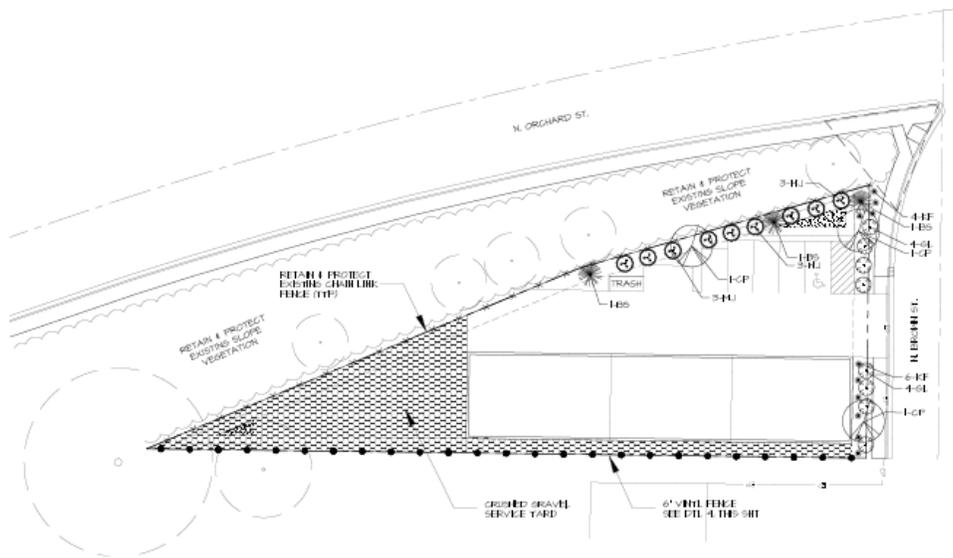




CITY OF GARDEN CITY

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CUPFY2019-8/VARFY2019 - 1
Conditional Use Permit and Variance
Use: Laundry and Dry Cleaning, Commercial Plant
Variance: Landscape Buffer Requirements
Location: 209 W. 36th Street, Garden City, Idaho
Applicant: Josh Beach, Conger Group



Staff Contact: Chris Samples (208) 472-2921; planning@gardencityidaho.org

City of Garden City
Planning and Zoning Commission Staff
Report

Project Description:

Planning and Zoning Commission Public Hearing Date: Wednesday May 15, 2019, at 6:30 p.m.

Application File Number: CUPFY2019-9 and VARFY2019 - 1

Applicant: Josh Beach with Conger Group

Location: 209 W. 36th St., Ada County Parcel R2734531468.

Requested Use: Industry Flex

Requested Variance: Variance to GCC 8-4I-6 (Perimeter Landscaping Standards)

Project Synopsis: Josh Beach with Conger Group is requesting Conditional Use Permit approval of a new industrial flex building and of a variance at 209 W. 36th St., Ada County Parcel R2734531468. The 0.290 acre site is located in the general commercial (C-2) zoning district.

Existing Conditions:

- The subject property is .29 acres
- The project is in the C-2 General Commercial Zoning District
- The project is located in the Mixed Use Commercial Plan Land Use Designation
- The subject property is not located in the 100 year floodplain designation or floodway.
- Surrounding Uses: Commercial Uses, Residential Uses
- Existing Use: None
- There are no records on file with Garden City of existing easements
- Access to the site is from Brown Street
- There are no sidewalks in good repair on site

Standards for Review: Standards for review of this application are as follows:

1. GCC 8-7A Definitions of Uses
2. GCC 8-2B-2 Allowed Uses
3. GCC 8-2C-24 Industry, Flex or Light
4. Title 8 Chapter 4 Design and Development Regulations
5. GCC 8-6A-4 Required Application Information – Waiver Request
6. GCC 8-6B-2 Conditional Use
7. GCC 8-6B-9 Variance

Additional Plans and Comments Noted:

1. Other Plans and Approvals Analysis
2. Department and Agency Comments

3. Public Comments

Staff Analysis:

