

From: [planning](#)
To: [Christian Samples](#)
Subject: FW: questions on zoning
Date: Thursday, September 5, 2019 11:11:49 AM

From: Tina DeBoer <tina@tinadeboer.com>
Sent: Wednesday, September 4, 2019 12:51 PM
To: planning <planning@GARDENCITYIDAHO.ORG>
Cc: Tina DeBoer <tina@tinadeboer.com>
Subject: questions on zoning

Good afternoon

I have a buyer looking at some property located at 411 E 46th Garden City ID.

I understand it is zoned R3. At this point all my buyer wants to do is build a shop building to house a motor home.

Can you please confirm:

1. what the set- back requirements are for this property
2. What the size restrictions would be for a shop building/RV garage (for private use not industrial or commercial)
3. Any other requirements for the lot in regard to building any structures

Thank you very much for your time.



A Dynamic Agent | A Dynamite Experience

Tina DeBoer
REAL ESTATE AGENT
GOOD VIBES REAL ESTATE
208.880.3639
Tina@tinadeboer.com

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From: tina@tinadeboer.com

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From: [Tina DeBoer](#)
To: [Christian Samples](#)
Cc: [Betty Gumm](#)
Subject: RE: 411 E. 46th Street
Date: Tuesday, September 10, 2019 7:32:41 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks, very helpful. I appreciate your time.

Tina DeBoer
208-880-3639
tina@tinadeboer.com
Good Vibes Real Estate

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From: Christian Samples <csamples@GARDENCITYIDAHO.ORG>
Sent: Tuesday, September 10, 2019 3:22 PM
To: Tina DeBoer <tina@tinadeboer.com>
Cc: Betty Gumm <bgumm@GARDENCITYIDAHO.ORG>
Subject: RE: 411 E. 46th Street

I will answer your questions below.

1. *My buyers are needing to decide on this purchase. They CANNOT do that without knowing the height restrictions for building a shop to house an RV. Nothing in the information you provided answers that question.*

The R-3 zone does not have a height restriction ([Garden City Code 8-2B-3 Form Standards](#)).

2. *I also need to know how much time it takes for the application process to gain approval for the shop building. If you are unable to answer these questions do you know who we could talk too?*

Betty Gumm, assistant planner, handles administrative reviews of building permits and can provide you current administrative permit wait times. She is copied to this e-mail. Betty, would you answer Tina's question concerning a timeline for an administrative approval for an accessory structure?

As noted in my e-mail to you dated September 5, 2019, if the accessory structure requires a design review and a conditional use permit due to exceeding the square footage limits of [Garden City Code 8-4B-3B](#), anticipate an additional 3 months to complete the design review and conditional use permit in addition to the timeline Betty will relay to you. This assumes the applications are requested concurrently. If the square footage limits are not exceeded, you may disregard this section.

If you need information concerning the design review and conditional use permit processes, please let me know and I will provide them to you.

Thank you,



Chris Samples, AICP

Associate Planner

Development Services, **Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: csamples@gardencityidaho.org



From: Tina DeBoer <tina@tinadeboer.com>
Sent: Tuesday, September 10, 2019 3:04 PM
To: Christian Samples <csamples@GARDENCITYIDAHO.ORG>
Cc: Tina DeBoer <tina@tinadeboer.com>
Subject: RE: 411 E. 46th Street

Hello Christian

My buyers are needing to decide on this purchase. They CANNOT do that without knowing the height restrictions for building a shop to house an RV.

Nothing in the information you provided answers that question.

I also need to know how much time it takes for the application process to gain approval for the shop building.

If you are unable to answer these questions do you know who we could talk too?

Thank you for your assistance.

