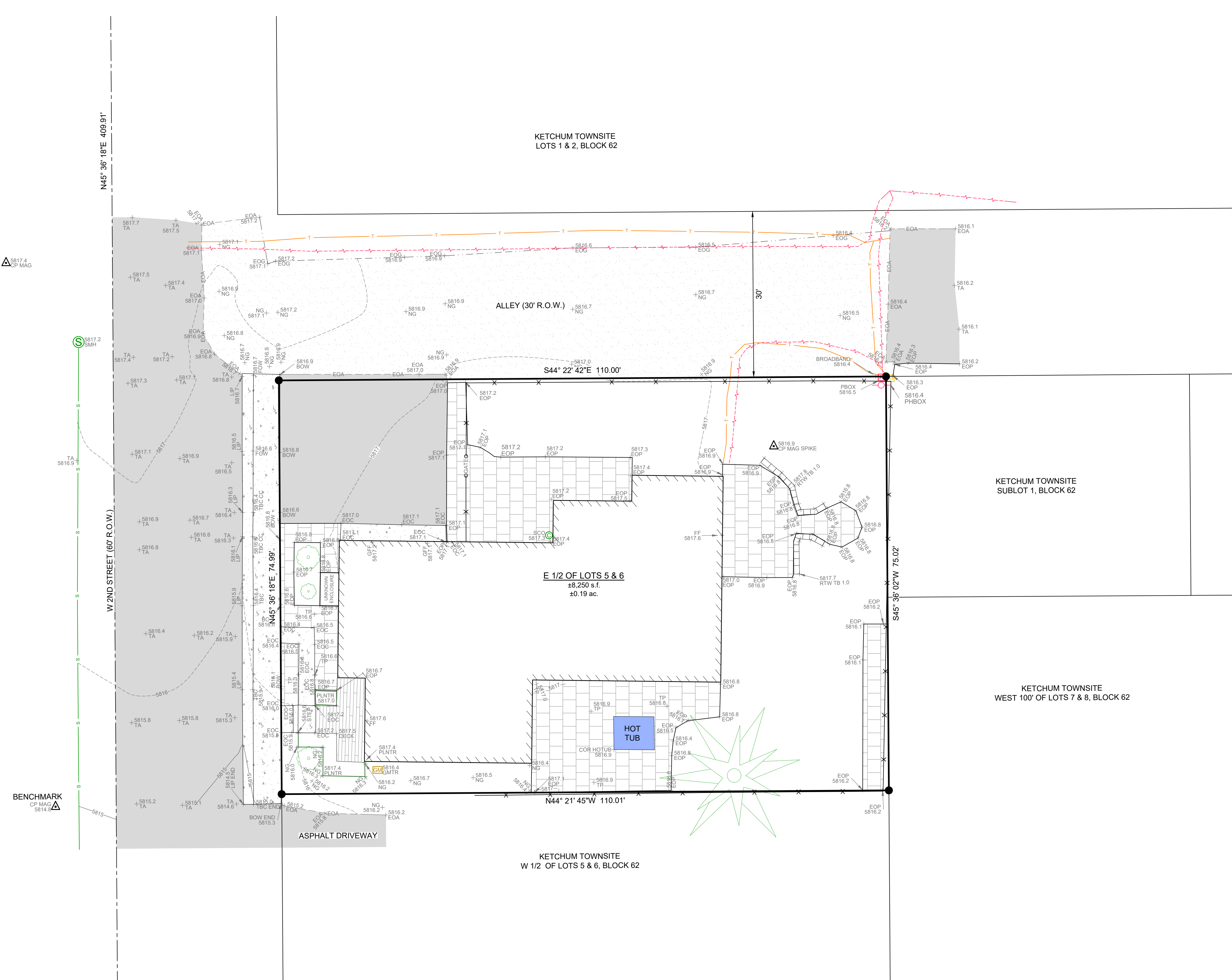
**PRELIMINARY
NOT FOR CONSTRUCTION**



CARPOT +
GARAGE L1

SD-003

REUSE OF DRAWINGS: These drawings, or any portion thereof, shall not be used on any project or extension of this project except by agreement in writing with Galena-Benchmark Engineering.



NOTES

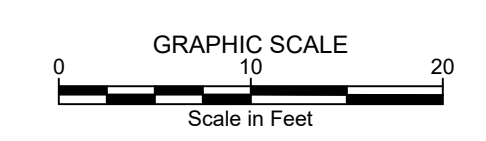
- SURVEY NARRATIVE:**
- THE PURPOSE OF THIS MAP IS TO SHOW LIMITED SITE INFORMATION AS IT EXISTED ON THE DATE THE FIELD SURVEY WAS PERFORMED IN RELATION TO PLATTED LOT LINES. CHANGES MAY HAVE OCCURRED TO SITE CONDITIONS SINCE SURVEY DATE. LOT LINES ARE BASED ON FOUND CENTERLINE MONUMENTS. ALL FOUND CENTERLINE MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL CORNERS, OR REPLACEMENTS OF ORIGINAL CORNERS. SET MONUMENTS WERE ESTABLISHED BY FOUND CENTERLINE MONUMENTS, HELD RECORD RIGHT-OF-WAY WIDTHS, AND PROPORTIONED DISTANCES OF LOT LINES.
 - REFERENCED SURVEYS: RECORD OF SURVEY OF LOT 4, BLOCK 62, KETCHUM TOWNSITE, INSTRUMENT #660371 & VILLAGE OF KETCHUM, INSTRUMENT #302967, RECORDS OF BLAINE COUNTY, IDAHO.
 - BOUNDARY DIMENSIONS SHOWN HEREON ARE MEASURED, FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
 - VERTICAL DATUM: ELEVATIONS BASED ON ASSUMED OR NAVD 88 (GEOID03) DATUM UTILIZING SMARTNET CORS STATION IDKM.
 - UNDERGROUND UTILITIES WERE NOT LOCATED AND ARE NOT SHOWN HEREON.
 - THIS MAP WAS PREPARED FOR THE EXPRESS USE OF THE CLIENT AND IS NOT TRANSFERABLE TO OTHERS WITHOUT WRITTEN CONSENT BY GALENA-BENCHMARK ENGINEERING AND IS NOT VALID OR TO BE USED BY OTHER PARTIES FOR ANY REASON INCLUDING BUT NOT LIMITED TO REAL ESTATE TRANSACTIONS, BUILDING APPLICATIONS, PERMITS, ETC.
 - A TITLE POLICY HAS NOT BEEN SUBMITTED TO GALENA-BENCHMARK ENGINEERING, NOR HAS A TITLE SEARCH BEEN REQUESTED. CERTAIN INFORMATION CONTAINED WITHIN SAID POLICY MAY NOT APPEAR ON THIS MAP OR MAY AFFECT ITEMS SHOWN ON THIS MAP.
 - ELECTRONIC DATA: GALENA-BENCHMARK ENGINEERING ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR THE REUSE, DISTRIBUTION OR ACCURACY OF DATA CONTAINED ON ELECTRONIC COPIES OF THIS DRAWING. THE STAMPED HARD COPY OF THIS DRAWING IS THE FINAL PRODUCT.
 - THIS DRAWING IS VOID AFTER 2 YEARS AND NO FURTHER COPIES OR DIGITAL FILES WILL BE TRANSMITTED.

- EASEMENTS, ENCUMBRANCES AND RESTRICTIONS:**
- BUILDING AREA: BUILDING ENVELOPE IF SHOWN, IS PER PLAT. SETBACK AND FOOTPRINT REQUIREMENTS PER CURRENT CITY/PLAT ORDINANCES MAY VARY FROM PLAT. IT IS RECOMMENDED THAT SAID ORDINANCES BE REVIEWED PRIOR TO DESIGN.
 - GENERAL RESTRICTIONS: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY APPLICABLE TO THE SUBJECT OF REAL ESTATE: EASEMENTS, OTHER THAN THOSE SHOWN OR LISTED HEREON, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, WETLANDS, AVALANCHE OR ANY OTHER LAND-USE REGULATIONS OR HAZARDS.

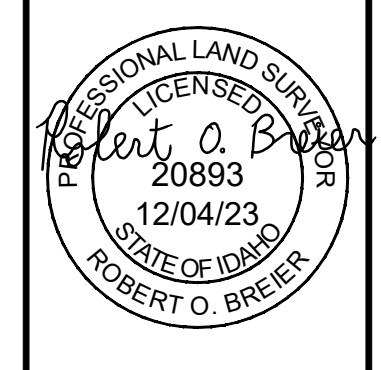
- SURVEY AND SITE FEATURES:**
- BASIS OF BEARINGS IS IDAHO STATE PLANE COORDINATE SYSTEM, NAD83, CENTRAL ZONE AS DERIVED BY GPS OBSERVATIONS. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN INTERNATIONAL FEET.
 - BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER PLAT. REFER TO PLAT & CC&R'S FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY.
 - UTILITIES AND DRAIN PIPES IF SHOWN HEREON ARE PER SURFACE EVIDENCE ONLY. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHOULD BE CONFIRMED PRIOR TO EXCAVATION OR DESIGN.
 - BUILDING WALLS IF SHOWN HEREON ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
 - SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
 - TREE LOCATIONS AND DRIP LINES IF SHOWN HEREON ARE APPROXIMATE.
 - CONTOUR INTERVAL: 1'
 - MAP SCALE: DUE TO ELECTRONIC MAP DELIVERY AND ALTERNATE PRINTING METHODS, PLEASE USE BAR SCALE TO DETERMINE ACTUAL PRINTED SCALE.
 - FEATURES OBTAINED FROM VIEW BY DEBRIS, SNOW, VEGETATION OR VEHICLES AT THE TIME OF SURVEY, DO NOT APPEAR ON THIS MAP.

LEGEND

	Property Line		PHB = Buried Telephone Line
	Adjoiner's Lot Line		PB = Buried Power Line
	Centerline		GMTR = Gas Meter
	Set 5/8\" Rebar (P.L.S. 20893)		PHBOX = Telephone Riser
	CNTRL = Survey Control		PBOX = Power Box
	5' Contour Interval		PP = Power Pole
	1' Contour Interval		SMH = Sewer Manhole
	Curb & Gutter		SCO = Sewer Cleanout
	FNC = Fence Line		AP = Angle Point
	Building		BOW = Back of Walk
	Asphalt		COR = Corner
	Concrete Sidewalk		CC = Curb Cut
	Gravel Drive		EOA = Edge of Asphalt
	Pavers		EOC = Edge of Concrete
	Deck		EOP = Edge of Pavers
	RTW = Retaining Wall		FF = Finished Floor
	EOG = Edge Of Gravel		GFF = Garage Finished Floor
	CT = Conifer Tree		IC = Illegible Cap
	DT = Deciduous Tree		LIP = Lip of Gutter
			NC = No Cap
			NG = Natural Ground
			TA = Top of Asphalt
			TP = Top of Paver
			TBC = Top Back of Curb



**KETCHUM TOWNSITE
EAST 1/2 OF LOTS 5 & 6, BLOCK 62**
LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
PREPARED FOR: JOSH STANKE



DESIGNED BY: HDB
DRAWN BY: ROB
CHECKED BY: ROB
SURVEY DATE: 09/15/23

GALENA-BENCHMARK ENGINEERING
Civil Engineers & Land Surveyors
100 Bell Drive
Ketchum, Idaho 83340
(208) 726-9512
www.benchmark-associates.com

NO.	DATE	BY	REVISIONS

PURPOSE: ISSUE FOR REVIEW

Exhibit 1-B
Coordination
2/09/2024

Joseph Stevenson

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Thursday, February 29, 2024 4:04 PM
To: Joseph Stevenson
Subject: RE: Stanek Addition - set back and ROW

Hi Joey,

My initial read on your roof overhang/deck encroachment is correct—this would qualify as a covered deck and is not permitted pursuant to §17.128.020.15, which requires that, “No portion of a deck which encroaches into the required yard setback may be enclosed or covered by a roof.”

Best,
Abby

ABBY RIVIN, AICP | CITY OF KETCHUM

Senior Planner

P.O. Box 2315 | 191 5th Street W | Ketchum, ID 83340

office: 208-726-7801 | direct: 208-727-5082

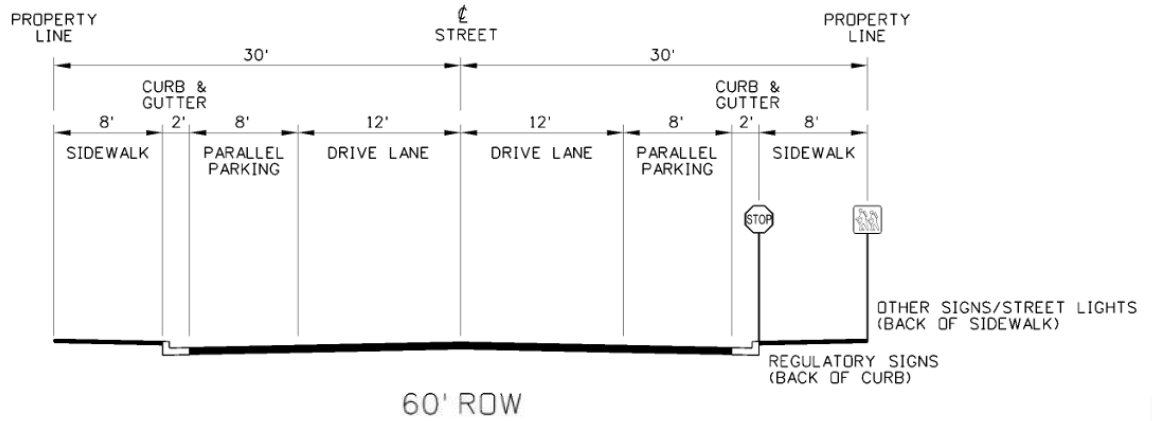
arivin@ketchumidaho.org | www.ketchumidaho.org

****Please sign up for the NEW Planning and Building quarterly newsletter. Click [HERE](#) and select “Planning and Development”**

From: Abby Rivin
Sent: Monday, February 26, 2024 5:47 PM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>
Subject: RE: Stanek Addition - set back and ROW

Hi Joey,

So sorry for dropping the ball on setting up a meeting with the City Engineer to review the right-of-way improvements that will be required pursuant to Ketchum Municipal Code §17.124.140 since the addition project will qualify as a substantial improvement project. Would you please share the preliminary site plans with me? I’ll shoot your updated preliminary plans with the City Engineer for her to review prior to the meeting. What does your availability look like this Thursday and Friday to schedule our meeting? Since right-of-way improvements are triggered because the project qualifies as a substantial improvement, you may be required to remove the existing curb cut/driveway access along 2nd Street, provide new access from the alleyway, and improve the sidewalk along 2nd Street to city right-of-way standards for 60-foot-wide rights-of-way. The City Engineer will confirm the requirements for the right-of-way improvements.



NOTES:

- ① THE SCHEMATIC ABOVE SHOWS A CROSS SECTION OF AN 60-FOOT WIDE RIGHT-OF-WAY (ROW).
- ② SIDEWALKS IN 60-FOOT ROW ARE 8 FT WIDE. A MINIMUM OF 6 FT IS REQUIRED AROUND ALL OBSTACLES TO PROVIDE A CLEAR PATH FOR PEDESTRIANS.
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- ⑤ PARKING SIGNS ARE TO BE INSTALLED AT BACK OF SIDEWALK
- ⑥ STREET LIGHTS ARE TO BE INSTALLED AT BACK OF SIDEWALK
- ⑦ PARKING STALLS ARE 8 FT WIDE BY 20 FT LONG PARALLEL STALLS

REVISIONS				CITY OF KETCHUM 60' ROW LOCAL	STANDARD DRAWING NO. 18
NO.	DATE	BY	DESCRIPTION		
1	09/01/2019	SN	ROW DRAWINGS		

I'll bring up your question regarding the proposed deck and roof encroachment at our department staff meeting tomorrow and get input from the P&B Department Director. My initial interpretation is that the 3-foot extension of the roof that covers the deck is not permitted because Ketchum Municipal Code §17.128.020.15 requires that, "No portion of a deck which encroaches into the required yard setback may be enclosed or covered by a roof." Pursuant to Ketchum Municipal Code §17.128.020.A, "Cornices, canopies, eaves, chimney chases, or similar architectural features may extend into a required yard not more than three feet." This code provision has been applied to roof overhangs but does not apply to upper level/cantilevered decks. I'll review the code question of whether or not the 3-foot roof overhang that also happens to extend above the proposed deck encroachment is permitted or not at our staff meeting tomorrow and follow up with you. If you happen to have any additional elevation views of the roof overhang and deck encroachment, please share these with me.

I've included the cheat sheet for calculating FAR and the associated community housing contribution below. If your total gross floor area increase above the 0.5 permitted in the Tourist Zone is 100 gross square feet, then the total community housing contribution would be 17 square feet. The current community housing in-lieu is \$550/square foot. The associated community housing in-lieu fee would be \$9,350 (17square feet x \$550).

Calculating Floor Area Ratio Fee

Step 1. Determine the actual lot size "A".

Step 2. Determine the inclusionary housing incentive "H" for that site. (see inclusionary housing incentive for the zone).

Step 3. Calculate the buildout permitted by right "P" (Actual lot size • maximum permitted buildout = P)

Step 3. Determine proposed build out "M".

Step 4. Calculate sf increase above permitted amount.

Step 5. Multiply by 20% **Note: Combine Steps 5 & 6 by multiplying by sf increase above permitted amount by 0.17**

(Representing the minimum percent of the total increase in gross floor area above the greater of the permitted FAR to be deed restricted in perpetuity as community housing units).

Step 6. Reduce by 15%

(Representing the 15% square foot reduction to the overall net livable square footage for community housing units, due to circulation, mechanical, etc.).

Step 7. Multiply the total net livable "N" by the fee "F", as determined by the governing housing authority on an annual basis.

Step 8. The total floor area ratio fee will be determined as the total "T".

Formula:

Step 1: Actual lot size • Inclusionary housing incentive = Permitted by right
 $(A \cdot H = P)$

Step 2: ((Proposed build out-Permitted by right) Minimum percent of total increase) 15% discount = Net livable square feet
 $((M - P) \cdot 0.20) \cdot 0.85 = N$

Step 3: Net livable sf • Fee = total floor area ratio fee
 $N(F) = T$

ABBY RIVIN, AICP | CITY OF KETCHUM

Senior Planner

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arivin@ketchumidaho.org | www.ketchumidaho.org

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>

Sent: Friday, February 23, 2024 6:17 PM

To: Abby Rivin <ARivin@ketchumidaho.org>

Subject: Stanek Addition - set back and ROW

Hi Abby,

Hope you are well. I wanted to see if you had be able to reach out to the City Engineer on our behalf? To review, we are definitely going to meet the definition of Substantial Improvement and would like to schedule a meeting with the City Engineer to review what scope and deliverables will be required for ROW improvements.

Additionally, we are looking for clarification on a proposed deck encroachment. The Code reads that an encroachment is allowable up to 4' with conditions. The main condition we need clarification on is: 17.128.020 – I – condition 5:

5.No portion of a deck which encroaches into the required yard setback may be enclosed or covered by a roof; and

Can you please clarify if this means any deck that is encroaching cannot have any covering, or only the portion of an encroaching deck within the encroachment cannot have a covering? We are proposing a 9' deck, 4' of which would be encroaching. We were planning on utilizing 17.128.20 – A to extend the roof rake the allowable 3' into setback as a permissible encroachment. Is this allowable? See attached sketch for reference.

Lastly, did you have clean language or math for calculating the inclusionary housing fee for exceeding FAR? I'm referencing 17.124.040 – B, 1 through 2:

2: Far may be increased subject to design review approval

A: minimum of 20% of the total increase needs to be community housing

This may be reduced by 15% for Net

C: this may be paid by a via.

Do we take our Gross SF overage and multiply that by 20% and then reduce that by 15% and multiply that by the Housing Authorities current fee?

e.g.: we are over by 100 GSF, 20% of that is 20. A 15% reduction of that is 17. We would multiply 17 times the fee of \$450 for \$7,650 one time payment. Does that seem right? Where does City of Ketchum publish the Current Fee? I know we are in a bit of a transition but I couldn't find the in lieu of housing fee on either building permit application or design review.

Thanks a ton!

Joey Stevenson
Stevenson Architecture
208.720.3025

Exhibit 1-C
SD Plan Set
4/30/2024

Joseph Stevenson

From: Joseph Stevenson
Sent: Friday, May 3, 2024 2:27 PM
To: Abby Rivin
Subject: RE: Stanek Addition - set back and ROW

No worries, thanks Abby,

Let me review with Josh and Julie and I'll get back to you on an additional meeting.

Thanks -

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Friday, May 3, 2024 2:04 PM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>
Subject: RE: Stanek Addition - set back and ROW

Hi Joey,

Sorry for my delay in responding to your email. I just got out of a meeting with the City Engineer and we took a look at the preliminary plans you sent. Pursuant to Ketchum Municipal Code §17.124.140, because the project qualifies as a substantial improvement, the existing curb cut along 2nd Street must be removed and sidewalks that comply with city right-of-way standards must be installed along the front lot line/2nd Street frontage. Ketchum Municipal Code does not provide any relief from this requirement. The only option would be to decrease the scope of work so that the project does not qualify as a substantial improvement.

For the alley, the options are:

- If you'd like the city to take responsibility for plowing the alley, then you'd need to improve the alley to city right-of-way standards.
- If the property owner is willing to maintain and snow plow, then the alley may remain as is and no improvements would be required.

If you'd like to schedule a follow-up meeting with either me and/or the City Engineer to discuss further, please lemme know and I'll set that up. Have a wonderful weekend!

Best,
Abby

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>
Sent: Friday, May 3, 2024 1:45 PM
To: Abby Rivin <ARivin@ketchumidaho.org>
Subject: RE: Stanek Addition - set back and ROW

Hi Abby,

Sorry to be a nuisance here but I just wanted to make sure you received my last email. Hope all is well.

Cheers -

Joey Stevenson
[Stevenson Architecture](#)
208.720.3025

From: Joseph Stevenson
Sent: Tuesday, April 30, 2024 2:07 PM
To: Abby Rivin <ARivin@ketchumidaho.org>
Subject: RE: Stanek Addition - set back and ROW

Hi Abby,

So sorry for the long delay here. Attached is the Stanek SD set. I have an architectural site plan and demo site plan for our conversation with ROW engineer. Let me know if you are still the right person to be coordinating this through. If so, let me know when we may be able to schedule a meeting.