GCC 8-7A Definitions of Uses

<i>INDUSTRY, FLEX:</i>	The use of a multi-tenant structure for the uses of: equipment rental and sales; light industry; motorcycle sale, service, storage rental; service provider; storage yard; vehicle service or other permitted uses within the zoning district which it is in.
<i>EQUIPMENT RENTAL AND SALES:</i>	The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.
<i>MOTORCYCLE SALE, SERVICE, STORAGE, RENTAL:</i>	<p>Not defined by 8-7A. Deferring to the Merriam-Webster Dictionary pursuant to Garden City Code 8-1A-5 (Interpretation), the following terms are defined:</p> <p>Motorcycle: an automotive vehicle with two in-line wheels</p> <p>Sale: the act of selling</p> <p>Service: to repair or provide maintenance for</p> <p>Storage: space or a place for storing</p> <p>Rental: a business that rents something</p>
<i>SERVICE PROVIDER:</i>	The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.
<i>VEHICLE SERVICE:</i>	The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.
<i>INDUSTRY, LIGHT:</i>	The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.

**STORAGE FACILITY
OR YARD:**

The use of more than twenty percent (20%) of a site where equipment, inventory, supplies, vehicles or other similar items of a nonresidential nature are stored inside or outside.

For the purposes of this report, the term “site” is referenced, but is not defined by Garden City Code. GCC 8-1A-5 (Interpretation) requires the use of the Merriam Webster dictionary to define terms not defined in Garden City Code. The term “site” is defined in the Merriam Webster dictionary as:

SITE: A space of ground occupied or to be occupied by a building

GCC 8-2B-2 Allowed Uses

The use “Industry, Flex” is a conditionally permitted use in the C-2 General Commercial Zoning District.

TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS

<i>P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district</i>								
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-20</i>	<i>C-1</i>	C-2	<i>M</i>	<i>LI</i>
Industry, Flex					C	C		C

The definition of this use includes the uses “Industry, Light” and “Storage Yard” as allowed activities. However, these uses are prohibited in the C-2 zone. When there is a conflict in the provisions of this title, Garden City Code 8-1A-5 (Interpretation) requires the more restrictive provision applied. The prohibition of these uses in the C-2 zone is the more restrictive provision, prohibiting these uses as part of the use “Industry, Flex”.

GCC 8-2C-24 – Industry Flex or Light

Garden City Code 8-2C-24 (Industry Flex or Light) requires specific standards for this use. In addition, each use noted has specific use standards pursuant to Garden City Code 8-2C (Land Use Provisions):

8-2C-24 INDUSTRY, FLEX OR LIGHT:**A. Setback:**

1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.

2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.

B. *Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:*

1. *Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.*

2. *Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.*

3. *Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.*

C. *Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.*

8-2C-16: EQUIPMENT RENTAL, SALES AND SERVICE:

A. *Limitations:*

1. *All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.*

2. *All equipment repairs shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.*

3. *Damaged or wrecked equipment shall not be stored on site for purposes other than repair.*

4. *All equipment shall be parked on site and not in adjoining streets or alleys.*

5. *All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles shall be removed from the premises within thirty (30) days of arrival.*

B. Site Design: All new structures constructed for equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights of way.

C. Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

8-2C-36 SERVICE PROVIDER:*

A. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

B. Parking and Access:

1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.

C. Limitations: The site shall not be used as vehicle wrecking as herein defined.

D. Site Maintenance:

1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.

2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

E. Other Standards Apply: Outdoor storage areas shall comply with section [8-1C-3](#), Property Maintenance Standards, of this title.

8-2C-41 VEHICLE SERVICE:

A. Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet.

B. Site Layout:

1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.

2. Any spray booth must be approved by the fire authority and building official.

3. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section [8-2C-37](#), Storage Facility Or Yard, of this article.

4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.

5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

C. Limitations:

1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.

2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.

3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.

4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.

5. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

D. Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

As noted above, the uses "Industry, Light" and "Storage Facility or Yard" are prohibited uses. Garden City Code 8-2C-24A-2 (Setback) lists the following setback for activities associated with these uses:

2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.

The activities listed in this standard are activities associated with these prohibited uses. While the standard technically applies to this use, the more restrictive provision still prohibits these uses and cannot be authorized under the use "Industry, Flex".

The use "Vehicle Service" does not meet the minimum 15,000 sq. ft. required for the site. The definition of the term "site" noted above takes the entire property into consideration rather than the building. However, the building foot print should be considered the site, as parking, drive aisles, site improvements, and trash enclosures take up the remainder of the property. The proposed building is 4,020 sq. ft., below the minimum threshold. A condition of approval prohibiting the use "Vehicle Service" within the scope of the use "Industry, Flex" could be added.

The remaining provisions of the uses authorized by the use "Industry, Flex" could be incorporated as conditions of approval.

