



## DEVELOPMENT SERVICES DEPARTMENT

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### DEVELOPMENT CODE ADMINISTRATIVE PLAN REVIEW: DETACHED TWO NEW SINGLE FAMILY DWELLINGS ON ONE PARCEL

**Status:** APPROVED WITH CONDITIONS

**Building Permit No.:** BLDFY2019-0149

**Subdivision:** Fairview Acres

**Plan Review Number:** 1

**Reviewer:** Betty Gumm

**Date:** 6/27/2019

**Note:** This review is for applicable Development Code and laws only. Formal approval of your application may be subject to additional rules.

#### FINDINGS OF FACT

1. The applicant is Dylan Schneider of Schneider Custom Homes.
2. The owner of record is Kim Spears.
3. The location of the project is 306 E 35<sup>th</sup> St., Garden City, ID 83704. Parcel: R2734540401. PAR #0401 OF LOTS 3-5 BLK 29 FAIRVIEW ACRES SUB NO 05 PARCEL A ROS 11682 #0400-C #0410-S.
4. This lot appears to be a legal lot. A lot line adjustment LLAFY2019-3 approved. The addresses, parcels, lot and block numbers of the project are:  
308 E. 35<sup>th</sup> Street, Lot 4 and N. 10' of Lot 3, Block 29, Fairview Acres Sub No. 5  
310 E. 35<sup>th</sup> Street, Lot 5, Block 29, Fairview Acres Sub No. 5
5. The subject property is 0.228 acres.
6. The scope of work is for a new residential detached single-family dwelling unit (dwelling unit accessory).
7. The project is located in the C-2 zoning district.
8. Single-family dwelling is a permitted use in the C-2 zoning district.
9. The project is not located in the 2003 FIRM 100 year floodplain.

BLDFY2019-0149

10. The project appears to be a part of the 2017 FIS.
11. Garden City has record of the following easements on the property:
- None
12. The following application materials have been provided:
- Cover Page P-1
  - Elevations P-5
  - Elevations P-6
  - Floor Plan P-4
  - Foundation P-3
  - Sections P-7
  - Site Plan P-2
  - Flood Risk Acknowledgement
  - Legal Description
  - Affidavit of Legal Interest
  - Schneider Custom Homes Equipment Data
  - Schneider Custom Homes Manual J
13. The following files/approvals are associated with this application:
- BLDFY2019-0127 Demo
  - FFAFY2019-3

14. The following are the standards of review for this application:

<b>Development Code</b>	<b>Compliant</b>	<b>Staff Comments</b>
8-1B-1: Nonconforming Properties 8-1B-2: Nonconforming Structures 8-1B-3: Nonconforming Uses	Yes	No comments.
8-2B: Base Zoning District Provisions	Yes	Dwelling unit, accessory is a permitted use in C-2 zoning district.  Required setbacks are 5' on all sides.
8-2C: Land Use Provisions	Yes	<b>8-2C-14 DWELLING UNIT, ACCESSORY:</b> A. Setbacks And Dimensional Standards: 1. Setbacks shall meet the zoning district setback requirements. 2. No accessory structure shall be allowed in front of the principal structure without design review approval. 3. Accessory dwelling units may not be any greater in size than six hundred (600) square feet. B. Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:

		<ol style="list-style-type: none"> <li>1. Not more than one accessory dwelling unit shall be allowed per property.</li> <li>2. Direct ingress and egress to the unit shall be provided.</li> <li>3. The unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.</li> <li>4. The unit shall provide a bathroom with minimally a sink, toilet and either tub and/or shower.</li> <li>5. The unit shall have at least three hundred (300) square feet of habitable space as defined by the building code.</li> <li>6. The unit shall provide for at least one closet.</li> <li>7. The unit shall be identified with an approved address.</li> <li>8. Manufactured and mobile homes shall not be permitted as an accessory dwelling unit. (Ord. 944-12, 5-14-2012)</li> </ol>
8-7A: Definitions	Yes	<i>Dwelling Unit, Accessory: A dwelling unit either within the principal structure or in a detached structure that is incidental and subordinate to the principal structure and is located upon the same property. Mobile homes and manufactured homes shall not be considered an accessory dwelling unit.</i>
8-3B: Flood Hazard		Flood Risk Acknowledgement form submitted
8-4A: General Provisions	Yes	<p><b>-4A-5: OUTDOOR SERVICE AND EQUIPMENT AREAS:</b></p> <ol style="list-style-type: none"> <li>A. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</li> <li>B. Unless fully enclosed and baffled so that no noise is detected on any adjoining property, the location of outdoor mechanical equipment shall meet the following setback requirements: <ol style="list-style-type: none"> <li>1. On commercial or industrial property abutting a residential district: Fifty feet (50') from the property line.</li> <li>2. Within the residential districts: Twenty five feet (25') from the property line.</li> </ol> </li> <li>C. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent</li> </ol>

