



**DEVELOPMENT CODE DECISION APPEAL**

Permit info: VAFY2019-2  
 Application Date: 8/29/19 Rec'd by: BS.  
 FOR OFFICE USE ONLY

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

**APPELLANT**

Name: <u>Dillon Boise LLC</u>	Company: <u>Dillon Boise LLC</u>
Address: <u>520 E 47th Street</u>	City: <u>Garden City</u>
State: <u>ID</u>	Zip: <u>83714</u>
Tel.: <u>(208) 939-7444</u>	
E-mail: <u>marklee.butler@gmail.com</u>	

**APPEAL**

Application File No., Name and location: VAFY2019-2 Jalopy Jungle 520 E 47th Street, 83714  
 Date of Decision: August 21, 2019  
 Whose Decision are you appealing?  
 Staff     Design Review Committee     Planning & Zoning Commission

What specific decision(s) and or conditions are you appealing? (please attach if necessary)  
See attached

How are you adversely affected by the decision? (please attach if necessary)  
See attached

Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)  
See attached

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.

[Signature] 8/29/19  
 Signature of the Applicant (date)

## Land Consultants Inc.

P.O. Box 314 - - - Eagle, Idaho 83616 - - - Phone 208-939-7444 - - - email: [markleebutler@gmail.com](mailto:markleebutler@gmail.com)

August 29, 2019

Garden City Development Services Department  
Attn: Chris Samples  
6015 Glenwood Street  
Garden City, ID 83714

RE: Appeal of P and Z lack of Action for Variance for property addressed as 520 E. 47<sup>th</sup> Street

Dear Mr. Samples,

Below we address the three Appeal Application questions:

**What specific decision(s) and or conditions are you appealing?**

On behalf of my client we are submitting this appeal of the Planning and Zoning Commission's deadlocked position and subsequent lack of Action for our Variance request.

**How are you adversely affected by the decision?**

The owners are working with the City to determine a way to screen stacked cars. Without the variances approved to satisfy the City Code enforcement department desire to screen stacked cars the decades long business operation with be severely impacted.

**Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied.**

The code was not applied because the Commission was deadlocked. See transcript of Commissioner Kent Brown in favor of granting the variances requested.

Herein we address the findings required per Garden City Code Section 8-6B-9 "E" Required Findings (our justification for the findings are in italics):

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);

*The subject property is currently under misdemeanor complaint by the Garden City Code Enforcement Division because they want the car stacking area, which has been part of the use of the site for over 50 years, now to be screened from view from the street.*

*The subject property would be deprived, by provision of this title - specifically the enforcement of Garden City Code Section 8-1C-3 Property Maintenance Standards adopted by the City on May 14, 2012, of rights and privileges enjoyed legally by other legal non-conforming properties in the vicinity and under the applicable zoning district because of the location of the subject property nearby homes built in the area in the last few years for which apparently a neighbor (or neighbors) has complained and subsequently the City has tried to appease the neighbors by attempting to enforce a code adopted decades after the use was established (a finding of undue hardship);*

2. The need for the variance is not the result of actions of the applicant or property owner;

*The need for the variance is not the result of actions of the applicant or property owner but is a result of Garden City attempting to appease a neighbor (or neighbors) by implementing a code adopted decades after the establishment of the use.*

3. The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;

*The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood because City representatives have stated that they believe that screening the stacked cars is in the best interest of the community and neighborhood and the applicant is willing to do so to be a good neighbor as proposed within this application.*

4. The variance is the only reasonable alternative to overcome the undue hardship;

*The variance is the only reasonable alternative to overcome the undue hardship since the City will not acknowledge the legal non-conforming rights of the property owner and since the owner will not give up land by putting the privacy fence further back into the property because it will render the area of car stacking unusable for the business operation.*

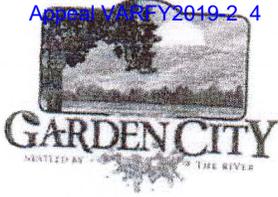
5. The variance is the minimum relief necessary to allow reasonable use of the subject property.

*The variance is the minimum relief necessary to allow reasonable use of the subject property because other screening methods take away property from the stacking area rendering it unusable for the business operation.*

Thank you and we look forward to your consideration.



Mark L. Butler, Land Consultants Inc.



# DEVELOPMENT CODE DECISION APPEAL

Permit info: DSRFY2019-6  
Application Date: 9/4/19 Rec'd by: ES  
FOR OFFICE USE ONLY

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

### APPELLANT

Name:	<u>Dillon Boise LLC</u>	Company:	<u>Dillon Boise LLC</u>
Address:	<u>520 E 47th Street</u>	City:	<u>Garden City</u>
State:	<u>ID</u>	Zip:	<u>83714</u>
Tel.:	<u>(208) 939-7444</u>		
E-mail:	<u>mandee.butler@gmail.com</u>		

### APPEAL

Application File No., Name and location: DSRFY2019-16 Jalopy Jungle 520 E 47th Street, 83714  
Date of Decision: August 19, 2019

Whose Decision are you appealing?

- Staff       Design Review Committee       Planning & Zoning Commission

What specific decision(s) and or conditions are you appealing? (please attach if necessary)

See attached

How are you adversely affected by the decision? (please attach if necessary)

See attached

Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)

See attached

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.

[Signature] 8/29/19  
Signature of the Applicant (date)

## Land Consultants Inc.

P.O. Box 314 - - - Eagle, Idaho 83616 - - - Phone 208-939-7444 - - - email: [markleebutler@gmail.com](mailto:markleebutler@gmail.com)

August 29, 2019

Garden City Development Services Department  
Attn: Chris Samples  
6015 Glenwood Street  
Garden City, ID 83714

RE: Appeal of Design Review Committee Action for new privacy fence at property addressed as 520 E. 47<sup>th</sup> Street

Dear Mr. Samples,

Below we address the three Appeal Application questions:

**What specific decision(s) and or conditions are you appealing?**

On behalf of my client we are submitting this appeal of the Design Review Committee denial of a design review request for a 12-foot high privacy fence.

**How are you adversely affected by the decision?**

The Owners are working with the City to determine a way to screen stacked cars. The Design Review Committee stated that this fence looks industrial and should be set back 10-feet with a landscape buffer. This takes land from the decades established business operation and it not a workable solution. Additionally, the site IS INDUSTRIAL, it is a wrecking yard. And lastly, the proposed fence is far more durable and aesthetically pleasing versus the dog eared 8-foot high cedar fence that is in place now.

**Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied.**

Garden City code does not allow unsightly fencing materials and one of the materials listed is unsightly sheet metal. In this case we propose a well-designed, high quality metal fence (see attached exhibit). It is not unsightly.

This durable privacy fence will not only provide desired screening of the Jalopy Jungle car stacking area from the surrounding neighborhood, but it is a strong material that will ensure the fence remains an asset to the neighborhood and will not get worn down like wood.

The privacy fence will enhance pedestrian and drivers view by screening the car stacking area which has been a part of the use established decades ago.

There is a desire for a transition from the longtime established use to the fairly new residential neighborhood developed a few years ago. The fence would create a softer transition by creating a visual separation. The 12-foot high privacy fence is replacing an existing eight foot high wood fence and does not affect any other site features. We are only raising the privacy screening, and providing a far more durable material, to protect the transition sightline.

**10.6 Objective: Continue to support commercial and industrial land uses.**

*Action Steps: 10.6.1 Consider the creation of a “Bradley Technology District” around 50th and Bradley streets. Exclude non-commercial uses from the district to encourage the area as center for industry.*

*This site is located near the proposed “Bradley Technology District.” The comprehensive plan clearly encourages this area’s industrial and commercial land use and should not limit them as they seek to be good neighbors.*

Thank you and we look forward to your consideration.

A handwritten signature in black ink, appearing to read "Mark L. Butler". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark L. Butler, Land Consultants Inc.

BEFORE THE PLANNING AND ZONING COMMISSION  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of: ) ) Variance ) 520 E. 47 <sup>th</sup> Street ) Garden City, Ada County, Idaho ) _____ )	VARFY2019 - 2  FINDINGS OF FACT, CONCLUSIONS OF LAW; AND DECISION
---	---

THIS MATTER came before the Garden City Planning And Zoning Commission for consideration on August 21, 2019. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The applicant is Mark Butler, Land Consultants, Inc.
2. The property owner of record is Dillon Boise, LLC
3. The application is for the following variances:
  - a. Variance from the standards of GCC 8-4A-3 (Fences and Walls) and GCC 8-1C-3 (Property Maintenance Standards) to allow a 12' fence height in a front setback.
  - b. Variance from the standards of GCC 8-4A-3 (Fences and Walls) and GCC 8-1C-3 (Property Maintenance Standards) to allow a 12' fence height in a side setback.
  - c. Variance from the standards of GCC 8-4A-3 (Fences and Walls) to allow a 0' setback for fences exceeding 3.5' in height.
4. The location of the project is:
  - a. Ada County Parcel Number R2734523066, described as the W. 1/3 of Lot 32, Block 22, Fairview Acres Sub No 3.
  - b. Ada County Parcel Number R2734523062, described as Lots 29 – 31, Block 22, Fairview Acres Sub No. 3
5. The subject properties are 2.26 acres in total size.
6. The project is located in the Garden City C-2 General Commercial Zoning District.
7. The project is located in the Transit Oriented Development Node Buffer of the 2006 Garden City Comprehensive Plan Land Use Designation.
8. The existing use on the site is: Wrecking Yard.
9. Current access to the site is from E. 48<sup>th</sup> Street.
10. The following sections of the Garden City Municipal Code apply to this proposal:

<b>GCC 8-6B-9 VARIANCE: REQUIRED FINDINGS</b>			
Compliant			City Standards and Conclusion
Yes	No	Unable to be determined	

		X	<p>Finding: 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)</p> <p>Conclusion:</p> <p>The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.</p>
		X	<p>Finding: The need for the variance is not the result of the actions of the applicant or property owner;</p> <p>Conclusion:</p> <p>The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.</p>
		X	<p>Finding: The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;</p> <p>Conclusion:</p> <p>The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.</p>
		X	<p>Finding: The variance is the only reasonable alternative to overcome the undue hardship;</p> <p>Conclusion:</p> <p>The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.</p>
		X	<p>Finding: The variance is the minimum relief necessary to allow reasonable use of the subject property;</p> <p>Conclusion:</p> <p>The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.</p>

12. Other studies, plans or approvals reviewed include:

Comments from Other Departments and Agencies	Noted	This part of the decision does not apply. The Commission was unable to make a determination of the finding. Separate motions to approve and to deny the application failed.
--	-------	---

13. A copy of the application and plans was transmitted to interested and affected public agencies and no written comments were received.

