



CONDITIONAL USE PERMIT
Permit info: _____
Application Date: _____ Rec'd by: _____
FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
 ▪ www.gardencityidaho.org ▪ planning@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name:	Name:
Company:	Company:
Address:	Address:
City:	City:
State: Zip:	State: Zip:
Tel.:	Tel.:
E-mail:	E-mail:

PROPERTY AND DESIGN INFORMATION

Site Address:

Subdivision Name:	Lot:	Block:
Tax Parcel Number:	Zoning:	Total Acres:
Proposed Use:	Floodplain: YES NO	

Describe the proposed use:

Check any that are applicable to this application: <i>*If any boxes are checked, attach the Design Review Application*</i>	<input type="checkbox"/> I will build a new structure
	<input type="checkbox"/> I will add 25% or more to the floor area of an existing building
	<input type="checkbox"/> I will alter, replace rehabilitate or restore 25% or more of a store façade.

How is the use appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district?

Is the use supported by adequate public facilities or services such as water/sewer, schools, roads, parks, transit, fire protection and police protection?

Yes, the lot already has water and sewer connections since there was a manufactured home on the property for a number of years. This lot is in an existing and established neighborhood already being supported by schools, parks, transit, fire and police protection.

How does the use affect the health, safety or welfare of the community?

I think it improves the health, safety and welfare by having an empty lot become an owner occupied residence who cares about the City and neighborhood they live in.

How does the use support the goals of the Comprehensive Plan?

While we are proposing something less dense, this development supports diversity of housing and affordable housing while supporting protection of private property rights. This will allow a member of this household to live, work, play and shop all in Garden City. Our design is high-quality (designed by an architect) and will be landscaped beyond minimum City requirements and maintained.

How far is the proposed use from a pedestrian/bicycle pathway?

Technically 52nd St is the greenbelt in this area so the pedestrian/bicycle pathway fronts this lot.

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.

Dyan Bwino 7-24-20
Signature of the Applicant (date)

Dyan Bwino 7-24-20
Signature of the Owner (date)

x Dustin Bwino 7-24-20 x Dustin Bwino 7-24-20

APPLICATION INFORMATION REQUIRED

NOTE:

AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES

ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED:

- Compliance Statement and Statement of Intent
- Neighborhood Map
- Will Serve Letter
- 11"x17" Site Plan
- Irrigation/Ditch Company Authorization Letter n/a
- Photos of Site
- Neighborhood Meeting Verification
- Affidavit of Legal Interest
- Waiver Request of Application Materials

**Additional information may be required by staff such as a traffic/parking analysis, a use analysis or documents related specifically to a business.*



PLEASE CHECK THE FOLLOWING:

INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with
- Should include purpose, scope, and intent of project
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

INFORMATION REQUIRED ON NEIGHBORHOOD MAP:

- 8 ½" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelopes

INFORMATION REQUIRED ON SITE PLAN:

- Scale not less than 1" = 20'), legend, and north arrow.
- Property boundary, dimensions, setbacks and parcel size.
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone
- Building envelope dimensions with the center of the envelope location established in relation to the property lines
- Adjacent public and private street right of way lines
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations

- For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.

INFORMATION REQUIRED FOR IRRIGATION/DITCH AUTHORIZATION LETTER:

- Required if irrigation canal/irrigation ditch runs through property or along property lines

INFORMATION FOR NEIGHBORHOOD MEETING VERIFICATION:

- Copy of notice sent to property owners within 300' of an applicable property
- List of notice recipients with names and addresses
- Sign-up sheet from meeting

INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:

- Statement must include a list of the application materials to be waived and an explanation for the request

Compliance Statement & Statement of Intent

Parcel #: R7334160660
 Zone R-3

8-2B-1 PURPOSE:

A. Residential Districts: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:

District	Maximum Density	Minimum Density	Typical Housing Types
Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units

Lot Size: 0.344 acres
 Equates to 4.8 dwelling units

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

*Indicates uses that are subject to specific land use provisions as set forth in article C of this chapter.