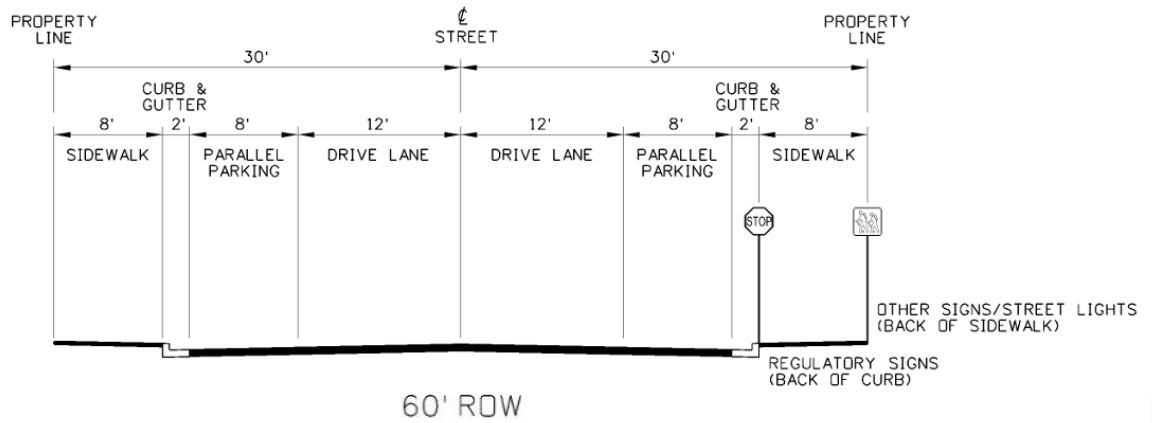
Thanks -

Joey Stevenson
[Stevenson Architecture](#)
208.720.3025

From: Abby Rivin <ARivin@ketchumidaho.org>
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REVISIONS				CITY OF KETCHUM 60' ROW LOCAL	STANDARD DRAWING NO. 18
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$$N(F) = T$$

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Senior Planner

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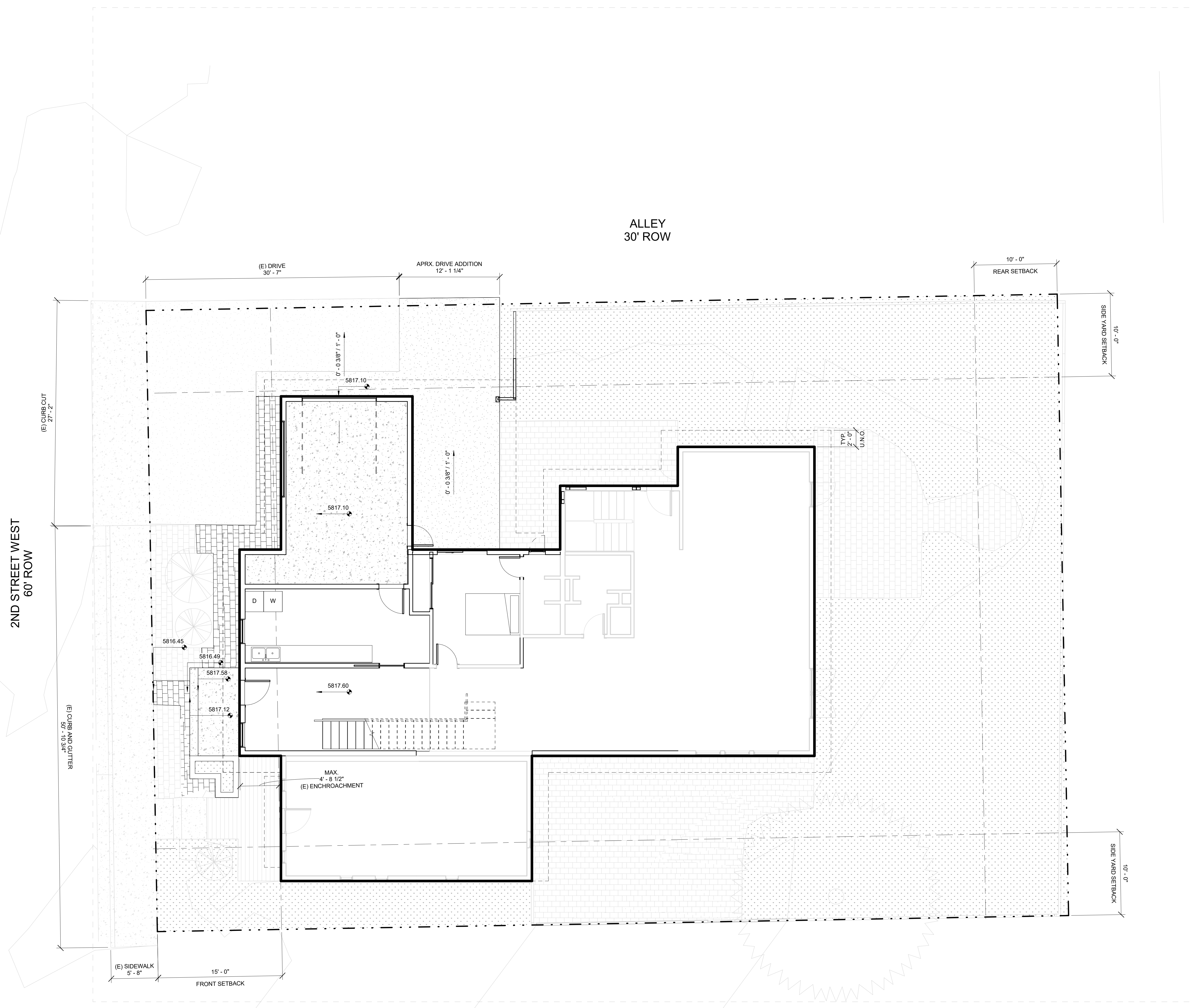
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Thanks a ton!

Joey Stevenson
Stevenson Architecture
208.720.3025



LEGEND

	EXISTING / DEMO TYP.
	HARDSCAPE PAVERS
	HARDSCAPE ASPHALT
	HARDSCAPE CONCRETE
	OPEN SPACE
	PROPERTY LINE
	SETBACK LINE
	UNDERGROUND UTILITY
	BUILDING ENVELOPE
	BUILDING - OVERHEAD
	FENCE

PLANTING LEGEND

	CONIFER TREE
	DECIDUOUS TREE

PROJECT
S Addition
 260 W 2nd St.
 Ketchum, ID 83340

PROJECT TEAM
OWNER
 JOSH AND JULIE STANEK

ARCHITECT
 STEVENSON ARCHITECTURE
 208 SPRUCE AVE., STE. B-4A
 KETCHUM, ID 83340
 (208) 720-3025

STRUCTURAL ENGINEER
 MAXWELL STRUCTURAL
 DESIGN STUDIO
 105 LEWIS ST., STE. 205
 KETCHUM, ID 83340
 (208) 721-2171

SURVEYOR
 GALENA BENCHMARK

GEOTECHNICAL ENGINEER
 TBD

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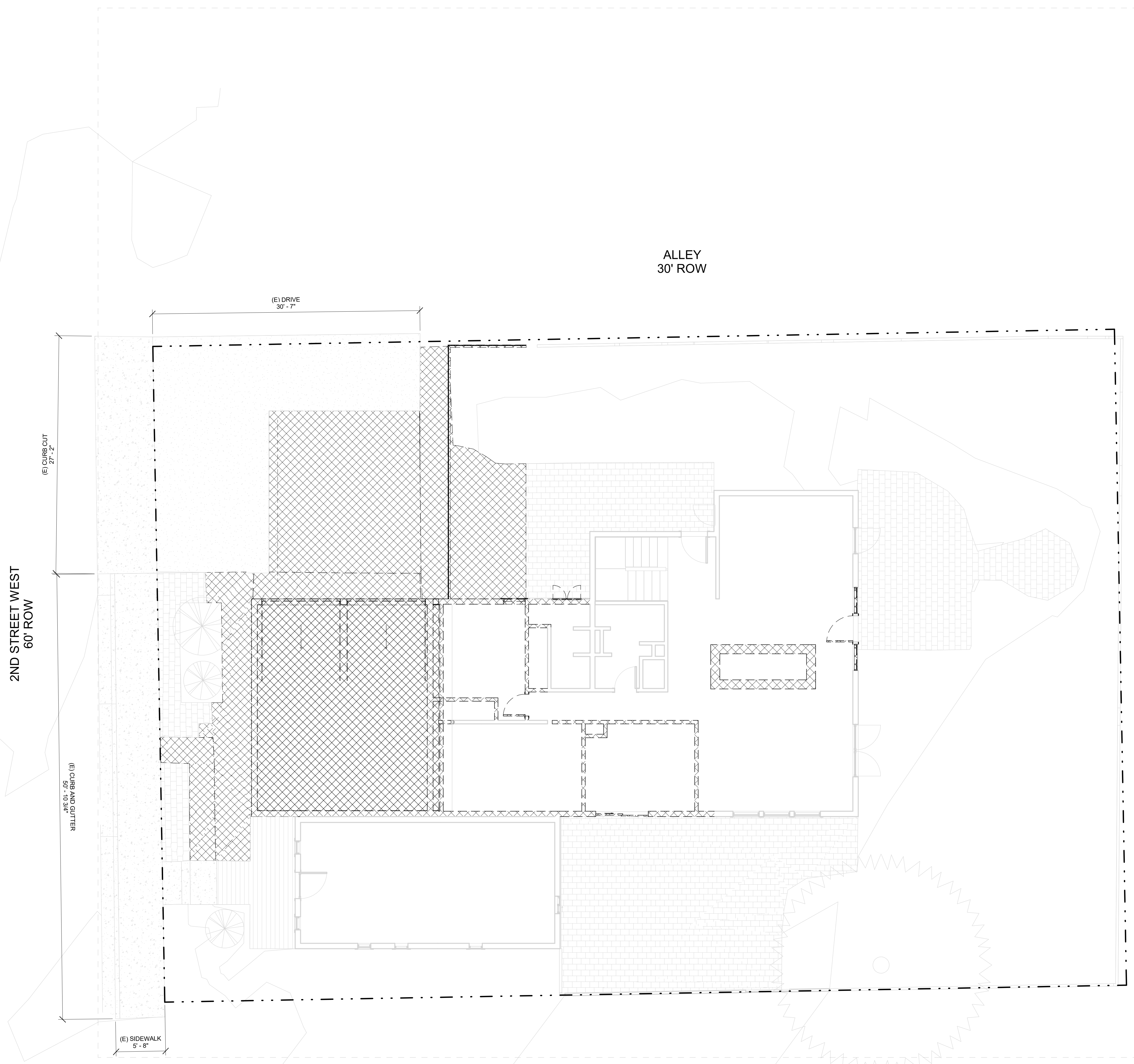
ISSUANCE

CURRENT REVISION

REVISION HISTORY

DRAWING SHEET TITLE
**ARCHITECTURAL
 SITE PLAN**

G-002



LEGEND

	EXISTING / DEMO TYP.
	HARDSCAPE PAVERS
	HARDSCAPE ASPHALT
	HARDSCAPE CONCRETE
	OPEN SPACE
	PROPERTY LINE
	SETBACK LINE
	UNDERGROUND UTILITY
	BUILDING ENVELOPE
	BUILDING - OVERHEAD
	FENCE

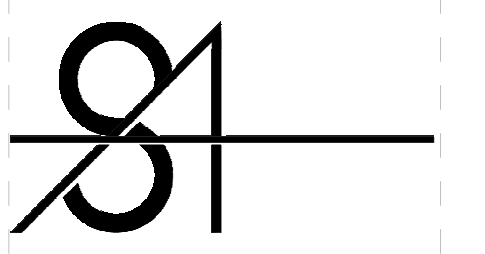
PLANTING LEGEND

	CONIFER TREE
	DECIDIOUS TREE

SHEET NOTE SCHEDULE - ...	
#	Note Text

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM
OWNER
JOSH AND JULIE STANEK

ARCHITECT
STEVENSON ARCHITECTURE
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SURVEYOR
GALENA BENCHMARK
GEOTECHNICAL ENGINEER
TBD

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CURRENT REVISION

REVISION HISTORY

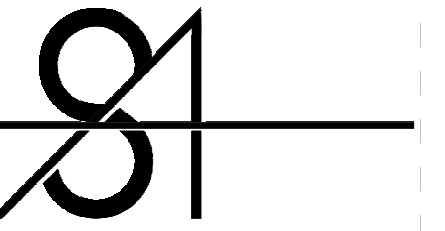
DRAWING SHEET TITLE
**ARCHITECTURAL
SITE PLAN -
DEMO
G-003**

SHEET NOTE SCHEDULE A-100

#	Note Text
B	(E) SEWER STUB - OWNER NOTES THE LINE CURRENTLY FREEZES ON OCCASION. CONTRACTOR TO REVIEW EXISTING CONDITIONS AND MODIFY ACCORDINGLY TO BRING LINE UP TO CODE AND BELOW FROST LINE
C	(E) LAUNDRY UNITS - RELOCATE TO THE NEW LAUNDRY ROOM

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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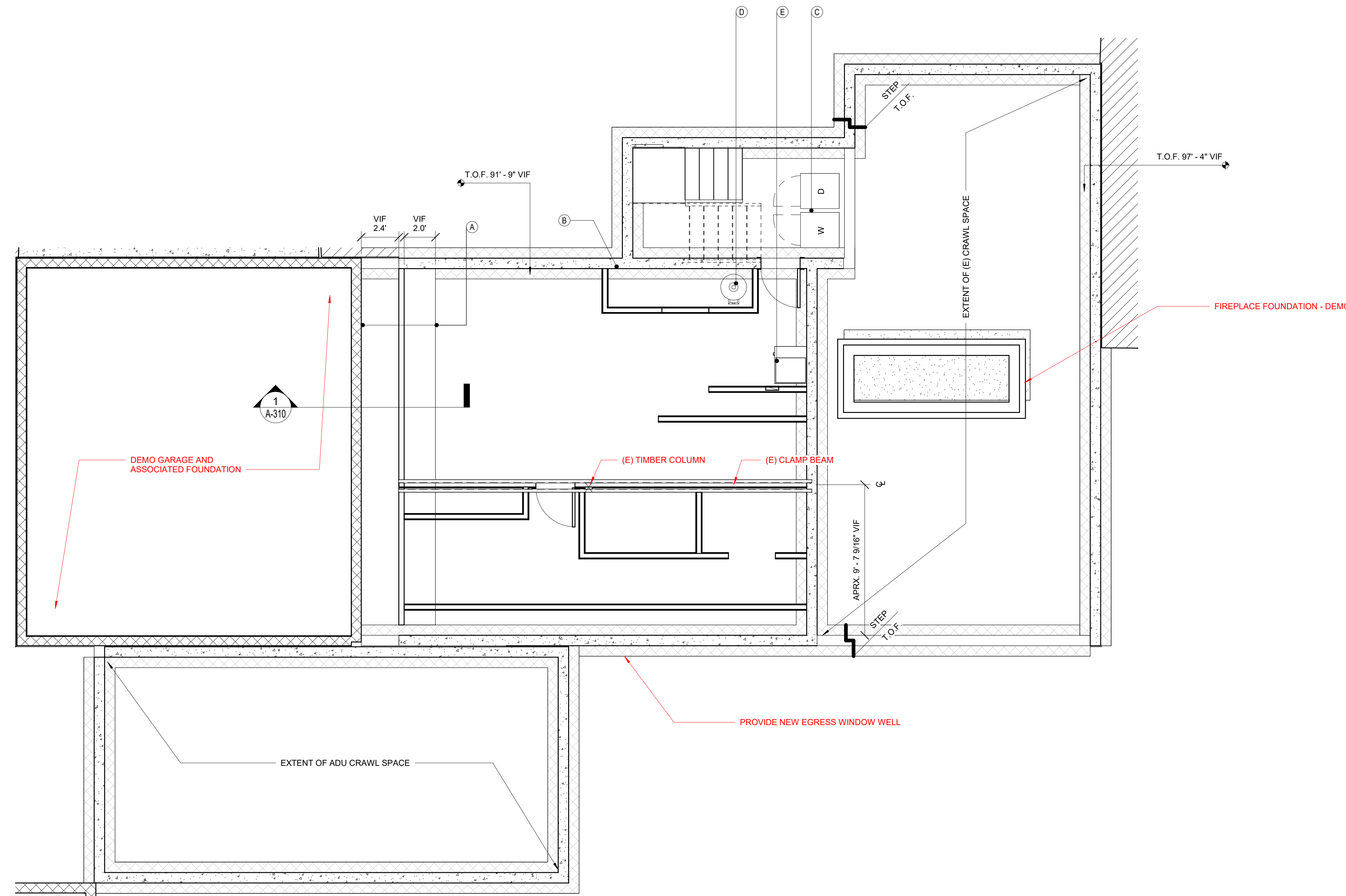
CURRENT REVISION

REVISION HISTORY

DRAWING SHEET TITLE

**BASEMENT
PLAN - DEMO**

A-100



1 BASEMENT / FOUNDATION LEVEL DEMO PLAN
SCALE: 1/4" = 1'-0"



1 LEVEL 1 - DEMO
SCALE: 1/4" = 1'-0"

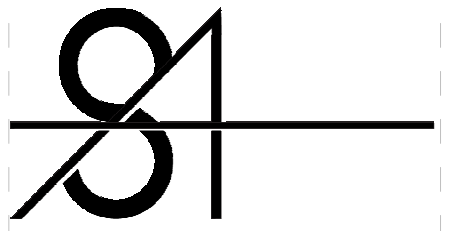
GENERAL NOTES - DEMO

1. CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCING WORK. COORDINATE ANY DISCREPANCIES WITH THE ARCHITECT, OWNER, OR STRUCTURAL ENGINEER ACCORDINGLY.
2. CONTRACTOR IS TO PROTECT ALL EXISTING FINISHES, SURFACES, ETC. DURING THE COURSE OF DEMOLITION. CONTRACTOR IS TO DETERMINE FEASIBILITY OF PROTECTION PRIOR TO COMMENCING WORK AND PROVIDE RECOMMENDATIONS TO ALTERNATIVE APPROACHES IF APPLICABLE.

SHEET NOTE SCHEDULE A-101	
#	Note Text

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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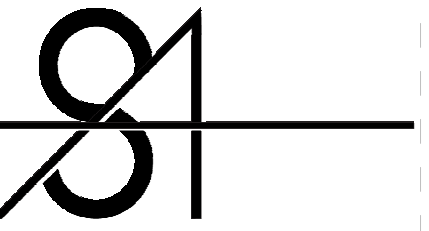
DRAWING SHEET TITLE

**FIRST FLOOR
PLAN - DEMO**

A-101

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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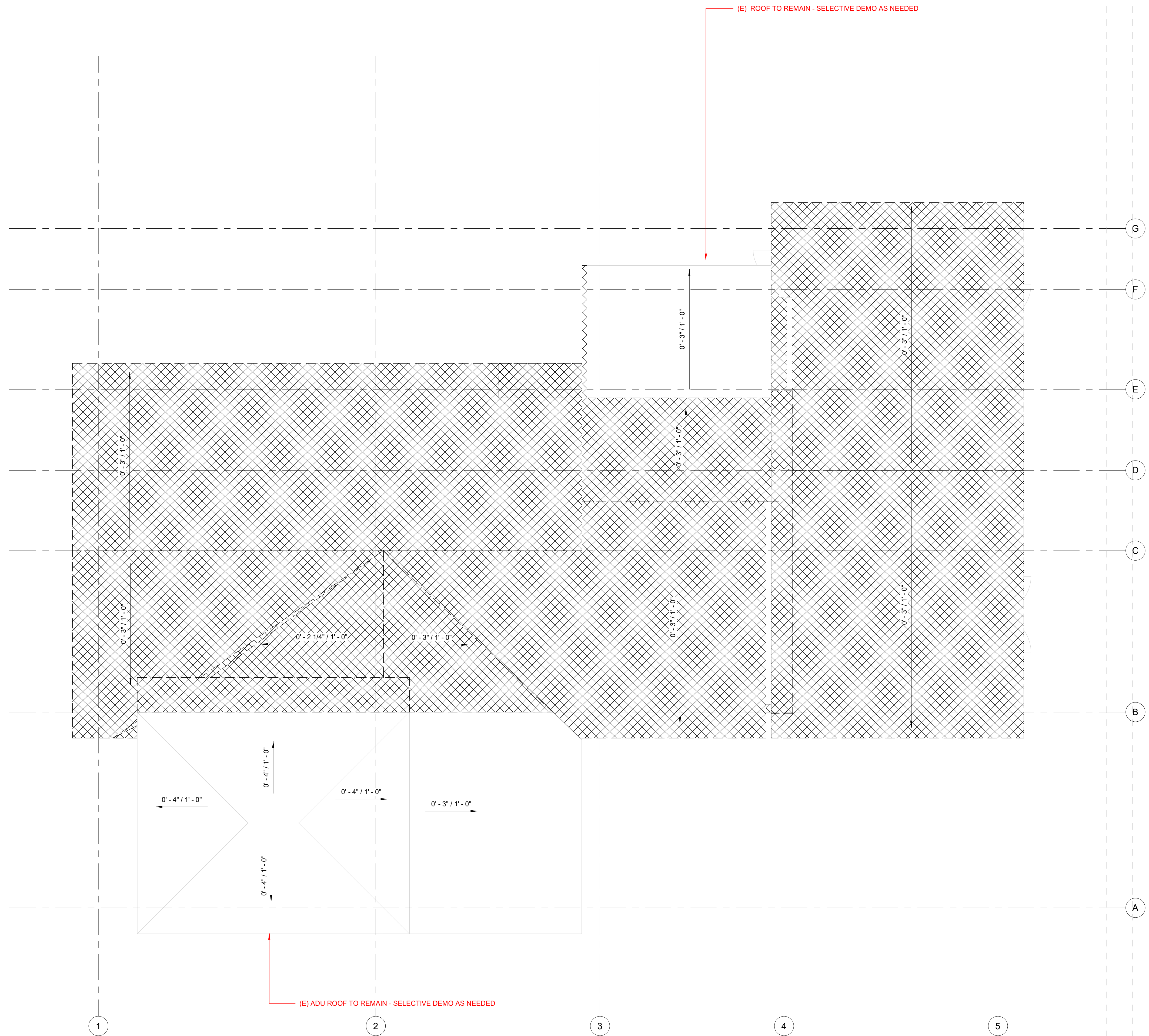
CURRENT REVISION

REVISION HISTORY

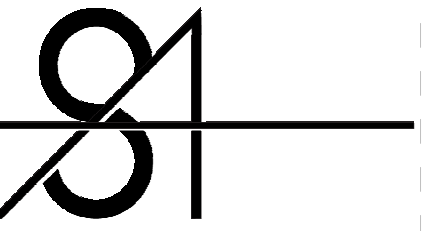
DRAWING SHEET TITLE

**ROOF PLAN -
DEMO**

A-102



1 ROOF - DEMO
SCALE: 1/4" = 1'-0"



PROJECT TEAM

OWNER
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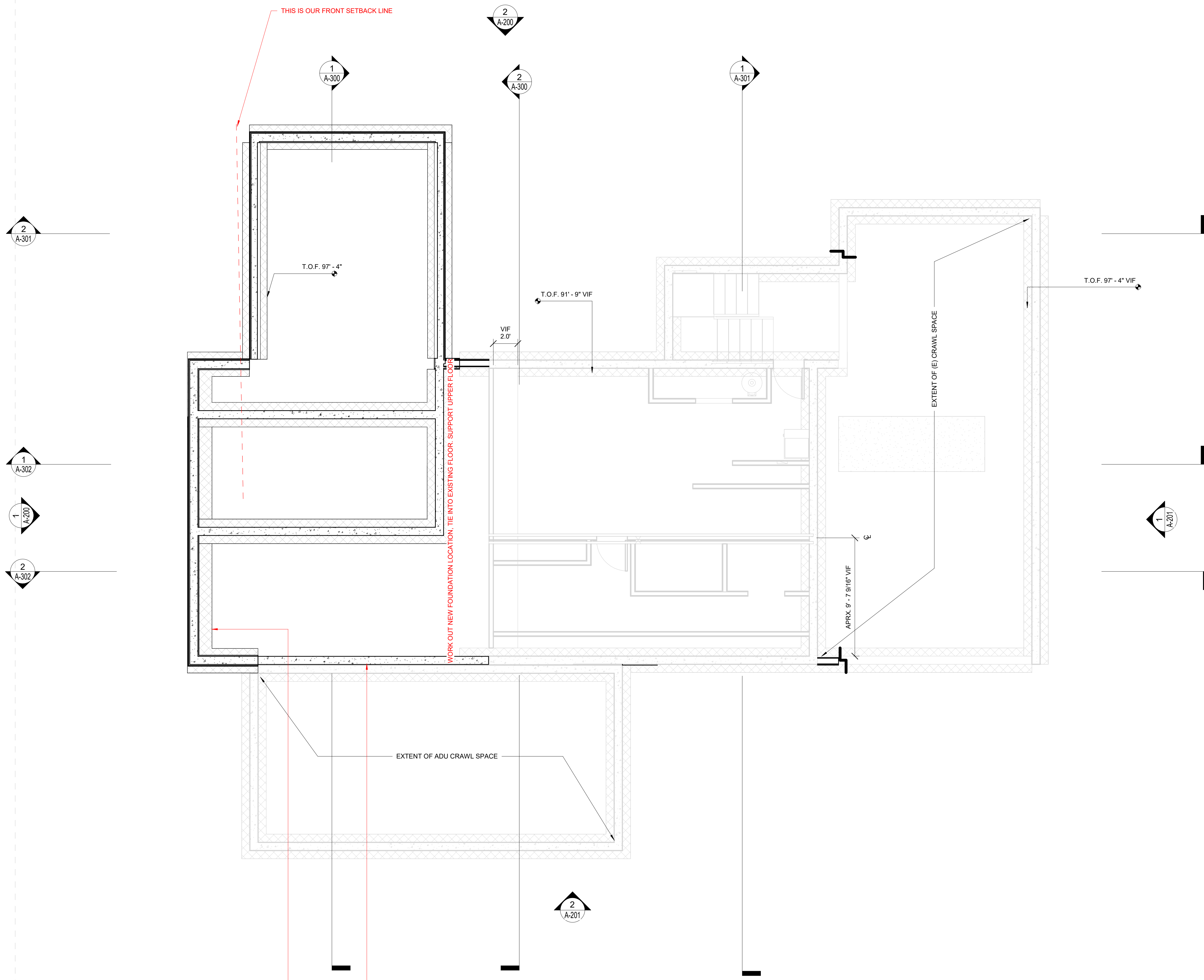
CURRENT REVISION

REVISION HISTORY

DRAWING SHEET TITLE

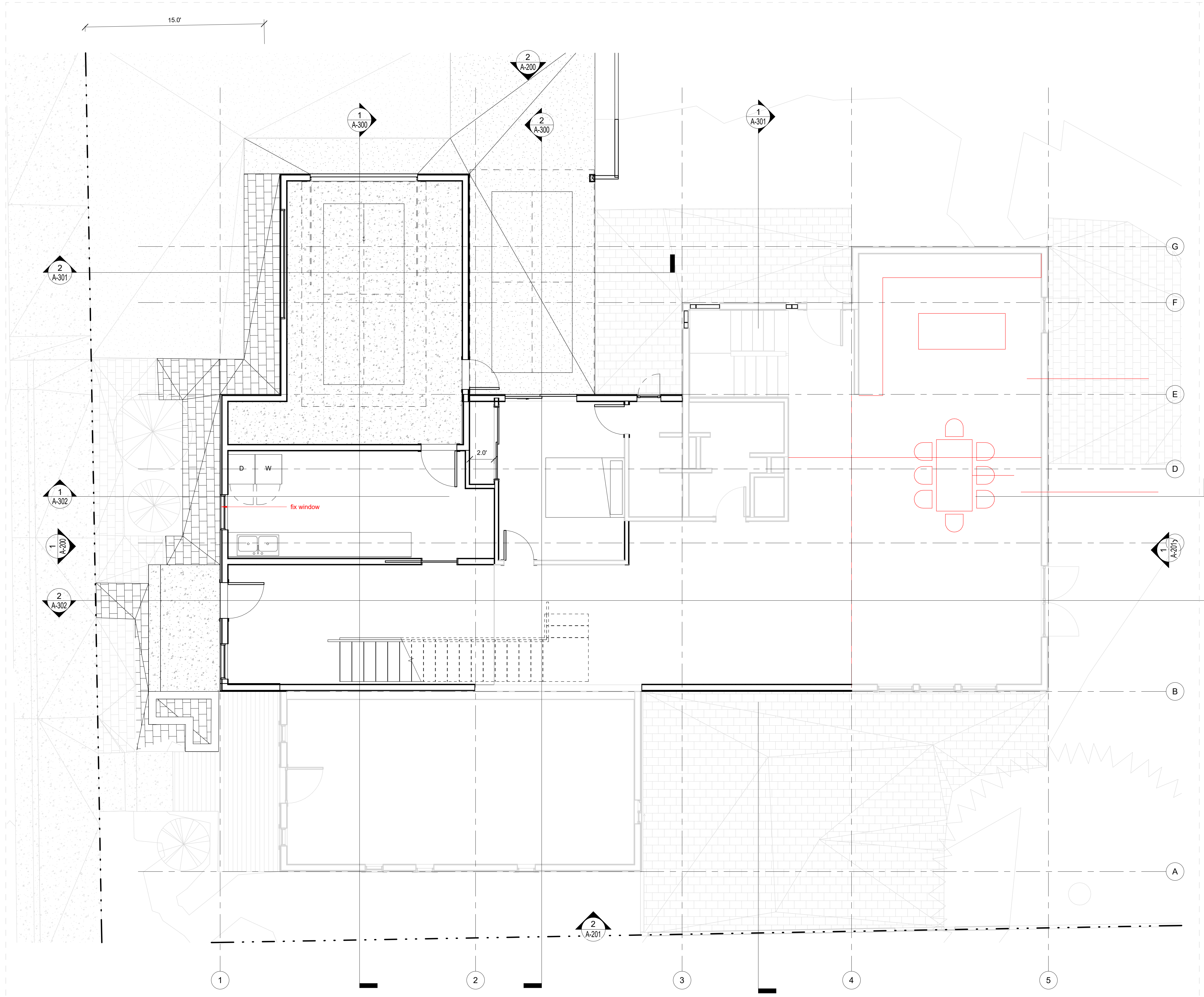
**BASEMENT
PLAN**

A-110



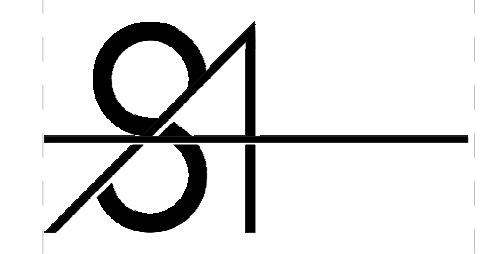
1 BASEMENT / FOUNDATION LEVEL PLAN
SCALE: 1/4" = 1'-0"

IDEALLY WE BUILD AN ECCENTRIC FOOTING HERE - THIS IS AN ENCROACHING WALL AND IF IT ISN'T TOO DIFICULT TO DO, I'D RATHER MAINTAIN THE EXISTING ENCROACHMENT THAN TRIGGER ANYTHING WITH THE CITY OR ASK FOR ANYTHING...