Tina DeBoer
208-880-3639
tina@tinadeboer.com
Good Vibes Real Estate

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From: Christian Samples <csamples@GARDENCITYIDAHO.ORG>
Sent: Thursday, September 5, 2019 11:23 AM
To: Tina DeBoer <tina@tinadeboer.com>
Subject: 411 E. 46th Street

Good morning, my name is Chris and I am an associate planner with Garden City. I am writing in response to your inquiry concerning 411 E. 46th Street. I will answer your questions below.

1. what the set- back requirements are for this property
 - a. The property is zoned R-3 Medium Density Residential. [Garden City Code 8-2B-3 \(Form Standards\)](#) requires the following setbacks:
 - Front: 5' (from edge of house)
 - Front: 20' (from edge of garage)
 - Rear: 15'
 - Interior Side: 0'/5' (You may choose one side to be 0', another to be 5')
 - Streetside: 5' (applies to corner lots)

2. What the size restrictions would be for a shop building/RV garage (for private use not industrial or commercial)
 - a. [Garden City Code 8-4B-3B](#) (Design Provisions for Residential Structures – Accessory Structures) provides the following limit for accessory structures ***“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”***. Depending on the size of the proposed structure, a design review approval and a conditional use permit will be required. For example, if the existing garage, sheds, and other structures already exceed the square footage of the house, these

additional approvals are required.

3. Any other requirements for the lot in regard to building any structures
 - a. The property may be affected by easements. The City does not have a record of all easements. The property owner is responsible to determining if their structure is or is not encroaching into an easement.
 - b. [Garden City Code 8-4B](#) also includes residential design requirements for the structure.
 - c. The building code and fire code may contain regulations that affect the structure.

I have include agency contact and pre-application meeting contacts/applications if you need them.

Agency Contacts

Note: This is not intended as an exhaustive list. Other agencies may have jurisdiction over the proposal.

1. Idaho Division of Building Safety: 208-334-3950 – Griff Williams, Plan Reviewer (griff.williams@dbs.idaho.gov)
2. Boise Fire: 208-570-6500 – Mark Scharfen, Plan Reviewer (mscharfen@cityofboise.org)
3. Garden City Public Works (Water, Sewer, Environmental/Drainage): 208-472-2940
4. Ada County Highway District: 208-387-6100
5. Idaho Transportation Department District 3: 208-334-8300

Advisory Meetings

Meeting with staff early in the entitlement process is recommended. The following meetings are available:

1. Due-Diligence Meeting: A planner is available every Wednesday from 9:30 to 11:30 for a due-diligence meeting. The application can be found here: [Link](#). Submit the application to building@gardencityidaho.org to schedule.
2. Pre-Application Meeting: A pre-application meeting with planning, building, fire, and public works staff every Thursday from 9:30 to 11:30. A due diligence meeting or referral from a planner is required prior to scheduling. The application can be found here: [Link](#). Submit the application to building@gardencityidaho.org to schedule.

Please let me know if you need anything else.

Thanks,



Chris Samples, AICP

Associate Planner

Development Services, **Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: csamples@gardencityidaho.org



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To: csamples@gardencityidaho.org Message Score: 25 High (60): **Pass**
From: tina@tinadeboer.com My Spam Blocking Level: High Medium (75): **Pass**
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From: tina@tinadeboer.com Low (90): **Pass**

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From: [Tina DeBoer](#)
To: [Christian Samples](#)
Subject: RE: 411 E. 46th Street
Date: Thursday, September 5, 2019 1:08:49 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks so very much.

Tina DeBoer

Tina DeBoer
208-880-3639
tina@tinadeboer.com
Good Vibes Real Estate

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From: Christian Samples <csamples@GARDENCITYIDAHO.ORG>
Sent: Thursday, September 5, 2019 11:23 AM
To: Tina DeBoer <tina@tinadeboer.com>
Subject: 411 E. 46th Street

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 - a. [Garden City Code 8-4B-3B](#) (Design Provisions for Residential Structures – Accessory Structures) provides the following limit for accessory structures **“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". Depending on the size of the proposed structure, a design review approval and a conditional use permit will be required. For example, if the existing garage, sheds, and other structures already exceed the square footage of the house, these additional approvals are required.