14. The record contains:

- a. Application Materials
- b. Letter of Application Acceptance
- c. Agency Review Transmittal
- d. Radius Notice
- e. Legal Advertisement in Idaho Statesman
- f. Affidavit of property posting
- g. Staff report, and referenced materials
- h. City Council Hearing Minutes dated November 12, 1986
- i. Letter from Robert Under, Garden City Public Works Director, dated November 14, 1986
- j. Letter from property owner in response to November 14, 1986 letter, undated
- k. Letter of intent for Zoning Permit 95-08-10 dated August 18, 1995.
- l. Garden City Code 8-7-5 in effect on November 14, 1986 (Ordinance 443)
- m. Garden City Code 8-7-5 in effect on August 18, 1995 (1988 Code)
- n. Planning and Zoning Commission Hearing Sign Up Sheets
  - i. Jason Jones
  - ii. Traci Bradshaw
- o. Signed Findings of Fact, Conclusions of Law, and Decision

15. The application was received June 3, 2019. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.

16. On June 28, 2019 a letter of acceptance with hearing date was sent to the applicant.

17. A transmittal to other agencies including notice, application and other documents was sent on July 16, 2019 more than fifteen days prior to the public hearing.

18. A legal public hearing notice for the proposed variance application was published on July 19, 2019, and on July 16, 2019, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.

19. A sign was posted on or before August 11, 2019 in accordance with Garden City Code for the public hearing of August 21, 2019.

20. On August 21, 2019, at the Planning and Zoning Commission public hearing:

- a. Mark Butler presented the application.
- b. Staff Chris Samples presented the staff report.
- c. Public testimony was heard from Jason Jones in support of the application and Traci Bradshaw in opposition to the application
- d. Public testimony was closed.

- e. Commissioner Brown moved to approve the application in accordance with the draft findings of fact, conclusions of law, and decision.
- f. A second on the motion was not received. The motion died for a lack of a second.
- g. Commissioner Rasmussen moved to deny the application based on the application not meeting the required findings, specifically noting a lack of undue hardship (finding 1) and noting finding 4.
- h. A second on the motion was not received. The motion died for a lack of a second.
- i. The application was denied due to a lack of a motion.

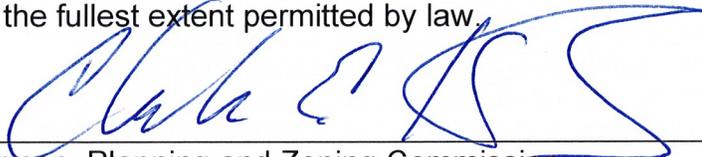
#### CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, was unable to conclude whether the application met the standards of approval under **GCC 8-6B-9 Variance** due to a lack of a motion to make a decision.

#### DECISION

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

1. There is a 15 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 15 days after the action of the decision.
2. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. 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.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. 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

BEFORE THE DESIGN COMMITTEE  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	DSRFY2019 - 16
	)	
Design Review – Fence Material	)	FINDINGS OF FACT,
520 E. 47 <sup>th</sup> Street	)	CONCLUSIONS OF LAW;
Garden City, Ada County, Idaho	)	AND DECISION
_____)		

THIS MATTER came before the Garden City Design Committee for consideration on August 19, 2019. The Design Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Committee the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The applicant is Mark Butler, Land Consultants, Inc.
2. The property owner of record is Dillon Boise, LLC
3. The application is for the approval of sheet metal as a fence material.
4. The subject properties are 2.26 acres in total size.
5. The project is located in the Garden City C-2 General Commercial Zoning District.
6. The project is located in the Transit Oriented Development Node Buffer of the 2006 Garden City Comprehensive Plan Land Use Designation.
7. The existing use on the site is: Wrecking Yard.
8. Current access to the site is from E. 48<sup>th</sup> Street.
9. The following sections of the Garden City Municipal Code apply to this proposal:

GCC 8-4A-3E REQUIRED FINDINGS			
Compliant			City Standards and Conclusion
Yes	No	N/A	
		X	<p>Finding: Implement the vision as set forth in the Comprehensive Plan.</p> <p>Conclusion:</p> <p>The application was submitted prior to the July 22, 2019 adoption of the Comprehensive Plan Update and has vested rights to the previous Comprehensive Plan.</p> <p>The proposed material conflicts with the following provisions of the Comprehensive Plan:</p> <p style="padding-left: 40px;"><i>a. Objective 1.4: Create a premier destination place to live, work and recreate.</i></p> <p>The proposed material depicted in the applicant's materials</p>

		<p>does not support this objective. The proposed sheet metal does not differ from than any other commonly available sheet metal material, which in turn detracts from this objective and does not implement the vision of the Comprehensive Plan.</p> <p><i>b. Objective 2.4: Improve the appearance of street corridors</i></p> <p>The intent of including sheet metal as a prohibited material without Design Committee approval was to improve the appearance of properties and especially along street corridors. The proposed material is not unique in comparison with other common sheet metal materials and detracts from this objective.</p>
	<p>X</p>	<p>Finding: Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community’s assets more than a fence complying with the requirements set forth in this section.</p> <p>Conclusion:</p> <p>The proposed sheet metal material does not comply with either provision of this finding.</p> <p>The proposed material does not provide significant creativity and uniqueness and the intent is to merely evade the provisions set forth in this section. The proposed material does not demonstrate the fence is an established icon that enhances the community’s assets as noted in the finding. Garden City Code does not define the terms “creativity”, “uniqueness” and “icon”. Pursuant to GCC 8-1A-5 (Interpretation), the Merriam Webster Dictionary definitions shall be utilized.</p> <p><i>a. Creativity: the quality of being creative</i></p> <p><i>b. Creative: having the quality of something created rather than imitated</i></p> <p><i>c. Icon: Emblem, symbol</i></p> <p>The term “uniqueness” does not have a definition in the Merriam Webster dictionary. The closest term is “unique”</p>

			<p><i>d. Unique: being without a like or equal, distinctively characteristic</i></p> <p>The proposed material does not have the quality of something created but is instead a common sheet metal. The proposed material is not unique among sheet metal materials. Absent creativity and uniqueness, the proposal is intended to evade the provisions of this section. The proposed material is not an established icon that enhances the community's assets more than a complying fence material.</p>
X			<p>Finding: Demonstrate that is constructed of professional and durable materials and are not intended to be of temporary nature.</p> <p>Conclusion:</p> <p>The proposed material is a professional and durable material and is not intended to be temporary in nature.</p>

13. A copy of the application and plans was transmitted to interested and affected public agencies and no written comments were received.
14. The record contains:
  - a. Application Materials
  - b. Letter of Application Acceptance
  - c. Noticing Documents
  - d. Staff report, and referenced materials
  - e. City Council Hearing Minutes dated November 12, 1986
  - f. Letter from Robert Unger, Garden City Public Works Director, dated November 14, 1986
  - g. Letter from property owner in response to November 14, 1986 letter, undated
  - h. Letter of intent for Zoning Permit 95-08-10 dated August 18, 1995.
  - i. Garden City Code 8-7-5 in effect on November 14, 1986 (Ordinance 443)
  - j. Garden City Code 8-7-5 in effect on August 18, 1995 (1988 Code)
  - k. Design Committee Hearing Sign Up Sheets
  - l. Signed Findings of Fact, Conclusions of Law, and Decision
15. The application was received June 3, 2019. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application. The Design Committee Public Hearing was held within sixty (60) days of receipt of an application certified as complete.
16. On June 28, 2019 a letter of acceptance with hearing date was sent to the applicant.
17. A transmittal to other agencies including notice, application and other documents was sent on July 16, 2019 more than fifteen days prior to the public hearing.
18. A legal public hearing notice for the proposed variance application was published on July 19, 2019, and on July 16, 2019, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-

- 6A-7 of the Garden City Municipal Code.
19. A sign was posted on or before August 9, 2019 in accordance with Garden City Code for the public hearing of August 19, 2019.
  20. On August 19, 2019 at the Design Committee public hearing:
    - a. Mark Butler presented the application.
    - b. Staff Chris Samples presented the staff report.
    - c. Public testimony was heard from Jason Jones in support of the application and Debbie Jo Pelton and Laurie Allison in opposition to the application.
    - d. Mark Butler provided rebuttal testimony.
    - e. Public testimony was closed.
    - f. Committee member Gresham moved to deny the application.
    - g. Committee member Hurd seconded the motion.
    - h. The motion carried unanimously.

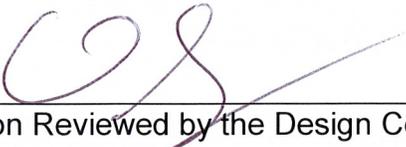
### CONCLUSIONS OF LAW

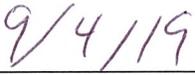
The Design Committee reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application does not meet the standards of approval under **GCC 8-A-3E Fences and Walls**.

### DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Committee hereby **DENIES** the application subject to the following conditions:

1. There is a 15 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 15 days after the action of the decision.
2. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. 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.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. 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.

  
Decision Reviewed by the Design Committee

  
Date

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**DESIGN REVIEW**  
**A=(Mark Butler)**  
**A1=(Rebecca Kent)**  
**A2=(Laurie Allison)**  
**A3=(Jason Jones)**  
**A4=(Debbie Jo Pelton)**  
**A5=(Jenah Thornborrow)**  
**A6=(Christian Samples)**  
**A7=(Brett Labrie)**  
**A8=(Maureen Gresham)**  
**A9=(Derek Hurd)**

A5: Thank you. Moving on to the design review fiscal year 2019 number 16. Mr. (Butler)?

((Crosstalk))

A: Members of kit - uh, (kitty) - members of the committee, (Mark Butler), 1675 East Bishop Way, Eagle. Um, for some reason the PowerPoint isn't loading. So, uh, (Chris) went to do something. But in the meantime I can give you a little background of why the staff location is in front of you. Uh, Jalopy Jungle which is located I think between 47th and 48th, um, has been in that location, that operation for - for decades. And the owners have in the last year-and-a-half or so been in discussions with your code enforcement officer, (Connie Sol), I think is her name. Uh, the folks who moved in to the neighborhood next door, um, obviously that being developed after the wrecking yard had been there had been having concerns with seeing some of the stacked vehicles in a certain part of the property over the fence. And so the - the, uh, owner's position is that they have a grandfathered right to keep stacking them. And so do you know which one it is?

