



DEVELOPMENT CODE DECISION APPEAL

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

APPELLANT	
Name: EARL SULLIVAN	Company: TELAYA WINE CO
Address: 240 E 32 ND ST	City: GARDON CITY
State: IDAHO	Zip: 83714
Tel.: 208-724-0790	
E-mail: EARL @ TELAYA WINE . COM	

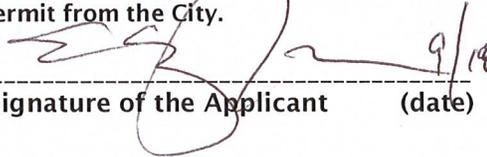
APPEAL	
Application File No., Name and location:	DSRFY 2020-18
Date of Decision:	9/8/2020
Whose Decision are you appealing?	
<input type="checkbox"/> Staff	<input checked="" type="checkbox"/> Design Review Committee
	<input type="checkbox"/> Planning & Zoning Commission

What specific decision(s) and or conditions are you appealing? (please attach if necessary)
THE DENIAL OF OUR ABILITY TO ERECT AN 8' FENCE.

How are you adversely affected by the decision? (please attach if necessary)
PLEASE SEE ATTACHMENTS 1, 2, 3 & 4

Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)
PLEASE SEE ATTACHMENTS 1, 2, 3 & 4

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.

 9/18/2020
Signature of the Applicant (date)

Adverse Affected:

Telaya is required on a daily basis to clean up trash, food, and other materials along our fence line. We are an FDA food production facility and we are not allowed to have debris near food production. In addition, we must remove the pallets that are being placed along the fence nightly to cut through our property from the apartments next to us. Telaya has had equipment damaged and our outbuilding broken into on multiple occasions. This loss of property is damaging to our business and our overall sustainability. In addition, we have one property next to us with nuisance weeds and debris that we are trying to block. Finally, we want to put the fence in so that we can utilize the side of the building to push our equipment back along the side of the building and out of site of customers coming to our facility. By having the fence, we will be able to protect the equipment from vandalism when it is out of sight.

The fence will also act as a barrier between the Telaya production and the public. On multiple occasions curious customers have come up to our production area to see what is happening. This is both dangerous for the customer as well as our staff. Under current COVID conditions we need a barrier that will allow us to be able to operate without exposure to the public as well as protect our staff from interaction with the public. The fence will also prevent any unnecessary injuries to the general public.

Specific Statements in the denial:

“the commercial activity taking place at Telaya Winery are disruptive to the neighborhood due to the proposed 8’ fence”.

We are uncertain how our activities, which are permitted, are disruptive if we erect an 8’ fence. On the contrary the noise that we make at very early or late hours during our production period would be muffled by the fence and protect the neighbors.

“the proposed 8’ fence does not enhance the health, safety, nor general welfare of the community”.

As stated above, this fence does in fact increase the safety of our business, staff and the public that visit our facility.

“the proposed 8’ fence disrupts the sense of place as it appears to cover the architecture of the existing building”.

The building is 26’ tall. The fence is 1/3 the height. No architecture feature is going to be covered and the materials are in conformance with the materials of construction of the building.

It should also be stated that the committee pre-review requested that we address the following items:

1. Internal fence needs to tie into architecture of building so that it acts as a building screen wall rather than fence if the screening is greater than 6’ in height. The internal fence may be 6’ as a staff level approval.

The materials of construction are the same as portions of our building. A stained wood.

2. A staff level approval would be appropriate of the side lot line fence proposal if:
 - a. The side fence will be on the 0’ lot line.

Non - Issue

- b. A notarized agreement from the adjacent residential lots in agreement with the fence.

What type of notarized agreement is needed? We asked this question to the city staff 8/23/2020 via email (attached) and to the Land Group as well on 7/2/20 (see attached) with no one providing us with guidance on what type of agreement to get notarized. A notarized agreement is a legal document, I would assume the city would have provided a template of an acceptable agreement but since we heard nothing, we had no way to proceed.

c. No dual fence- remove chain link.

If that is necessary, we can do that.

It also concerns me that all of the denial items in the official denial do not reference the two items sent to us on 8/21 via email. How are we suppose to address a moving target that consistently changes the goal?

Finally, the notice posted on our property (see attached photo) states that the meeting was at 6:30 p.m. but the meeting actually occurred at 3 p.m.

We respectfully request that the city council allow Telaya to erect a wooden, stained fence to the height of 8 feet along the west side of our property and then along the concrete pad and tie into our building next to the drainage swale for the safety and security of the investment we have already made in the city.

City of Garden City PUBLIC HEARING NOTICE

The City of Garden City will hold a public hearing on
Sep. 8, 2020 at 6:30 PM

<https://zoom.us/j/8188588340>

Meeting ID: 818 858 8340

Meeting Phone In: 301-715-8592 (Enter Meeting ID, then # to join)

PURPOSE: Design Review to install 8' privacy fence

PROPERTY LOCATION: 240 E. 32nd St.