3. Any other requirements for the lot in regard to building any structures
 - a. The property may be affected by easements. The City does not have a record of all easements. The property owner is responsible to determining if their structure is or is not encroaching into an easement.
 - b. [Garden City Code 8-4B](#) also includes residential design requirements for the structure.
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3. Garden City Public Works (Water, Sewer, Environmental/Drainage): 208-472-2940
4. Ada County Highway District: 208-387-6100
5. Idaho Transportation Department District 3: 208-334-8300

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2. Pre-Application Meeting: A pre-application meeting with planning, building, fire, and public works staff every Thursday from 9:30 to 11:30. A due diligence meeting or referral from a planner is required prior to scheduling. The application can be found here: [Link](#). Submit the application to building@gardencityidaho.org to schedule.

Please let me know if you need anything else.

Thanks,



Chris Samples, AICP

Associate Planner

Development Services, **Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: csamples@gardencityidaho.org



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csamples@gardencityidaho.org

From: tina@tinadeboer.com

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From: [building](#)
To: [Tina DeBoer](#)
Cc: [Todd deBoer](#); [Christian Samples](#)
Subject: RE: 411 E. 46th St. Garden City, ID 83714
Date: Monday, September 23, 2019 12:00:39 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

I have you scheduled for September 25th, 2019 at 9:30 am located here at City Hall. If you are unable to attend this meeting, please notify us by email or by phone.

Thank you,
Elizabeth



Garden City Development Services
Building

City of Garden City

p: 208-472-2921

f: 208-472-2926

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: building@gardencityidaho.org
Window Hours: 9a.m. - 12p.m. and 1p.m. - 3:30p.m.



From: Tina DeBoer <tina@tinadeboer.com>
Sent: Monday, September 23, 2019 10:45 AM
To: building <building@GARDENCITYIDAHO.ORG>
Cc: Tina DeBoer <tina@tinadeboer.com>; Todd deBoer <toddnsoci@gmail.com>
Subject: FW: 411 E. 46th St. Garden City, ID 83714

Elizabeth

Here is that email.

Let me know – if you receive this.

Tina DeBoer
208-880-3639
tina@tinadeboer.com
Good Vibes Real Estate

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From: Todd deBoer <toddns@gmail.com>
Sent: Monday, September 16, 2019 12:08 PM
To: building@gardencityidaho.org; Tina DeBoer <tina@tinadeboer.com>
Subject: 411 E. 46th St. Garden City, ID 83714

To whom it may concern-

I have attached an application in an attempt to schedule a sit down meeting with somebody in regards to property in the subject line. We are currently in the process of purchasing this property, pending your approval of our vision. In addition to the application, I have included some really rough drawings on the idea we have of what to do with this property. We are wanting to eliminate the manufactured home that is currently on the property and build a shop building for now, and eventually a single family or duplex home on the 46th St. side. We see that it's currently zoned R-3 and we just want to make sure we have a full understanding of what the property can become.

We would love to have an answer within 20 days as that's the current time frame we were given in our purchase agreement. We would love to set a meeting up with you for any time on Wednesday the 25th of september to discuss further details.

Please keep my realtor cc'd on all correspondence.

--

Thanks,
Todd deBoer
cell 208-602-5535
email toddns@gmail.com

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To: building@gardencityidaho.org Message Score: 1 High (60): **Pass**
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From: [Christian Samples](#)
To: [Tina DeBoer](#)
Cc: [Todd deBoer](#); [Dirk & Suzanne DeBoer \(SDDeBoer@msn.com\)](#); [James Pavelek](#)
Subject: RE: summary of meeting
Date: Friday, September 27, 2019 10:31:00 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Good morning Tina, thank you for your e-mail. It was great meeting both you and Todd on 9/25/2019. I will provide my comments below in red.