Woman: It's the south.

A: (South)? Thank you. Okay. So the property is located between 47th and 48th just northeast of Adams. Here is an aerial photograph showing the property. Uh, the area of concern, uh, that I was speaking about is this particular area here to the southwest. And so as this area developed here with homes, uh, people started having concerns that they were expressing to the City. And, as I

46 said, (Connie Sol) came out and started working with the owner of the  
47 property trying to get some resolution in this particular area here. So the way  
48 this operation works is the cars come in and they're stacked in, uh, these rows.  
49 People can come in and pick parts off and pay for parts. Some parts are  
50 removed and actually put into the office over here for sale. Um, as the cars get  
51 to the point where they're ready for basically smashing and going to the steel  
52 yards they are stacked over into this corner here, this piece of property just to  
53 the southwest of City property. They're stacked over here in the corner.  
54 Sometimes when you get two, uh, cars stacked that are quite tall you can see -  
55 see the cars over this, um, 8' fence. There's currently an 8' fence, uh, along  
56 the whole side of the street with - with - with a gate coming in here on 48th.  
57 The gate has slats in it. Uh, when the development came in for the residential,  
58 um, according to the clients, uh, they had some concerns, uh, with the existing  
59 facility. Uh, the owners were very workable with the City. Met with, uh,  
60 Counsel President (Beaumont), I believe, out at the site. And, uh, replaced  
61 their wooden fence with a vinyl fence. So it's - it's pretty along the - the, um,  
62 the area controlled by the City. That's not pretty along the street. It's cedar,  
63 it's frankly different than not pretty. It's ugly. Um, it was approved, the cedar  
64 fence, it's 8' high. So I'm gonna go through - I'm gonna just run through the  
65 project overview. You - you've already read, uh, the project overview in your  
66 file. And you've seen my justifications for compliance with the  
67 comprehensive plan. I'm not gonna go through all these details. Um, and then  
68 you've seen the staff report, uh, that (Chris) wrote that kind of has, uh, his  
69 opinion. So, um, the area that we're asking for to have the wooden fence  
70 replaced is from this gate over to the City property and then along this side  
71 here. This is the area of concern that (Connie) saw, the code enforcement  
72 officer, told me, uh, she wanted it - it screened. So the owners have been cited,  
73 uh, with cri- criminal misdemeanor citation. That's - that's what most cities do  
74 when they have an alleged violation. Uh, they're - they're headed to court.  
75 They're trying to figure out a resolution with the City so they don't have to  
76 argue in court that they have some sort of grandfather right. You never know  
77 how a court's gonna judge, um, the people who wanna work with the City.  
78 I've offered several solutions to them. Uh, they didn't come up with, uh,  
79 agreeing with solutions I - I - I thought were more workable. Um, uh, by  
80 having more of a setback and maybe a berm, some landscaping, a fence on the  
81 top. It felt that was taking too much of their property. Um, I thought it was a  
82 better alternative. But all we can do is work with what we have. We have  
83 some neighbors that wanna work with the City. Don't wanna end up in court.  
84 And they came up with this plan which you're seeing tonight that we're  
85 asking for approval for. So if you look at the fence now it's the permitted  
86 fence that was permitted by Garden City some time ago. The information's in  
87 your packet. Uh, this is the gate. They like to replace the gate with new ch-  
88 chain link and new slats. And then replace all this fence in this current  
89 location with a 12' high metal fence. Try to get down to - them down to 10.  
90 And they're saying, "What happens if I a hood is open and somebody

91 complains?" And, "So shut the hood." You know, so, um, I think there's some  
 92 leeway between 12 and 10. And I - I've been on committees and councils for a  
 93 long time. I know it's a - it's a tough pill to swallow for your guys. Um, and  
 94 for me as a presenter, um, trying to present the best I can. They'd like to put  
 95 up a 10' fence. Um, they have a lot thievery that happens. So if people break  
 96 these posts and go in and steal things. They throw stuff over the fence. Uh,  
 97 they're constantly over there repairing slats. And so you have these old, uh,  
 98 weathered slats and new slats. And a metal fence, number one, would look a  
 99 lot better than this wood fence. Um, number two, it'd be safer for the property  
 100 owners and safer for, uh, criminals. 'Cause I don't think they'd try to get over  
 101 the fence. Uh, not that we want criminals to be safe. But we don't wanna  
 102 encourage them coming in and out of - out of the facilities. Um, so this is the  
 103 fence I came up with that would be a 12' high - again, I think there's a  
 104 leeway. I think we can get down to 8'. I think the height, uh, decision is up to  
 105 the Planning and Zoning Commission. I'm not sure. Um, I think we're  
 106 (hearing) from you to see what you think about the design. Um, I had hoped  
 107 that they could do this design with the - the verticals in here. But what they  
 108 wanna do is, uh, metal, uh, with the trim on the top and the bottom. They said  
 109 the contractor that has the fencing with the verticals in here wants four times  
 110 as much. So I'm just being real honest with you on, uh, feeling like I'm in a  
 111 tough spot trying to represent something that I think is really difficult. But  
 112 understand their position, too. They - they feel like they have a right to keep  
 113 stacking vehicles. They've been doing it for years. And if for some reason  
 114 they fight that in court and win where - where are we gonna be then? So I'm  
 115 hoping as a negotiator between the City a- and the, uh, owner that we could  
 116 come up with something. I don't know what it will be, this is what we're  
 117 offering. Thank you.

118  
 119 A5: Any questions of the applicant?

120  
 121 A7: Uh, I do have a question. So what we're looking at here in these images is  
 122 really not even what they're proposing is what you're saying. With - with the -  
 123 the aesthetic look at the fence.

124  
 125 A: Yeah. But, as you know, our architect can explain things a lot better than the  
 126 planner. And this is our architect. So she can explain more detail  
 127 (unintelligible)...

128  
 129 A7: Okay.

130  
 131 A1: Um, (Rebecca Kent), um, 9558 West (unintelligible), Boise, Idaho, 83714.  
 132 Um, so the fence is, um, supposed to be this (scud) metal gray, um, on the left.  
 133 And this will be the - how the fence looks facing the street with the trim on  
 134 the top with trim on the bottom. These verticals are the verticals he was  
 135 pointing to. Those are, in fact, just the corrugation in the middle. So if these -

136 if these intermediate verticals that won't be there.  
137  
138 A: Oh. So I even misunderstood.  
139  
140 A1: Yeah. So...  
141  
142 A: Sorry.  
143  
144 A1: So - so that corrugation will - will, um, will be there. So you'll - there will be  
145 shadow relief in the fence. Um, and this will be the back side of the fence. Uh,  
146 the side of the fence facing their property. Except it will have trim along the  
147 bottom like this fence over here. So just...  
148  
149 Man: Okay.  
150  
151 A1: ...the intermediate vertical will not be there.  
152  
153 A: I'm sorry about that - I've been out of the loop lately.  
154  
155 Woman: All right.  
156  
157 A: But I think it will look a lot nicer. Anything else?  
158  
159 A7: I don't have any other questions.  
160  
161 A: Thank you.  
162  
163 A5: Staff - do you have a staff report?  
164  
165 A6: Yeah, a, uh, brief presentation. Um, just sort of a reminder to the committee  
166 that the scope of what you're looking at is for material only and not the height  
167 or configuration setback. The commission's gonna look at that one and say.  
168 Um, my report found that the proposed material possibly didn't comply with  
169 findings 2 and 3. The findings that there has to be significant creativity and  
170 uniqueness or it's an established icon in the community. And, so, actually  
171 finding 1 that didn't -- sorry -- finding 1 that didn't comply with the comp  
172 plan. And finding 2 that it didn't demonstrate creativity, uniqueness or was an  
173 established icon in the community. So I found that there may have been issues  
174 of findings 1 and 2. There was no issue with finding 3. Uh, sheet metal is a  
175 durable and, um, material. I stand for questions, thank you. Oh, I'm sorry. I  
176 have two late exhibits, and I apologize. Um, there is a - a - a public comment  
177 from Mystic Cove HOA. And then the PowerPoint study will also go into the  
178 record. Thank you.  
179  
180 A5: Um, I have one comment and no members of the public signed up to give

181 testimony. Uh, is any of you wanting to give testimony?

182

183 A2: I have a question.

184

185 A5: Um, could you please come up and state your name and address for the  
186 record?

187

188 A2: (Laurie Allison), 4803 Mystic Cove, Garden City. And I was just wondering -  
189 so this corner comes, um, behind the City property on Adam Street and turns  
190 down 48th Street to the gate. And then I'm just wondering there's wood,  
191 which now is all wood, not very kept wood. But then from the gate to the City  
192 park does that remain wood? Which is really affects our neighborhood a lot.  
193 So that's just my question.

194

195 A5: Thank you. I'll let the applicant address that during rebuttal. Uh, Ms. (Allison)  
196 also provided a comment stating the height of the fence is not appropriate for  
197 the single family homes surrounding the location. Others do not properly  
198 maintain current fence long term. A larger fence (basically) may be made of  
199 metal will have a direct impact on home values. Metal will be cold and  
200 institutional. You may state your name and address for the record.

201

202 A3: Uh, (Jason Jones), uh, 208 East 33rd Street, Garden City. Um, I guess I just  
203 wanted to comment 'cause I find it interesting that they said they've got cited  
204 on a shielding code. But I'm assuming in the code it says that you would  
205 shield it with a maximum of 8'. So I don't know how they can get cited for  
206 having an 8' fence. But I find it interesting. Because I reported to Garden City  
207 Police Department it's out of that 8' code. And they still refused to shield their  
208 trailers that they store on site that stick up above their 6' privacy fence. So just  
209 kind of wanted to add that to the record.