		<p>properties and public streets. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012)</p> <p><b>Screening of HVAC equipment will be determined at inspection.</b></p> <p><b>Fences and Walls:</b></p> <p><i>B. Maximum Height Requirements:</i></p> <ol style="list-style-type: none"> <li>1. <i>Fences and walls located along a street frontage within the front yard setback: Three and one-half feet (3.5').</i></li> <li>2. <i>Fences and walls located within rear and interior side setbacks: Six feet (6').</i></li> <li>3. <i>Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8').</i></li> <li>4. <i>Fences and walls on corner properties: Six feet (6') with a minimum setback of ten feet (10') from the front property line.</i></li> <li>5. <i>The height of fences and walls shall be measured from the existing grade. (Ord. 898-08, 9-8-2008)</i></li> </ol> <p><b>Height of fences will be determined at inspection.</b></p>
<p>8-4B: Design Provisions for Residential Structures</p>	<p>Yes</p>	<p><b>8-4B-3 SINGLE-FAMILY AND TWO-FAMILY ATTACHED AND DETACHED RESIDENTIAL DWELLING UNITS:</b></p> <p><i>A. Building Design:</i></p> <ol style="list-style-type: none"> <li>1. <i>Materials used on the street facade of a residential structure shall wrap a minimum of two feet (2') around the facades not facing the street, or terminate at a perpendicular building element.</i></li> <li>2. <i>The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:</i> <ol style="list-style-type: none"> <li>a. <i>Shall have a direct and permanent pathway that connects to the public sidewalk; and</i></li> <li>b. <i>Shall be clearly visible in the front elevation of the structure; and</i> <ol style="list-style-type: none"> <li>1) <i>A front entry door with a covered porch, dormer, stoop, decorative posts or roof; or</i></li> <li>2) <i>A front entry door may not be located flush with garage doors, but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line.</i></li> </ol> </li> </ol> </li> <li>3. <i>All elevations adjacent to public streets must contain:</i> <ol style="list-style-type: none"> <li>a. <i>Windows; and</i></li> </ol> </li> </ol>

		<p><i>b. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and</i></p> <p><i>c. Modulation in the building facades.</i></p> <p><i>B. Accessory Structures:</i></p> <ol style="list-style-type: none"> <li><i>1. An accessory structure, other than an accessory dwelling unit, shall not be used by a person or entity other than the resident of the dwelling unit.</i></li> <li><i>2. An accessory structure shall require design review committee approval and approval of a conditional use permit if the structure is not designed to an "R" or "U" occupancy, as defined by or otherwise exempted from permit by the adopted building codes.</i></li> <li><i>3. An accessory structure, unless built and approved as an accessory dwelling, shall not be utilized as a dwelling.</i></li> <li><i>4. Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review committee approval and approval of a conditional use permit.</i></li> </ol> <p><i>C. Garage and Carport:</i></p> <ol style="list-style-type: none"> <li><i>1. A garage and carport shall be deemphasized when viewed from the public street demonstrated by one (1) of the following:</i> <ol style="list-style-type: none"> <li><i>a. The garage or carport shall not occupy more than fifty percent (50%) of the building line adjacent to any public street unless the garage has one (1) of the following: windows in or above the garage doors; and dormers, raised or recessed trim on the garage doors; or garage doors sized for a single automobile; and contains texture, color, and materials that match the residential structure; and</i> <ol style="list-style-type: none"> <li><i>(1) The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or</i></li> <li><i>(2) The garage or carport is located with a side entrance;</i></li> </ol> </li> <li><i>b. The garage or carport is located off a public street designated as an alley.</i></li> </ol> </li> <li><i>2. A temporary carport shall only be located behind the house and not visible from a public right-of-way, and shall not be allowed on a corner lot. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 975-15, 4-27-2015)</i></li> </ol>
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8-4D: Parking and Off Street Loading Provisions	Yes	<p><b>3. Location And Design Of Parking Spaces For Residential Uses:</b></p> <p><i>a. Parking spaces for detached residential dwelling units shall be located on the same lot as the dwelling which the space is intended to serve.</i></p> <p><i>b. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s).</i></p> <p><i>c. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.</i></p> <p><i>d. Other requirements apply to the location of garages and carports as set forth in article B, "Design Provisions For Residential Structures", of this chapter.</i></p> <p><b>Each dwelling unit is required to have one (1) parking space within an enclosed garage and, one (1) parking space additional space (min. 10' X 20").</b></p>
8-4E: Transportation and Connectivity	No	<p><b>8-4E-6 SIDEWALK STANDARDS:</b></p> <p><i>All sidewalks shall be designed and constructed to the following standards:</i></p> <p><i>A. Sidewalks shall be required along public rights-of-way intended for vehicular travel.</i></p> <p><i>B. All sidewalks shall be a minimum of five feet (5'), except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4').</i></p> <p><i>C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.</i></p> <p><i>D. Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width. (Ord. 898-08, 9-8-2008; amd. Ord. 975-15, 4-27-2015)</i></p> <p><b>The applicant applied for a sidewalk waiver. In order to request a waiver or alternative treatment, the applicant shall provide documentation that:</b></p> <p>1. The lack of sidewalk will not constitute a grant of special privilege inconsistent with the</p>