PROJECT
S Addition

260 W 2nd St.
 Ketchum, ID 83340



PROJECT TEAM

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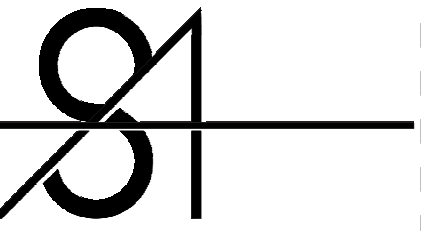
REVISION HISTORY

DRAWING SHEET TITLE
**FIRST FLOOR
 PLAN**

A-111

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

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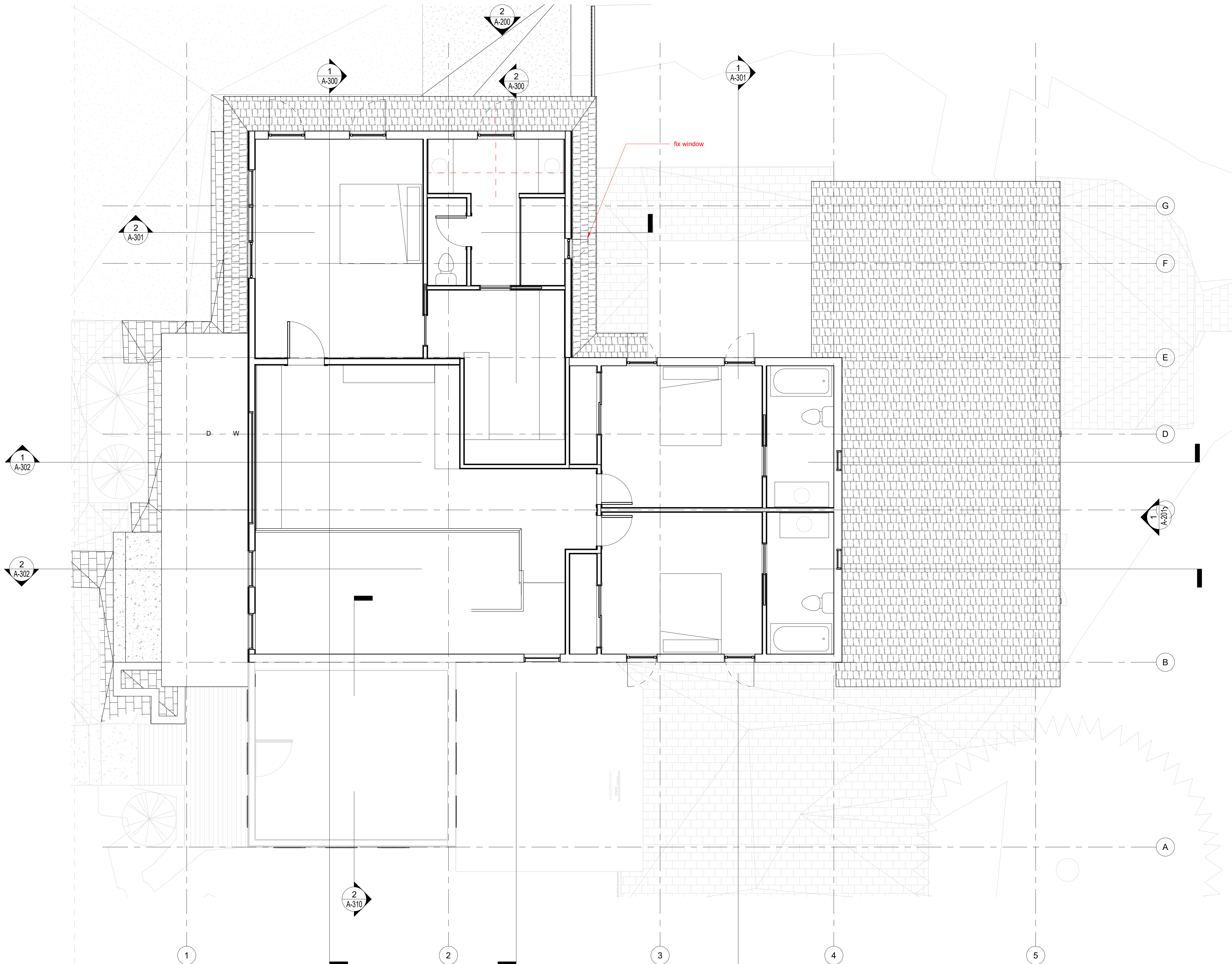
CURRENT REVISION

REVISION HISTORY

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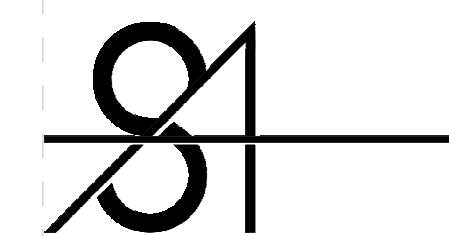
**SECOND FLOOR
PLAN**

A-112



PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
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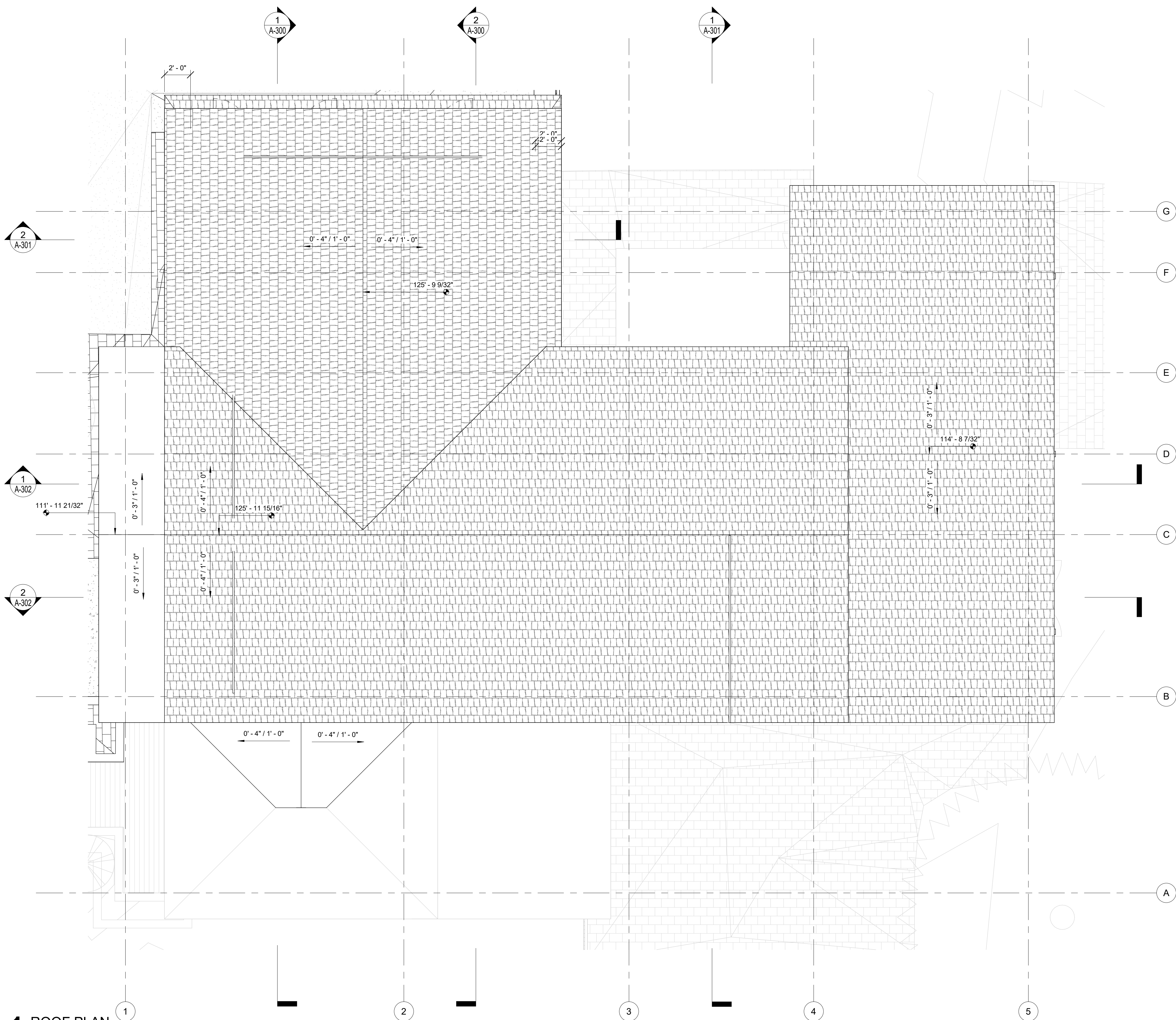


REVISION HISTORY

DRAWING SHEET TITLE

ROOF PLAN

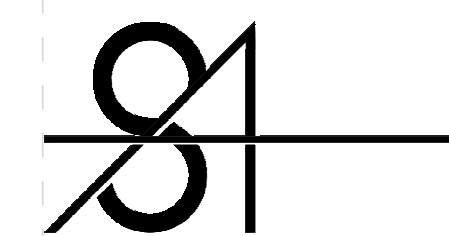
A-113



1 ROOF PLAN
SCALE: 1/4" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

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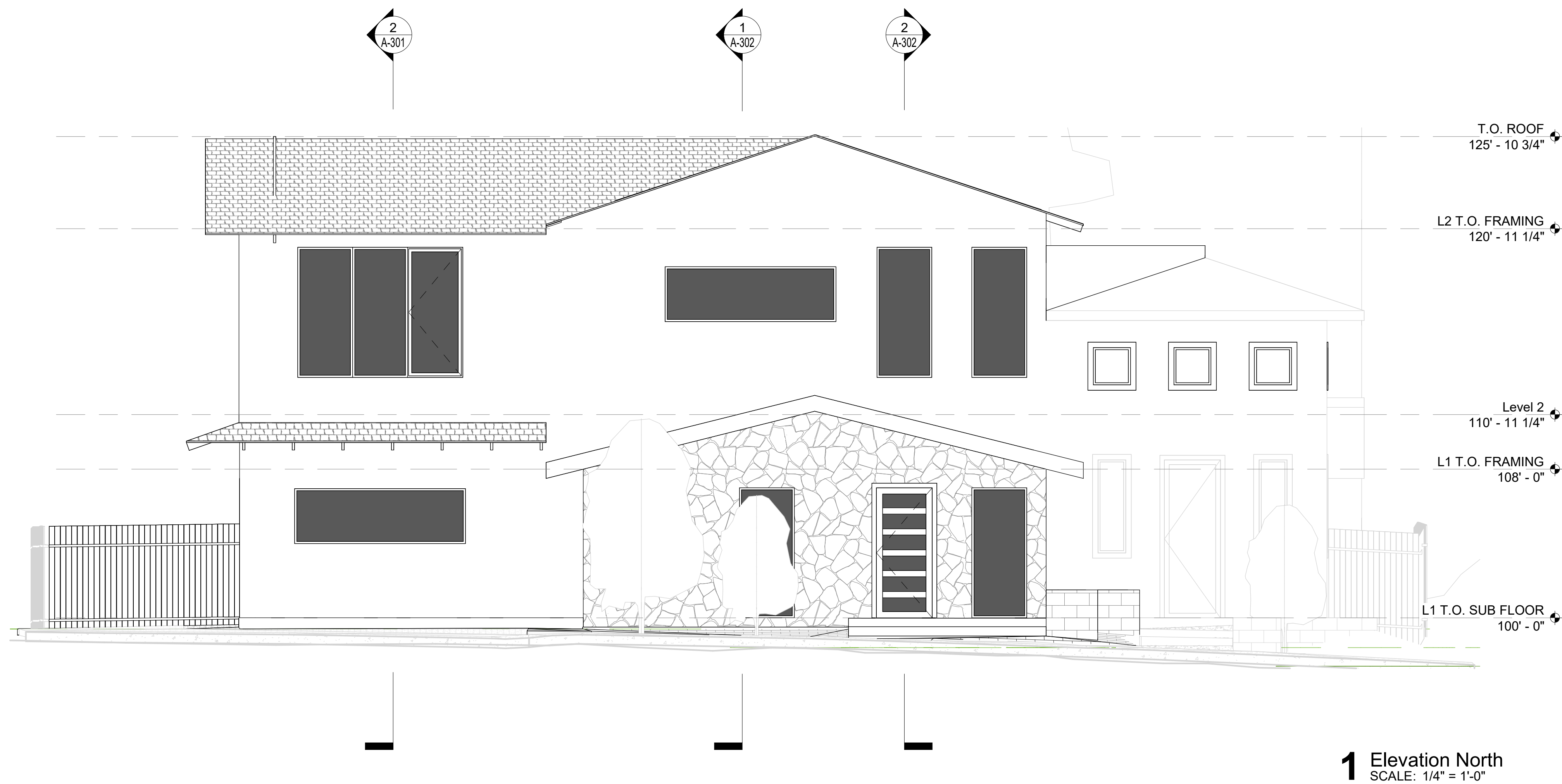
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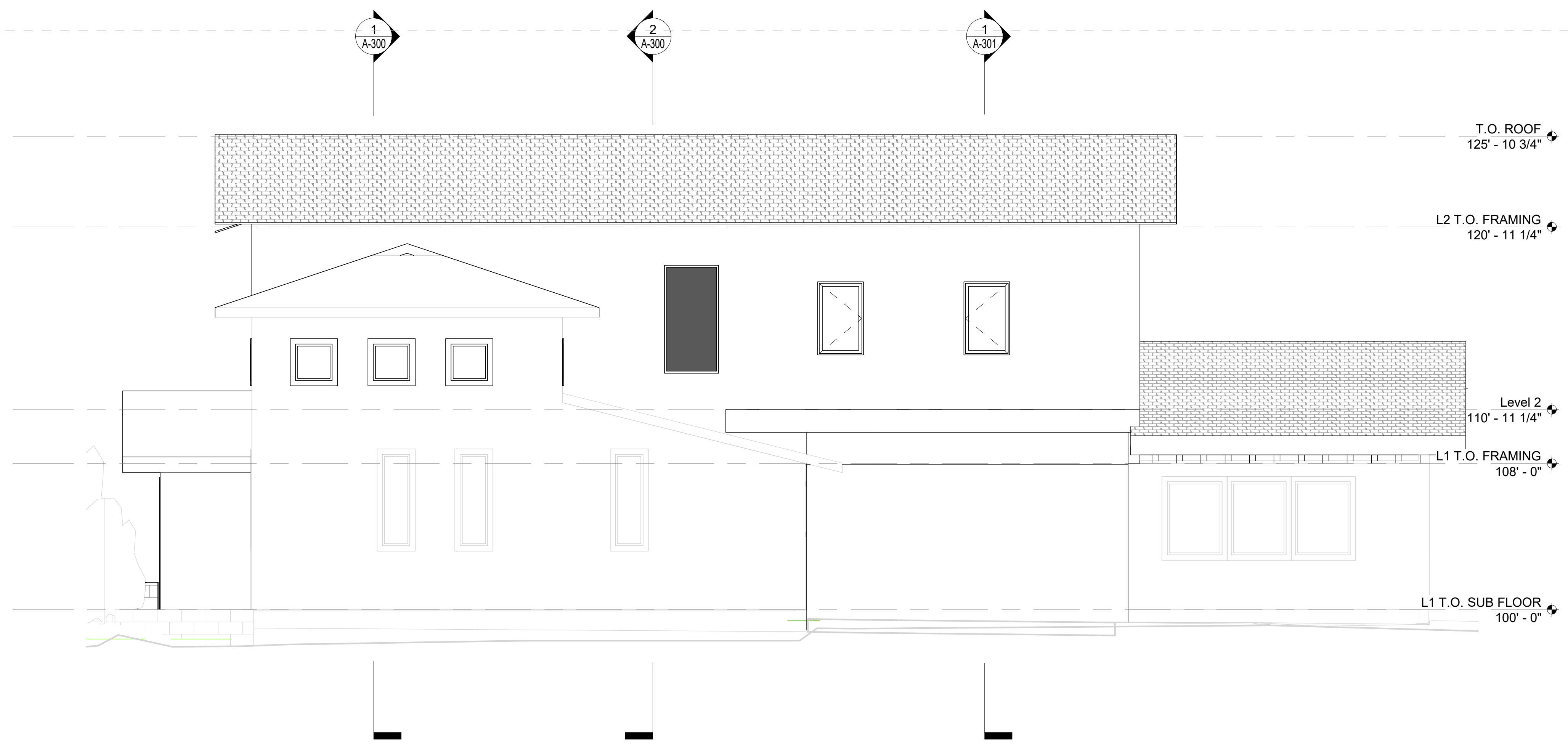


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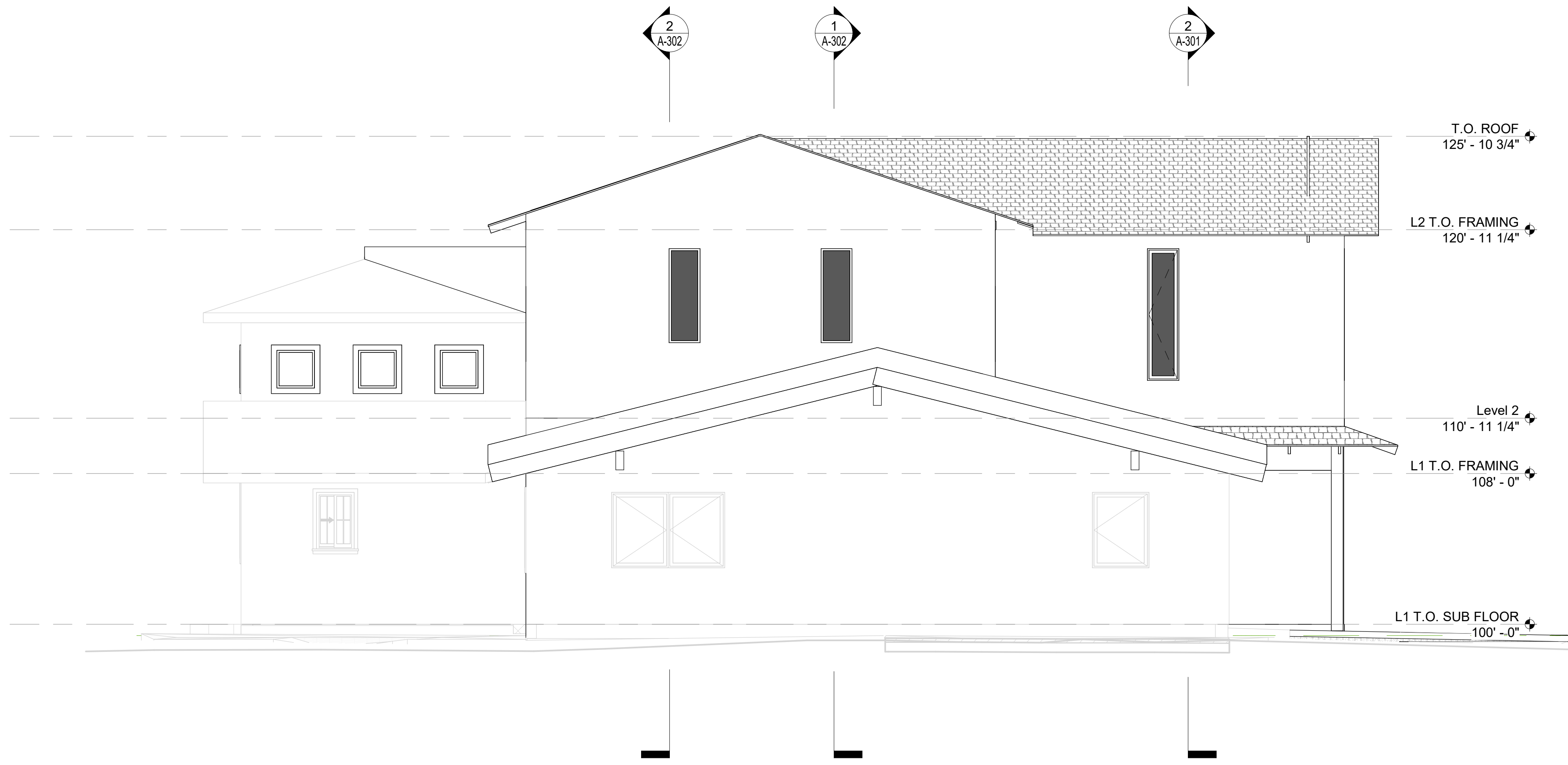
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ELEVATIONS

A-200





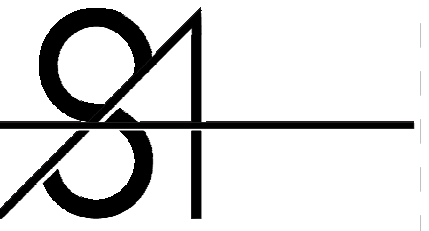
2 Elevation West
SCALE: 1/4" = 1'-0"