1. Person using ground for residential storage must also be the person living on property
 - a. This is correct. Otherwise, it becomes the use "Storage Facility or Yard" and is prohibited in the R-3 zone.
2. If accessory structures exceed residential square footage must go thru the **conditional use permit**. You walked us through that process regarding the advertising, holding meeting onsite, paperwork, going before P&Z commission approx a 3-month process PLUS approval from a design committee which can run same time as conditional use process approx 2 months.
 - a. Yes. As mentioned in the meeting, both a conditional use permit from the P&Z Commission and a design review approval from the Design Committee is required. A step by step of both processes will be provided at the end of this e-mail.
3. Some Triggers: landscaping/tree requirements, sidewalks, highway district may allow negotiations to give owner use of right of way for landscaping,
 - a. This is correct. Not mentioned in our meeting, but other agencies can require improvements (for example, the fire department and environmental – Kevin Wallace has been in touch with you on environmental.
4. **Drainage:** water tables high. We followed up with Kevin Wallace and client understands after plan approval they will need a design plan for drainage
 - a. This sounds correct, but I will defer to Kevin or James Pavelek on this matter.
5. An **elevation certificate** will be needed: I **AM NOT CLEAR ON THE PROCESS FOR OBTAINING THIS – CAN YOU EXPLAIN?**
 - a. An elevation certificate is required for structures built in the 100 year flood plain. A surveyor or civil engineer prepares this document, not the City. A preliminary elevation certificate is required based on your architectural plans. Once the structure is constructed, a final elevation certificate is required prior to the City issuing a certificate of occupancy.
6. You advised we check with title for any **easements** on file i.e. irrigation as state code gives these folks what they want
 - a. Yes. The City does not have every easement on file and a title search would provide a more detailed record. Concerning irrigation easements, Idaho Code gives irrigation companies the ability to maintain their infrastructure, with or without a written easement. I would highly recommend contacting Thurman Mill Irrigation Company and Fairview Acres Water Users Association to determine who controls the irrigation ditch on the property and what easement, if any, they have.
7. With removal of mobile home: first a plumbing permit will be required for capping of utilities and then a demo permit (this permit won't be issued without the plumbing permit).
 - a. Yes, you will need to obtain the plumbing permit first and then present that permit to obtain the demo/removal permit. Inspections are required once the work is completed to ensure the water/sewer lines are capped to prevent contamination into the City's water system.
8. Driveways must be a minimum of 20' wide
 - a. Yes. Please see Garden City Code 8-4E-4: [Link](#)

Here are the conditional use permit and design review processes:

Conditional Use Permit:

