



DEVELOPMENT CODE DECISION APPEAL

Permit info: DSRFY2022-0022
Application Date: 3/18/2023 Rec'd by: CW
FOR OFFICE USE ONLY

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APPELLANT

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APPEAL

Application File No., Name and location:

DSRFY2022-0022

Date of Decision:

March 6, 2023

Whose Decision are you appealing?

Staff Design Review Committee Planning & Zoning Commission

What specific decision(s) and or conditions are you appealing? (please attach if necessary)

See Attached

How are you adversely affected by the decision? (please attach if necessary)

See Attached

Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)

See Attached

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Tom Schappacher 3/18/2023
Signature of the Applicant (date)

Development Code Decision Appeal

What specific decisions and/or conditions are you appealing?

I am appealing the approval of the project as designed which places a garbage enclosure directly adjacent to two properties I own. The density of the project and the decision to allow it to provide 9 fewer parking spaces than required (18% deficiency), solely to preserve units, apparently gives them no room to adjust. I believe the variance to under park allowed the applicant to place more units to maximize their return on the project and this should be reviewed and changed.

How are you adversely affected by the decision?

Placement of the garbage enclosure directly adjacent and near the front porches of our two homes on separate parcels will cause constant noise in a 60 unit apartment. Quiet enjoyment of our homes is diminished and the trash enclosure should be central to the project. The project was approved to have 9 fewer parking spaces than required by code. Since there is no parking on Adams street, visitors to our properties park on 47th street. In theory, this variance gave away 7 additional spaces on Adams to this project; allowing them to maximize their density and keep an additional 4 units that otherwise should be parking. Four units multiplied by an average unit value of \$400,000 is \$1.6M that this project gains and believe that value is extracted from the community in the form of parking, disruption to neighbors by the density and in particular to us by the placement of the garbage enclosure. The image pasted below shows red writing where each home is on the parcel and where the garbage enclosure is located.

Please identify any evidence or supporting information to support your position that code was misrepresented or misapplied.

The project as designed did not reflect our request to the applicant to move their garbage enclosure more centrally to their project which is more common practice for large multi-family complexes. Both the location of the garbage enclosure and diminished parking on 47th do adversely affect our properties as a neighbor. Garden City Code 8-6a-5F states that "Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and **prevent undue adverse impacts on surrounding properties** may be required". I believe my issues meet this threshold.

Allowance for the parking code variance is something I think the City needs to strongly consider because there is a bad precedent of allowing projects to under park when I don't believe the City can fully assess the impact of current projects. Code 8-4-D6 does provide alternatives to providing fewer parking stalls than required, but it is extremely subjective. Garden City has become a desired location, so developers can pay the extra premium to provide adequate onsite parking. It doesn't need to be 1980s, 1990s, 2000s, on site parking, but no one rides scooters or ebikes in the middle of winter, so that isn't a good enough alternative to then provide less parking into perpetuity.

Finally, there is a connection to this parking deficit and the inability to move the garbage enclosure centrally. They stuck very closely to their 60 unit goal and when asked to adjust the garbage enclosure it could only come at the expense of more parking stalls vs. their units. I feel as though this is a common battle between a neighbor with a relatively low investment and a large developer with deeper pockets who wears down the City and accomplishes exactly what they want at "our" expense. Their project will

still be very profitable; even with a couple less units, adequate parking and garbage dumpsters for their trash inside vs. on the periphery of their project.