P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district								
	R-1	R-2	R-3	R-20	C-1	C-2	M	LI
Dwelling unit, accessory*	P	P	P	P	P	P	P	P
Dwelling unit, group			C	P		P	C	
Dwelling unit, multiple-family*		C	P	P	C	P	P	
Dwelling unit, single-family attached		P	P	P	C	P	P	
Dwelling unit, single-family detached	P	P	P	P	C	P	P	
Dwelling unit, two-family		P	P	P	C	P	P	

Our proposed use is 1 dwelling unit – a single family home. Our home has been thoughtfully designed by an architect. We look forward to landscaping and living in this home – hopefully forever. We have lived on 52nd St (606 E. 52nd St) in a rental for 5 years. We love the City and the street/neighborhood.

No noxious uses, noise or vibration are associated with this use except during the time when the structures will be under construction.



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State: Zip:	State: Zip:
Tel.:	Tel.:
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		<p>However, in the context of the property's location, the emerging development pattern in the area, and guidance from development elsewhere, the reduction appears consistent with focusing density at the TOD node center.</p> <p>The proposed density reduction waiver also consistent with Garden City Comprehensive Plan Goals and Objectives:</p> <p>Goal 1. Nurture the City <i>1.4 Objective: Create a premier destination place to live, work and recreate.</i></p> <p>Goal 2. Improve the City Image <i>2.1 Objective: Encourage new and distinctive neighborhoods.</i></p> <p>Goal 4. Emphasize the "Garden" in Garden City <i>4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.</i></p> <p>Action Steps: <i>4.3.1 Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</i></p> <p>Goal 6. Diversity in Housing <i>6.3 Objective: Maintain the diversity of housing.</i></p> <p>The proposed accessory structure waiver is not addressed by or appear to be in conflict with the Comprehensive Plan.</p>
State Street TOD Plan	Noted	The document was noted for the purposes of the Comprehensive Plan Analysis for determining density reductions away from Transit Oriented Development Node

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application meet the standards of approval under **GCC 8-6B-2 Conditional Use**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES** of the application subject to the following conditions:

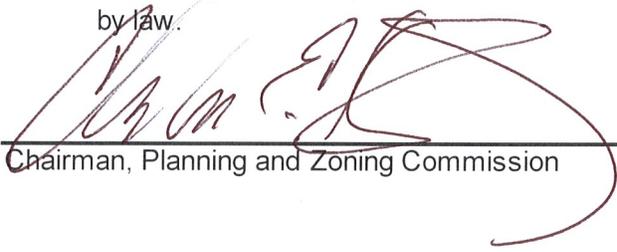
Site Specific Conditions:

1. The scope of the permit is for the following:
 - a. A density reduction from 14 dwelling units per acre to 2.8 dwelling units per acre for the specific purpose of building a two-family dwelling unit.
 - b. A waiver of the requirement that accessory structures shall not exceed the size of the primary dwelling. The waiver is specific to the phased construction of a two-family dwelling unit.

General Requirements

1. 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 changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
5. 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.
6. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations.
7. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
8. The property owner is responsible to maintain the site to edge of roadway asphalt.

28. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
29. All previous uses are null and void unless otherwise conditioned.
30. This approval shall become null and void if a building permit or certificate of occupancy has not been issued within one year of the approval. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
31. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
32. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.
33. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
34. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
35. A takings analysis pursuant to Idaho Code may be requested on final decisions.
36. 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.