		<p>requirements on other properties within Garden City; and  <b>No documentation provided</b></p> <p>2. The requirement of sidewalk creates an undue hardship beyond that of the requirement of sidewalk elsewhere in Garden City; and  <b>No documentation provided</b></p> <p>3. The waiver will not unreasonably diminish the health, safety or welfare of the community neighborhood; and  <b>No documentation provided</b></p> <p>4. The waiver or alternative of a sidewalk is the only reasonable manner to overcome an undue hardship to the subject property; and  <b>No documentation provided</b></p> <p>5. The waiver or alternative treatment is the minimum relief necessary to allow reasonable use of the subject property.  <b>No documentation provided</b></p> <p><b>The applicant did not provide documentation on the above 1-5, but did submit a letter asking for the waiver based on:</b></p> <ul style="list-style-type: none"> <li>• <b>The area is in transition with adjacent owners planning to sell and/or develop their property</b></li> <li>• <b>Applicant believes the road may need to be reconstructed</b></li> <li>• <b>Applicant doesn't think pedestrians will use the sidewalk</b></li> <li>• <b>ADHD is not requiring improvements</b></li> </ul> <p><b>Determination of sidewalk waiver: <u>Denied.</u> Applicant can appeal this decision. Applicant will have 15-days from the issuance of the building permit to appeal the sidewalk denial to the Design Review Committee.</b></p> <p><b>Full curb, gutter and a 5' detached sidewalk with a 6' landscape buffer (with tree rootball) or 8' landscape buffer (without tree rootball) is required. Sidewalks and landscape buffer will be determined at inspection.</b></p> <p><b>If the sidewalk is on private land (instead of ROW) an agreement must be signed between the land</b></p>
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		owner and Garden City giving the city a public access easement for the sidewalk.
8-4I: Landscaping and Tree Protection Provisions	No	<p><b>8-4I-4: LANDSCAPING PROVISIONS FOR SPECIFIC USES:</b></p> <p>A. <i>Landscaping For Single-Family Residential Units:</i></p> <ol style="list-style-type: none"> <li>1. <i>For lots with thirty (30) to forty nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback.</i></li> <li>2. <i>For lots with fifty feet (50') or more of linear frontage, two (2) class II or class III trees shall be planted with one tree located in the front yard setback. (Ord. 944-12, 5-14-2012)</i></li> <li>3. <i>Trees shall be planted with adequate spacing to allow for the mature spread of the trees.</i></li> </ol> <p><b>8-4I-7 TREE PRESERVATION PROVISIONS:</b></p> <p>A. <i>Purpose: The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process.</i></p> <p>B. <i>Applicability: Tree preservation is required in all districts.</i></p> <p>C. <i>Standards:</i></p> <ol style="list-style-type: none"> <li>1. <i>Site development shall make all feasible attempts to maintain existing trees four inch (4") caliper or greater within their design.</i></li> <li>2. <i>Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction in accordance with the provisions set forth in the "Garden City Design And Construction Guide".</i></li> <li>3. <i>Any tree damaged during construction shall be replaced in accordance with subsection C5 of this section.</i></li> <li>4. <i>Construction, excavation, or fill occurring within the drip line of any existing tree shall be avoided. Specific requirements for construction within the drip line of existing trees are as follows:</i> <ol style="list-style-type: none"> <li>a. <i>Impervious paving surfaces shall remain outside of the drip line of existing trees.</i></li> <li>b. <i>Grade changes greater than six inches (6") are prohibited within the drip line of existing trees.</i></li> <li>c. <i>A fence or barrier that encloses the entire area beneath the tree canopy shall be in place prior to construction. (Ord. 898-08, 9-8-2008)</i></li> <li>d. <i>New underground utilities to be placed within the drip line of existing trees shall be installed in accord</i></li> </ol> </li> </ol>