1 Elevation South
SCALE: 1/4" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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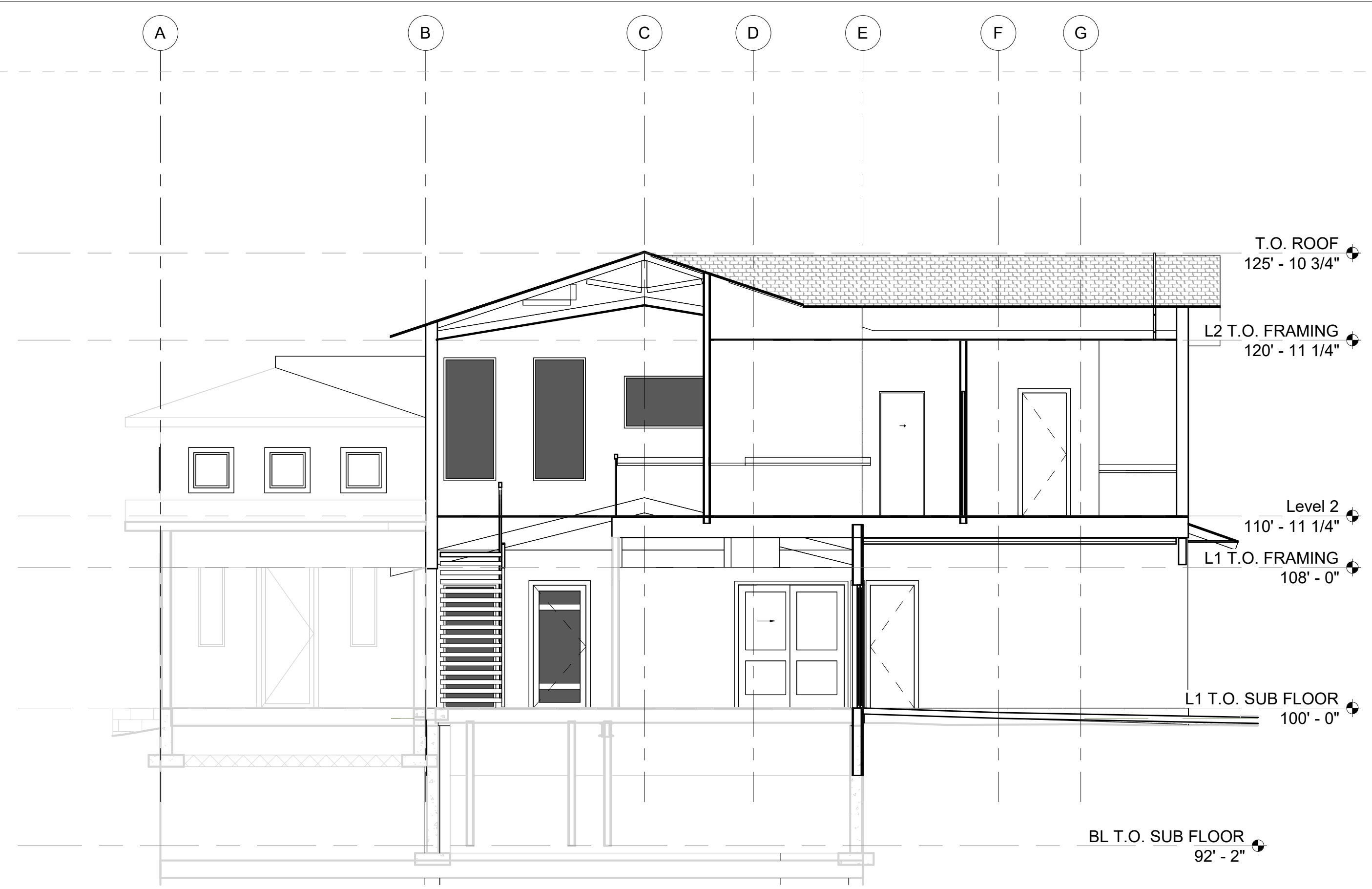
CURRENT REVISION



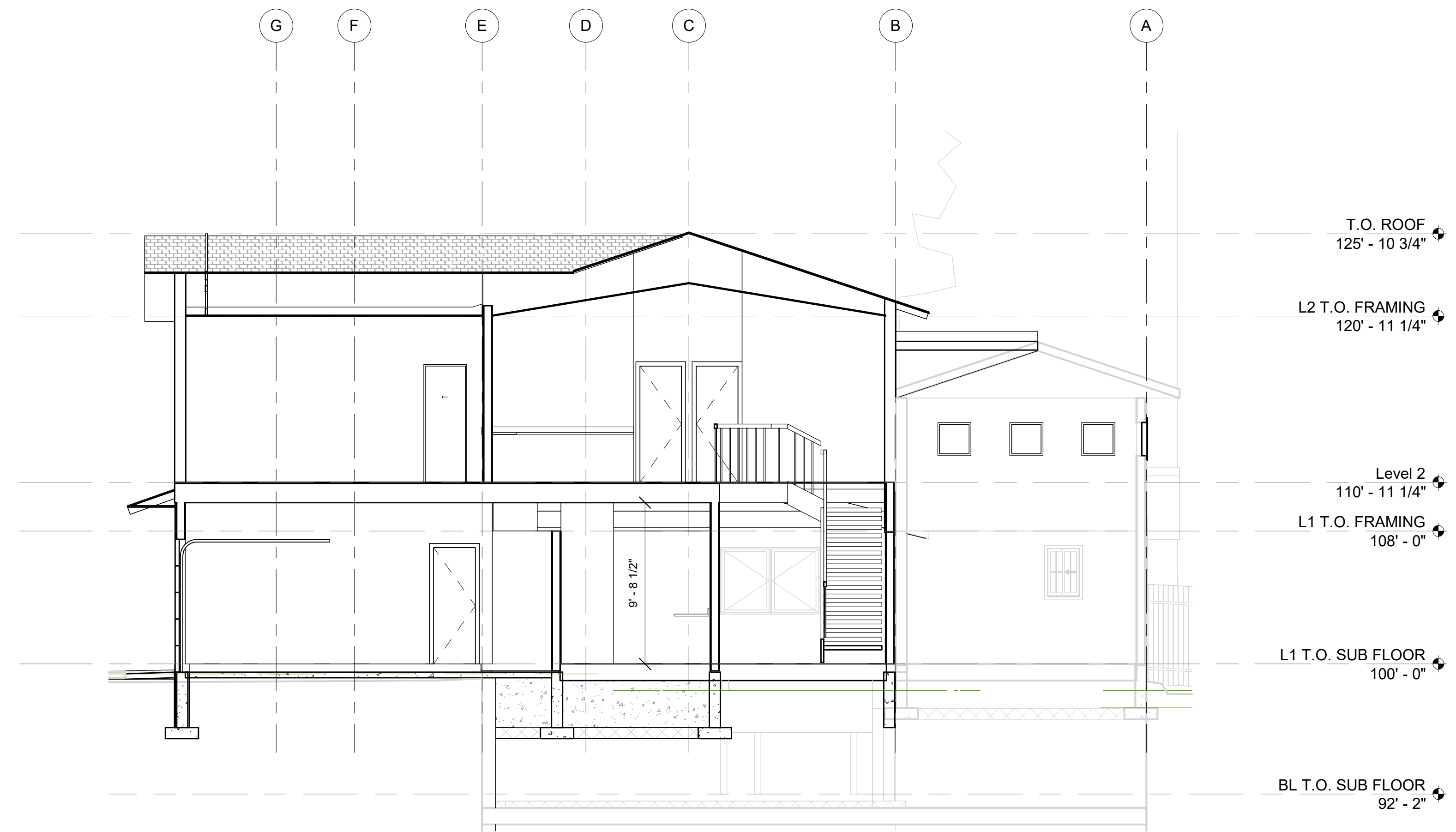
REVISION HISTORY

DRAWING SHEET TITLE
ELEVATIONS

A-201



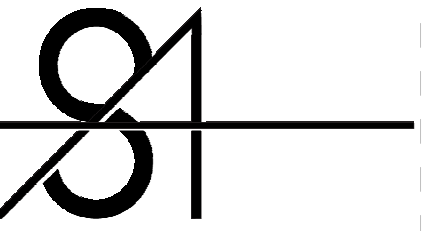
2 Section 2
SCALE: 3/16" = 1'-0"



1 Section 1
SCALE: 3/16" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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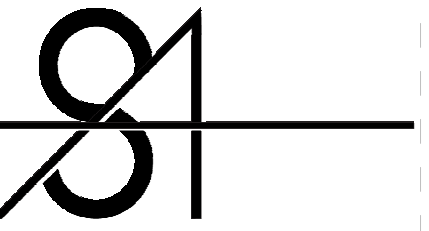
DRAWING SHEET TITLE

SECTIONS

A-300

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
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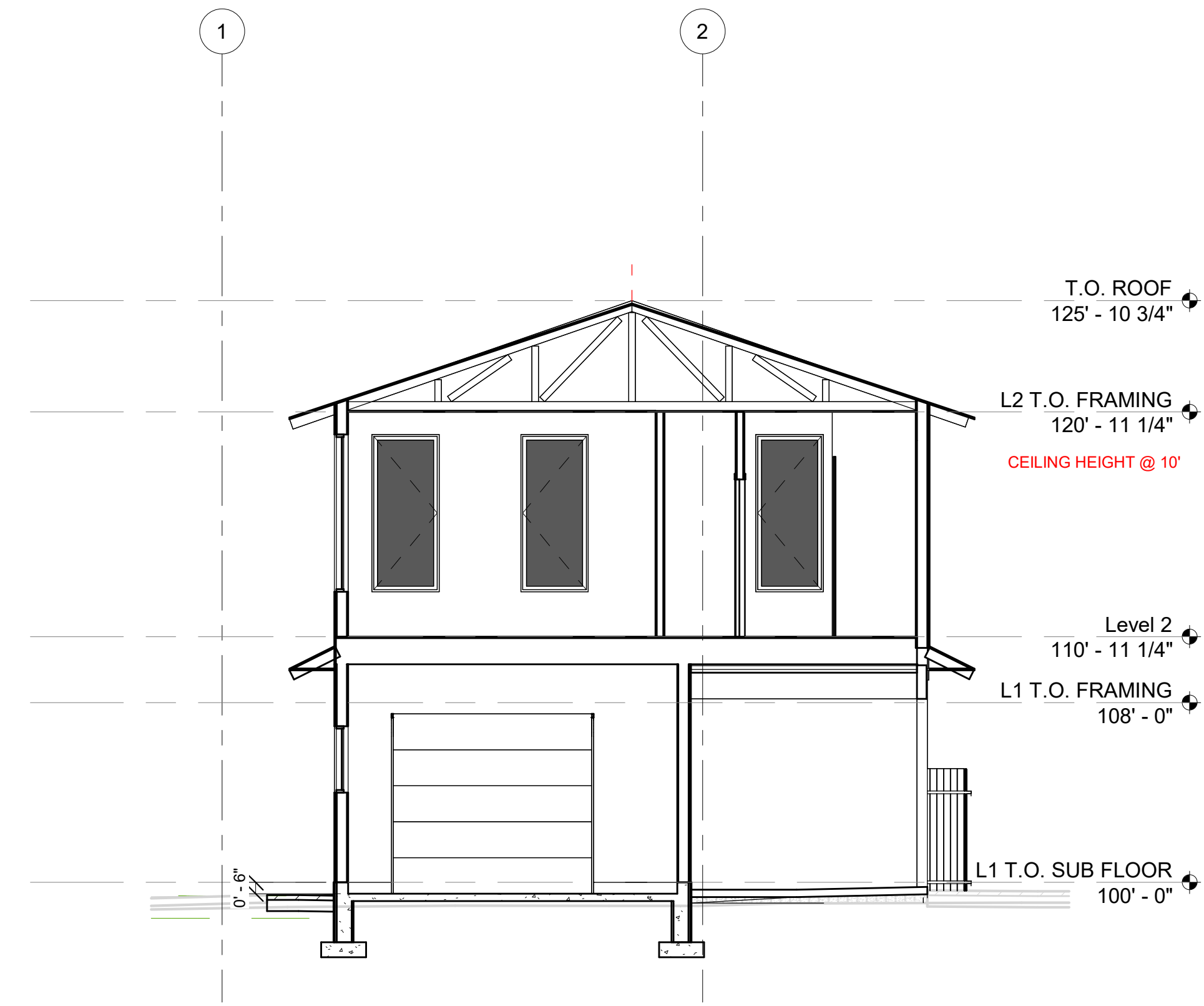
CURRENT REVISION

REVISION HISTORY

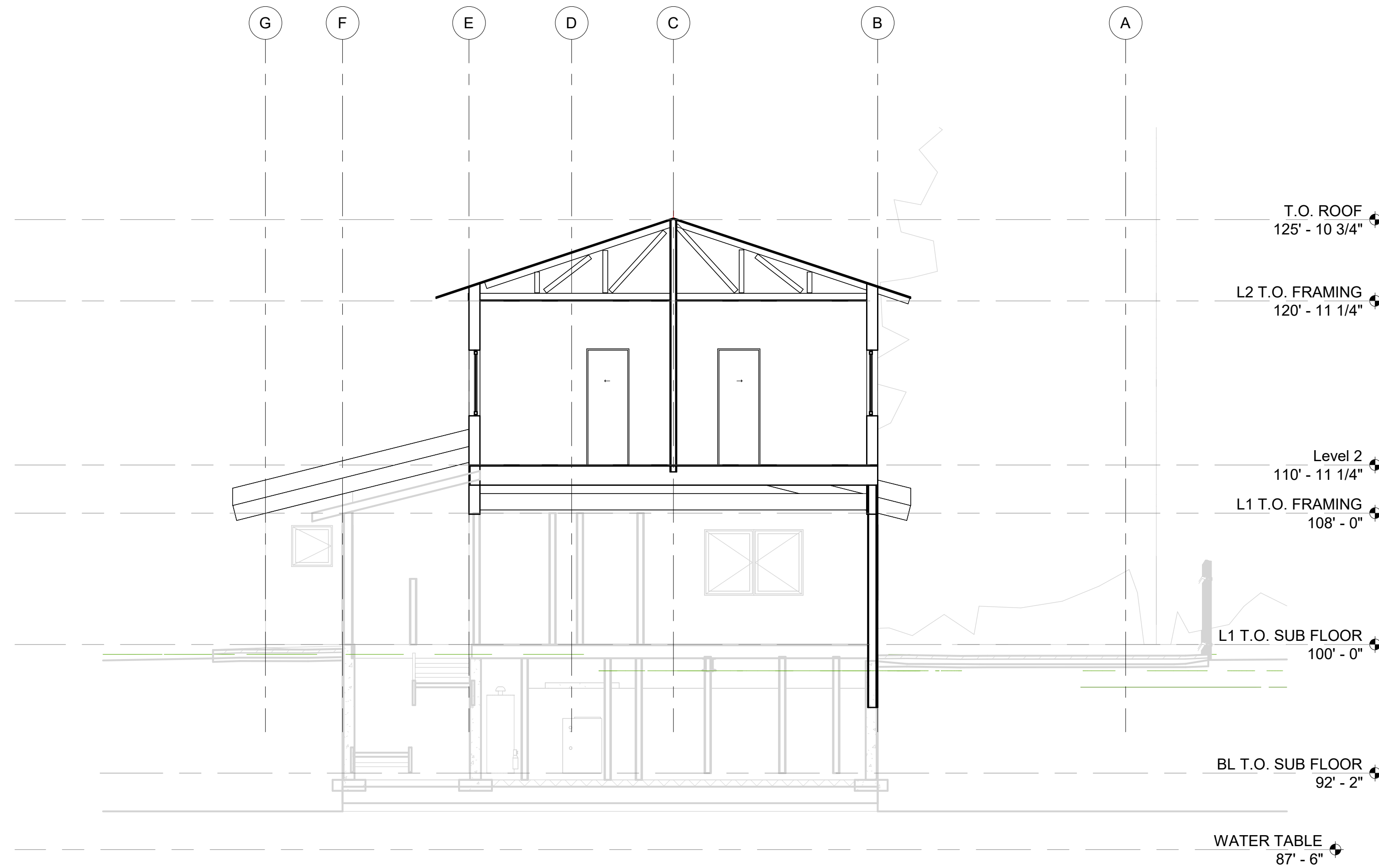
DRAWING SHEET TITLE

SECTIONS

A-301



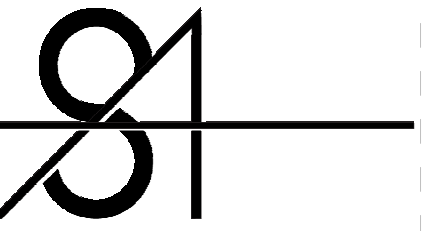
2 Section A
SCALE: 3/16" = 1'-0"



1 Section 3
SCALE: 3/16" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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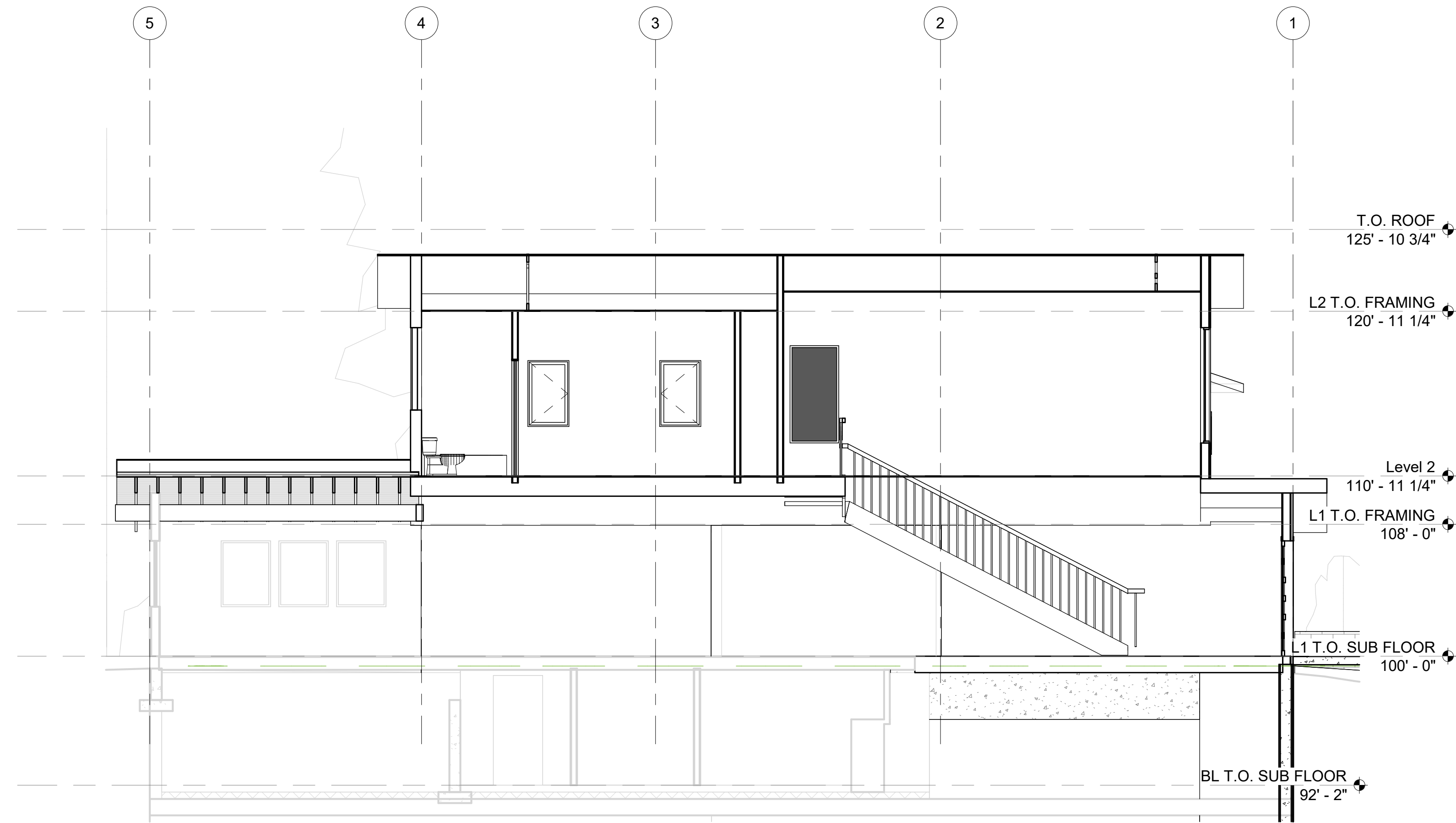
CURRENT REVISION

REVISION HISTORY

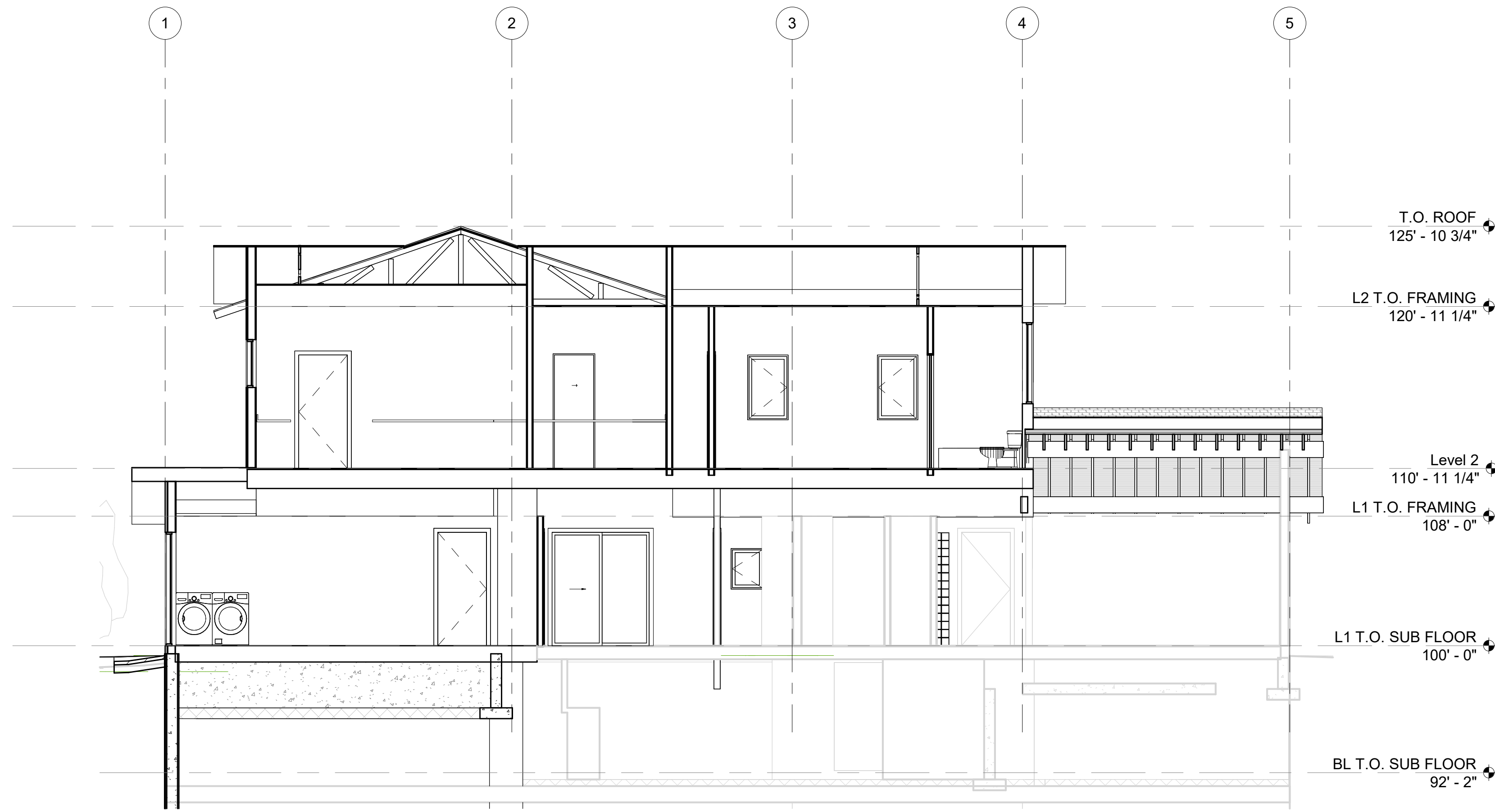
DRAWING SHEET TITLE

SECTIONS

A-302



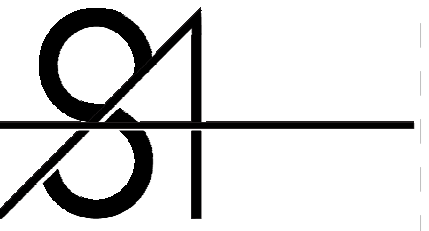
2 Section C
SCALE: 3/16" = 1'-0"