Title 8 Chapter 4.

The provisions of this chapter, with the exception of sidewalk waivers, are usually reviewed by the Design Committee in association with a design review application. Application DSRFY2019 – 9 is to be heard by the Committee at the May 20, 2019 hearing. A condition of approval not approving the site, landscaping, and elevation plans should be considered to enable the Design Committee to work with the applicant on design related issues.

GCC 8-4E-6 (Sidewalk Standards)

This subsection requires sidewalks for new and more intense use of property. At times there is overlap between design and use. Garden City Sidewalk Policy notes that a sidewalk and landscaping buffer is not required if a sidewalk is in good repair on or adjacent to the property. A detached sidewalk and landscape buffer are not installed along Brown Street.

The applicant has specifically requested for a variance to allow an attached sidewalk rather than a waiver pursuant to the sidewalk policy, pursuant to e-mail correspondence dated 5/29/2019. City Code and the Garden City Sidewalk Policy do not prevent an applicant from seeking a variance for a sidewalk waiver. The Commission cannot compel an applicant to submit a waiver request pursuant to the Garden City Sidewalk Policy. The sidewalk will be addressed in the variance section of this report.

GCC 8-6A-4 Required Application Information – Request for Waiver

The applicant has requested a waiver to the following application requirements relevant to the conditional use permit and variance requests:

- Approved Ada County Address

An address is already assigned to the property. A waiver is not necessary.

The applicant did not request a waiver to the Irrigation/Ditch Company Letter requirement. An irrigation easement is located in the right of way on Brown Street as noted in the Fairview Acres Sub No. 4 plat. The applicant has proposed installing an attached sidewalk in the right of way and within this easement. While the City does not have record of a specific irrigation company associated with this easement, agency notice to irrigation companies requesting such notice was provided in accordance with Idaho Code 67-6519(4). As of the drafting of this report, the City has not received a response from any irrigation company. While a waiver of the Irrigation/Ditch Company Letter requirement may be appropriate, this waiver, if granted, does not relieve the

applicant of complying with applicable Idaho Code concerning irrigation companies and associated easements.

The other waiver requests noted in the application are design in nature and will be addressed by the Design Committee during their review of the concurrent design review application DSRFY2019 – 9.

GCC 8-6B-2 D [Conditional Use] Required Findings

In order to approve a conditional use permit, the Planning and Zoning Commission must find:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

Impacts to Finding 1:

It is unclear if the proposal meets this finding. There is not enough evidence on the record to determine if the use is or is not appropriate to the location and the lot. The impact of the proposed use to the adjacent residences is not clear from the record. The applicant has requested a variance for a landscape buffer against a portion of the east property line adjacent to residential and commercial uses. The adjacent commercial use appears to be vehicle service, but no record of a certificate of occupancy for this use is on file. Commercial uses are in the surrounding neighborhood south of Chinden Blvd. The adjacent residences are closer to 35th Street than the proposed use, but are not the predominant development pattern of the neighborhood.

Regardless of adjacent uses, the purpose and use of the “crushed gravel service yard” depicted in the plans is not clear from the record. More information may be needed to determine whether this is appropriate to the location and the lot.

Impacts to Finding 2:

It is unclear if the proposal meets this finding due to the sidewalk variance request. This finding is dependent on the Commission’s decision on the sidewalk variance request and whether the proposed sidewalk configuration constitutes an adequate public facility.

Impacts to Finding 3:

It is unclear if the proposal meets this finding due to more information needed about the proposed service yard. As noted above, there is not enough information provided concerning the service yard depicted in the application. More information may be needed on this component to determine the impacts of the use on the health, safety, or welfare of the community.

Impacts to Finding 4:

There appears to be evidence on the record that the proposed use is and is not in conformance with the Comprehensive Plan.

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is in the Transit Oriented Development Node Comprehensive Plan Land Use Map Designation.