210

211 A5: Any questions for Mr. (Jones)? Thank you. (Unintelligible)...

212

213 A4: May I?

214

215 A5: Go ahead.

216

217 A4: Thank you. (Debbie JoePelton), 4806 West Mystic Cove Way, Garden City,  
218 83714. I just had another question as well. Um, this - the other map's gone.  
219 But going down from the gar- the - the park all the way south, uh, to - to past  
220 the gate to - to the southwest corner, there is a huge grade. Almost 2' - 2-1/2',  
221 um, difference from the height of the fence because the erosion, I guess. I'm  
222 calling that the Y. But the fence is much higher in some parts than it is the  
223 other even though it's still an 8' fence. So I wanted to ask if that was going to  
224 be addressed when they put in a new fence. Hopefully it's not metal. I don't  
225 like metal, either. But the - it's the - the depth of it going from whatever the

226 concrete that you'll be pouring, um, it all needs to come up. There's been so  
227 much erosion. And that's all I can address today. Thank you. Yes?  
228

229 A9: Is this on the inside of the fence?  
230

231 A4: Yes. It's on the other - it's on their property on the - where the setback should  
232 be. Yes.  
233

234 A5: Thank you. Um, and with that I'll close the public testimony. And if the  
235 applicant would like to come back and give rebuttal to hopefully address the  
236 two questions. Uh, (unintelligible)...  
237

238 A: Uh, this is a photo that looks at the entire street. So, um, the area of concern  
239 that was expressed, uh, to be a concern by the code enforcement officer was  
240 from the gate to this south portion. So we're not proposing to change any of  
241 the fence from the gate, um, toward - toward the homes. Um, I - I thought this  
242 was flat. Um, it's - the way it looks here without these vertical elements but it  
243 has all the corrugation in it? I mean, seriously which looks better? I'll answer  
244 the question. Metal looks a lot better. So if your comprehensive plan and your  
245 codes are set up to increase the quality of things that are around your city, of  
246 course, you're not removing the entire wrecking yard which maybe you'd like  
247 to do. Um, this is far better than what's there now. So, anyway, we're not  
248 planning to replace the rest of the wood. We weren't asked to. Um, certainly  
249 the - the board, or the committee could maybe condition it if you like the  
250 fence. Maybe you think it's more consistent to have it along the entire road.  
251 With regard to erosion to the north there was a lot of erosion, uh, during  
252 flooding here about a year ago. So I don't know what those particular  
253 locations are. Um, I can ask and get back to the owner. Uh, but, you know, if  
254 there's other maintenance things that need to be taken care of, um, we'll tell  
255 the owner. The owner seems pretty good to work with when it's a  
256 maintenance issue. But when it comes to what they think or they believe is a  
257 grandfather right going back for years, boy, it's hard to get them to budge to  
258 do anything. So this is the best I could do. I think it's a good looking fence. I  
259 think it looks a lot better than the wood. That ends the rebuttal. Thank you.  
260

261 A5: Any questions of Mr. (Butler)?  
262

263 A7: No.  
264

265 A5: Thank you. So I'll open it up for discussion.  
266

267 A7: Well, I'll go first. Uh, I guess I - I have some real issues with material. And  
268 the, um, uh, the overall aesthetic was something that's just - is real industrial,  
269 material that it's - it's something that we've - I think that, uh, the design  
270 guidelines have moved away from that industrial metal building type of a

271 look. And though we're not talking about pipeline we get something like the  
 272 use of this material that goes to the sidewalk 12' high, if it was 12' high. Or  
 273 even 8' high. I think it just - it's a very, um, it's very cold. Uh, and I guess  
 274 industrial feel that I think it needs to be something that is more I guess in line  
 275 with our fencing guidelines that we have in the, uh - uh, (unintelligible) new  
 276 guidelines as far as materials go. Uh, the transition of - I guess we ended up  
 277 (doing) part of this going from this type of material back to wood and how  
 278 that will transition between the new one and the old is going to look, what  
 279 that's gonna do to the street (scheme). Um, I guess it's a - it's a concern of  
 280 mine as well. And - and, actually, taking out the - you know, I wasn't gonna  
 281 consider that as a material change. The modulation, the vertical elements of  
 282 breaking that up its a necessity, but something to soften it I think is even more  
 283 critical on whatever type of fencing goes there. If it's (unintelligible) I guess  
 284 increasing height. I don't even know if that's - that's appropriate here. But  
 285 some type of landscaping would be nice. You know, a buffer there. It doesn't  
 286 have a buffer. Um, so that, in my mind, is even more of a reason not to have  
 287 that type of material used for the fencing.

288  
 289 A8: So I agree. Um, on your points. And I just wanna say, you know, (Mark) made  
 290 a point that this looks better than the wood fence to some people. Um, maybe  
 291 it is better looking than a wood fence. However, it's creating, um, big  
 292 disparity between one where you actually know then you have the wood  
 293 fence. Um, and the code is written - the way the code is written, uh, if they  
 294 were to comply with it it would be looking better than that. So - and that's the  
 295 purpose of having that code. Um, that does not allow sheet metal. And - and I  
 296 don't see any reason to - to (aggrieve) that.

297  
 298 A9: I - personally I don't mind metal, I don't mind an industrial look, um, as a -  
 299 as an aesthetic. And there's parts of the code not in this zone, but there's parts  
 300 of the code that encourage the industrial look. Um, but here it's - it's different.  
 301 And I agree with you guys the, you know, half wood, half metal is - is not  
 302 great. Um, I - I can't get around sheet metal fencing is prohibited. That's -  
 303 that's the long and short of how that code is written in this part unless you  
 304 embellish it and adorn it and make it a feature in and of itself. So as it's - as  
 305 it's presented I can't - I can't support it.

306  
 307 A7: So, I - I - I guess, again, I think there's - there's other ways, other  
 308 opportunities, other ways to achieve (unintelligible) this type of solution.

309  
 310 A8: Minus the height, um, we're not discussing that. If they had come in with --  
 311 and you probably made this recommendation to them -- if they had come in  
 312 with even metal fence that was set back 6', whatever, um, set back 3, you  
 313 know, feet, um, or, actually 10' would be even better. And it had landscaping.  
 314 And the metal itself was, you know, decorated with mural, or something, you  
 315 know, something like that. Um, then I would have - I could have entertained

316 that. I'm not saying I would have approved it. I'm just saying I would  
317 entertain that. Um, but as presented. I make a motion to deny.

318  
319 Man Second

320  
321 A5: All those in favor?

322  
323 (Aye).

324  
325 A5: Thank you.

326  
327 A: Thank you. I understand completely.

328  
329  
330 The transcript has been reviewed with the audio recording submitted and it is an accurate  
331 transcription.

332 Signed \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**PLANNING AND ZONING COMMISSION**

**Q = Chairman (Chuck Kennedy)**

**Q1 = Commissioner (Kent Brown)**

**Q2 = Commissioner (Debbie Jo Pelton)**

**Q3 = Commissioner (James Page)**

**Q4 = Commissioner (Kent Rasmussen)**

**A = (Jenah Thornborrow)**

**A1 = (Mark Butler)**

**A2 = (Chris Samples) with Staff**

**A3 = (Jason Jones)**

**A4 = (Brian Forester)**

**A5 = (Tracy Bradshaw)**

Q: It is, uh, 6:30pm on August 21, 2019 and this is the Garden City Planning and Zoning Commission which I call to order. Let the record show all commissioners are present. Are there any changes to the agenda?

A: Uh, Chairman, none by Staff.

Q: Um, from time to time we use a consented agenda, tonight we have the minutes of our last meeting and we have two items that Staff has recommended for continuance to September 18th. That would be this, uh, Subdivision 2019-4 and Subdivision 2019-5. Uh, for non-compliance with required (unintelligible) pursuant to GCC8-68-7. Um, we've seen entirely too much of that as a - as an insight. Um, the Chairman would, uh, consider a motion for the consent agenda.

Q1: Mr. Chairman.

Q: (Mr. Brown).

Q1: I move approval of the consented agenda which constitutes the July 17th, 2019 minutes and, uh, the continuance to a date certain of September 18 of SUBFY2019 number four and SUBFY2019 number five.

Q: Do I have a second?

Q2: Second.

46  
47 Q3: Second.  
48  
49 Q: Thank you, moved and seconded minutes of our last meeting and continuance  
50 of Subdivision 2019-4 and 2019-5. (Unintelligible), if there are none, all in  
51 favor signify by saying aye.  
52  
53 Q1: Aye.  
54  
55 Q2: Aye.  
56  
57 Q3: Aye.  
58  
59 Q: Consent agenda has been approved.  
60  
61 Q3: Mr. Chairman.  
62  
63 Q: (Mr. Page).  
64  
65 Q3: Um, as matter of procedure tonight, uh, I have a number of potential conflicts,  
66 um, with the public reinforcement of, uh, the action items of this agenda. Uh, I  
67 must recuse myself now and would ask that the Chair excuse me for the  
68 balance of the meeting.  
69  
70 Q: You are excused, thank you.  
71  
72 Q3: Thank you.  
73  
74 Q: Uh, Staff, in our discussion portion, we will further discuss the posting  
75 violations, thank you. Uh, the first item on our - or I'm sorry, is there old  
76 business to discuss?  
77  
78 A: Um, none by staff.  
79  
80 Q: Okay. Thank you. Uh, public hearing, uh, variance FY2019-2, (Mark Butler)  
81 of (Blanton Selsence). Uh, you present (Mr. Butler)?  
82  
83 A1: Yes, I am.  
84  
85 Q: Um, you will, uh, have the opportunity to make your presentation, Staff will  
86 report, we will hear public input based on the signup sheets. If the  
87 Commission has questions for Staff you will present those and then we will  
88 finally have a rebuttal by the applicant. (Mr. Butler), name and address for the  
89 record please?  
90