1 Section B
SCALE: 3/16" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

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CURRENT REVISION

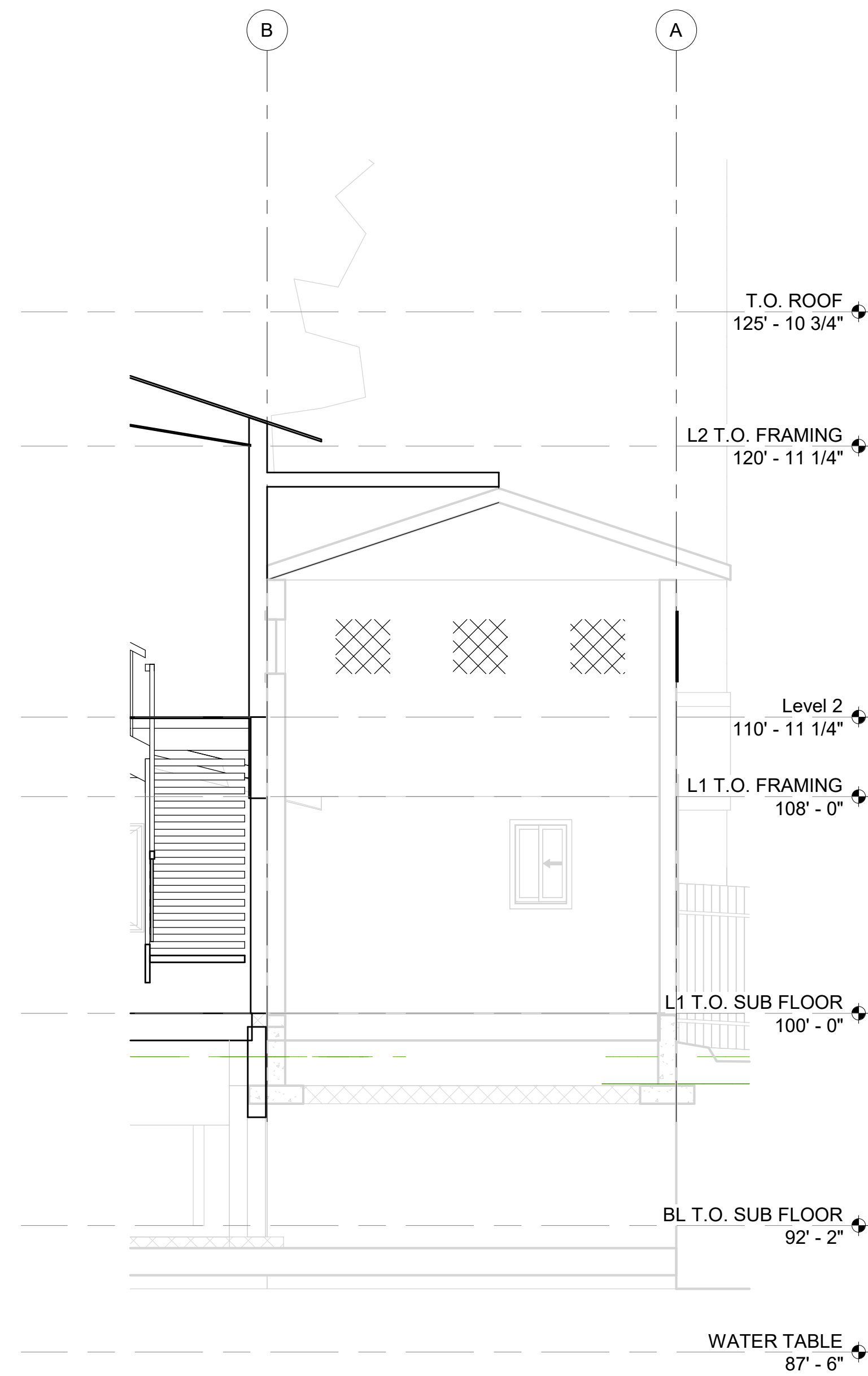


REVISION HISTORY

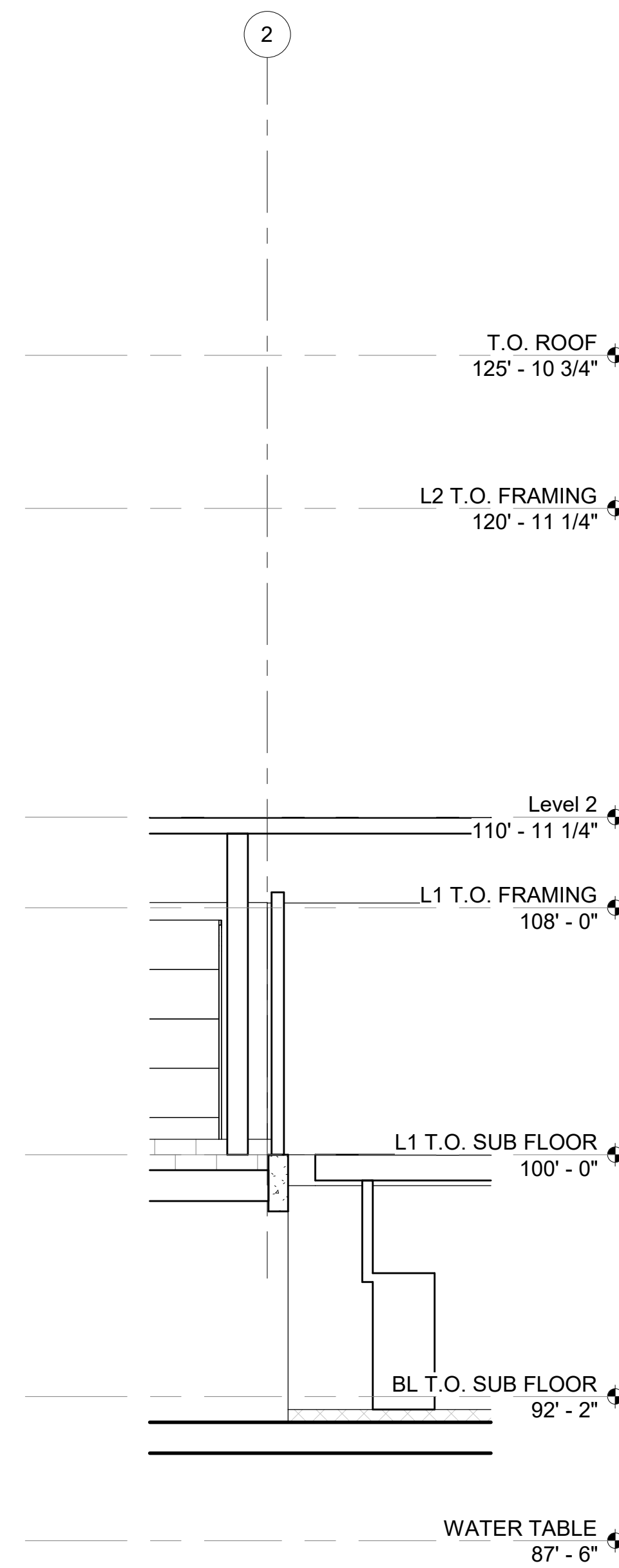
DRAWING SHEET TITLE

**DEMO
SECTIONS**

A-310



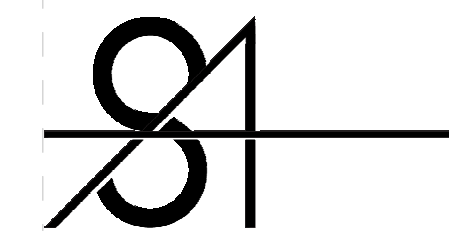
2 Section ADU / Basement foundation
SCALE: 1/4" = 1'-0"



1 Section (E) Garage foundation
SCALE: 1/4" = 1'-0"

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

ARCHITECT
STEVENSON ARCHITECTURE
208 SPRUCE AVE., STE. B-4A
KETCHUM, ID 83340
(208) 720-3025

STRUCTURAL ENGINEER
**MAXWELL STRUCTURAL
DESIGN STUDIO**
105 LEWIS ST., STE. 205
KETCHUM, ID 83340
(208) 721-2171

SURVEYOR
GALENA BENCHMARK

GEOTECHNICAL ENGINEER
TBD

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DRAWING SHEET TITLE

3D VIEWS

A-900



4 SE PERSPECTIVE
SCALE:



3 NE STREET PERSPECTIVE
SCALE:



2 N NE ACROSS STREET PERSPECTIVE
SCALE:



1 N ACROSS STREET PERSPECTIVE
SCALE:

Exhibit 1-D
Demo Permit question
6/7/2024

Joseph Stevenson

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Friday, June 7, 2024 12:21 PM
To: Joseph Stevenson
Subject: RE: Stanek addition

Hi Joey,

The building permit submittal must include the full scope of work from demolition to right-of-way improvements. City departments/plan reviewers need to review the full scope of work and the proposed improvements before authorizing any demolition. The right-of-way improvements are required as the project qualifies as a substantial improvement—the ROW improvement plans must be included in the building permit submittal. Unfortunately, there isn't a path to expedite this process.

Please don't hesitate to holler if you have any further questions. Have a wonderful weekend!

Best,
Abby

ABBY RIVIN, AICP | CITY OF KETCHUM

Senior Planner

P.O. Box 2315 | 191 5th Street W | Ketchum, ID 83340

office: 208-726-7801 | direct: 208-727-5082

arivin@ketchumidaho.org | www.ketchumidaho.org

From: Joseph Stevenson <Joey@stevensonarchitecture.com>
Sent: Friday, June 7, 2024 10:25 AM
To: Abby Rivin <ARivin@ketchumidaho.org>
Subject: Stanek addition

Hi Abby,

I hope all is well with you. I am reaching out on Josh and Julie's addition. We are in the works of finalizing our permit set and I am wondering if there are any avenues to separate the building permit submittal from the Right of way work? Or can we pull a demo permit ahead of the building permit review and approval? Just trying to see if there are any ways for us to expedite some of the construction within reason.

Thanks in advance for your help. Let me know if I should be coordinating with someone else on this. Cheers -

Joey Stevenson
Stevenson Architecture
208.720.3025

Exhibit 1-E
Demo Permit question 2
8/12/2024

Joseph Stevenson

From: Joseph Stevenson
Sent: Monday, August 12, 2024 9:54 AM
To: Planning and Building
Subject: RE: demo permit - 260 w second street - permit application 24-Ketc-00378

Thanks Heather,

Welcome back, hope you had an enjoyable time away. cheers -

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Planning and Building <planningandbuilding@ketchumidaho.org>
Sent: Monday, August 12, 2024 9:53 AM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>; Planning and Building <planningandbuilding@ketchumidaho.org>
Subject: RE: demo permit - 260 w second street - permit application 24-Ketc-00378

Morning Joey,

Demo is included in the scope of work for the addition. So when the building permit is issued, it will be for your entire scope of work – including the demo.

Sometimes people will get a separate demo permit, but that is usually when they do not have the remodel/addition/new construction plans ready and want to get started in the process. The demo permits go through the same process as building permits, so submitting a demo permit now will unlikely save you anytime – just cost you more money and work.

HEATHER NICOLAI | CITY OF KETCHUM

Office Administrator

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: (208) 727-5072

planningandbuilding@ketchumidaho.org

hnicolai@ketchumidaho.org | www.ketchumidaho.org

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>
Sent: Friday, August 9, 2024 3:29 PM
To: Planning and Building <planningandbuilding@ketchumidaho.org>
Subject: demo permit - 260 w second street - permit application 24-Ketc-00378

Hello Heather or Paige,

I am fairly certain I have already asked this question, but I can't seem to track down the response: when will be able to pull the demo permit for 260 w second street – permit application 00378? I feel like you said it was all the same now, and that demo could only be pulled once the entire application had been approved, but our contractor seemed to think we would be able to pull it sooner. Anyways, sorry for the redundancy and thank you in advance –

Cheers -

Joey Stevenson
Stevenson Architecture
208.720.3025

Exhibit 1-F
Stop Work Order
10/11/2024

Joseph Stevenson

From: Joseph Stevenson
Sent: Friday, October 11, 2024 2:50 PM
To: Genoa Beiser
Cc: Josh Stanek
Subject: RE: 260 w second St - stop work

Thank you Genoa,

Again, I request that we be able to meet with both you and Morgan to review the issue. Please advise if there is a date and time that will work for you.

Joey Stevenson
Stevenson Architecture
208.720.3025

From: Genoa Beiser <gbeiser@ketchumidaho.org>
Sent: Friday, October 11, 2024 10:42 AM
To: Joseph Stevenson <Joey@stevensonarchitecture.com>
Cc: Josh Stanek <joshstanek@gmail.com>
Subject: Re: 260 w second St - stop work

Hi Joey,

Thank you for this information and summing up the issues we discussed yesterday. Morgan and I have an internal meeting scheduled for early next week where we will review, at detail, what you have sent below & what I permitted in my review. We do not assume malicious intent, but it is our duty to apply the code consistently across all projects. We appreciate you giving us this time to review all the details so as not to make a hasty decision. Morgan or I will be in touch as soon as she has made her determination.

Thank you,
Genoa

GENOA BEISER | CITY OF KETCHUM

Zoning Technician

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: (208) 727-5077

planningandbuilding@ketchumidaho.org

gbeiser@ketchumidaho.org | www.ketchumidaho.org

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From: Joseph Stevenson <Joey@stevensonarchitecture.com>
Sent: Thursday, October 10, 2024 5:24 PM
To: Genoa Beiser <gbeiser@ketchumidaho.org>
Cc: Josh Stanek <joshstanek@gmail.com>
Subject: 260 w second St - stop work

Hi Genoa,

Thanks again for meeting with me. Here is my understanding of the issues per our conversation today and how we are interpreting the relevant code sections for your conversation with Morgan.

1. Per the City, a stop work order was issued because walls were demolished that were not in the permitted scope of work.
2. The City has claimed that because of this increased demolition, we have triggered portions of the Zoning code that would either require a Variance or Redesign
 - a. Portions of Zoning code being referenced by the City:
 - b. Historic Building, Demolition: 15.16.040 / 17.20.010:
 - i. The City has referenced ‘total’ or ‘full’ demolition as a condition of triggering this code section and subsequent review. E.g., the addition of the walls not permitted to the scope of works triggers a new definition of demolition and subsequent review per the historic designation.
 1. There is no definition in the zoning code of either total, or full demolition. There is no definition in the zoning code of the threshold of quantity of demolition of a historic building or one that is at least 50 years old, that would trigger the historic review. It is our interpretation that this requirement should have been triggered under our original permit application or is only appropriate for complete demolition of an entire structure. In either case, we find that we are not in non-compliance with the code and the historic review is not applicable. We clearly applied for demolition in our building permit application and were approved. We additionally asked Heather Nicolai, our permit coordinator, if we could pull our demolition permit ahead of building permit issuance, to which she responded with, no it will be issued with your building permit. Please see attached email. We did not do total or full demolition, the ADU remains, as well as the original foundation and basement. Additionally, we are not proposing modifying the portions that were demolished outside of the original permit scope in any significant manner. These portions of work would fall under the structural remediation aspects of the historic regulation if they were deemed applicable.
 2. In conclusion, we do not find that this code section has bearing on our situation. It either should have been addressed in the original permit, or it is not applicable as it is not total demolition.
 - c. 17.136.050: Enlargement of a nonconforming building or a nonconforming use:
 - i. The City has referenced the Non-conforming structure as a condition being triggered by the additional demolition. There has been a reference to a 50% threshold that would not allow the non-conformity to remain
 1. After conversations with you and a further analysis of the specific code sections: 17.136.050; 060; 070; we find that we are complying of this section, regardless of the additional demolition

2. We interpret 17.136.050 to only apply to the portions of the structure that are non-conforming. Under this section alone, we meet all requirements to rebuild the non-conforming structure.
 - a. We are under the 50% foot print threshold, and under the 50% exterior wall threshold.
 - b. With out a clear definition from Code or Zoning administrator, we are taking a conservative approach to the definition of 'Altered'. Although the code explicitly allows for the remediation of non-conforming structures, we have included this in our calculations: There are two portions of the structure that are non-conforming:
 - i. 1 – north facing 2nd Street – 112 SF, and 33.5 LF of exterior wall.
 - ii. 2 – west on the ADU facing the side lot line. – 139 SF and 39.7 LF of exterior wall.
 - c. We are only proposing modifications to 1. Our net total area of non-conformity is 251 SF and our net total exterior wall is 73.2 LF. We are 'altering' 44% and 46% respectively.
 - d. Regardless of compliance with this calculation, we find that we are permitted to make these alterations explicitly under sub sections 060 and 070 for structural purposes, and clearly stated such in our original permit application. To the extent one is permitted to remediate a structure, it does not make sense that one would then be inhibited by doing so from another section. Justification could be made regarding the change in exterior materials and or window placement, but again we would be in compliance relative to the original calculation. Furthermore, section 050 is specifically applying to the increase in non-conformity. We are, in no means increasing the non-conformity. We are rebuilding the structure in the exact same location and condition as the original, as originally permitted.

In all of this, I want to reiterate that we are in no means behaving maliciously. We are not attempting to do any work that wouldn't otherwise be permissible. The walls that were demolished outside of the scope of the permit were deemed structurally unsound and a health hazard by myself, our structural engineer, and the general contractor and would have required remediation in any condition. While we understand the city's stance on their inability to validate these findings, I think it is important to assume that the situation be approached both as if it were true or not. If it were true, we find that the code would have allowed us to do the demolition. If it were not true, we find that the code still would have allowed us to do the demolition. The portion of non-conformity has no impact. The portion of historic preservation has no impact regardless. Again, we have the utmost respect for you and the zoning department. We completely understand that these situations are subjective and up to your interpretations. We also hope you can understand and empathize with ours.

I hope that helps and I am happy to elaborate on any item further. I know Morgan is incredibly busy, but I would like to request that we schedule a meeting for tomorrow with both of you to review this. Please advise if there is a time that works well for you. Again, thanks for all of your time on this, and I'm hopeful that we can find a resolution quickly that satisfies the City.

Cheers -

Joey Stevenson
Stevenson Architecture
208.720.3025

Exhibit 1-G
Landers
10/18/2024

Joseph Stevenson

From: Morgan Landers <MLanders@ketchumidaho.org>
Sent: Friday, October 18, 2024 10:48 AM
To: Matthew A. Johnson (mjohnson@WHITEPETERSON.com)
Cc: joshstane@gmail.com; Joseph Stevenson; Genoa Beiser
Subject: 260 W 2nd Building Permit Issue

Hi Matt-

I hope your week has gone well. I understand that John G has reached out to you regarding the construction project at 260 W 2nd Ave. The property owner and architect have requested to talk to you directly about the situation and I have cc'd them here. Josh Stanek is the property owner, and Joey Stevenson is the architect.

Here is an overview of the situation:

- The property as previously constructed was a nonconforming structure due to setbacks.
- The architect reached out to staff prior to submitting an application and received guidance, although we agree that staff likely didn't understand the full proposal at the time
- A building permit application for a remodel was submitted to the city, and approved, that proposed to remove the nonconformity and rebuild it in its current nonconforming location. This was an error by city staff and should not have been approved.
- During construction, damage to the structure was discovered and a decision was made by the property owner/contractor to demolish the full building without approval or discussion with the city
- This resulted in a stop work order being issued as it was out of scope for the permit
- Through review of the situation, we discovered the mistake made by staff during the building permit review stage and I indicated to Josh and Joey that they cannot reconstruct the nonconforming elements of the building that were demolished.

Josh/Joey- please feel free to reach out to Matt directly to discuss.

Thank you all,

MORGAN LANDERS, AICP | CITY OF KETCHUM

Director of Planning and Building

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: 208.727.5085 | f: 208.726.7812

mlanders@ketchumidaho.org | www.ketchumidaho.org

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Exhibit 1-H
City Next Steps
10/29/2024

Joseph Stevenson

From: Matthew A. Johnson <mjohnson@WHITEPETERSON.com>
Sent: Tuesday, October 29, 2024 11:58 AM
To: Josh Stanek; Joseph Stevenson; Fritz Haemmerle
Cc: Morgan Landers; Heidi Pantera
Subject: 260 2nd St. - follow-up

Josh and Joey –

Morgan and I discussed this matter further yesterday late afternoon. After further discussion, we recommend the best course forward is to go through the variance process. This will allow for consideration of the setback issue, pre-existing nonconforming use, and unique circumstances of reliance/mistake that came into play. This allows for this matter to be properly considered and interpreted by the P&Z Commission based on the unique circumstances. And it provides for a “papering” of the situation to provide protections to both the City and the property as to the unique circumstances leading to the variance (if approved) and for future documentation. Upon discussion with Morgan on this approach, the anticipation is that the Planning staff would essentially be providing a neutral staff report on the staff review of the application, noting the key issue is for the Commission to interpret the variance criteria and to take into account the unique circumstance of the mistaken permit/reliance/further work beyond permit by Owner. This process also allows for the property to have the opportunity to raise and document similar concerns/issues as you expressed in our phone call (to the extent you feel necessary). Within this process you would also retain the option for an administrative appeal of the P&Z decision up to the City Council, if you deemed warranted.

I believe this provides a path forward for a resolution on this matter. Please let me know if you have further questions or concerns, otherwise the ball is in your court to submit a variance application to get this process started. Note that P&Z agenda scheduling is out until at least January/February as far as anticipating hearing by the Commission.

Matt

Matthew A. Johnson
WHITE PETERSON GIGRAY & NICHOLS, P.A.
Canyon Park at the Idaho Center
5700 E. Franklin Rd., Ste. #200
Nampa, ID 83687-7901
208.466.9272 (tel)
208.466.4405 (fax)
mjohnson@whitepeterson.com

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Stanek Addition – 260 W. Second St.

Variance Exhibit 2

Detailed Narrative

The intent of this exhibit is to provide a detailed narrative of the events leading up to the variance request and their implications on the variance. The key points are that the City had ample opportunity to address the non-conformity, the Applicant operated in good faith based on the City's communications, and the City's failure to properly review the application resulted in a situation by which the Applicant is being un-fairly restricted in their ability to re-develop their property.

The Owner and Architect (Applicant) first engaged the City in January of 2024 to review their preliminary zoning analysis. Their main concern was the portion of the structure that was non-conforming. There was a 5' encroachment of an existing garage. The City reviewed the proposed plans at the meeting and determined that the non-conforming structure could remain, or be altered in so far as:

- The degree of non-conformity was not increased: e.g. the bulk and footprint of the non-conforming portion did not increase
- We met the requirements of City of Ketchum Municipal Code (CoKMC) 17.136.050
- If the portion of the structure that was non-conforming was altered, it be included in the calculation for 17.136.050

This conversation was the basis for the applicants approach to the design. Other items were brought up in the conversation including ROW improvements and setback requirements that became the focus of design. The nature of the non-conforming structure was resolved and the applicant proceeded with design.

Throughout design, the Applicant continued to coordinate with the City, providing drawings, leading up to permit submittal.

Permit submittal included architectural and structural plans that clearly indicate the demolition and rebuilding of the non-conforming structure. Additionally, a supplemental narrative was provided detailing the Applicant's code interpretation and compliance path. No comments were received regarding the non-conforming structure, the applicants approach, or regarding any demolition. Permit was received and the Applicant operated under the assumption that the scope of work was code compliant.

Construction commenced and selective demolition began. The Contractor discovered that portion of the structure that were to remain had significant water damage in the sheathing, mold, and were lacking adequate headers at openings. The Contractor coordinated with the Architect and Owner, and the team agreed that demolition of the additional walls was the best course of action. The



Contractor said they would not be ready for demolition for three weeks when they had access to an excavator. The Architect proceeded to coordinate with the Structural engineer to produce re-submittal documents. There was miscommunication between the Architect and Contractor. The Contractor took the Architect's agreement to demolish as approval to proceed, and the Architect did not clarify with the Contractor that demolition shouldn't proceed until the proper approvals were received from the City, assuming they had three weeks before demolition would occur. The Contractor realized they could complete demolition without the excavator and proceeded. The initial discovery and conversation occurred on a Thursday, Structural was engaged on a Tuesday morning, and the stop work order was issued on Tuesday afternoon.

A stop work order was issued on site on a Tuesday, October 1st by the City's building inspector, Eric Adams, on site. The Contractor and Owner were initially present, and the Architect showed up shortly after. The initial stop work order was not clear. The City claimed that we did not have a demo permit. The Architect quickly pointed out to Mr. Adams that demolition was very much included in the scope of work. Mr. Adams, said he was not sure and was just following through on a request from higher up to issue the order. He reviewed the Permit documents and offered for the Architect to come meet with City staff at City hall to review in further detail.

The Architect went to City Hall and met with Abby Rivin, senior planner, Heather Nicolai, permit administrator, and Eric Adams. Genoa Beiser, junior planner, and Morgan Landers, were out of town. Genoa was the projects application plan reviewer. Abby had some familiarity with the project as she assisted the Applicant prior to permitting. Heather had familiarity as well, as she assisted the Applicant through the application process.

It was readily apparent from the beginning of the meeting that the City was unaware of the permitted demolition scope of work. The City initially claimed that the Applicant had demolished a structure illegally. Upon further review of the permit documents, Abby realized that a large portion of the demolition was approved and requested we wait until the City could further review the situation. No official order of stop work was received by the applicant detailing what in particular caused the order.

The Architect met with Genoa Beiser on 10/10/2024 to review the stop work order. Genoa detailed that the stop work was issued because the Contractor demolished walls that were not originally in the scope of work and that subsequently we may proceed with a Variance, a re-design, or Appeal and official determination. Genoa explained the code sections that were in violation and how they necessitated a re-design. The Architect questioned the logic behind the code section interpretations, and Genoa ultimately agreed and determined that further conversation with Morgan Landers would be required before the City could proceed with their determination. Ultimately, Genoa acknowledged that she may have made a mistake in our initial application review.

The Architect and Owner met with Genoa and Morgan on 10/10/2024 at City Hall. Morgan acknowledged that the City made an error in their application review and that the permit should never have been issued in the first place. Morgan claimed that the non-conforming structure cannot be torn down and rebuilt. Morgan offered to go into detail in the technical aspects of how the code would not allow this but preferred we focused our attention and efforts on how to proceed. Morgan offered the same options as previously presented by Genoa: Re-design, Variance,



or Appeal. The Architect requested more information as to how the original application was in violation of the code and Morgan explained that you cannot demolish and rebuild a non-conforming structure. The Architect offered an alternative solution where by proving the exact same scope of work could be permitted without demolition and Morgan said this was not necessary. Morgan stated she would take into consideration any alternative means of rectifying the permit and would get back in touch with the Applicant. Morgan gave approval for the Applicant to engage directly with the City Attorney, Matt Johnson.