1. Complete the application. It can be found here: [Link](#) and [Link](#)
2. Hold a neighborhood meeting with property owners within 300' of the property. The steps to schedule and hold a neighborhood meeting are:
 - a. Obtain a list of property owners within 300' of the property. The Ada County Assessor's Office at the County Courthouse will provide you a list and a template for mailing labels.
 - b. Schedule a meeting date. Garden City Code requires a neighborhood meeting to be held between the hours of 5:30 pm and 8:00 pm Monday through Friday. You should hold it a minimum of 30 minutes to allow people who are running late to show up.
 - c. Draft a meeting notice. There is not a template for the notice. However, the notice should list the date, time, location and purpose of the meeting. You may hold the meeting onsite or at a location available to the public.
 - d. 10 days prior to the meeting date, send out the notices to the property owners listed.
 - e. Hold the meeting. Provide a sign in sheet to confirm people showed up. If no one shows up, that's ok. Indicate this on the sign in sheet.
 - f. You may submit your application the day after the meeting is held. Include a copy of the meeting notice, list of names, and the sign in sheet.
3. No later than 30 days from when you apply, Development Services will send you a notice of application acceptance. A hearing date will be provided to you. The Commission meets the 3rd Wednesday of every month.
4. Development Services will publish a legal notice in the paper and send a notice of hearing to property owners within 300' of the property. Both will be completed at least 15 days prior to the hearing date.
5. Development Services will provide you a draft staff report at least 14 days prior to the hearing. You will have one week to make any corrections or provide a rebuttal to the report. A final report will be sent to you 7 days prior to the hearing date.
6. 10 days prior to the hearing date, you will need to post a property posting sign on each street along the property. The requirements for the sign can be found in Garden City Code 8-6A-7: [Link](#)
7. 7 days prior to the hearing date, you will need to provide an affidavit of property posting demonstrating the sign was posted. Photos of the sign will need to be included with the affidavit. The affidavit can be found here: [Link](#)
8. The hearing is held. The hearing is held at 6:00 pm on the third Wednesday of the month. You or a representative will need to be present to represent the application. The application will be held in the following order
 - a. You will present the application. You may prepare a power point presentation if you like, but it is not required. The Commission may ask you questions about your proposal.
 - b. Garden City Staff will present the Staff Report
 - c. Public testimony will be taken.
 - d. You will have an opportunity to rebut any public testimony.
 - e. The Commission will deliberate and make a decision.
9. A written decision will be provided to you. Since the Commission is a volunteer board and are not employees, it may take several days to get you a signed decision.
10. There is a 15 day appeal period where you or someone who provided written or verbal testimony on the application may appeal the decision to the City Council. If no appeal is received, the decision is final. If there is an appeal, it will be scheduled in accordance with Garden City Code 8-6A-9: [Link](#). The City Council may also schedule a review of the Commission's decision within 15 days of the Commission hearing date if the Council feels the decision may have been issued incorrectly or in error.

Design Review:

A design review is divided into two parts: A pre-application meeting and a formal application meeting:

A. Pre-application:

1. Complete the pre-application meeting form: [Link](#)
2. A pre-application meeting will be scheduled in accordance with the Design Committee Calendar: [Link](#)
3. A pre-application meeting staff report (time permitting) will be provided to you at least 2 days in advance of the meeting.
4. The pre-application meeting with the Committee is held. The Committee will provide guidance and feedback on your project and answer design related questions you may have. Once this meeting is held, you may submit the formal design review application.

B. Formal application:

1. Complete the formal application: [Link](#) and [Link](#)
2. No later than 30 days from when you apply, Development Services will send you a notice of application acceptance. A hearing date will be provided to you in accordance with the Design Committee calendar. While this can take up to 30 days due to workloads, it is usually sooner.
3. A formal application meeting will be scheduled in accordance with the Design Committee Calendar: [Link](#)
4. Development Services notifies property owners within 300' of the property at least 15 days prior to the hearing.
5. 10 days prior to the hearing date, you will need to post a property posting sign on each street along the property. The requirements for the sign can be found in Garden City Code 8-6A-7: [Link](#)
6. 7 days prior to the hearing date, you will need to provide an affidavit of property posting demonstrating the sign was posted. Photos of the sign will need to be included with the affidavit. The affidavit can be found here: [Link](#)
7. A staff report (time permitting) will be provided to you at least 2 days in advance of the meeting.
8. The formal application meeting is held. The public is free to attend and testify on the matter. The Design Committee will either make a decision or ask you to return with revised materials.
9. After the hearing, a notice of intent to approve or deny the application will be sent to property owners within 300' of the property. If an objection is received within 10 days of the notice, a City Council hearing on the matter will be scheduled. If no objection is provided, the decision will be final.
10. If a decision is made, the decision will be drafted and signed at the next available meeting. You have 15 days to appeal the decision to the City Council from the date of signature.