91 A1: (Mark Butler) 1675 East Bishop Way, Eagle, Idaho. Mr. Chairman, members  
92 of the commission I'll just give you a little history, uh, this wrecking yard,  
93 Jalopy Jungle, it's had different names in the past, has been in this location for  
94 over 50 years. My clients purchased the property about 20 years ago. The  
95 particular portion of the property which you'll see, uh, has been used for  
96 stripped vehicles, so they have basically two sections of property. One section  
97 for customers to come in and go pick a part, they come in they wander  
98 through, they find a hood or door, whatever they need, they pick their part.  
99 The other section is isolated from where the customers - customers come in  
100 for liability purposes because in this location they stack their spent vehicles  
101 for recycle and they have a large truck come in about once every month and a  
102 half and pick up the vehicles. So, what's happened, uh, recently in the last  
103 year and a half or so is some of the neighbors complained about being able to  
104 see the stacked vehicles above the fence. The rest of the facility is not visible,  
105 uh, because of the fence. But you can see sometimes vehicles stacked above  
106 the fence. So, my clients were working with code enforcement and weren't  
107 able to come up with a solution and code enforcement issued a citation for  
108 violating a section of your code under maintenance provisions in the  
109 development code. The clients are trying to find a resolution through the city  
110 before they end up in court for this misdemeanor citation, their - their feeling  
111 is that they have grandfathered rights to continue their use but the other  
112 feeling is they wish they could come up with a solution with the city. We went  
113 in front of a design (unintelligible) a couple days ago, uh, we got  
114 recommended for denial for our fence that we proposed, uh, one of the board  
115 members stated they'd rather have the fence set back 10 feet, they don't want  
116 it looking industrial, they'd like to have a 10 foot buffer of plantings. That  
117 would have then - then decreased the size of the property, affecting their  
118 business. And I spoke to them and they weren't willing to do what, although  
119 as planter, I agree that would look prettier. Um, they feel like they have a right  
120 to, uh, continue. Um, they did point out that they felt the fence was too  
121 industrial looking but I'd like to point out that this is an industrial site, has  
122 been an industrial site, it's been there for many years with rights to continue,  
123 it's been a good business for the city. Again, my clients want to try to find a  
124 solution. So, with that, I'll go into the r- uh, presentation here. Uh, this shows  
125 the property between 48th and 47th Street, just, uh, northwest of (Adams).  
126 There's an aerial photograph of the site and I can point out what I spoke about  
127 if this little mouse works - there it is. So, as you can see there's two basic  
128 areas of the property, this area here is where people go through and pick their  
129 parts and they go out the - the building and pay for their parts, park in the  
130 front. This area here is isolated, you can see vehicles, uh, stacked on top of  
131 each other, you can't obviously see the elevational view but I can tell you that  
132 they stack two vehicles high. And sometimes when there's a van there it's a  
133 little, you know, higher than other two cars. Project overview, we're  
134 requesting a 12 foot high privacy fence on the front property line and along  
135 the southwest side of a portion of the subject property as shown on the

136 company fencing plan site map. In this case we propose a well-designed high  
137 quality metal fence, uh, we have an exhibit, it's not unsightly, it looks far - far  
138 superior than the, uh, wood dog eared cedar fence that was approved and  
139 could actually stay there. This durable fence will not only provide desired  
140 screening of the Jalopy Jungle's car stacking area from the surrounding  
141 neighborhood, but uses strong material that will ensure the fence remains as  
142 an asset to the neighborhood and will not get worn down like the wood.  
143 Implementation - or implement division set forth in the comprehensive plan,  
144 we've touched on a few sections, obviously your comp plans guide when the  
145 developer is proposing something they pick the good ones. They don't pick  
146 the bad ones and there are some here that, um, you know Staff will point out  
147 they had issue with. 2.4, objective, improve the appearance of the street  
148 corridors. Action steps, with Linear appropriate transportation agency develop  
149 a new street scape standard with the State Highway major arterials collectives  
150 and local streets, uh, standards should address vehicle, pedestrian, bicycle  
151 needs, lighting, landscaping. Obviously, we're not proposing any of those but  
152 I wanted to quote that whole - whole section and not mislead you with just a  
153 part. Uh, we believe certainly that this is not what Garden City wants, a fence  
154 right up against the property line. They would rather have landscaping. Uh,  
155 but in this case since this business has been there for years we see this as a  
156 major improvement from the wood fence that's there now. And that would  
157 provide the screening for those times when the vehicle does exceed the eight  
158 foot high fence that's there now. There's a desire for a transition from long  
159 time established use to the fairly new residential neighborhood developed a  
160 few years ago. The fence would create a softer transition by creating a visual  
161 separation, basically, from that ugly wood fence, it'll be both and, uh, the cars  
162 that are stacked. The 12 foot high privacy fence is replacing an existing eight  
163 foot high wood fence and does not affect any other site features. We are only  
164 raising the privacy screening and providing a far more durable material to  
165 protect the transition and sight line. Privacy fence will enhance pedestrian and  
166 drivers view by screening the car stacking area, which - which, uh, has been a  
167 part of the use established decades ago. 10.6, objective, continue to support  
168 commercial and industrial land uses - and - and I know - and years ago when I  
169 found out you wanted to try to change the look of Garden City, it really  
170 bothered me but you're doing a good job. Um, but then again, this use has  
171 been here for - for years and we're just trying to get some screening. Uh,  
172 action steps considered the creation of a (Bradley Technical District),  
173 Technology District around 50th and (Bradley) streets, exclude non-  
174 commercial uses from the district to encourage the areas that's signed up for  
175 industry. This site is located near the proposed (Bradley Technical District).  
176 The comprehensive plan clearly encourages this area as industrial and  
177 commercial land use and should not limit them as they seem to be good  
178 neighbors. This gives you an idea of where the fence is being proposed. Uh,  
179 we met with (Connie Saul), your code enforcement officer and asked her, you  
180 know, where - where do you see violation of city code. She said she does not

181 see violation of city code along this section here because of course we're not  
182 stacking vehicles there. There's an eight foot fence, wood, which blocks the  
183 view. Um, I point out too, that that's (unintelligible), one of the, uh,  
184 corporation members, uh, when this residential developer came in, actually  
185 met with, uh, Counsel Member, (Tim Bowen) out at the site and agreed to  
186 make some changes with the fencing along the open space area, you'll see  
187 how that's quite nice. Um, they took out their wood fence and - and - did -  
188 made some changes there. I'm just pointing that out because again, they  
189 would like to work with the city. So, the fence that (Connie) recommended -  
190 wait, let me rephrase that. The area (Connie) wanted screened, she did  
191 recommend the fence. Um, the area (Connie) wanted screened is from this  
192 gate, uh, to the southwest, if I have my directions correct, and then along the  
193 city property - this is city piece right here - right here. So, those vehicles, uh,  
194 coming out - the stacking would be - would be blocked. Uh, this gives you an  
195 idea of the structure of the fence, uh, this shows you the area of our park, uh,  
196 car - cars. So, now let's look at the site photos. So, this is the city property  
197 right here, we're looking whatever direction that is, toward the river, and you  
198 can see this fence here would be removed. You can see how vehicles - these  
199 are two - stacked two high and this is typically the case. So, typically with two  
200 vehicles they'll be about a foot over the fence, um, when they have a - a van  
201 there, it might be a little bit higher. Um, they believe 10 feet is sufficient, I  
202 said propose 12, because if you think a van's gonna be higher stacked on a  
203 car, you know, maybe the city would approve 12 if not when you have a van  
204 10 feet would be fine, you just can't stack a car on it or stack a car on a van.  
205 So, this is the kind of thing we're looking at is - is these things that are visible  
206 from above the fence. Uh, this is another view of the fence and you can see  
207 how it's dilapidated, the - people break in quite often and steal parts and, um,  
208 they do the best they can to watch what's going on there. That's another good  
209 thing that this new fence will do, is, uh, limit the ability for them to just rip  
210 these slates out and come in. This is the gate and this is the new fence that's  
211 proposed. So, the new fence would not have these particular vertical elements  
212 here but all this vertical element would be included in the fence. So, it would  
213 be replacing the existing eight foot, uh, cedar fence, uh, with this fence in the  
214 same location. We've got issues with the code, you've got a front yard set-  
215 back of, I think, three and a half foot maximum height for a fence. I think we  
216 have to be 10 foot back for a fence over a certain, uh, six feet or eight feet.  
217 And then we're exceeding the eight foot maximum too. So, there's - I believe  
218 there's three seconds we're asking for your, um, I almost for your love, for  
219 your, uh, consideration, uh, to - to help, uh, maintain the - the client's facility.  
220 I do wanna point out too, because I asked the client myself, I said, "Why can't  
221 you just move all this stuff to the interior of the property, in other words, put it  
222 like in here somewhere so you can't see if from the fence?" They have to keep  
223 it separated for liability purposes. They have many customers that come in  
224 and out of here and they pointed out today that Pacific Recycling just had  
225 somebody that was hit by a large vehicle when they were in their recycle area.

226 So, for liability purposes and for their business operation they need to keep it  
227 separate. So, with that you've, uh, heard a bit of the history, you've had a  
228 view of what's above the eight foot fence and we hope we can find some  
229 resolution. Again, I'm not here to insist that this fence should be approved,  
230 I'm just here to see if we can get some, um, working relationship with the city,  
231 um, to find a solution to - to allow this business to - to stay. One last thing,  
232 though, I - uh, (Chris) did a good job looking through old files. He found a  
233 1986, uh, conditional use approval on the 1995, uh, letter where the previous  
234 owners had said, um, something about the fencing and I think (Chris)'s  
235 position, uh, is that, you know, they acknowledge to eight foot wood screen  
236 everything, previous owners. Uh, these owners have had the property since  
237 '99, these owners insist that those approvals did not waive any right to stack  
238 the vehicles, they see it as temporary. They get cleaned out every month and a  
239 half. So, you'll see no vehicles until like the last two weeks then you'll see  
240 some vehicles as they get stacked for a little bit of time. And so, the client's  
241 position is that, that 1986 approval in the 1995 letter didn't waive a right and  
242 that this been continuing up until this last - well, it's still continuing. So, stand  
243 for questions.

244  
245 A: Um, point of order, uh, Chairman, um...

246  
247 Q: Yes ma'am.

248  
249 A: ...prior to the question portion, uh, could we request, uh, that the  
250 Commissioners address whether there are any conflicts of interest, and if so  
251 make any, uh, necessary decisions?

252  
253 Q: I think we're about to do that.

254  
255 A: Thank you.

256  
257 Q: Uh, Commissioner (Pelton), did you have something you'd like to say?

258  
259 Q2: Um, Mr. Chairman, yes, I do have possibly a conflict of interest. I am on the  
260 (Mystic Cove) as Vice President...

261  
262 Q: Thank you.

263  
264 Q2: ...okay, that's it?

265  
266 Q: You're dismissed.

267  
268 Q2: Okay. Thank you.

269  
270 Q: We don't need to know why you have a conflict.