The Applicant engaged the City Attorney. The Attorney understood the applicants concerns regarding the City's error in permitting and felt there would be a reasonable solution to resolve a 5' encroachment into a setback. The Attorney would further engage Morgan and would follow up with next steps.

After further discussion with Morgan, the Attorney recommended a Variance as the best course of action. The Attorney felt this provided the proper oversight and papering of the unique conditions and protection of the City moving forward. The Variance process was selected as it provided both parties with the ability to document the unique conditions leading to the situation and interpretations of code and actions taken.

The applicant has still yet to receive an official determination from the City regarding the specificity of the code violations. The Applicant acknowledges and understands the error made in demolition of portions of work outside of the permit application, but they have yet to receive a detailed description as to how the original scope of work was not permissible.

While the applicant has received verbal communication from the City regarding the code violations, the applicant has also provided a detailed review of the code sections and received no written feedback regarding the code sections. The statements made by the City in meetings have a conflicting nature when applied to specific conditions, as detailed in an applicant email.

The applicant communicated clearly to the City that the front portion of the structure, nor the additional portion demolished outside of the scope of work, could have been "restored" without demolition. The applicant finds that had the proposed demolition been caught by the City at any time leading up to permit issuance, the same design would have been permissible through alternate construction means and methods.

The Architect feels strongly that 17.136 needs further definition. There are conflicting code sections. While we understand that this would ultimately lead to a subjective determination by the Zoning Administrator, we find that a determination in favor of the City's current position is in conflict with alternative plausible scenarios. To date, we have not received a written description as to how the current design is non-compliant.

17.136.060 allows for structural repair or alteration in "any way" permitted by these regulations. Our Structural Engineer and Architect reviewed the existing conditions of the non-conforming structure and determined the existing foundation was not adequate. Had the City communicated that removal and replacement of the non-conformity was not allowed, an alternative foundation system could have been provided. Ultimately, if one means of construction suffices for a zoning



code regulation, why would an alternative not be allowed? Especially when the end result is the exact same.

This same logic is and was intended to be applied to the portions of the structure that were accidentally demolished outside of the scope of work. The sheathing and headers would have needed remediation. An alternative to rebuilding them is available. The wall could have been deconstructed to the studs, headers, sheathing and siding replaced. But what is the difference between re-construction and de-construction? At what point does the zoning code govern construction means and methods if the end result is the same?

17.136.050 needs further definition. The code reads as an enlargement to non-conformity. In our situation, this implies that the encroachment is increased. This would make sense. In a hypothetical situation, by which the existing conditions of the project were structurally adequate, the design is very much compliant with this section. It only falls out of compliance when we start to calculate walls as being “altered” because they are being rebuilt or structurally modified. The Architect feels strongly that this should not contribute to the calculation as the end result, from a non-conforming perspective, is the exact same as the existing conditions. The term “enlarged” would be better suited for the intent of the code sections. To the extent that a wall is altered and the alteration creates either an enlargement of footprint or wall, it should apply. Otherwise, you will find a situation where a non-conforming structure, deemed structurally deficient, would not be able to get a permit for remediation without conflicting with this section.

Additionally, there is no restriction within the zoning code that wouldn’t allow for this scope of work to be separated into two separate permits. To the extent that the City had caught the removal and replacement and permitted the work as repair only, but also found that this total wall calculation breached 17.136.050, the remediation could have been completed as a separate permit, and the addition as another.

17.136.070 allows for the City building inspector to strengthen or “restore” a non-conforming building to a safe condition. We find, by nature of our permit approval, to have received this approval. The permit documents noted the existing foundation condition and were inherently requesting it’s removal and replacement to a safe, and restored like existing condition.

Ultimately, the Architect finds that the intent of 17.136 and the current application of it’s rules are in conflict. The intent is to allow for redevelopment and not increase the degree of non-conformity. Any addition or remodel to the project is well within the bounds of the base zoning regulations. The portion of the structure that is non-conforming is being replaced, and ultimately restored in the exact same position. This could have been achieved through alternative construction means and methods. If the project is looked at without walls being calculated to the 50% threshold that do not increase the degree of non-conformity, the project is well within the bounds of the regulation.



Stanek Addition – 260 W. Second St.

Variance Exhibit 3

Drawings, Diagrams, and Photos

The intent of this exhibit is to document the conditions on the site, prior to permit, permitted work, un-permitted work, current conditions, and variance request.

Exhibit 3-A: Existing Survey

This is the survey prior to design work. The non-conforming portions of the structures are clouded and noted.

Exhibit 3-B: Existing Photos

These are photos from project conception. They include markups and diagrams to identify original permitted scope of work, work outside of permit, the non-conforming setback encroachment, and the setback line. Diagram are approximate. The intent is to communicate the conditions prior to work. We are also providing existing photos of the garage foundation. Note, this was reviewed with our structural engineer and determined best to be replaced. This was clearly identified in the Applicants original permit application. The foundation is still in place if further observation is needed.

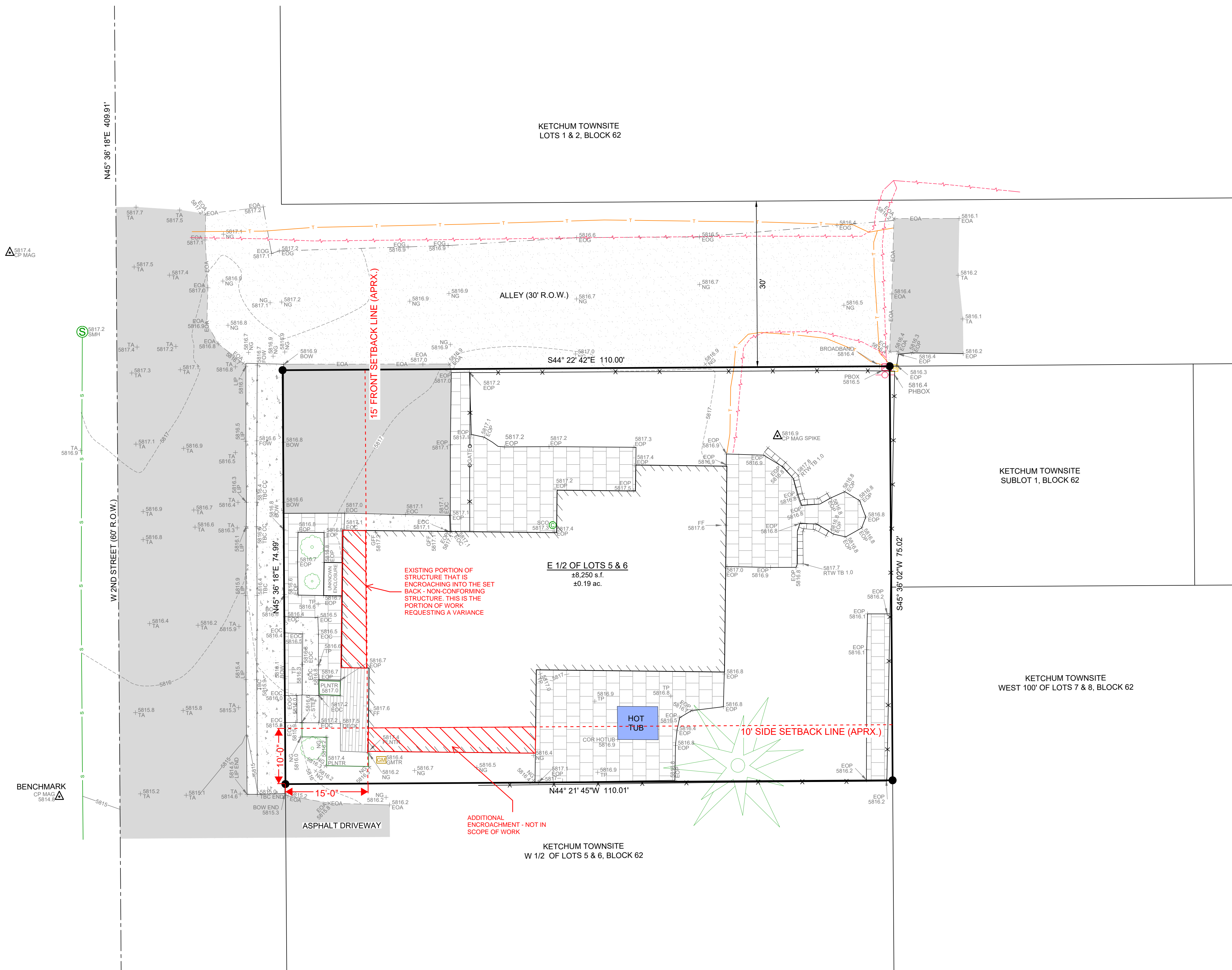
Exhibit 3-C: DRAWINGS

We are providing a copy of our code plan sheet from permit submittal to show the Applicant's clear delineation of the scope of work, conformance to code sections and a clear call out of removing the existing non-conforming structure and replacing it in the same position. This drawings includes new markups for the variance for additional clarity. See original from building permit as needed.

We are also providing new and additional perspective drawings to show original permitted scope of work. These will help to understand what was originally permitted, and what additional walls were demolished. They also help to show that the rebuild of any non-conforming walls will match the existing non-conformity. Any walls demolished outside of the original scope of work will be rebuilt to the original permit documents with the exception of wall thickness – we will be updating the walls to 2x6 framed construction and will take the mass out of the interior of the building.

Exhibit 3-A
EXISTING SURVEY
9/15/2023

REUSE OF DRAWINGS: These drawings, or any portion thereof, shall not be used on any project or extension of this project except by agreement in writing with Galena-Benchmark Engineering.



NOTES

- SURVEY NARRATIVE:**
- THE PURPOSE OF THIS MAP IS TO SHOW LIMITED SITE INFORMATION AS IT EXISTED ON THE DATE THE FIELD SURVEY WAS PERFORMED IN RELATION TO PLATTED LOT LINES. CHANGES MAY HAVE OCCURRED TO SITE CONDITIONS SINCE SURVEY DATE. LOT LINES ARE BASED ON FOUND CENTERLINE MONUMENTS. ALL FOUND CENTERLINE MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL CORNERS, OR REPLACEMENTS OF ORIGINAL CORNERS. SET MONUMENTS WERE ESTABLISHED BY FOUND CENTERLINE MONUMENTS, HELD RECORD RIGHT-OF-WAY WIDTHS, AND PROPORTIONED DISTANCES OF LOT LINES.
 - REFERENCED SURVEYS: RECORD OF SURVEY OF LOT 4, BLOCK 62, KETCHUM TOWNSITE, INSTRUMENT #660371 & VILLAGE OF KETCHUM, INSTRUMENT #302967, RECORDS OF BLAINE COUNTY, IDAHO.
 - BOUNDARY DIMENSIONS SHOWN HEREON ARE MEASURED, FOR RECORD DIMENSIONS, SEE REFERENCED SURVEYS.
 - VERTICAL DATUM: ELEVATIONS BASED ON ASSUMED OR NAVD 88 (GEOID03) DATUM UTILIZING SMARTNET CORS STATION IDKM.
 - UNDERGROUND UTILITIES WERE NOT LOCATED AND ARE NOT SHOWN HEREON.
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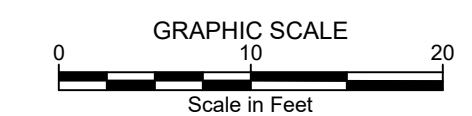
- BUILDING AREA: BUILDING ENVELOPE IF SHOWN, IS PER PLAT. SETBACK AND FOOTPRINT REQUIREMENTS PER CURRENT CITY/ COUNTY ORDINANCES MAY VARY FROM PLAT. IT IS RECOMMENDED THAT SAID ORDINANCES BE REVIEWED PRIOR TO DESIGN.
- GENERAL RESTRICTIONS: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY APPLICABLE TO THE SUBJECT OF REAL ESTATE: EASEMENTS, OTHER THAN THOSE SHOWN OR LISTED HEREON, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, WETLANDS, AVALANCHE OR ANY OTHER LAND-USE REGULATIONS OR HAZARDS.

SURVEY AND SITE FEATURES:

- BASIS OF BEARINGS IS IDAHO STATE PLANE COORDINATE SYSTEM, NAD83, CENTRAL ZONE AS DERIVED BY GPS OBSERVATIONS. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN INTERNATIONAL FEET.
- BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER PLAT. REFER TO PLAT & CC&R'S FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY.
- UTILITIES AND DRAIN PIPES IF SHOWN HEREON ARE PER SURFACE EVIDENCE ONLY. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHOULD BE CONFIRMED PRIOR TO EXCAVATION DESIGN.
- BUILDING WALLS IF SHOWN HEREON ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
- TREE LOCATIONS AND DRIP LINES IF SHOWN HEREON ARE APPROXIMATE.
- CONTOUR INTERVAL: 1'
- MAP SCALE: DUE TO ELECTRONIC MAP DELIVERY AND ALTERNATE PRINTING METHODS, PLEASE USE BAR SCALE TO DETERMINE ACTUAL PRINTED SCALE.
- FEATURES OBSCURED FROM VIEW BY DEBRIS, SNOW, VEGETATION OR VEHICLES AT THE TIME OF SURVEY, DO NOT APPEAR ON THIS MAP.

LEGEND

	Property Line		PHB = Buried Telephone Line
	Adjoiner's Lot Line		PB = Buried Power Line
	Centerline		GMR = Gas Meter
	Set 5/8\" Rebar (P.L.S. 20893)		PHBOX = Telephone Riser
	CNTRL = Survey Control		PBOX = Power Box
	5' Contour Interval		PP = Power Pole
	1' Contour Interval		SMH = Sewer Manhole
	Curb & Gutter		SCO = Sewer Cleanout
	FNC = Fence Line		AP = Angle Point
	Building		BOW = Back of Walk
	Asphalt		COR = Corner
	Concrete Sidewalk		CC = Curb Cut
	Gravel Drive		EOA = Edge of Asphalt
	Pavers		EOC = Edge of Concrete
	Deck		EOP = Edge of Pavers
	RTW = Retaining Wall		FF = Finished Floor
	EOG = Edge Of Gravel		GFF = Garage Finished Floor
	CT = Conifer Tree		IC = Illegible Cap
	DT = Deciduous Tree		LIP = Lip of Gutter
			NC = No Cap
			NG = Natural Ground
			TA = Top of Asphalt
			TP = Top of Paver
			TBC = Top Back of Curb



**KETCHUM TOWNSITE
EAST 1/2 OF LOTS 5 & 6, BLOCK 62**
LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
PREPARED FOR: JOSH STANKE

PROFESSIONAL LAND SURVEYOR
LICENSED IN IDAHO
20893
12/04/23
ROBERT O. BRIDGES

DESIGNED BY: HDB
DRAWN BY: ROB
CHECKED BY: ROB
SURVEY DATE: 09/15/23

GALENA-BENCHMARK ENGINEERING
Civil Engineers & Land Surveyors
100 Bell Drive
Ketchum, Idaho 83340
(208) 726-9512
www.benchmark-associates.com

NO.	DATE	BY	REVISIONS

C0.20

Exhibit 3-B
EXISTING PHOTOS
AND DIAGRAMS
10/27/2023

**NORTH EAST PERSPECTIVE -
EXISTING: SETBACK DIAGRAM**

**FRONT SETBACK
APRX.**

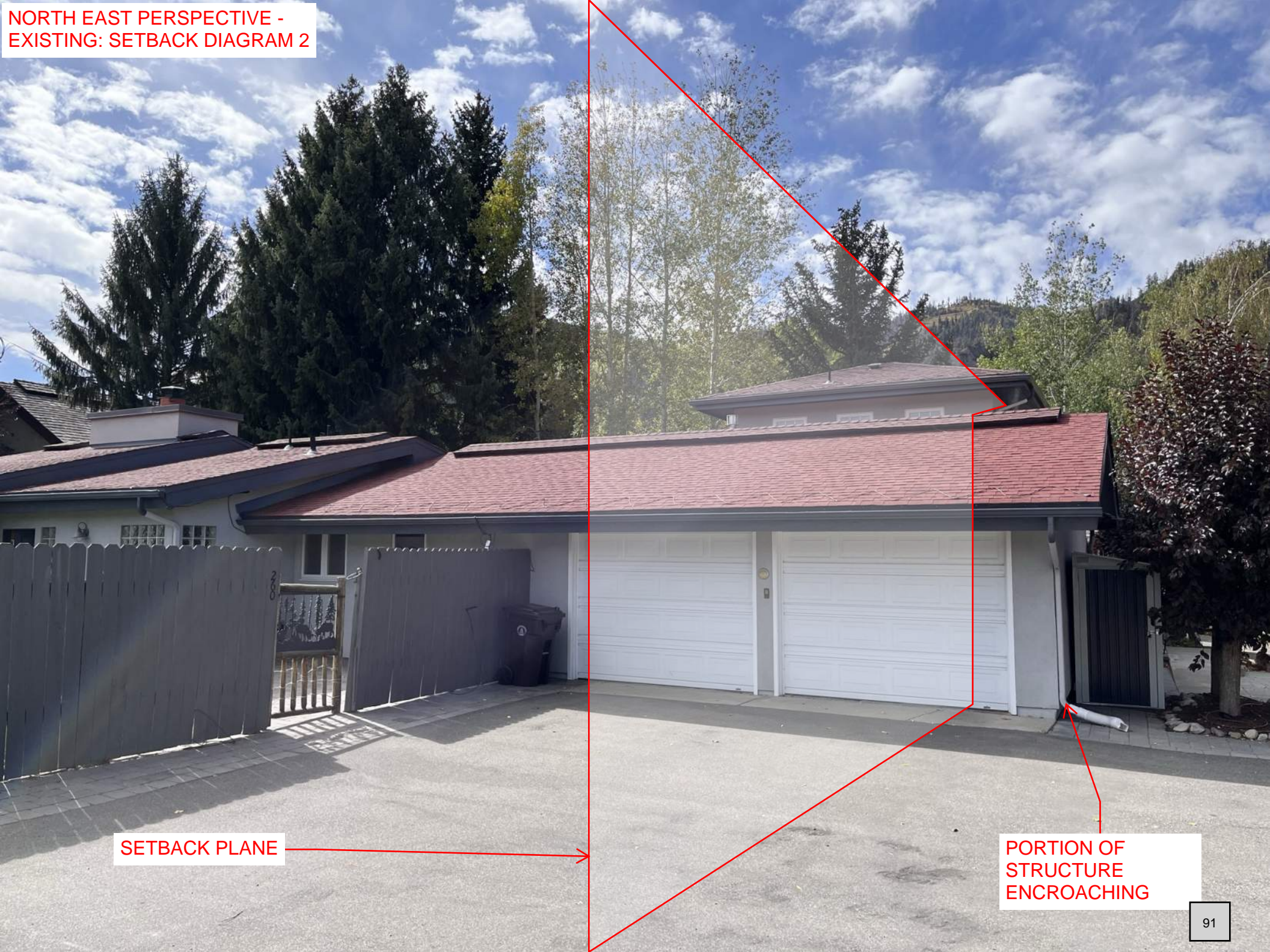


**APRX. 5' OF
EXISTING
ENCROACHMENT**



ORIGINAL PERMIT
DEMO SCOPE

**NORTH EAST PERSPECTIVE -
EXISTING: SETBACK DIAGRAM 2**



SETBACK PLANE

**PORCION OF
STRUCTURE
ENCROACHING**

**NORTH PERSPECTIVE -
EXISTING: ENCROACHMENT**



ENCROACHMENT

**NORTH WEST PERSPECTIVE -
EXISTING:**



WEST FACADE-
EXISTING

PERMITTED FOR
DEMOLITION

ONLY PORTION OF EXISTING
ROOF NOT SET FOR DEMO. NOTED
AT CONTRACTOR DISCRETION

**SOUTH FACADE -
EXISTING**

**RE-FRAME ROOF, NEW PITCH
AND STRUCTURE: INCLUDED
IN ORIGINAL SCOPE OF
WORK**

**ENLARGE OPENING - INCLUDED
IN ORIGINAL SCOPE OF
WORK**

**REMAINING WALL
WAS ORIGINALLY
SET TO REMAIN.
NO DEMOLISHED**

WEST FACADE -
EXISTING



PERMITTED FOR
DEMO

GARAGE EXISTING
FOUNDATION

GARAGE
FOUNDATION: CMU

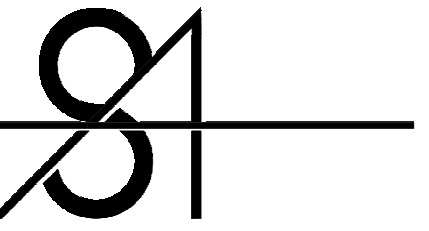
APROX. LEVEL OF
GRADE

GARAGE "FOOTER":
ASSUMED SOME
FORM OF SLAB ON
GRADE, NO
THICKENED EDGE.



EXISTING
FOUNDATION WALL

Exhibit 3-C
VARIANCE DRAWINGS



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

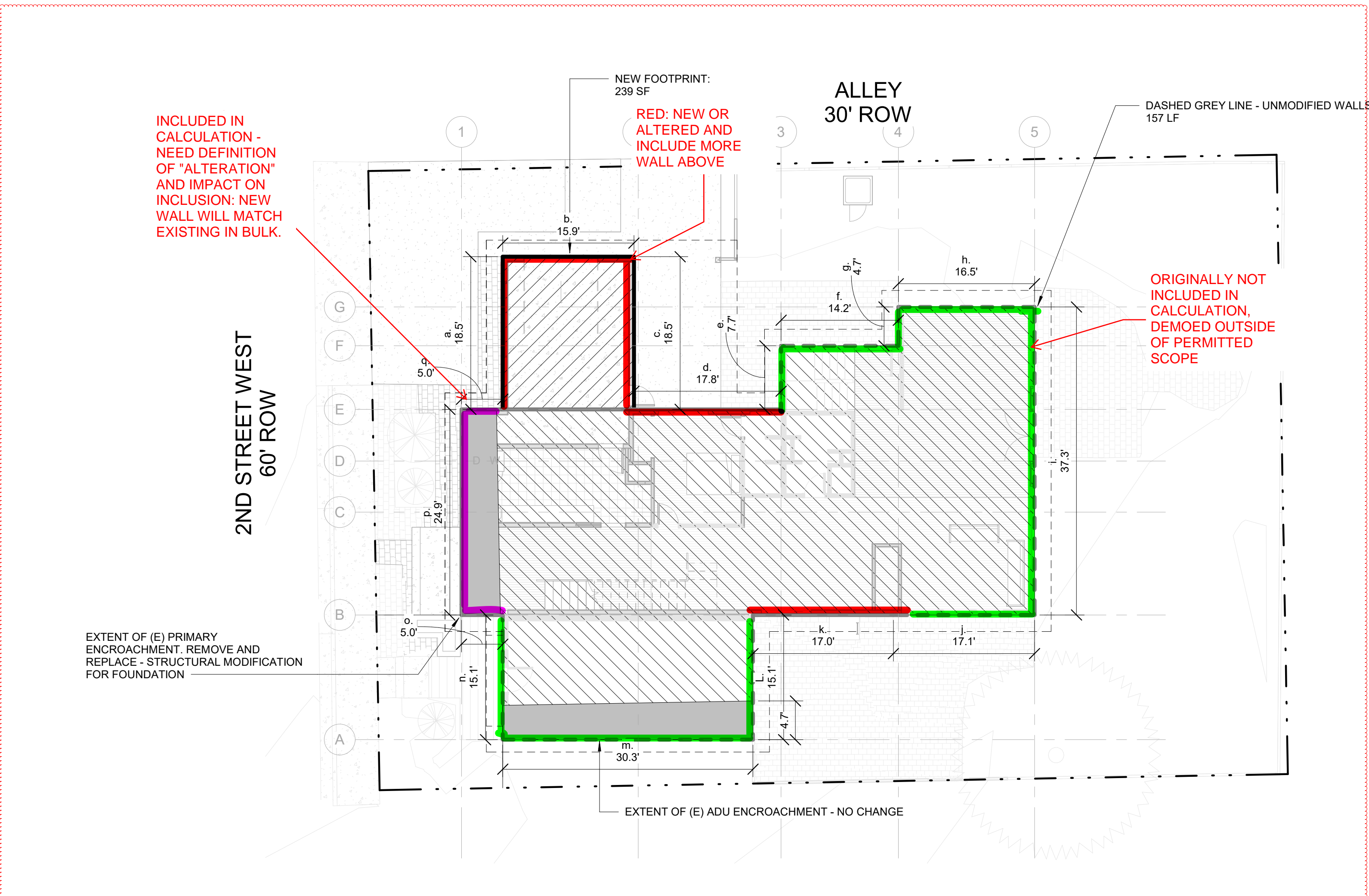
ARCHITECT
STEVENSON ARCHITECTURE
208 SPRUCE AVE., STE. B-4A
KETCHUM, ID 83340
(208) 720-3025