***TRANSIT ORIENTED DEVELOPMENT NODE:** The transit oriented development (TOD) nodes are identified within one quarter mile of locations where a transit station has been planned or could be located. It is not intended that all nodes could be developed within the twenty year period of the plan. A mix of uses including higher density residential, retail, office, research and public uses are included in the TOD area designation. A development to be considered for the TOD designation should include 50,000 square feet of non-residential uses and 60 – 80 dwelling units. The form of the development should be multi-story (three or more stories) along the boulevard corridor with lower height moving away from the street. Site design characteristics should include walkability, public spaces, and transit station design. Lower parking standards should be allowed.*

The TOD node and ¼ mile walkable area at 36th and Chinden has been intensely development with new housing and commercial businesses north of Chinden Blvd. Development of the TOD node south of Chinden Blvd. has been largely absent. The proposed use's location within the TOD node circle rather than the ¼ mile walk able area implies that the proposed use should be of a similar intensity to high density residential, retail, office, research and public uses. While the flexibility of the proposed use toward enabling multiple conditional uses under a single use umbrella could constitute an increased level of intensity, the application does not contain specific information about each conditional use and instead defaults to the Garden City Code 8-2C (Land Use Provisions). The size and configuration of the site does not appear to lend itself to public spaces and transit station design, but could incorporate walkability. The proposal is located along a boulevard corridor at Orchard Street, but is more directly adjacent to Brown Street. There is not enough information on the record concerning the proposed service yard at the rear of the property to determine its compliance with this designation.

The following goals, objectives, and action steps of the plan appear to apply to this proposal:

- Goal 10: Plan for the Future
 - Objective 10.6: Continue to support commercial and industrial land uses

GCC 8-6B-9 [Variance]

The applicant has requested a variance for relief from the standards of Garden City Code 8-4I-5 (Perimeter Landscaping Provisions) and Garden City Code 8-4E-6 (Sidewalk Standards). Each request will be addressed separately below.

To approve a variance, the Planning and Zoning Commission must make the following findings:

1. *The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under the applicable zoning district because of the unique size, shape, topography or location of the subject property (a finding of undue hardship);*
2. *The need for the variance is not the result of actions of the applicant or property owner;*
3. *The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;*
4. *The variance is the only reasonable alternative to overcome the undue hardship; and*
5. *The variance is the minimum relief necessary to allow reasonable use of the subject property.*

The Commission may also impose conditions considered necessary to assure:

- a. *That the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the applicable zoning district in which the subject property is located; and*
- b. *Secure substantially the purpose of city regulations and give effect to the comprehensive plan.*

Variance to Garden City Code 8-4I-5 (Perimeter Landscaping)

The applicant has specifically requested a waiver to relieve these standards along the shared property line adjacent to residential uses located at 204, 206, and 208 E. 35th Street. A six foot (6') vinyl fence is proposed in lieu of this buffer.

The applicant notes the following reasons in their application to justify the variance:

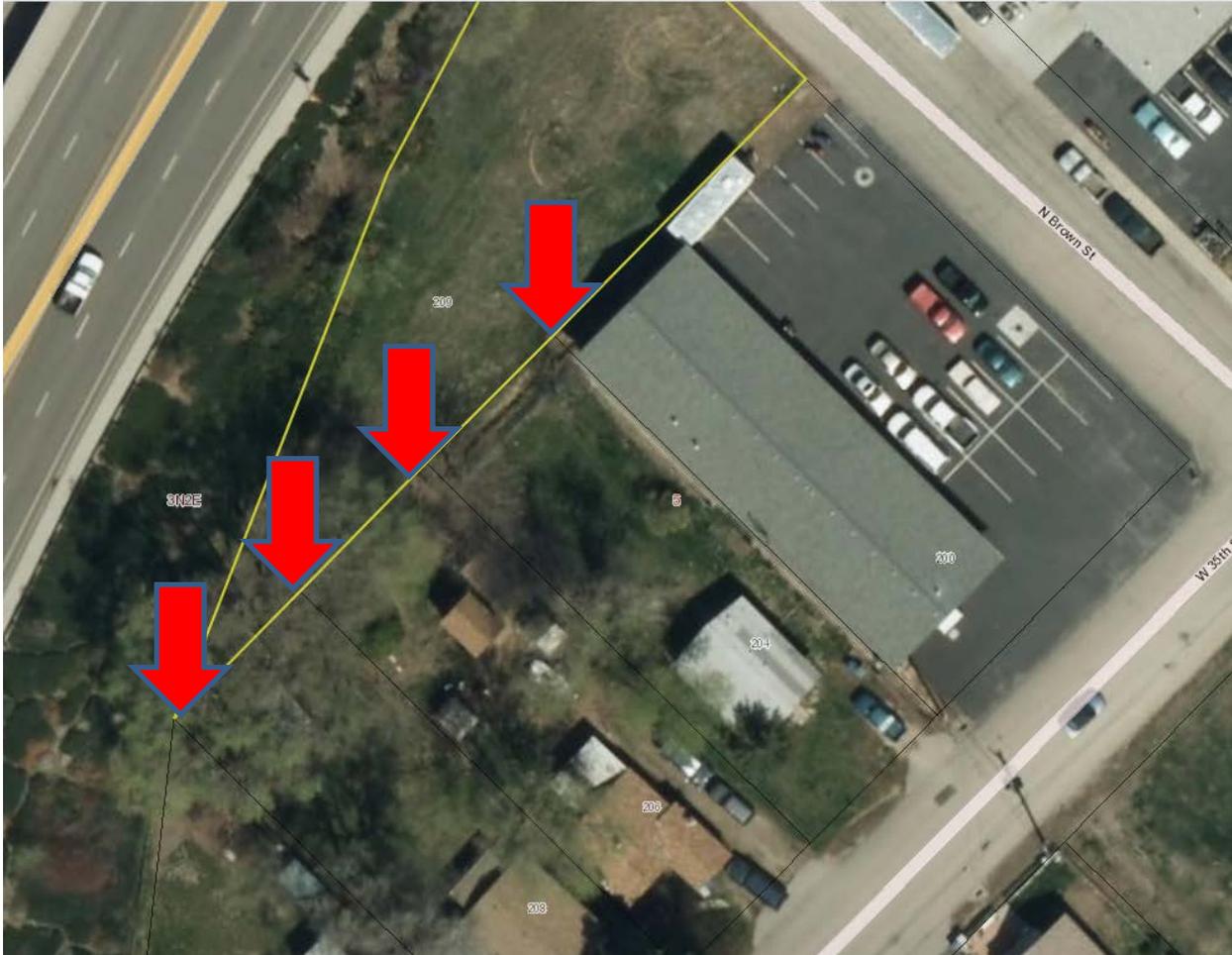
Variance

The unusual shape of the lot and the width make it very difficult to use the property at all if we are required to lose the additional five feet for a landscape buffer. Additionally, the landscaping would be behind a large building and between the building and a six foot vinyl fence. The landscaping would provide no benefit and would be very difficult to maintain.

Due to the size and shape of the lot, we are requesting a variance from 8-4I-6 regarding perimeter landscaping adjacent to a residential use. We request to eliminate the landscape buffer adjacent to the residence and to build the structure at the 5 foot setback line and to construct a vinyl privacy fence in place of the landscaping.

The project is located at 209 W. 36th in Garden City. This neighborhood currently consists of a mix of industrial uses and residential users. The project will add to the existing mix of uses in the area and will remove an undeveloped property from the area by adding a beautiful building and appropriate site improvements.

Garden City Code 8-4I-5 requires the buffer along the common property lien between a nonresidential and residential use. The location of the residential uses are noted below:



According to the Ada County Assessor, 204, 206, and 208 W. 35th Street have been assessed for residential uses and contain single family homes.

Garden City Code 8-4I-5 requires the following applicable standards for a landscaping buffer:

C. Standards:

- 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;*
- 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;*

3. *At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.*

Please note that the Design Committee has interpreted these provision to indicate that the ten foot (10') wide buffer consists of 6' of vegetation and a four foot (4') nonvegetative area.

Impacts to Finding 1:

The subject property appears to be deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under the applicable zoning district because of the unique size, shape, topography or location of the subject property (a finding of undue hardship):

The property's configuration presents difficulty to meet applicable Garden City Code required for new structures and uses. The property's width becomes thinner southward until it tapers to a single point. The configuration limits the ability to meet the following minimum standards of Garden City Code:

GCC 8-4E-4A

- *Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:*
 - *2. Have a minimum width of twenty feet (20').*

The applicant has proposed a 22' wide driveway that reduces to 11.89' in width at the end of the third suite. The driveway width at this location does not appear to meet the 20' width required by Garden City Code 8-4E-4A, even with the landscape buffer variance request depicted in the site plan. Garden City Code 8-2B-3 (Form Standards) does not require a minimum or maximum building footprint or building coverage percentage in the C-2 zone.

The applicant has not requested a variance to the driveway width requirement. While the applicant can discuss an additional variance request with the Commission, the driveway width requirement is specifically to provide fire access. The North Ada County Fire and Rescue District (NACFR) has not provided comment on the application.