- 271  
272 Q2: All right, I'm a detail.  
273  
274 Q: Uh, let the record show Commissioner (Pelton) has excused herself.  
275  
276 Q2: I'll step out of the room.  
277  
278 Q: Thank you ma'am. Um, Mr. (unintelligible), questions for the (unintelligible)?  
279  
280 Q4: I guess in your - your presentation and, thank you, uh, Mr. Chairman, um,  
281 what's changed with the business' operation since then? So, you had approval  
282 for an eight foot fence that was to screen vehicles and now the vehicles must  
283 be stacked higher or what's changed?  
284  
285 A1: Um, the - the clients say that they've been stacking - stacking has occurred for  
286 50 years and they say they have evidence to show that. Now - now what I've  
287 seen is aerial photographs going back some distance in time. But I - I can't say  
288 to today that they were stacked two high. So, the clients say they - they've  
289 been doing it for years. In 2012, you adopted a new code on your - in your  
290 maintenance standards for properties and some neighbors complained and so  
291 this has become an issue. So, the answer to your question it's their opinion  
292 that's - it's their statement that it's been happening for 50 years.  
293  
294 Q4: And, if I can continue with another one. Um, I don't know anything about the  
295 business they - of - of - of a wrecking yard, but - but what is the purpose of  
296 stacking vehicles, versus just laying them out individually?  
297  
298 A1: Space, solely for space.  
299  
300 Q4: Okay.  
301  
302 A1: Two uses less space.  
303  
304 Q4: So, like, purely space?  
305  
306 A1: Yes, it's - it's purely a business of - a function of the business to have more  
307 space for customers and less space for stacking. The other thing, too is, they  
308 need a certain number of vehicles before a truck comes in and - and picks  
309 them up. So, for instance, if we were to say only stack them one high, there'd  
310 be an insufficient number of vehicles for the st- truck to come in and pick up.  
311 Obviously, the truck can pick it up but they're looking at efficiency reasons  
312 for their - their business. So, it's a matter of space and efficiency for the  
313 business.  
314  
315 Q4: And you probably said this but you only stack in that one lower left corner of

316 the image that you put up there?

317

318 A1: Absolutely, that is the only area and I provided aerial photographs going back  
319 many - many years and you can even see that that's the only place that they've  
320 been stacking. You can't tell how high they stack but you can see that that's  
321 been the spot for - for many - many years of stack- of vehicles, supposedly  
322 being stacked. Sorry, without pure evidence of them being stacked, I can't say  
323 they were stacked.

324

325 Q4: Okay.

326

327 A1: They can, they're clients will.

328

329 Q4: Thank you (Mr. Chairman).

330

331 A1: Thank you.

332

333 Q: Commissioner (Brown).

334

335 Q1: I don't have any questions.

336

337 A1: Thank you sir.

338

339 Q: I have a few.

340

341 A1: Oh, yes sir.

342

343 Q: So, my idea, just to clarify, you're asking for variances from the set back for  
344 the fence and the height of the fence and I wasn't clear what the third one was  
345 that you referenced?

346

347 A1: Uh, set back, the height, and when you have a fence in the front yard, I think  
348 there's a five foot front yard set back...

349

350 Q: Yeah.

351

352 A1: ...there can only be three and a half feet. So, we're asking for two height  
353 acceptance...

354

355 Q: Oh.

356

357 A1: ...A if for the height in the front yard set back, one is for the maximum height  
358 which is eight feet and the other one is to...

359

360 Q: Okay.

361  
362 A1: Yeah.  
363  
364 Q: And, uh...  
365  
366 A1: Staff can clarify if I need that (unintelligible).  
367  
368 Q: ...you - for the record, you specifically mentioned a citation for a code  
369 violation?  
370  
371 A1: Yes.  
372  
373 Q: And we don't usually bring it up but since you did...  
374  
375 A1: Okay.  
376  
377 Q: ...would you give us the details on that?  
378  
379 A1: Uh, yes, um, it's from my experience, so, for - I think about eight or nine  
380 months, uh, (Connie) had, uh, been going over and speaking with the, uh,  
381 owners of the property, uh, trying to work something out. Um, and the owners  
382 were offering things, offering to meet with the neighbors, um, you know,  
383 (Connie) didn't really wanna disclose who the neighbors were, um, you know,  
384 for certain reasons. And, so, if you watch the videos, which I have watched  
385 the all 'cause (Connie) is your code enforcement officer, records them, it  
386 sounded like my clients were really demeanable to try to do something as long  
387 as it didn't effect the lay of the land and it kept what they considered to a  
388 right.  
389  
390 Q: No - no, you might have misunderstood, what were the violations?  
391  
392 A1: Oh, I'm sorry. Um, I don't know the specific code section but it's under your  
393 maintenance pers- provisions in your developing code. So, there's a section in  
394 the maintenance provisions, uh, that says, um, something like, uh, vehicles  
395 and wrecking yards or something like that, shall be screened from view from a  
396 public street.  
397  
398 Q: If you will for fact, Staff, will be a little more specific when they...  
399  
400 A1: I'm sure they will.  
401  
402 Q: ...(unintelligible). Um, and a couple more things. Um, you mentioned a  
403 meeting with Commissioner (Beaumont)?  
404  
405 A1: Yes.

406  
407 Q: Sitting Commissioner, when and where did that occur?  
408  
409 A1: This was several years ago and it was on site, it was with, uh, (Ed Salby)  
410 who's one of the owners of the corporation. And (unintelligible)...  
411  
412 Q: (Unintelligible)?  
413  
414 A1: ...and c- co- yes. Council member, uh, (Beaumont) and it was when this  
415 development came in and I don't know when it was, I think Staff could  
416 probably answer that, I think it was in the mid-90s when the - when the homes  
417 came in right here. And that's when they negotiated to make a change over on  
418 this side here.  
419  
420 Q: And, that was negotiated with Commissioner (Beaumont)?  
421  
422 A1: Uh, Counsel Member (Beaumont) was the...  
423  
424 Q: Yeah, I mean Counselor.  
425  
426 A1: ..., uh, liaison, uh, the Counsel elected to actually make the decisions.  
427  
428 Q: Okay. Last question and I'm sure you'll appreciate this, is there barbed wire  
429 surrounding this site?  
430  
431 A1: No.  
432  
433 Q: Nowhere?  
434  
435 A1: Well, I didn't look at the whole site, but I've been in the f- along the front and  
436 this side and I haven't seen barbed wire, so.  
437  
438 Q: Well, that would be good. Okay. Thank you very much.  
439  
440 A1: You're welcome, thank you.  
441  
442 Q: Um, we will now take, uh, Staff report. Thank you.  
443  
444 A2: Uh, thank you Mr. Chairman, member of the Commission, uh, (Chris  
445 Samples), Staff of Garden City presenting the Staff report for variance  
446 application VARFY2019-2. To clarify, it was before the Commission tonight,  
447 um, are three variances. One for a 12 foot fence height along east 48th Street  
448 which we consider the front set back, um, allow 12 foot fence height, um,  
449 along the side set back and the south property line. And then, the zero foot,  
450 um, set back, um, for fences exceeding 3 foot, 5 feet in height. Um, to also

451 clarify, design committee decided on Monday that, uh, denying the fence  
452 materials, specifically, so the material presented, um, by (Mr. Butler), um, was  
453 denied by the design committee. Um, so the standards for a variance are five  
454 and they're before you on the screen, I'm just summarizing them quickly.  
455 One, finding and ending hardship. Uh, two, that the variance is not the result  
456 of the actions of the property owner. There, that a variance does not, um,  
457 diminish the health, safety and welfare of the community. Four, only  
458 reasonable alternative to overcome said hardship. And five, that the variance  
459 isn't a (unintelligible) relief necessary, um, for - to allow reasonable use of the  
460 property. Um, in examining this, um, it appears that the application fails on all  
461 five, um, findings. The first one, undue hardship does not appear supported by  
462 the record. The record did not, um, show, um, an undue hardship, uh, specific  
463 to size, shape, topography, location of property. The record didn't find for any  
464 of that. Um, the need for the variance appears to be the actual property owner,  
465 um, or owners of the past, not specifically the current property owner, um, as  
466 noted in records in 1986 and 1995. In 1986, the, um, the owner then requested  
467 an expansion of the wrecking yard use to include additional property, not the  
468 property specifically before you but rather property to the east. And the  
469 documentation of that, um, the City Council on November 12, 1986 required  
470 that that expansion, um, have a six foot fence. The - a letter from (Robert  
471 Under), uh, Public Works Director at that time dated November 14, 1986, um,  
472 "Notified the owner of the approval and repair 'to offer a variance to fence  
473 requirements to read eight feet instead of six feet upon written request from  
474 you." Uh, one dated letter was then submitted responding to that I say  
475 variance of the - of the six foot requirement. I can't find any record whether a  
476 variance was approved at that location but the variance request was not for a  
477 12 foot fence height. In 1995, August 18. 1995, zoning permit 950810 was  
478 applied for to construct the support building for the use. In the documentation  
479 for that, um, the - the then property owners legal counsel made note that the  
480 eight foot fence on - on this particular property, um, did screen all vehicles  
481 and that no additional landscaping was needed to further screen. And Garden  
482 City code at that time, 875, uh, required and allowed up to eight foot fence.  
483 So, at no time did the 1986 or 1995 did any property owner, um, specifically  
484 request a 12 foot variance or dispute the need for a - a variance, uh, at that  
485 time. The variance - I did not find evidence on the record that health, safety,  
486 welfare risk was specifically addressed. Um, the alternative proposed, um, is  
487 not - may not be supported simply because there is not lack of undue hardship  
488 and eluded in finding one and the minimum relief necessary in l- lack of  
489 undue hardship disconnects that finding. Potential actions for you tonight, um,  
490 you can - actually should you approve the - the, um, approve the variance  
491 (unintelligible) make a decision, approve set variance in the affirmative with -  
492 and with draft commissions, continue the item for more - for more  
493 information or deny the application. And with that I stand for any questions,  
494 thank you.  
495