Chairman, Planning and Zoning Commission


Date

DARRYL FOSTER
501 E 52ND ST
GARDEN CITY, ID 83714

GORDON HARRIS
11200 SWEET OLA HWY
SWEET, ID 83670

PETER COOLEGGE LIVING
TRUST
521 E 52ND ST
GARDEN CITY, ID 83714-1448

GALEN PEACHEY
1176 E PRAIRIEFIRE ST
MERIDIAN, ID 83646

CARL SOMERTON
5165 N QUINELLA ST
GARDEN CITY, ID 83714-1415

5111 ALWORTH LLC
PO BOX 1661
BOISE, ID 83701-1661

CDLR LLC
411 E REMINGTON ST
GARDEN CITY, ID 83714

GEORGE & NADINE NESBIT
401 E 52ND ST
GARDEN CITY, ID 83714-1446

INTERMOUNTAIN GAS CO
PO BOX 5650
BISMARCK, ND 58506-5650

BRAD LARSON
1875 W JANET CT
EAGLE, ID 83616

JESUS MEDINA
6232 PARK MEADOW WAY
APT 102
BOISE, ID 83713

JOHN HALL
11131 W HICKORY DALE DR
BOISE, ID 83712

GARDEN CITY MOBILE
ESTATES INC
3784 N LANCER WAY
BOISE, ID 83713

CHARLES THOMPSON
502 E 52ND ST
GARDEN CITY, ID 83714

ANDREA SANTERO
4001 S YORKTOWN WAY
BOISE, ID 83706

DENISE KAY MELTON
410 E 52ND ST
GARDEN CITY, ID 83714-1445

ADA COUNTY - TREASURERS
OFFICE
200 W FRONT ST
BOISE, ID 83702

DLEAND GRIGGS
416 E 51ST ST
GARDEN CITY, ID 83714

ROBERT COHEN
182 EUSTON RD S
GARDEN CITY, NY 11530

REESE PHILLIPS
P.O. BOX 9751
BOISE, ID 83707

ELISABETH KEENEY
1654 HOWRY ST
BOISE, ID 83706

ORSIC ZEMONT BROWN
535821 FOXEN DR
WINCHESTER, CA 92596

MR MUDD LLC
400 E 52ND ST
GARDEN CITY, ID 83714

RITA COLLIER
415 E 52ND ST
GARDEN CITY, ID 83714

TYLER HUCKSTEP
5151 N GIGGLE LN
GARDEN CITY, ID 83714

LINDA JUEL
PO BOX 44344
BOISE, ID 83711-0344

JASON DAVIS
413 E 52ND ST
GARDEN CITY, ID 83714

ORSIC ZEMONT BROWN
506 E 52ND ST
GARDEN CITY, ID 83714

Dear Neighbor,

Hello. Our names are Dustin & Dyan Bevins and we bought the lot at 403 E. 52nd St. We are writing to you because we are applying for a Conditional Use Permit to build one single family home on the lot. This is a change from our two proposed dwellings (homes) from last year.

To comply with City requirements, we will be holding a neighborhood meeting on July 23 at 5:30 p.m. The meeting will be held at the lot at 403 E. 52nd St - outside so we can maintain 6' social distancing. Please wear a mask to protect our neighbors.

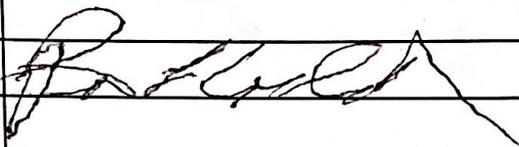
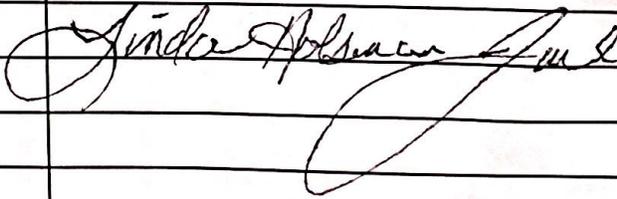
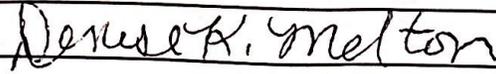
We welcome your thoughts and input and hope you can make it.