Approval of the variance could be construed as approving the site plan. Site and design regulations are reviewed during by the Design Committee during the design review process. A condition of approval could be required to specifically not approve the site plan.

Impacts to Finding 2:

The need for the variance does not appear to be the result of the actions of the applicant or property owner.

The applicant did not reconfigure the property prior to applying for the variance.

Impacts to Finding 3:

The variance may unreasonably diminish either the health, safety or welfare of the community neighborhood;

The requested variance is intended to provide relief to enable meeting minimum Garden City Code requirements. The variance includes waiving the landscaping buffer requirements adjacent to the proposed building, but also to a "crushed gravel service yard". While Garden City Code

contains provisions regulating outdoor storage screening and specifically prohibits the use “Storage Facility or Yard” within the C-2 zone, an outdoor service yard or outdoor storage is not required by the Garden City Code for the uses requested by the applicant or by the permitted uses of C-2 zone. The applicant has not provided information on activities that would take place in this yard.

Without additional information concerning the proposed service yard, there does not appear to be enough information on the record to determine whether a variance along this property line could impact the adjacent residential uses and could conflict with this finding.

A driveway width variance, implied by the site and landscape plans but not specifically requested, could diminish the health, safety or welfare of the community neighborhood by creating a possible conflict with NACFR requirements. The applicant may be required to reduce the building footprint if NACFR requires a consistent 20’ driveway. The applicant could request the variance request be continued to a date certain while working with NACFR to determine whether a driveway width reduction is allowed. If allowed by NACFR, the variance could include a request for a driveway width reduction.

Impacts to Finding 4:

The variance appears to not be the only reasonable alternative to overcome the undue hardship.

As noted above, the purpose of the service area is not clear. Additional information is needed to determine whether the requested variance to perimeter landscaping standards is the only reasonable alternative.

As noted above, there may be an additional hardship connected to the driveway width requirements. A driveway width variance may be an additional necessary request.

Impacts to Finding 5:

The variance appears to not be the minimum relief necessary to allow reasonable use of the subject property

As noted above, the proposed variance may not be the minimum relief necessary to allow reasonable use of the property. As noted above, the purpose of the service area is not clear. Additional information is needed to determine whether the requested variance to perimeter landscaping standards is the only reasonable alternative.

As noted above, As noted above, the proposed variance may not be the only reasonable alternative to overcome the undue hardship. A driveway width variance may be necessary.

Variance to Garden City Code 8-4E-6 (Sidewalk)

The applicant has specifically requested a waiver to relieve these standards by allowing an attached 5’ sidewalk instead of the detached sidewalk configuration required by this section. The applicant does not specifically address why a sidewalk variance meets the findings of this Garden City Code 8-6B-8.

Garden City Code 8-4E-6 requires the following standards for a sidewalk:

All sidewalks shall be designed and constructed to the following standards:

- A. *Sidewalks shall be required along public rights-of-way intended for vehicular travel.*
- 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').*
- 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.*
- 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.*

Impacts to Finding 1:

It is unclear whether the subject property is or is not deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under the applicable zoning district because of the unique size, shape, topography or location of the subject property (a finding of undue hardship);

There is not enough information on the record to determine whether the property is deprived of rights and privileges as noted in this finding.

Impacts to Finding 2:

It is unclear if the need for the variance is or is not the result of the actions of the applicant or property owner.

There is not enough information on the record to determine whether the need for the variance is or is not the result of the actions of the applicant or property owner.

Impacts to Finding 3:

It is unclear if the variance unreasonably diminishes either the health, safety or welfare of the community neighborhood;

There is not enough information on the record to determine whether the variance will or will not unreasonably diminish the health, safety or welfare of the community neighborhood.

Impacts to Finding 4:

It is unclear that the variance appears is or is not the only reasonable alternative to overcome the undue hardship.

There is not enough information on the record to determine whether the variance is or is not the only reasonable alternative.

Impacts to Finding 5:

It is unclear if the variance is or is not the minimum relief necessary to allow reasonable use of the subject property

There is not enough information on the record to determine whether the variance is or is not the minimum relief necessary.

Other Plans and Approvals Analysis

The Garden City Sidewalk Policy was noted in association with this application, but not reviewed at the request of the applicant.

Comments from Other Departments and Agencies

Garden City Engineer

Standard comments.

Idaho Transportation Department

Standard comments.

Summary of Comments from Public

There have been no written public comments received to date.