STRUCTURAL ENGINEER
MAXWELL STRUCTURAL
DESIGN STUDIO
105 LEWIS ST., STE. 205
KETCHUM, ID 83340
(208) 721-2171

SURVEYOR
GALENA BENCHMARK

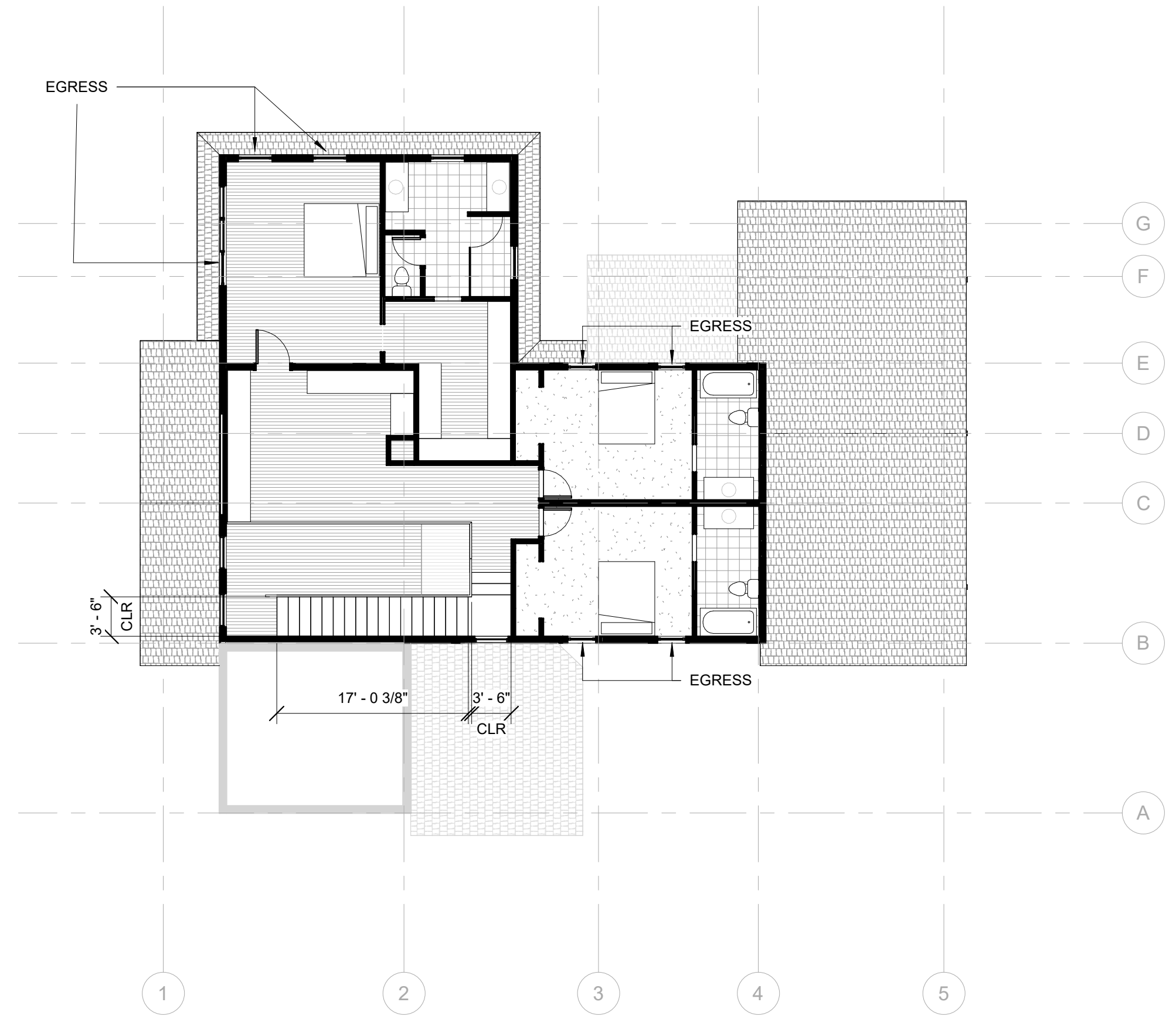
GEOTECHNICAL ENGINEER
TBD

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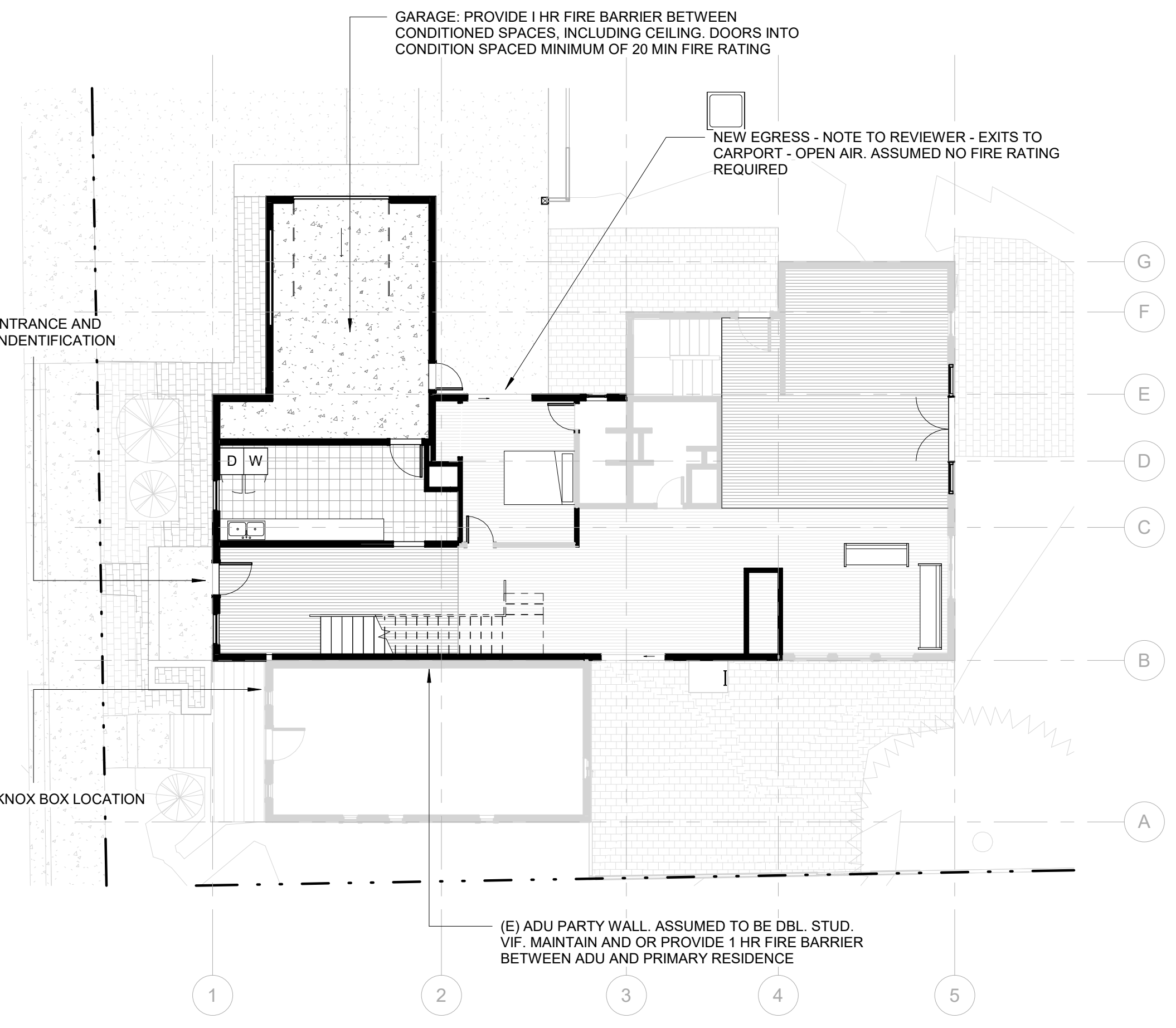


4 CODE PLAN - ZONING
SCALE: 1" = 10'-0"

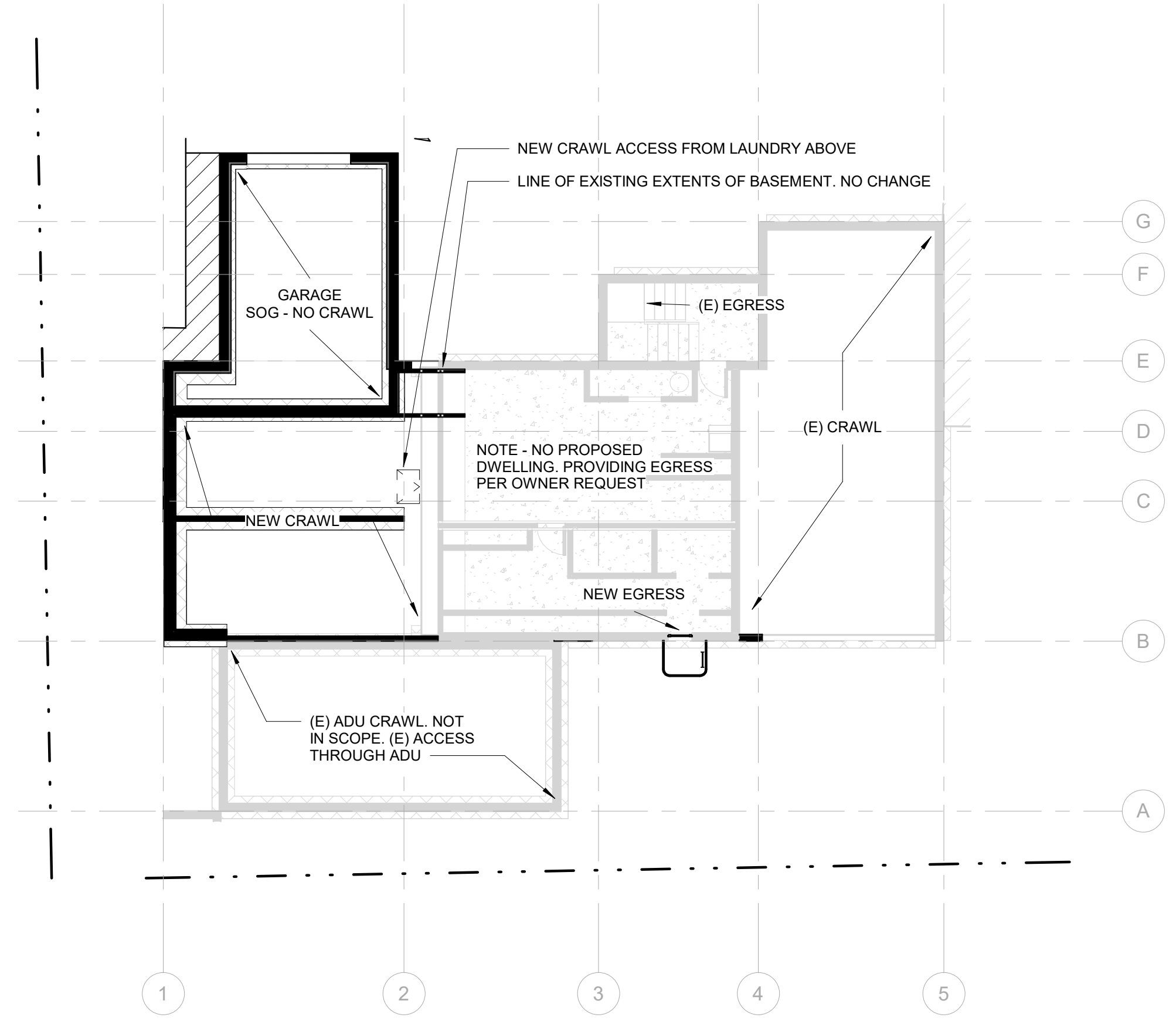
THIS DRAWING WAS
ORIGINALLY PROVIDED TO
SHOW COMPLIANCE WITH
17-132-690 AND ITS
CALCULATIONS.



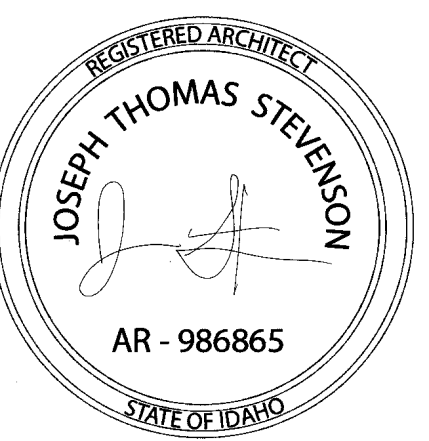
3 CODE PLAN - LEVEL 2
SCALE: 1" = 10'-0"



2 CODE PLAN - LEVEL 1
SCALE: 1" = 10'-0"



1 CODE PLAN BASEMENT / FOUNDATION LEVEL
SCALE: 1" = 10'-0"



ISSUANCE
VARIANCE

ISSUE DATE
7/23/2024

CURRENT REVISION



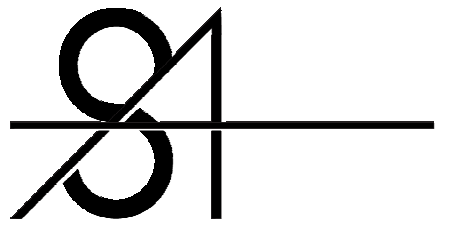
REVISION HISTORY

DRAWING SHEET TITLE
CODE PLANS

A-010

PROJECT
S Addition

260 W 2nd St.
Ketchum, ID 83340



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

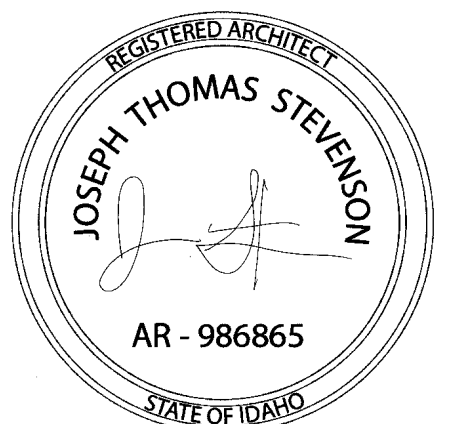
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ISSUANCE
VARIANCE

ISSUE DATE
12/31/2024

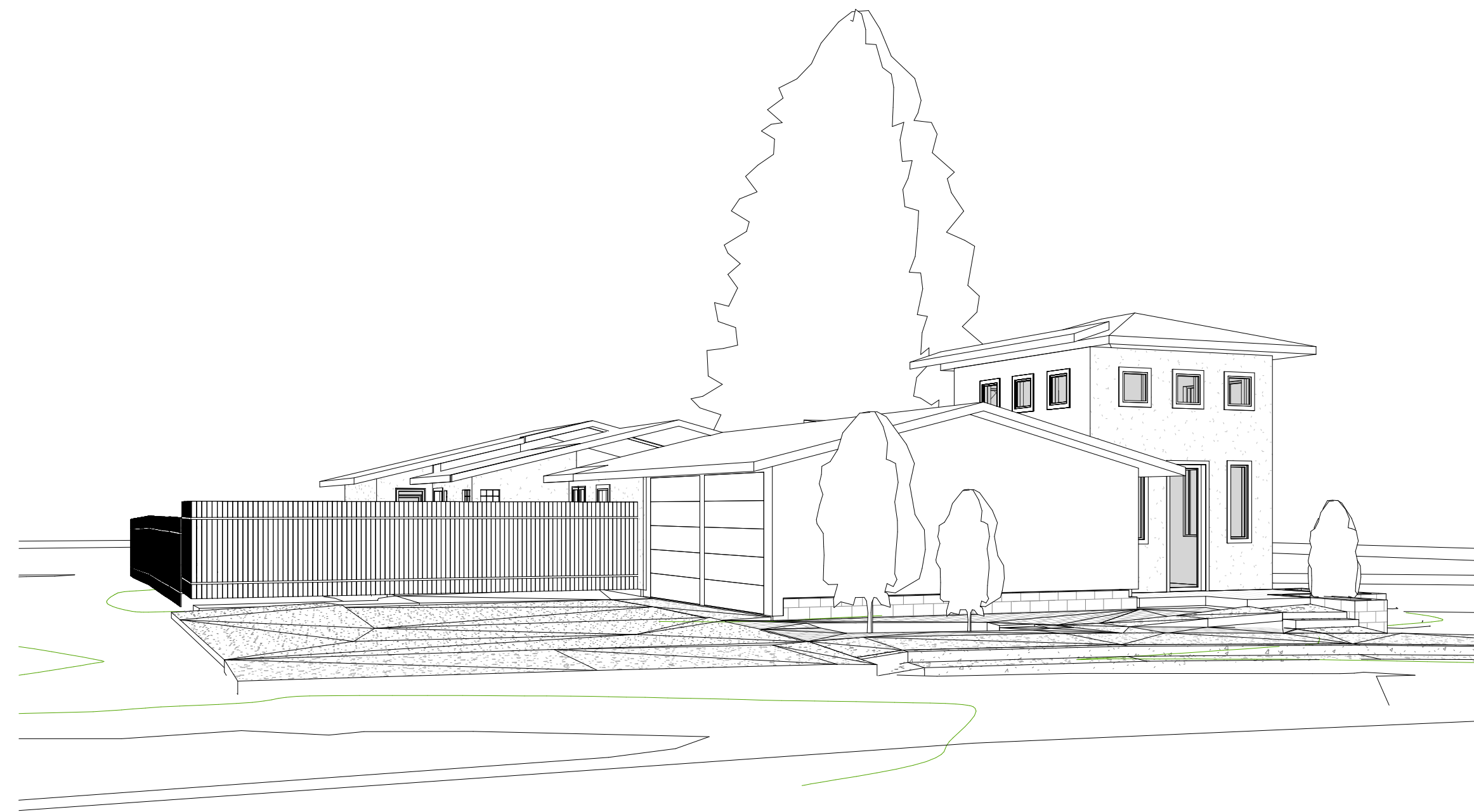
CURRENT REVISION



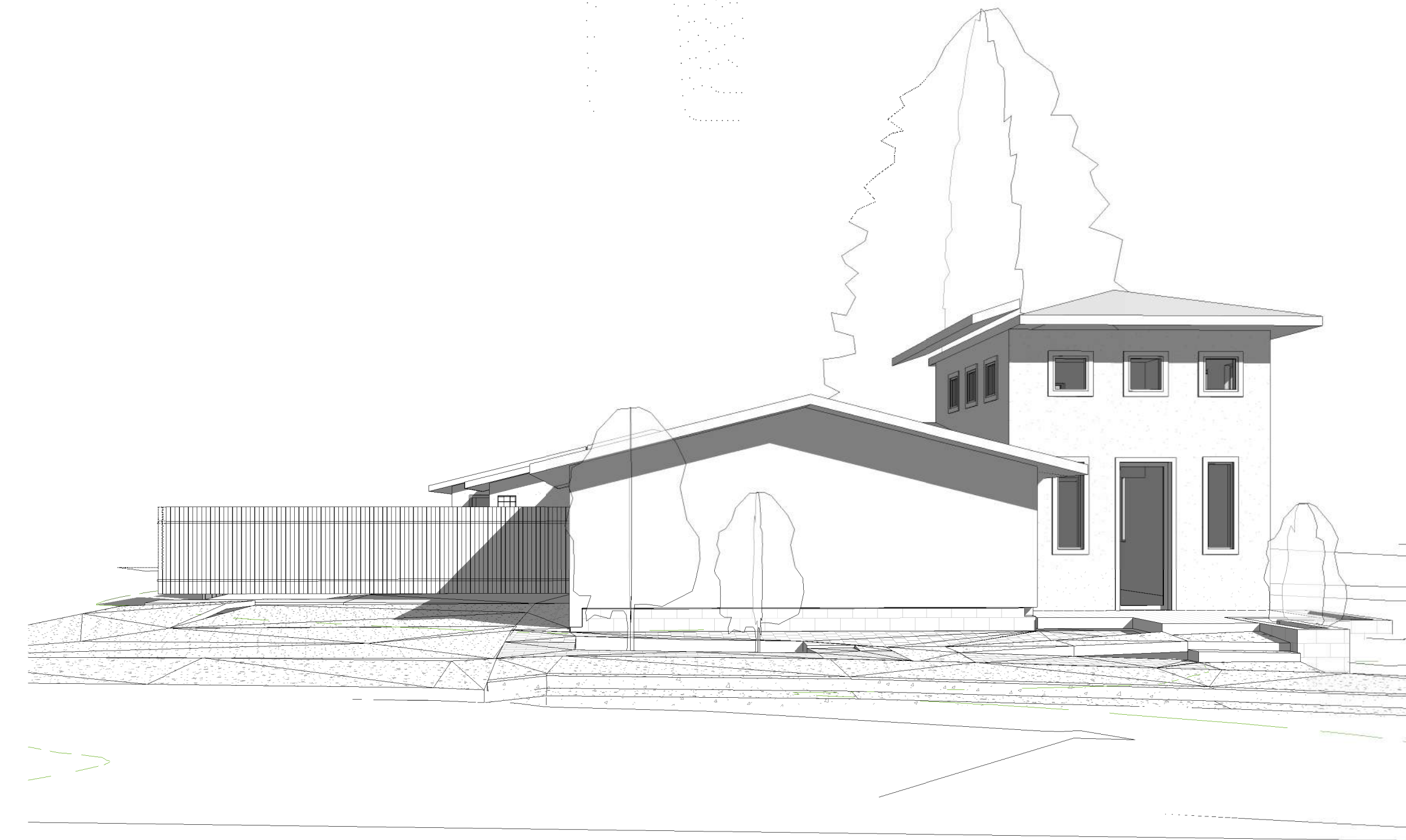
REVISION HISTORY

DRAWING SHEET TITLE
3D VIEWS

A-900



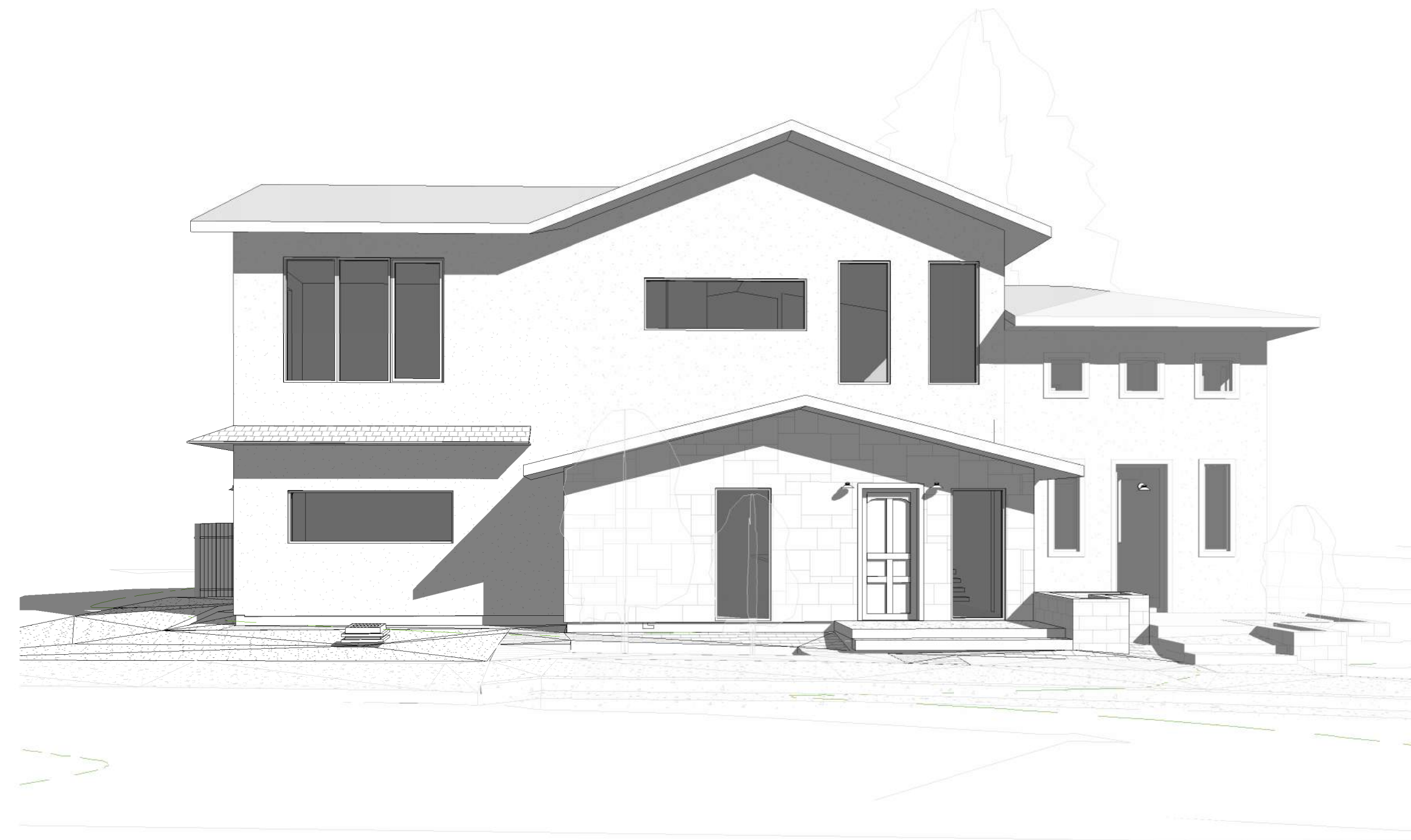
4 N NE ACROSS STREET PERSPECTIVE EXISTING
SCALE:



