

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, MARCH 14, 2012
6:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff present: Richard Beck and Brent Danielson, Development Services; and Ray Chacko, Prosecuting Attorney's Office. Minutes Recorder: Dea Kellom.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Rick Yzaguirre called the meeting to order at 6:00 p.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Rick Yzaguirre and Sharon M. Ullman were present.

III. IN THE MATTER OF CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. IN THE MATTER OF UNFINISHED BUSINESS:

- **200600339 CU-MSP-TE ANOTHER VICTORY, LLC:** Board level time extension for self-service storage unit facility. The property contains 13.754 acres and is located at 7202 W. Victory Road, Section 19 3N 2E. (*Tabled from 2/15/12*)

ACTION: S. ULLMAN MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

R. Yzaguirre opened the public hearing.

Richard Beck presented the Staff report.

Representative, Joe Rausch, stated his name and address for the record. He explained the situation and asked for a two-year extension.

R. Yzaguirre closed the public hearing.

ACTION: S. ULLMAN MOVED TO APPROVE APPLICATION NO. 200600339 CU-MSP-TE ANOTHER VICTORY, LLC FOR A TWO-YEAR TIME EXTENSION, EXPIRING DECEMBER 31, 2013. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

ACTION: S. ULLMAN AMENDED THE FIRST MOTION TO INCLUDE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

V. IN THE MATTER OF NEW BUSINESS:

1. **201101238-AC-A CHARLENE FREEBURG:** An appeal of the decision of the Director to deny an accessory use application for a group daycare facility. The property contains .193 acres and is located at 5048 S. Cole Road, Boise, 83709, Section 31 3N 2E.

R. Yzaguirre opened the public hearing.

R. Beck presented the Staff report.

S. Ullman and R. Beck discussed the vicinity of the daycare. R. Beck presented a map.

Applicant, Charlene Freeburg, stated her name and address for the record. She presented a map, which became Exhibit 16. She stated her daycare had been in business for over 20 years.

Applicant's spouse, Tim Freeburg, stated his name and address for the record. He discussed the lack of a noise problem.

S. Ullman and T. Freeburg discussed the exact location of the daycare.

Dustin Holloway stated his name and address for the record. He explained that his son attends the daycare. They live in the same neighborhood, and he did not believe there was a noise problem.

S. Ullman and R. Beck discussed the overlap of the boundaries and who determined the areas.

Juli Kaiser stated her name and address for the record. She said her daughter has been with the daycare since 2006, and she was in favor of the daycare.

S. Ullman discussed the airport influence area. She stated her concern with the fact that the F-35 may be coming to that area and asked to have the Board approve with the condition that it be brought back before the Board if the F-35 comes to that area. She and R. Beck discussed the conditions.

R. Yzaguirre closed the hearing.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201101238-AC-A CHARLENE FREEBURG TO THE DEVELOPMENT SERVICES STAFF MEETING ON MARCH 27, 2012, AND DIRECTED STAFF TO WRITE CONDITIONS OF APPROVAL AND FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH A CONDITION THAT IF THE F-35 IS APPROVED THIS BE BROUGHT BACK BEFORE THE BOARD FOR RE-EVALUATING THE NOISE POTENTIAL. R. YZAGUIRRE SECONDED.

DISCUSSION: R. YZAGUIRRE STATED HE WAS IN FAVOR BECAUSE THE DAYCARE HAD BEEN THERE FOR SO MANY YEARS.

ACTION: S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

2. **201200017-V CHRIS BOHNENKAMP:** A variance application to grant relief from a development standard for accessory structures; specifically to allow for an accessory structure to exceed 50% of the square footage of the footprint of the principal permitted dwelling or 1,500 square feet, whichever is less within the front yard. The property contains 10.040 acres and is located at 9102 W. Rockstone Ct., Kuna, 83634, Section 26 2N 1E.

R. Yzaguirre opened the hearing.

B. Danielson presented the Staff report. He stated that when Staff was analyzing the structure they realized it did not meet the development standard that applies to structures in the front yard, and a condition of approval was placed on the application requiring Applicant to receive approval of a variance from the Board for relief from the development standard. He asked this be tabled to the March 27, 2012, Development Services meeting if approved.

Agent for Applicant, Jeremy Musgrave, stated his name and address for the record. He explained the position of the home and structure. He does not believe the structure is in the front yard.

Terry Baisley stated his name and address for the record and that he built this home. He showed the position of the home. He stated that he believes the way the structure is built it goes with the flow of the home and it will bring value to the area.

S. Ullman, B. Danielson and T. Baisley discussed the structure.

R. Yzaguirre and B. Danielson discussed the zoning in the area and the impact of the structure.

S. Ullman and B. Danielson discussed the number of accessory structures in the area.

S. Ullman called J. Musgrave back up. He restated his name. They discussed the structure and necessary standards of the structure.

R. Yzaguirre closed the hearing.

S. Ullman and B. Danielson discussed the three conditions that must be found in order to grant a variance.

ACTION: S. ULLMAN MOVED TO TABLE APPLICATION NO. 201200017-V CHRIS BOHNENKAMP TO THE MARCH 27, 2012, DEVELOPMENT SERVICES MEETING, WITH NEW FINDINGS OF FACT AND CONCLUSIONS OF LAW TO GRANT APPROVAL FOR THE VARIANCE.

DISCUSSION: S. ULLMAN DISCUSSED THE VARIANCES AND THE MULTIPLE STRUCTURES IN THE AREA.

ACTION: R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED.

VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 6:32 p.m.

Rick Yzaguirre, Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk