



Public Hearing

1. **Roll Call** – Mayor Lee called the meeting to order at 6:00 pm.

Present Council Members: Ransey Portenier, Edith Hemmert, Joe Giardelli, Jordon Hurd, Von Bowman - Absent, Mike Richards, and Mayor Angie Lee were present.

Staff Present: Melissa Klinge- City Clerk, Jacob Qualls – City Treasurer, Tony Young – City Building Inspector.

Guest Present: Nicole Gouvea, Shelly Doherty, Timothy Pruiett, Mick Eells.

Pledge of Allegiance- Mayor Lee led the Pledge of Allegiance.

2. **Public Hearing (VAR-2025-1):** The Parma City Council will hold a Public Hearing to gather testimony for a Variance from Setbacks as a newly constructed home encroaches on a utility easement at 328 N 12th Street, Block 2, Lot 6 in the Pheasant Run Subdivision.

Public Hearing Opened at 6:00 pm. Jacob Qualls presented the Master Application and Variance Application that was received on August 26, 2025. Staff were able to begin processing the application for Public Hearing on September 12, 2025. Additional Material - Received Idaho Power Work Order Exhibit- Received 9/11/2025, Site Plan -Received 9/11/2025, Address List – 9/11/2025, Pheasant Run Subdivision Mylar – Received 9/19/2025.

Public Notice: Public Notices sent to affected Property Owners were sent First Class mail September 15, 2025. Public Notices to Agencies were sent Electronically on September 15, 2025. Public Notice sign was posted on the property on September 15, 2025. The Idaho Press Tribune Published the Public Notice on September 17, 2025. Written Comments were received by Shelly Doherty on 9/26/2025, and Parma Public Works Concurrence received 10/2/2025.

Applicant Presentation- Mick Eells with River Valley Framing submitted Plans with the set back and he missed it and says that the building inspectors missed it as well. On his application he is asking for a change of the 10ft utility easement to 6ft on the north side of the home. There are currently no utilities running through that area.

Opposition Testimony- No one present currently.

Neutral Testimony – No one present currently.

Supporter Testimony – Shelly Doherty sold her property in Nampa and purchased 328 N 12th St Parma Idaho. Mrs. Doherty does not have a 6ft easement. She has been thinking that the fence could possibly be moved 4ft to give the 10ft that is needed if we must have that 10ft. Council President Giardelli asked that if there should be a problem and someone needs to get that easement who will be responsible to the cost.



Applicant Rebuttal- Mr. Eells stated that whoever is developing and needs to go through that area will be the ones that are responsible for the cost. Mr. Eells spoke with the survivor and the easiest way to have this fixed would be to complete an Affidavit of correction and have that recorded with the county. Jacob Qualls mention that he has spoke with our city attorney and River Valley Framing could dedicate the easement to a different lot or if the council would allow it, to have the easement on the other side of the house. Mrs. Doherty mentioned that on the other side of the house there are markings for gas lines, and would this make a difference if the house was ever put up for sale. Mr. Eells that if there was ever any development was to happen the easiest way for them to access the utilities would be to go down Amrap, which is about 220 ft away makes more sense to down a main road vs going through houses.

Questions from Council- City Council have not had complaint or inquiry in- regards to this variance application. Council member Hurd stated that this should be able to be completed by an Affidavit of Correction, it would be assigned a new number and it will be attached to this file when it is recorded. Then at that point anyone that was to pull anything at this address would see this Affidavit of Correction. Tony Young, our building inspector, stated that when the plans were reviewed there was no mylar, they had hand drawn plans/ map. Tony has a Certificate of Occupancy and if the council approves, the house meets all building code requirements. Mr. Young wants to help Mrs. Doherty get into her new house. Mayor Lee asked the council if there were any questions and Council President would like to consult Legal. Our City Attorney Mr. Pantera was called and placed on speaker. Council member Hurd explained that the easement needs to be changed from 10ft to 6ft. The question was asked if the easement would need to be vacated or if an Affidavit of Correction was enough if it was taken to the county and recorded. Mr. Pantera advised that this does not need to be vacated. The Affidavit of Correction would be enough as long as it is recorded given a new number and attached to the mylar.

Close of Public Hearing – Occurred at 6:36 pm.

Council President Giardelli moved to approve Variance from setback for 328 N 12th st, Block 2, Lot 6 in the Pheasant Run Subdivision to be changed from 10ft to 6ft. The City Council finds the finding to be true **1. (5-3-4-A)** There are exceptional or extraordinary circumstances or conditions applicable to the property involved, which do not apply generally to other properties within the same zoning district. **2. (5-3-4-A)** That the exceptional or extraordinary circumstances in conjunction with a literal interpretation and application of the regulation would result in undue hardship by depriving the applicant of reasonable use and enjoyment of the property or of privileges enjoyed by the owners of



other properties located in the same zoning district. **3. (5-3-4-A)** That the granting of the variance will not constitute a grant of special privilege. **4. (5-3-4-A)** That the granting of such relief will not be materially detrimental to the public health, safety or welfare, or interest or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement. **5. (5-3-4-A)** That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive plan and will not effect a change in zoning. The Affidavit of Correction will need to be recorded within 10 business days. Council Member Portenier second the motion. **Roll Call** – Portenier -aye; Hemmert – aye; Giardelli – aye; Hurd- aye; Richard- aye; Motion passed.

Mr. Young presented Mr. Eells a Certificate of Occupancy so Mrs. Doherty can begin to move into her new home. Council President Giardelli moved to adjourn the Public Hearing, Council member Richard second the motion, motion carried meeting adjourned 6:45pm.

Angie Lee, Mayor

ATTEST: _____
Melissa Klinge, City Clerk