Sincerely,

Dustin & Dyan Bevins

Neighborhood Meeting Sign-In Sheet

7-24-20

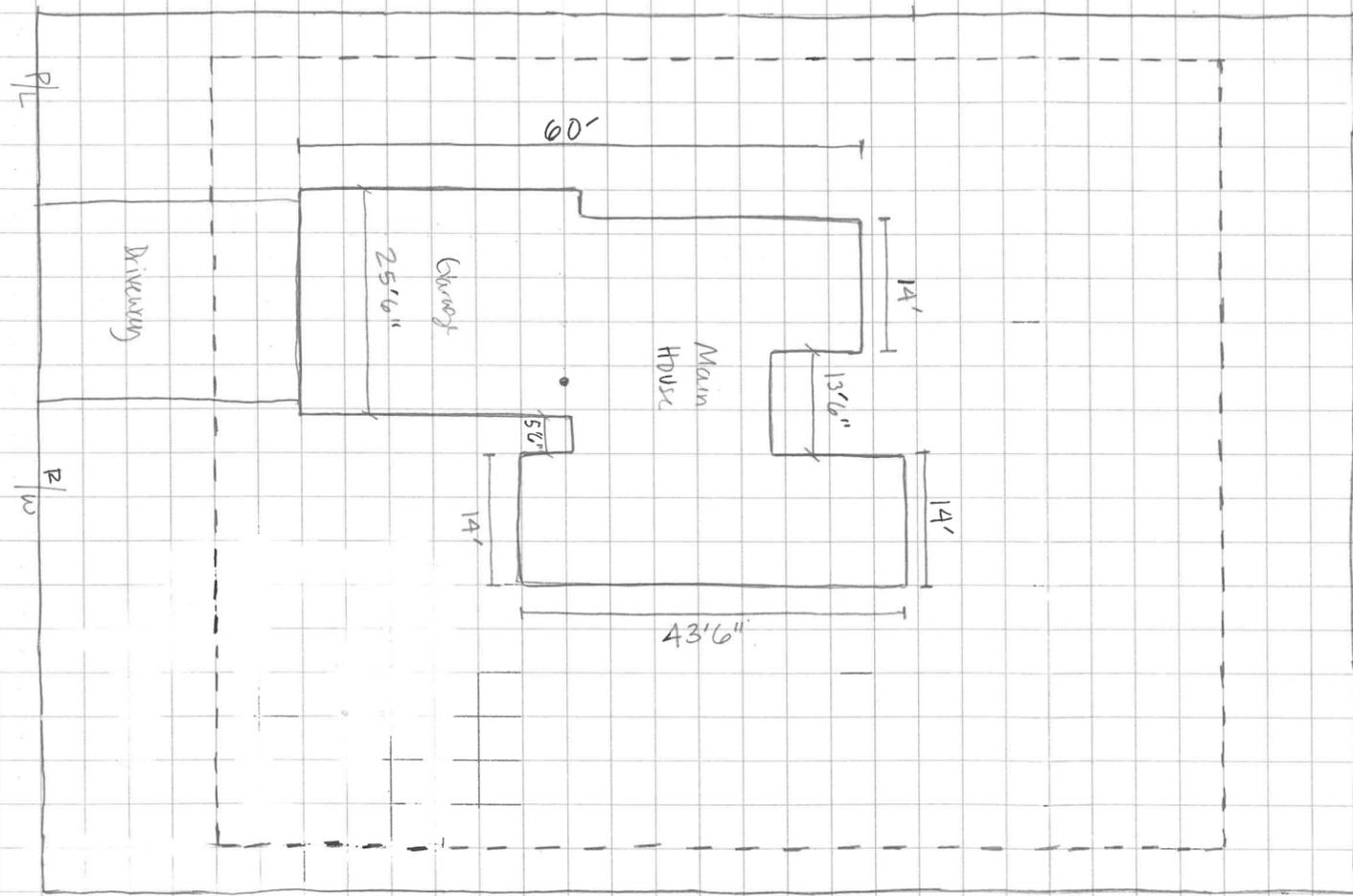
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BROWN OSRIC ZEMONT	
CDLR LLC	
COHEN ROBERT	
COLLIER RITA	
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DAVIS JASON	
FOSTER DARRYL	
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HALL JOHN	
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JUEL LINDA M HOLSMAN	
KEENEY ELISABETH	
LARSON BRAD	
MEDINA JESUS	
MELTON DENISE KAY	
MR MUDD LLC	
NESBIT GEORGE	
PEACHEY GALEN	
PHILLIPS REESE	
SANTERO ANDREA	
SOMERTON CARL	
THOMPSON CHARLES	

1" = 20'



PARCEL: 100' x 150' = 15,000 SF = 0.344 acres

52nd St



Required Setback

• Center of building envelope

House: 1352 SF Livable SF
 835 SF garage
 135 SF covered patio

Waiver Request

We are requesting a waiver to the will serve letter for the following reasons:

- A single family home was on the lot prior to us purchasing the lot and we are proposing a single family home.
- Our CUP that just expired in April (CUP FY2019-3) was approved last year for two dwelling units and we are reducing that now to just one.

Therefore, the ability to serve and fire flow were confirmed and approved for two dwelling units for this lot last year and are not needed now for one dwelling unit.