496 Q: Thank you. Commissioner (Brown)?  
497  
498 Q1: I have no questions.  
499  
500 Q: Commissioner (unintelligible).  
501  
502 Q4: Mr. Chairman, I don't have any questions, either. Thank you.  
503  
504 Q: Uh, only one, uh, is there an example of another 12 foot fence in our  
505 jurisdiction?  
506  
507 A2: Mr. Chair, not to my immediate knowledge.  
508  
509 Q: Thank you.  
510  
511 A2: Thank you.  
512  
513 Q: We will now open the public hearing portion of this. Uh, I would appreciate it  
514 if you can limit yourself to three minutes and a minimum of redundancy. Uh,  
515 (Jason Jones), if you could come to the podium, name and address for the  
516 record.  
517  
518 A3: Uh, (Jason Jones), uh, 208 East 33rd Street, Garden City. So, uh, just a couple  
519 of comments. So, I think, um, the question of - of this property being out of  
520 code, uh, in - in the recent past two months I reported hundreds of properties  
521 out of code for the screening violation. Uh, ironically this is one of the few  
522 properties that I didn't find out of code because they actually have eight foot  
523 fences. So, I'll point out that, um, I would really recommend that you approve  
524 the - the application because I do feel like the - the actual property's probably  
525 in code, um, based on the language of the code and that they're really actually  
526 being, I would say, pretty nice to the neighbors even offering to put up a 12  
527 foot fence 'cause right now the code only allows a maximum of an eight foot  
528 fence. Um, and so the - the irony here city properties are actually out of this  
529 code too. So, just driving here today, the police department property stores  
530 utility trailers on their site, they only have a six foot fence even though it's  
531 required to be eight foot. And those utility trailers are visible from (Adam)  
532 Street. So, uh, on the way over here, ACHD, which is another government  
533 property, they have six foot privacy fences when they're required to be eight  
534 foot privacy fences. And, uh, once again the city won't enforce that on  
535 themselves but they're okay going and enforcing it on other people. I'll also  
536 point out that even with a eight foot fence ACHD would still have a huge  
537 number of materials that are visible from the public right of way and yet, they  
538 would allow it, they're - they're interpreting this code as once you have a  
539 eight foot screen that you can't have anything visible over the top of it but  
540 that's not what the code actually says. So, I'd recommend approving this if

541 they're willing to put up a 12 foot fence to try to screen everything, thank you.  
542  
543 Q: Sir, stand for a moment, please. Questions for (Mr. Jones)?  
544  
545 Q1: No.  
546  
547 Q: (Mr. Jones), we're not through with you. (Mr. Brown)?  
548  
549 Q1: I have no questions.  
550  
551 Q: Mr. (unintelligible).  
552  
553 Q4: Mr. Chairman, no thank you.  
554  
555 Q: Um, sounds like you're qualified on this, uh, what basis do you have for  
556 making these judgements?  
557  
558 A3: I may not, so I did report hundreds of properties out of...  
559  
560 Q: I appreciate that, thank you.  
561  
562 A3: ...that code. Um, like I said, the code actually reads that you basically - if you  
563 have items stored outdoors on your site you have to have an eight foot fence,  
564 that's the code.  
565  
566 Q: And - and who did you report these to?  
567  
568 A3: Uh, the city, County Sole.  
569  
570 Q: Okay.  
571  
572 A3: Yeah.  
573  
574 Q: Thank you very much.  
575  
576 A3: You're welcome.  
577  
578 Q: I do appreciate your impute. (Brian Forster), excellent handwriting.  
579  
580 A4: That's actually for another application, I'm sorry.  
581  
582 Q: Excuse me?  
583  
584 A4: That's for one of the other applications.  
585

- 586 Q: Okay.  
587
- 588 A1: He signed up on the wrong one.  
589
- 590 A4: My mistake.  
591
- 592 Q: Got it. But it was good handwriting. (Tracy Bradshaw).  
593
- 594 A5: Hi, um, my name is (Tracy Bradshaw) and I'd like to thank you for your time,  
595 um, I'm a resident at 4799 (Mystic Cove), I'm actually the President of the  
596 (Mystic Cove) Home Owners Association. If I sound a little weird it's, I am  
597 not good a public speaking, so I apologize. Um, you've already received two  
598 emails from me so I'm not going to waist your time on repeating that  
599 information. Um, (Mystic Cove), we were built in 2001, so we do have a little  
600 history of being neighbors with Jalopy Jungle. Um, regarding the 12 foot  
601 fence request, as you know we are against it. We do have long time home  
602 owners who state that the frequency and height of vehicles appearing over the  
603 fence has significantly increased over the last couple of years. Um, with this  
604 request home owners will be able to, uh, see those vehicles that are stacked, if  
605 it goes to that 12 feet, um, when you're driving from (Mystic Cove) turning on  
606 48, that fence will remain eight feet. So, anything that is stacked in that area  
607 with that 12 foot fence, we'll be able to see from our neighborhood. So, um,  
608 that's major reason why we're against it. Um, excuse me, sorry. Also, we're  
609 against the, um, zero set back from the fence. 48th Street has a lot of traffic  
610 with people accessing the green belt and it's also where out bus stop is.  
611 Currently there's debris from Jalopy Jungle in the space between their fence  
612 and the sidewalk which is about that much space. But there's glass in there  
613 from their property and I took pictures of it yesterday, I did not forward those  
614 to you though. Um, at times that debris can also be found on sidewalk, gutters  
615 and street. So, with that zero set back that could lead to an exasperated  
616 situation, um, instead of an improved situation for our neighborhood. So, we  
617 ask that Jalopy Jungle look at changing their internal procedures to meet their  
618 increase of supply and demand instead of requesting exceptions to that  
619 negatively impact our community. Thank you.  
620
- 621 Q: Thank you ma'am. Questions for (Ms. Bradshaw)? Commissioner  
622 (unintelligible)?  
623
- 624 Q4: Uh, no thank you Mr. Chairman, I'm good.  
625
- 626 Q: (Mr. Brown).  
627
- 628 Q1: I have no questions.  
629
- 630 Q: None, ma'am, thank you for coming.

631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675

A4: Thank you.

Q: Uh, that would conclude the members of the public that have signed up to testify in this matter. Um, do we have any questions for Staff before we turn it back over to the applicant? There are none? (Mr. Butler).

A1: Mr. Chairman, members of the Commission, (Mark Butler) 1675 East Bishop Way. Uh, I texted the owners, they said there is no barbed wire around the facility.

Q: Thank you.

A1: Uh, the design review that got denied will be appealed, of course, you know, we wanna take this to counsel, uh, you know, and see what their position is. Uh, you know, Staff went over the findings, uh, it's our assertion that this isn't an issue that's created by us. And by us, I mean by the client. So, this has been done for 50 years, it's our position that this is the implementation of a code that was adopted after the establishment of this use. It might be that this has never been a problem in the past because it's just temporary that it's not there all the time and that it's just at times that some vehicles are over the fence and they're not very high over the fence. So, it might be that that's why it hasn't been an issue. Might point out that, yes, we have neighbors now but this has been in - a business that's been established for 50 years. They're not gonna go and change their business model so that they go out of business. I've spent numerous hours with them trying to figure out a way to where I did not have to come here. I don't like doing this anymore. Um, and no, I couldn't find any sort of solution, I even came up with some ideas with Staff to where maybe we set back five feet and we do some other things. And so, this is the - the best we could do with the client, I wish there was something else we could do, maybe somebody can come up with something. But the point here is that this is a well established business, it's been here for many years and it's just temporary - temporary that these cars are above. I mean it's pretty obvious that this business was here when people bought their homes. It's a huge piece of property, uh, the whole issue is a grandfathered right, you know, and that might be an argument for the counsel if for some reason this Commission decides to not approve this, you know, maybe we're going to be arguing grandfathered right with the counsel, I'm not sure. Hopefully you can see our grandfathered right. The reason why we're proposing the shielding in this location and not other locations is because this is where (Connie Sole), the code enforcement officer told us that we needed to deal with it. So, if a - if a car came come around a corner and somehow look through at an angle, uh, you know, we can take our fence also and rebuild it and put thicker slats in there. Maybe they were looking through the fence. A couple other things, uh, the debris, uh, the debris, they did submit pictures, it's in your - it's in your

676 file, um, there's small pieces of - of stuff nothing big. Where does it come  
677 from? All the hole in the fence. The fence is - you saw the picture, this would  
678 be so much better to have a solid fence, it'll enhance the fact that debris that  
679 can get through the fence won't be able to. Somebody'd have to throw it over  
680 the fence. Again, that - that closes my rebuttal other than to, you know, if  
681 there's some way to negotiate, you know, maybe - if you can approve 10 feet  
682 or nine feet with an allowance for no more than a couple a weeks a month for  
683 something to be seen over it, um, they - they wanna try to work with the city.  
684 Uh, they'll end up in court, um, they're very adamant about protecting their b-  
685 business model, not to be mean, it's their business. You know, they have a  
686 right to do what they can to protect it. If it does end up in court you'll never  
687 know what a judge or jury's gonna do. I personally like Garden City a lot and  
688 I would like to see some sort of resolution versus a judge or a jury deciding  
689 this. Thank you.

690  
691 Q: Thank you (Mr. Butler), further questions for the applicant? (Mr. Brown)?

692  
693 Q1: I have no questions.

694  
695 Q4: I have no questions Mr. Chairman.

696  
697 Q: (Mr. Butler)?

698  
699 A1: Yes sir.

700  
701 Q: Um, again, just trying to make things completely clear on the record, um,  
702 grandfather rights to exceed the height...

703  
704 A1: Yes.

705  
706 Q: ...or to reduce the set backs?

707  
708 A1: Grandfather...

709  
710 Q: In which grandfather rights is the justification?

711  
712 A1: Grandfather right...

713  
714 Q: Are those grandfather rights to exceed the height...

715  
716 A1: Yes - no - no - no - no.

717  
718 Q: ...and to minimize the set back?

719  
720 A1: No, I'm sorry, good question. Grandfathered rights to con- continue stacking

721 vehicles to the height they've been stacking them for.  
722  
723 Q: Okay.  
724  
725 A1: A way to solve that...  
726  
727 Q: I see...  
728  
729 A1: ...is with a higher fence.  
730  
731 Q: Yeah. So, the stacking is tied to the violation which is visible over the fence?  
732  
733 A1: Yes.  
734  
735 Q: So, the grandfathered right to violate not to have the variance?  
736  
737 A1: Yes.  
738  
739 Q: Okay, and in this commission obviously, you know, has no authoritance over  
740 grandfathered rights to violate?  
741  
742 A1: Yes.  
743  
744 Q: Okay. Um, and you mentioned debris coming through holes in the fence?  
745  
746 A1: Yes.  
747  
748 Q: Do you maintain that fence?  
749  
750 A1: Uh, they maintain that fence, um, but it's constantly being damaged, uh,  
751 people are constantly coming trying to steal things, throwing tires over the  
752 fence. So, when that happens then stuff gets out there. My - my clients will be  
753 more diligent with any sort of, you know, cleaning or - or whatever they with  
754 in contact but I don't think - I think they were pretty open...  
755  
756 Q: No - no, I - I'm - I'm sure I just - that's first time, you know, we've heard that  
757 and I was just making sure you're...  
758  
759 A1: That's - look at the photos, there are pieces of things that are about that big  
760 other than looks like a radio from a '55 Chevy. I don't know what it was.  
761  
762 Q: Really.  
763  
764 A1: It looks like a little radio or something, I don't know how that - that definitely  
765 didn't come through a hole in the fence. I don't know how that got out there.