Thanks,



Chris Samples, AICP

Associate Planner

Development Services, **Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org e: csamples@gardencityidaho.org



From: Tina DeBoer <tina@tinadeboer.com>

Sent: Thursday, September 26, 2019 5:53 PM

To: Christian Samples <csamples@GARDENCITYIDAHO.ORG>

Cc: Tina DeBoer <tina@tinadeboer.com>; Todd deBoer <toddnsai@gmail.com>; Dirk & Suzanne DeBoer

(SDDeBoer@msn.com) <SDDeBoer@msn.com>; James Pavelek <jpavelek@GARDENCITYIDAHO.ORG>

Subject: summary of meeting

Hello Chris,

Thank you so much for meeting with us.

I wanted to summarize our meeting so you can correct me if I have missed anything.

My buyers are considering a shop with bathroom initially. Next step would be to remove mobile home; following this step a single dwelling or duplex dwelling.

Our understanding:

1. Person using ground for residential storage must also be the person living on property
2. If accessory structures exceed residential square footage must go thru the **conditional use permit**. You walked us through that process regarding the advertising, holding meeting onsite, paperwork, going before P&Z commission approx a 3-month process PLUS approval from a design committee which can run same time as conditional use process approx 2 months.
3. Some Triggers: landscaping/tree requirements, sidewalks, highway district may allow negotiations to give owner use of right of way for landscaping,
4. **Drainage:** water tables high. We followed up with Kevin Wallace and client understands after plan approval they will need a design plan for drainage
5. An **elevation certificate** will be needed: I **AM NOT CLEAR ON THE PROCESS FOR OBTAINING THIS – CAN YOU EXPLAIN?**
6. You advised we check with title for any **easements** on file i.e. irrigation as state code gives these folks what they want
7. With removal of mobile home: first a plumbing permit will be required for capping of utilities and then a demo permit (this permit won't be issued without the plumbing permit).
8. Driveways must be a minimum of 20' wide

Have I missed anything?

Any other agencies my clients would need to chat with?

We appreciate everyone's assistance it has been a very positive experience.

Warmest Regards,



A Dynamic Agent | A Dynamite Experience

Tina DeBoer
REAL ESTATE AGENT
GOOD VIBES REAL ESTATE
208.880.3639
Tina@tinadeboer.com

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From: [Jeff Likes](#)
To: [Christian Samples](#)
Subject: RE: CUPFY2020 - 11 - Question
Date: Friday, April 3, 2020 4:46:22 PM
Attachments: [image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

The occupancy for the shop is under residential- not sure it needs an occupancy

If we were to design to one- I would say warehouse- 1/500



JEFF LIKES

Principal Architect

AIA, NCARB

1119 State. Ste. 120

Eagle, Idaho 83616

p. 208.514.2713 Ext. 8200

c. 208.941.7261

e. jeff@alcarchitecture.com

From: Christian Samples <csamples@GARDENCITYIDAHO.ORG>

Sent: Friday, April 3, 2020 2:55 PM

To: Jeff Likes <Jeff@alcarchitecture.com>

Subject: CUPFY2020 - 11 - Question

Hi Jeff, I'm starting the staff report for CUPFY2020 -11. I was wondering what building occupancy is the accessory structure being designed to.

Thanks,

Please note the following changes in procedures. This will be in place until further notice:

We appreciate your understanding as we implement best practices to keep you and our staff safe. We hope everyone knows that these choices are for both your protection and for Garden City Staff. Below are some of the steps that we are taking to assist with less person to person exposure.

1. We are requesting that you submit items electronically and remotely. If this is not an option, staff will be limiting contact with you and the items that are being submitted. We will be keeping a buffer of at least 6' between individuals (we will not be

approaching the counter). We ask that you leave all documents on the counter and they will be processed.

2. Unless there is an emergency that cannot be addressed via phone or email, all meetings will be held via phone, internet, or conference call. We are asking that all reference information is submitted electronically. Requesting an in-person meeting will be granted for EMERGENCIES ONLY.
3. We respectfully ask that you pay via credit/debit if you have the capability. The less exchange of money, the less exposure for all of us.

Please email building@gardencityidaho.org to submit items or set up meetings.



Chris Samples, AICP

Associate Planner

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