APPLICATION BY: The Land Group

City Hall 6015 Glenwood

Contact the City Planner at 472-2921 with any questions.

WINERY
PARKING ONLY

From: earl@telayawine.com
To: [Hanna Veal](#)
Cc: [Jenah Thornborrow](#); [Mark Jones](#); tamara@thelandgroupinc.com
Subject: RE: Fence
Date: Sunday, August 23, 2020 5:10:29 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hanna,

Thank you for the email. We need an 8' fence to fend off the constant traffic of people cutting through our property late at night which are damaging our property and they are also stealing items from us.

I am not sure how to do a notarized agreement with the residential lots. Does the city have a standard template for this type of agreement? I am not sure what type of agreement this would be. We did notify the neighbors of our intent to do it and have not heard back from them. Although they are both absentee landlords which is why the properties are in such disrepair and we are having so many problems with our neighbors.

We understand the committee might choose to see our investment that we have made in their community as not fitting with the current code and deny our desire to protect and preserve the multi-million dollar investment that we have made in Garden City. If this decision is made, we will then seek permission via the City Council as I believe that the leadership of the city would still like to see Telaya and our business partners the Riverside Hospitality group continue to invest in the city.

Earl

From: Hanna Veal <hveal@GARDENCITYIDAHO.ORG>
Sent: Friday, August 21, 2020 11:37 AM
To: earl@telayawine.com
Cc: jthorn@GARDENCITYIDAHO.ORG; Mark Jones <mjones@GARDENCITYIDAHO.ORG>; tamara@thelandgroupinc.com
Subject: RE: Fence

Hello Earl,

I have some questions regarding your DSRFY2020-18 application. It appears that you haven't addressed any of the concerns expressed by the Design Review Committee about the fence height and the location. I have copied the meeting summary below:

- Internal fence needs to tie into architecture of building so that it acts as a building screen wall rather than fence if the screening is greater than 6' in height. The internal fence may be 6' as a staff level approval.
- A staff level approval would be appropriate of the side lot line fence proposal if:

- The side fence will be on the 0' lot line.
- A notarized agreement from the adjacent residential lots in agreement with the fence.
- No dual fence- remove chain link.

I am just wondering why you have decided to not change your proposal based on code regulations and Committee's comments? I have no say in what the Committee decides, however, because of the current state of your proposal I can foresee the Committee having a difficult time approving your application.

As stated in the Pre-app meeting, if you were to properly address the Committee's concerns you wouldn't have to go through the Design Review process, nor pay the fees associated with the hearing as it would only be a staff level decision.

Also, I noticed you mentioned the existing fence along a portion of the north property boundary. Would you mind sending me the building permits issued for that fence?

If you are wanting to go through the Design Review process, you can also include your sign next to the Greenbelt as part of the Design Review and get a Committee approval/denial for it.

Thank you,



Hanna Veal

Interim Associate Planner

Development Services Department, **City of Garden City**

p: 208-472-2922

a: 6015 Glenwood Street, Garden City, ID 83714

w: www.gardencityidaho.org



From: earl@telayawine.com <earl@telayawine.com>

Sent: Friday, August 21, 2020 11:18 AM

To: Hanna Veal <hveal@GARDENCITYIDAHO.ORG>

Subject: Fence

Tamara told me that there are some questions on our fence. We are very limited on staff because of two births and we are starting into harvest so I am only on the computer on a limited basis. I am happy to try to answer any question you have.

Earl

EARL E. SULLIVAN | Owner / Head

Winemaker

[Telaya Wine Co.](#) |

earl@telayawine.com

208.724.0790

|

www.telayawine.com

Old-World inspired, Idaho crafted

240 E. 32nd St.

Garden City, ID 83714

From: earl@telayawine.com
To: "Tamara Thompson"
Subject: RE: Telaya
Date: Thursday, July 2, 2020 2:20:16 PM

They have until the 10th to let us know. This says a notarized agreement. That isn't what I thought we needed. I was under the impression we just needed to notify them.

From: Tamara Thompson <tamara@thelandgroupinc.com>
Sent: Thursday, July 2, 2020 11:24 AM
To: earl@telayawine.com
Subject: FW: Telaya

Hi Earl,

Please see draft minutes of the DRC meeting. Have you talked with the neighboring properties? I'll formally submit the DRC application for the internal fence next week.

director of client services

tamara thompson

THE LAND GROUP | thelandgroupinc.com | 208.939.4041

From: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Sent: Wednesday, July 1, 2020 8:40 PM
To: Tamara Thompson <tamara@thelandgroupinc.com>
Subject: RE: Telaya

Tamara,

Please find draft minutes. They are anticipated to be formalized by the DRC on Monday.

Sincerely,
Jenah Thornborrow