

AUTHORIZING SETTLEMENT OF DISPUTE OVER BUILDING PERMIT WITH KIT

McBRIDE AND ELSIE McBRIDE: AND GRANTING A VARIANCE FROM THE 00503
BUILDING CODE TO PERMIT COMPLETION AND MAINTENANCE OF
REMODELING OF HOME WITH GARAGE ADDITION AT 720 S. 3rd ST.,
ST. ANTHONY, IDAHO 83445, CLOSER THAN 25 FEET TO EDGE OF THE
DEEDED COUNTY ROAD.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY,
IDAHO:

Section 1. The Chairman of the Board of County Commissioners is authorized and directed to execute for Fremont County, State of Idaho, and the County Clerk is authorized and directed to attest the execution of the settlement agreement with Kit McBride and Elsie McBride, under which McBrides are permitted to complete and maintain the remodeling of their home with the addition of a garage, at their residence home at 720 S. 3rd E. St., St. Anthony, Idaho 83445 in consideration of the McBrides agreeing to release and hold the county harmless of liability due to negligence or violation of law from persons using the county road, due to the remodeled residence and garage being closer than 25 feet to the edge of the deeded county road right-of-way.

Section 2. Kit McBride and Elsie McBride having applied to Fremont County, pursuant to Idaho Code Sec. 67-6516 for a variance on the setback requirement of 25 feet in the building code ordinance adopted August 21, 1970; it appearing and the Board of County

Commissioners so finding that to not grant a variance, and to force changes or destruction of the building improvements would constitute an undue hardship to McBrides, (who in good faith relied upon the building permit in commencing construction;) and it further appearing and the Board of County Commissioners finding the conclusion that the undue hardship is due to characteristics of the site and that the variance is not in conflict with the public interest; it is hereby resolved that a variance is granted to permit the completion, maintenance and use by Kit McBride and Elsie McBride, their heirs, personal representatives, and assigns of the residence home with the garage addition at its present location, which is closer than 25 feet to the actual deed line of the county road right-of-way, but is in fact more than 25 feet from the existing pavement and from the contemplated expanded pavement with projected curb and gutter.

Section 3. This ordinance shall take effect immediately following its adoption and upon its publication in the Herald Chronicle, a newspaper of general circulation in Fremont County, Idaho, published in St. Anthony, Idaho.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF Fremont County, Idaho, this 26th day of January 1987.

James Siddoway
James Siddoway, Chairman
Board of County Commissioners
Fremont County, Idaho

ATTEST:

Betty J. Hill
Betty J. Hill
County Clerk

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Microfilm No. 529749
4 Day AUGUST 2010
At 8:51 O'Clock AM
ABBE MACE
FREMONT CO RECORDER
Fee \$0 Deputy
Recorded at Request of Abbe Mace