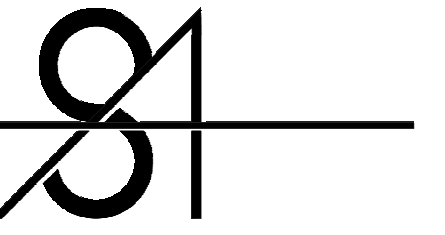
3 N ACROSS STREET PERSPECTIVE EXISTING
SCALE:



2 N NE ACROSS STREET PERSPECTIVE
SCALE:



1 N ACROSS STREET PERSPECTIVE
SCALE:



PROJECT TEAM

OWNER
JOSH AND JULIE STANEK

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STEVENSON ARCHITECTURE
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ISSUANCE
VARIANCE

ISSUE DATE
12/31/2024

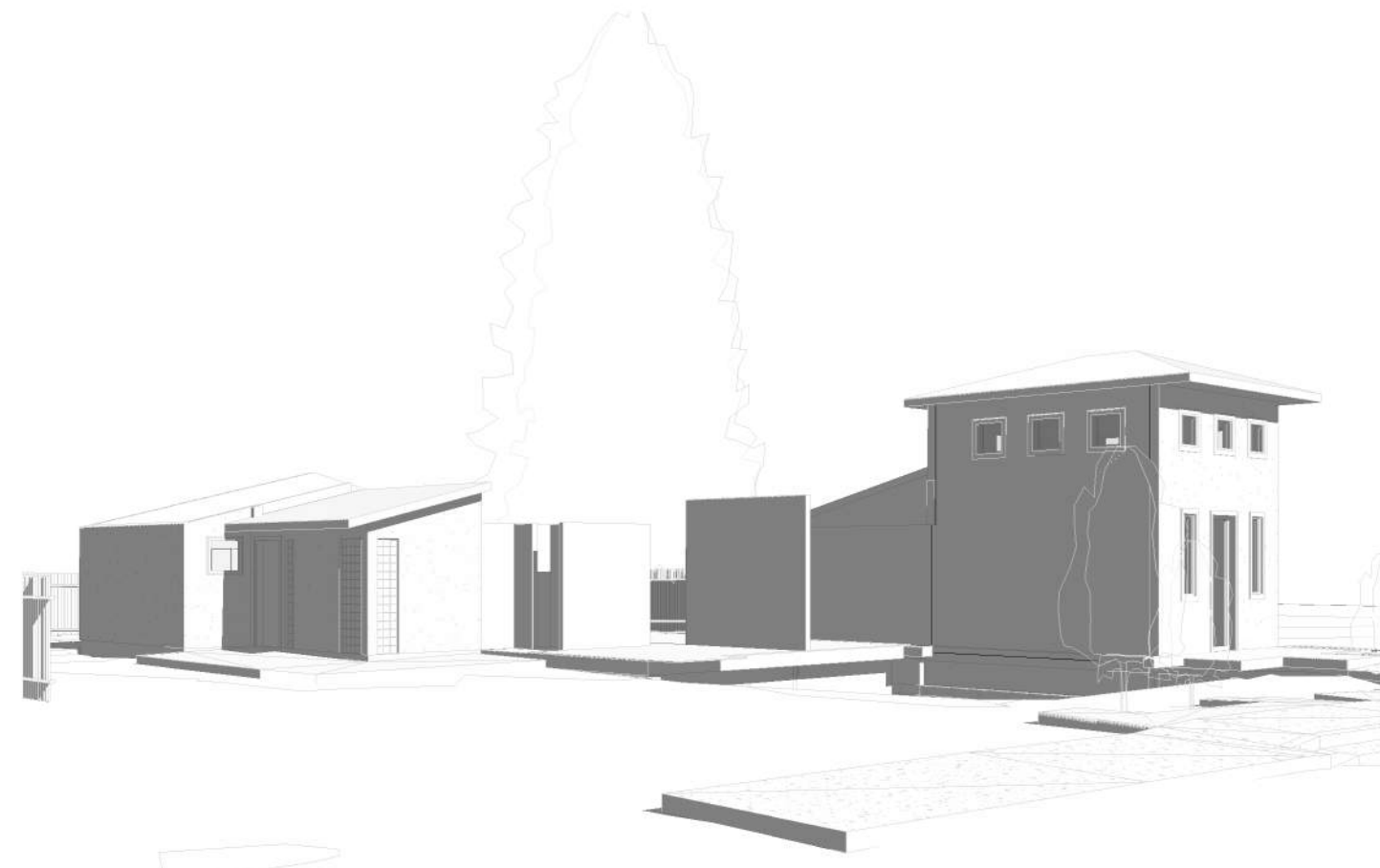
CURRENT REVISION



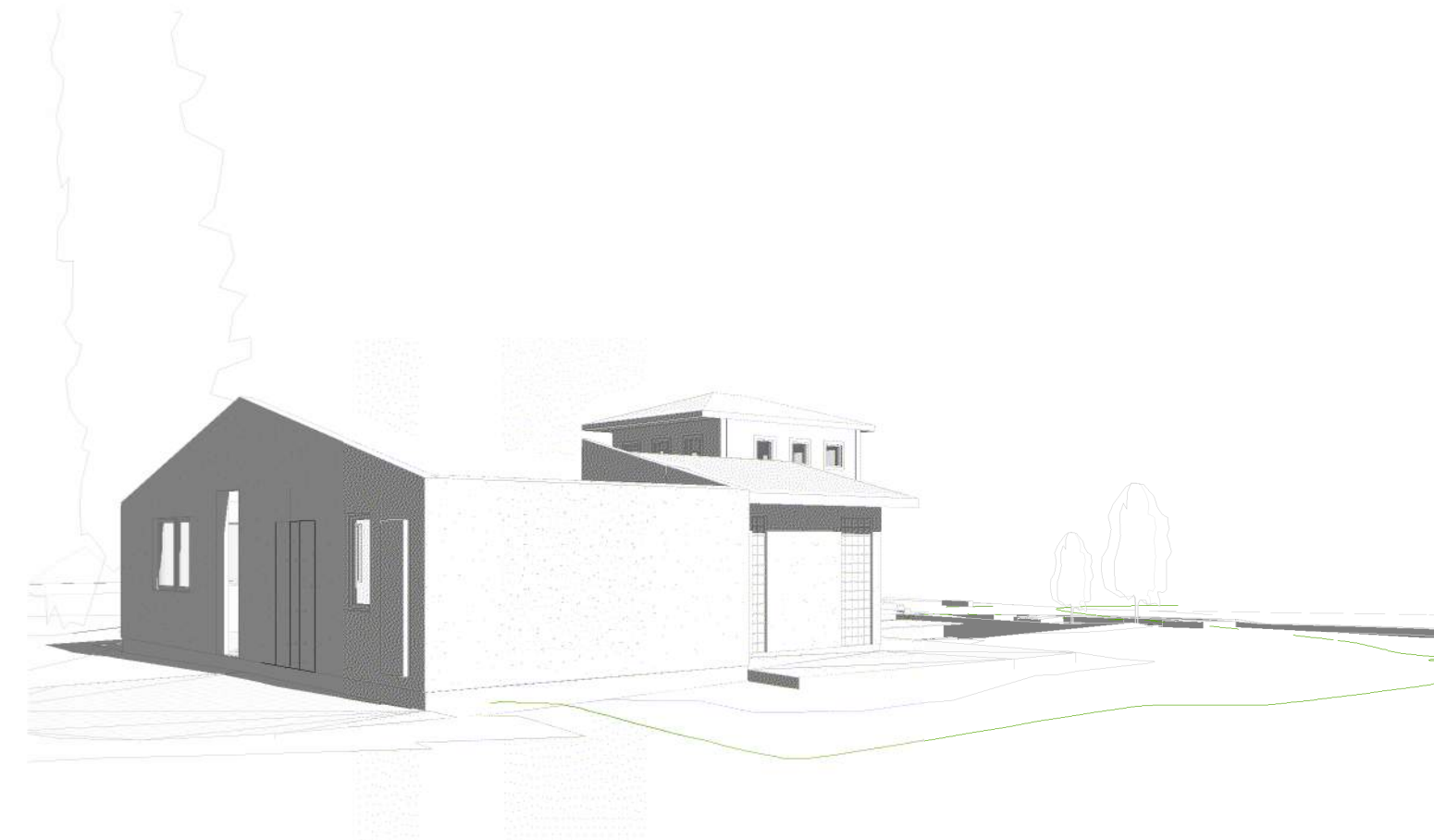
REVISION HISTORY

DRAWING SHEET TITLE
3D VIEWS

A-901



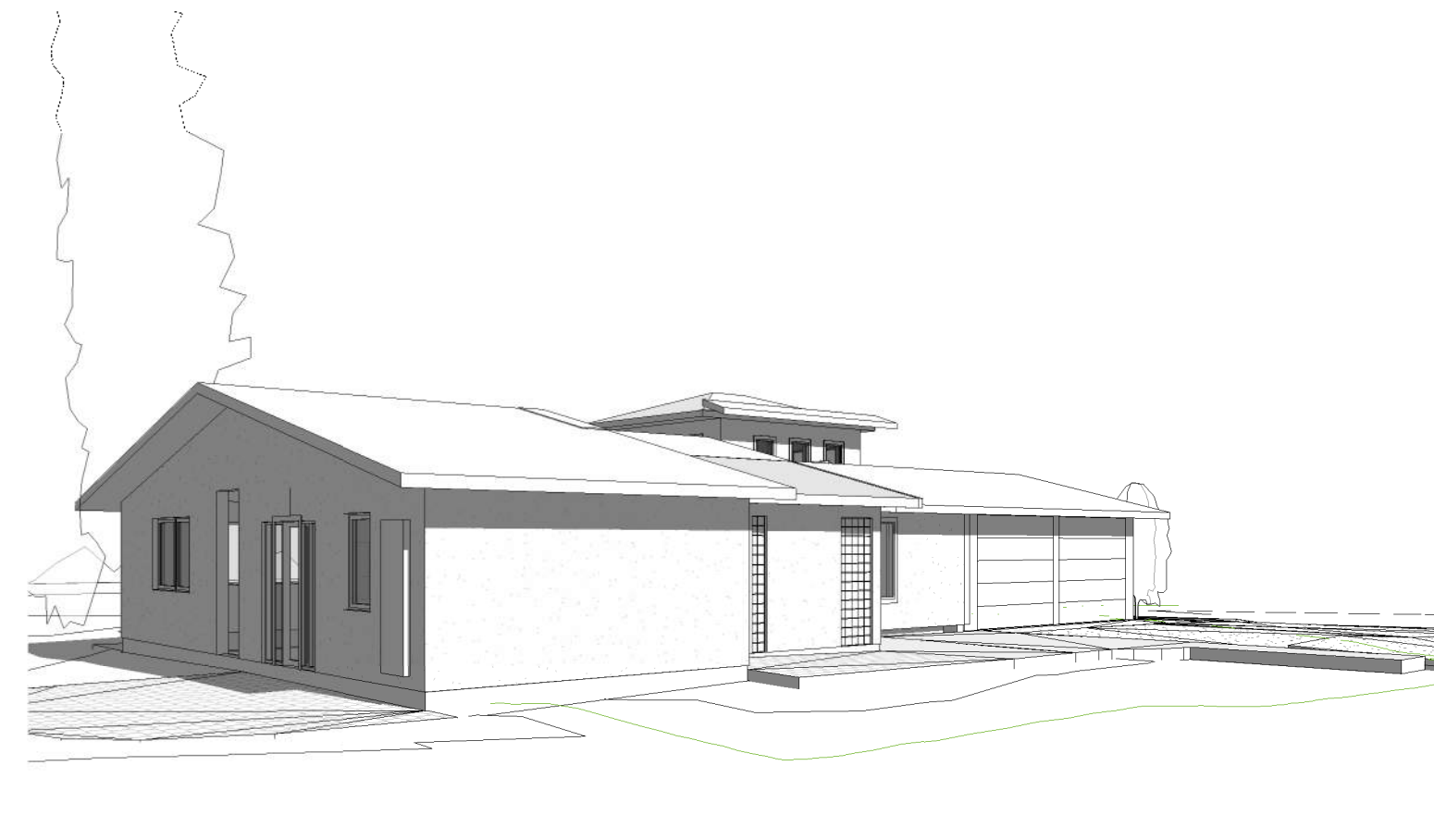
6 NE STREET PERSPECTIVE DEMO
SCALE:



5 SE PERSPECTIVE DEMO
SCALE:



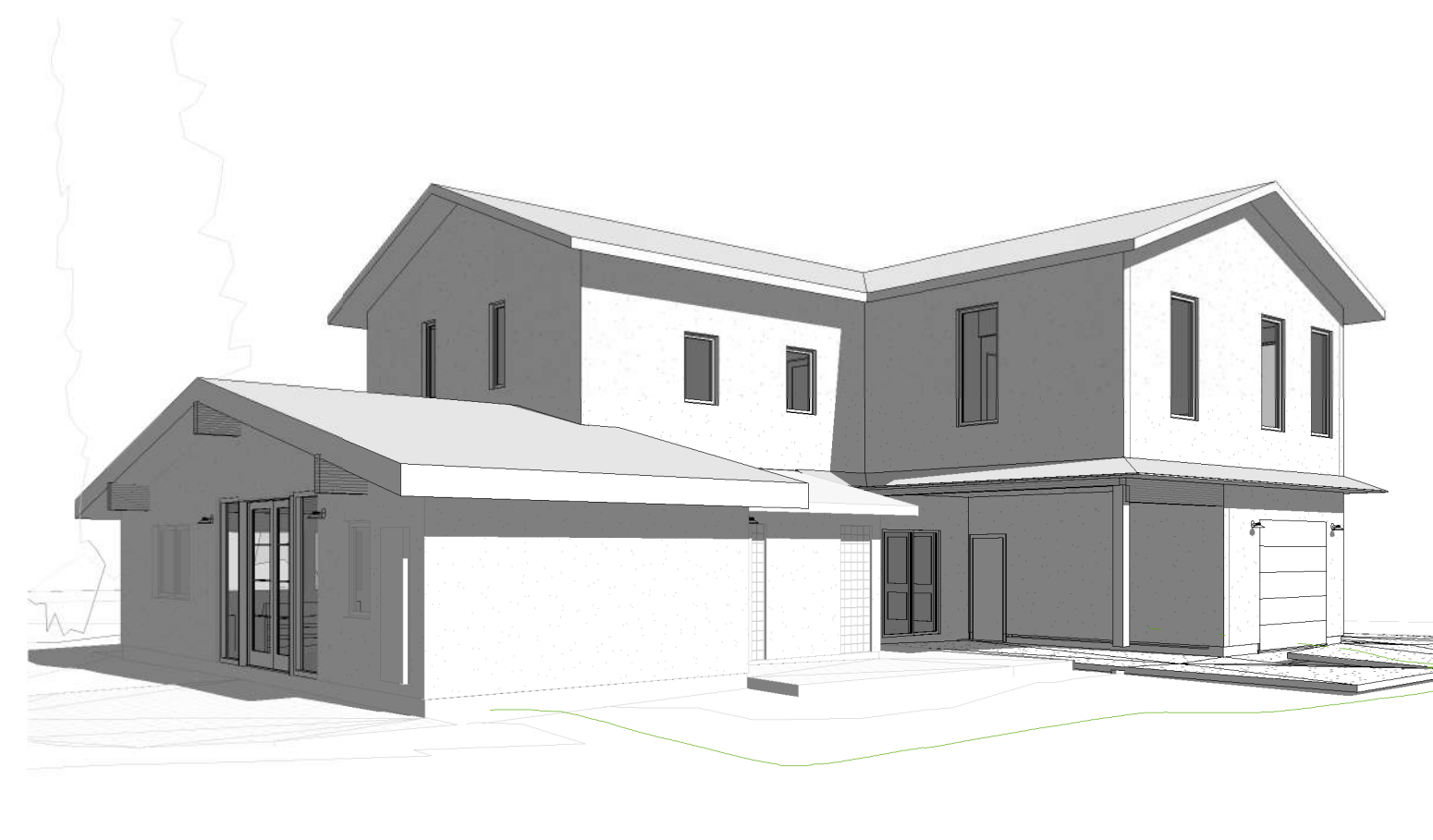
4 NE STREET PERSPECTIVE EXISTING
SCALE:



3 SE PERSPECTIVE EXISTING
SCALE:



2 NE STREET PERSPECTIVE VARIANCE
SCALE:



1 SE PERSPECTIVE VARIANCE
SCALE:

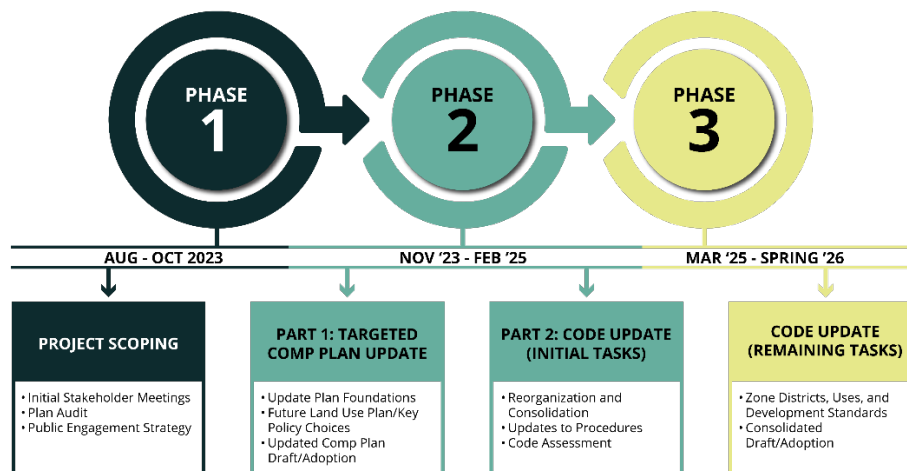


MEMORANDUM

TO: Planning and Zoning Commission
FROM: Morgan Landers, AICP – Director of Planning and Building
DATE: February 20, 2025
RE: Cohesive Ketchum – Phase 3 – Substantive Land Use Regulation Changes

INTRODUCTION

As the city continues to work through the Comprehensive Plan update process and the reorganization and consolidation of the existing land use regulations, staff are beginning to look forward to Phase 3 of the project. As noted in the graphic below, Phase 3 includes the substantive updates to the city’s land use regulations (“code”) to implement the goals and policies outlined in the updated plan. These updates are specific to the details of the zone districts, uses, and development standards by which any futures changes to properties will occur.



The purpose of the discussion is to:

- review the list of necessary code revisions
- determine the best approach to executing the Phase 3 code update process
- determine the priority of those revisions

Following the discussion with the Planning and Zoning Commission, staff will prepare a more detailed approach to Phase 3 based on the feedback. The proposed approach will be presented to the City Council at their March 17th meeting. The goal of that meeting is to get firm direction on the approach from the Council to prepare the scope of work, schedule, and budget for the Phase 3 work to begin in late Spring/early Summer 2025.

PROPOSED REVISIONS

Staff have compiled a list of code revisions necessary to implement the Comprehensive Plan (Attachment A). This list was generated from the implementation chapter of the draft Comprehensive Plan, feedback from the PZ Commission and City Council during joint work sessions, and items within the Phase 2 work that were not completed. To assist in review of the list, staff grouped the changes into categories, some by topic and others by zone district. It is important to note that revisions outlined in one category may be easily related to revisions in a different category, so the groups are not intended to be an assumption of association or priority. The categories are:

- Design Guidelines/Standards
- FAR Bonus for Community Housing
- Downtown
- Local Business Support
- Hotels and Base Areas
- Light Industrial District
- All Zone Districts
- Residential Areas
- Environmental
- General

To assist in the discussion, staff have provided an estimated level of effort for each revision. The level of effort noted is either low, medium, or high. Levels of effort are determined through an evaluation of:

- *Analysis/Research* – Low effort items won't require much additional study or research to determine the necessary code changes (i.e. ADUs or signs). High effort items may require additional study and research to evaluate multiple approaches and determine which approach is the most appropriate prior to drafting new regulations.
- *Drafting* – Low effort items generally do not require revisions to multiple sections of code with cross referencing. High effort items may require updates to multiple sections of code, cross references, additional definitions, and creation of graphic imagery or tables which extends the drafting time.
- *Engagement* – Low effort items generally have established community support from previous outreach efforts or may be administrative in nature allowing for changes to be made without extensive outreach and engagement efforts. High effort items will require additional engagement to inform the community of the various issues and evaluate options to ensure the goals of the plan and the community are being met.

APPROACH OPTIONS

There are a couple of ways to approach Phase 3 work. Generally, the work can be completed in one large update encompassing all proposed changes with one new adopted code at the end or in groups of updates with multiple adoptions through the duration of the project. There are pros and cons to each approach as outlined below:

Option #1: One Large Update

- Pro – comprehensive look at all code revisions simultaneously and how one revision may impact another, reducing potential rework/overlap through the process. Doesn't require prioritization of items as all items will be addressed at the same time.
- Con – overall timeframe to adoption is longer. Smaller code updates are delayed by more significant changes that take more time for research, drafting, and community engagement. May be difficult to keep the community engaged.

Option #2: Groups of Updates

- Pro – Can choose how many groups and how many revisions are completed at a time based on priority. Can adopt code revisions in a shorter period of time. Can create groups with a blend of high/medium/low items or could prioritize a full group of low effort items to accomplish updates while high effort items are being worked on. Less amount of development applications that may not align with community goals.
- Con – Requires prioritizing revisions. May require some rework of previously adopted sections depending on future changes to connected issues, creating overlap.

DISCUSSION

It is likely that either approach will be approximately 2 years of work based on the number of high effort items that have been identified through the process. Staff would be supportive of either approach to Phase 3, however, the grouped approach may be a better way to demonstrate progress to the community and not lose momentum. With a group approach, staff would recommend only two or three groups of amendments as to not piecemeal the approach too much. If helpful in the exercise, Attachment A is formatted as a worksheet where Commissioners can note their priority items. Staff recommends noting items as either low, medium, or high priority.

Based on this information, staff requests the commission answer the following questions:

- Would you recommend Option #1 or #2 as the preferred approach to the Phase 3 work?
- If you prefer Option #2, what items would you prioritize to be addressed in the first group of amendments?

ATTACHMENT A: CODE REVISIONS WORKSHEET

Design Guidelines/ Standards	PZ Priority	Level of Effort
Mixed Use (downtown)		High
Multi-family		High
Light Industrial		Medium
FAR Bonus for Community Housing		
Downtown (Retail and Mixed Use Subdistricts)		High
Base Areas (FAR and Uses)		High
Residential Areas (HDR)		High
Downtown		
Re-evaluate encroachments above building height/rooftop decks and amenities		Low
Basement Invisible Plane/Underground Parking/FAR conflicts		Low
Reduce the scale of development in Retail Core (height/FAR)		High
Downtown Parking Exemptions (re-evaluate exemptions for residential uses)		Medium
Local Business Support		
Affordable Commercial Space (program and regulations)		High
Expand permitted uses in Light Industrial District (i.e. food trucks, retail, restaurants)		Low
Local Business Priority		Medium
Hotels and Base Areas		
Update of the Warm Springs Base Overlay		High
Revise the approach and parameters for hotels		Low
Light Industrial District		
Consolidation of districts and height overlays		Medium
Live/Work - where residential portion permitted, size, occupancy type		Low
Hwy 75 Setback		Medium
Parking Requirements for Commercial and Residential		Medium
All Zone Districts		
Align zone districts with adopted FLUM and adoption of an updated zoning map		High
Establish minimum/maximum unit sizes		Medium

Residential Areas		
Adjust dimensional limitations to align with existing characteristics and Land Use Categories in plan (i.e. setbacks for detached townhomes)		High
Review and revise use of detached townhomes (traditional TH development vs recent developments)		Medium
Residential Densities and Community housing (in-lieu payment for SF, or incentive increases for MF)		High
Adjust permitted uses in each district and expand definitions of different housing types based on Land Use Categories		Low
Adjust minimum/maximum lot sizes		Medium
Adjust building coverage and setback requirements based on revised lot sizes		Medium
ADUs - number permitted, accessory to duplexes and townhouses, height allowances for additions to existing structures		Low
Evaluate the allowance of Tiny Homes on Wheels		Low
Incentives/Standards for conversion of SF to MF (zoning and building code)		Medium
Condo/TH conversions (zoning and building code)		Low
Environmental		
Mountain Overlay development criteria (amount of disturbance, size of units, light trespass, wildlife interface)		Low
General development standards (pools, impervious surface, fencing, etc)		Low
Floodplain development (including riparian and wetlands)		Medium
Green Building incentives		Medium
Water Conservation/Efficiency (landscape/irrigation standards)		Medium
Avalanche Overlay clarifications		Low
General		
Clarification of Nonconformities		Low
Clarification of Sign Regulations		Low
Clarification of Dark Sky regulations (re. light trespass from interior lights)		Low
Clarification of Appeal Procedures		Low
Clarification of Enforcement Procedures		Low
Update and clarify definitions		Medium
Develop Administrative Manual (i.e. application requirements, engineering standards, how-to guides, process details)		Medium
Streamlined review process for Community Housing developments		Low