		<p><i>with subsection D of this section. (Ord. 905-09, 3-23-2009)</i></p> <p><i>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.</i></p> <p><i>5. Mitigation is required for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.</i></p> <p><i>a. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)</i></p> <p><i>b. Mitigation trees are in addition to all other landscaping required by this article.</i></p> <p><i>c. No mitigation is required in the following: 1) existing prohibited trees as specified in the "Garden City Design And Construction Guide" within the street buffer or parking lot; 2) existing dead, dying, or hazard trees certified prior to removal by a certified arborist; 3) trees that are required to be removed by another governmental agency having jurisdiction over the project.</i></p> <p><i>6. Existing trees that are retained or relocated on a site may count toward the required landscaping.</i></p> <p><b>Two (2) trees are required to be planted in the 6' landscape buffer (with rootball) or 8' landscape buffer (without rootball) is required. An additional (1) one tree is required in the front yard. Landscape trees and landscape buffer will be determined at inspection.</b></p>
8-4L: Open Space Provisions	Yes	<p><b>8-4L-4 OPEN SPACE STANDARDS FOR SINGLE-FAMILY, TOWNHOUSE, AND TWO-FAMILY DUPLEX DEVELOPMENTS:</b></p> <p>A. Minimum Requirement: For any new single-family, townhouse, or two-family subdivision; planned unit development; or conditional use of more than two (2) units in size: A minimum of ten percent (10%) of the gross site area shall be in common open space.</p>

## DETERMINATION

The Planning Official reviewed the application with regard to Garden City Code, Title 8 and concludes the application satisfies the standards of approval under Garden City Code, Title 8 with the following site specific requirements.

### Site Specific Requirements:

1. Full curb, gutter and a 5' detached sidewalk with a 6' landscape buffer (with tree rootball) or 8' landscape buffer (without tree rootball) is required. Sidewalks and landscape buffer will be determined at inspection.
2. Applicant can appeal this decision. Applicant will have 15-days from the issuance of the building permit to appeal the sidewalk denial to the Design Review Committee.
3. Two (2) trees are required to be planted in the 6' landscape buffer (with rootball) or 8' landscape buffer (without rootball). An additional (1) one tree is required in the front yard. Landscape trees and landscape buffer will be determined at inspection.

### General Requirements:

1. All construction shall comply with the City's specifications and standards provided above. It is the applicant's responsibility to review Title 8, Development Code and adhere to all applicable specifications and standards.
2. Property Maintenance Standards shall be maintained as required by Garden City Code 8-1C.
3. Fences or walls must comply with Garden City Code 8-4A-3.
4. Outdoor lighting must comply with Garden City Code 8-4A-4.
5. Outdoor service and equipment areas, must comply with Garden City Code 8-4A-5.
6. Stormwater systems must comply with Garden City Code 8-4A-7.
7. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
8. Waterways must comply with Garden City Code 8-4A-9.
9. This approval shall not permit or annul of any portion of City Code, or other applicable regulation unless specifically noted.
10. This approval is only approval of this specified permit. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a certificate of compliance or occupancy.

11. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
12. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any change that is not in substantial conformance shall be required to be reviewed and approved by the reviewing entity or body. Any approvals granted during the public hearing process shall require a hearing at the expense of the applicant.
13. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. It is the property owner's responsibility to be aware of any easement on their property. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance with the plans reviewed and approved.
14. Garden City cannot give permission for work to encroach in an easement. Encroachment within an easement is an agreement between the grantee and grantor, any action on this matter would be a civil matter between the two.
15. Any violation of this permit or occupying the site prior to Certificate of Occupancy is a criminal offense.
16. The City may revoke a Certificate of Occupancy for any of the following:
  - a. Violation of Garden City Code or State or Federal Laws;
  - b. Failure to abide by this permit;
  - c. Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
17. This determination is made subject to a 15-day appeal period to the Garden City Planning and Zoning Commission as permitted in Garden City Code 8-6A-9. Should you decide to appeal, the appeal; associated fee; and application must be submitted to the City within fifteen working days of the decision. The 15-day appeal period will begin the day the building permit is issued.
18. The FEMA Flood Insurance Rate Maps (FIRMS) for the Lower Boise River are in the process of being updated. Garden City will be secluded from the proposed change which means that the secluded area will maintain the 2003 mapped floodplain and floodway until further study. The City does not know of a date that this might happen.
19. All insurable structures within the floodplain are federally required to have flood insurance if there is a federally backed mortgage on the structure. The base flood elevations (BFEs) for the proposed structures may be below the base flood elevations identified in the model that is being used for the new maps. Flood insurance for homes below the BFE is significantly higher than homes that are constructed above the BFE. Building the homes below the BFE could have significant economic impacts on the ability to sell the homes

and for future home owners. While there is no regulatory necessity to build the proposed homes to the proposed BFEs it is strongly recommended.

20. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.
21. Prior to Certificate of Occupancy or Compliance please call 472-2920 to schedule a Design and Use Inspection to ensure compliance with this review. The observation must be scheduled by 3:30 pm at least one working day in advance of the requested observation.