766 Maybe it fell of a truck?  
767  
768 Q: Okay. Further questions for (Mr. Butler)?  
769  
770 Q1: No.  
771  
772 Q4: No.  
773  
774 Q: Thank you sir.  
775  
776 A1: Thank you commission. (Unintelligible)  
777  
778 Q: We will close the public hearing and hopefully render a decision.  
779 Commissioners, Commissioner (Butler) comments?  
780  
781 Q4: Um...  
782  
783 Q: I'm sorry not - Commissioner (unintelligible).  
784  
785 Q4: That's okay.  
786  
787 Q: Yeah, I'm sorry.  
788  
789 Q4: Um, with regard to finding four, uh, where, um, if - if we were to find that this  
790 is the only reasonable alternative to overcome undue hardship, um, there's  
791 other ones I have a problem with too but that ones the - plain as day that there  
792 is no, um, alternative - I'm not convinced that there isn't an alternative on the  
793 operators part. Um, especially given the fact that, um, the, uh, approval was  
794 given several years ago for the eight foot fence, um, with regard to hows- how  
795 high the vehicles are stacked and so forth. So, um, so I'm leaning towards, uh,  
796 denying the application is where I'm leaning right now.  
797  
798 Q: Thank you.  
799  
800 Q4: Thank you, Mr. Chairman.  
801  
802 Q: Commissioner (Brown).  
803  
804 Q1: Uh, I must - I say, I'm, uh, not the same sense of Commissioner  
805 (unintelligible) and I - I need to explain a little bit. For 50 years I've had a  
806 hobby of rebuilding wrecked Volvos. And I've spent a lot of time in wrecking  
807 yards and my wife's current car is a 2000 Volvo that I bought in a wrecking  
808 yard and I rebuilt it in my garage, uh, not this wrecking yard but a wrecking  
809 yard that's in Garden City. And, so I've spent a lot of time in wrecking yard -  
810 this particular one I have maybe ten years ago, I've been in it looking for

811 parts. So, I'm familiar with the site from that there. And, so that puts me of a  
812 (unintelligible) in favor of approving it, and here are the reasons. This is  
813 typical of the way wrecking yards operate, like I say I've been in them and  
814 watch what they do. Before they ship them out, to be crunched up like you see  
815 in the movies they - they stack them up so just - like, what (Mr. Butler) said,  
816 they get the required density of vehicles. Uh, they - when they're getting the  
817 vehicles ready to ship them out, they collect those vehicles that have already  
818 been stripped of all the parts that - that they can sell and they stack them up  
819 and this is very common, what he says there. Although I haven't been in that  
820 particular part of the yard to stack them two high. I've even seen them in some  
821 wrecking yards stacked three high. Um, which would clearly be a little bit  
822 dangerous but they do. But they do stack them and that's the purpose of it - it -  
823 and it's separate - just as he pointed out it's separate from that part of the  
824 wrecking yard where you ha- where they put the vehicles one level high and  
825 they put them out where they let people - the public go in an you can get parts  
826 off of them. And if you do - uh, if you have a hobby like I do, you spend a lot  
827 of time, that's where you get your parts. So, this fence looks to me like  
828 number one it's the ideal solution for a wrecking yard, uh, being that you -  
829 you're gonna put a metal fence up that's solid which takes care of the problem  
830 that they have with their current wood fence. As I can see it (unintelligible)  
831 behind a wood fence that way it would be difficult. And it would be  
832 impossible for you put a really nice vinyl fence up there because every time  
833 you bump that thing with a - a with a car or something you'd break - you'd  
834 break it and they'd have to be constantly repairing it. I think this fence, uh, I  
835 support it being 12 feet high and - and the drawings when I looked at it, it has  
836 - and that will make sure that it shields it from the other houses. Now,  
837 Commissioner (unintelligible) asked the question of what has changed, I don't  
838 believe the wrecking yard has changed, I think that's probably correct but  
839 what has changed is the whole environment of the kinds of houses and stuff  
840 that are being put up in this part of Garden City, out of all we're doing. So,  
841 that type of housing that used to be in that - in that particular area when they  
842 originally put this wrecking yard in 50 years ago then it - it more typically f-  
843 would have fit into the environment right on that time, it doesn't do that  
844 (unintelligible) in operation so it needs to be shielded. And, uh, so I think as,  
845 uh, this is a compromise and the way to do it because I - I agree, uh, (Mr.  
846 Butler), I think it would be very difficult for them to alter their modes of  
847 operation and to move that area that's down in the corner and, up, where it's  
848 out and put it out in the center. If you put it out in the center you still - you  
849 would have the problem of being able to see it when they stacked a van or  
850 something in there and something else on it. And, so, that addresses the issue  
851 of the fence, I think that we should approve a 12 foot fence, I think the type of  
852 fence that they're putting up there is appropriate for the business that has - as  
853 was pointed out has been there a long time. Now, as to the set back, I'm in  
854 favor of approving the set back because you can go around that wherever you  
855 have a set back from sidewalks and from the curbs on the road, there's no way

856 that there will m- be maintaining that set back, there's not gonna be nice  
857 landscaping in there, what's gonna grow there is gonna be weeds. And so, if  
858 you don't have that fence right up there, the side of the issue that was raised of  
859 taking away part of the property that they - they are now using in operating  
860 their business. I - I believe if you don't let it come up to - to the edge of the  
861 property then what you're doing is you're just creating a zone in there that  
862 nobody's gonna do any maintenance on, nobody's gonna come in and plant  
863 grass or sod on there, what you're gonna have growing there are gonna be  
864 weeds. And, uh, so I'm in favor of approving, uh, this in accordance with, uh,  
865 what is put in the draft document, uh, put out by the staff.  
866

867 Q: Thank you, Commissioner (Brown). Um, before I ask for a motion, the chair  
868 has a couple comments. Um, number one the issue of the grandfathered rights  
869 to stack to a height visible beyond the current fence would seem to me to be a  
870 basis to appeal the citation. As opposed to going to planning and zoning for  
871 variances on height and set backs. So, number one, a solution that seems  
872 completely obvious and has been mentioned by the applicant has not been  
873 pursued. Um, just a thought. Number two, there - according to Staff, there is  
874 probably no other 12 foot screening fence in our jurisdiction. Uh, at least  
875 something to consider as a president. And - and finally, the assumption that an  
876 approved applicant with landscaping requirements would not maintain that  
877 landscaping, uh, seems to me beyond our scope. If we put a condition we must  
878 assume it's going to be met. So, with those thoughts the chair will entertain a  
879 motion.  
880

881 Q1: Mr. Chairman?

882  
883 Q: (Mr. Brown).

884  
885 Q1: I move that we approve variance FY2019 number two in accordance with the  
886 findings and facts, uh, conditions of approval as outlined in the draft, uh,  
887 document in gray, uh, that would include, uh, the two variances and, uh, with  
888 the general requirements as put in the document.  
889

890 Q: Do I have a second? Do I have a second? Hearing none, motion dies for lack  
891 of a second. Do we have an alternative motion? Thank you Commissioner  
892 (unintelligible).  
893

894 Q4: Mr. Chairman, um, I approve to, uh, I move - excuse me, to deny  
895 VARFY2019-2, um, on the basis of, uh, several of the findings not being  
896 bound but particularly for me finding for that there is no undue hardship, um,  
897 put on the operator of this wrecking yard.  
898

899 Q: Thank you sir, do we have a second? Do we have a second? Hearing none.  
900 Chair will not participate and cannot participate at this point. Commissioners,

901 you have one more chance to make a motion. Uh, if we move to deny  
902 applicant has full rights of approval, if we move to approve public has full  
903 rights of approval. If we do nothing, we will apparently, uh, need a motion to  
904 defer this to some future meeting and those would be the choices.  
905 (Unintelligible).  
906

907 A1: Mr. Chairman, if I could make one more comment, um...

908  
909 Q: Yes sir, and then we'll hear from Staff on this point.  
910

911 A1: Okay. Okay. Um, there was some conversation about, um, not approving this  
912 would place undue hardship as far as the business model, um, uh, and how  
913 they operate on a daily basis. Um, I don't see, uh, how a fence - a fencing  
914 discussion can change the business model of a business. So, when I talk about  
915 the hardship, whether there's going to be hardship or not hardship, um, I don't  
916 think a fence creates hardship. It creates - may create change in how a  
917 business operates but I don't think it creates hardship. So that is the last thing I  
918 had sir.  
919

920 Q: Thank you sir. Um, Staff?

921  
922 A: Um...

923  
924 Q: Failure to have or act on a motion?  
925

926 A: Uh, Chairman, members of the Commission, a failure to have or act on an - a  
927 motion, uh, would result in denial of the application.  
928

929 Q: Okay. So, no motion is a denial, I'm sorry, I stand corrected, in the last 12  
930 years we haven't had that happen. Commissioners, do you understand this?  
931 Failure to act is a denial an appealable met.  
932

933 Q4: Yes, I understand, Mr. Chairman.  
934

935 Q: Commissioner Brown.  
936

937 Q1: Yeah, I understand that one.  
938

939 Q: Okay. Do we have a further motion? Hearing none. This action is complete  
940 without action. (Mr. Butler) would will have the right to appeal that.  
941

942 A1: Thank you for your time.  
943  
944

945 The transcript has been reviewed with the audio recording submitted and it is an accurate

946 transcription.

947 Signed \_\_\_\_\_

---



## CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714  
Phone 208/472-2900 Fax 208/472-2998

~ Minutes ~

### Planning & Zoning Commission

6:30 PM

Wednesday, August 21, 2019

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

**I. CALL TO ORDER** The meeting was called to order at 6:30 pm.

#### II. ROLL CALL

Commissioners Present: Chuck Kennedy, James Page, L. Kent Brown, Debbie Jo Pelton, Kent Rasmussen

Commissioners Absent: None

Staff Present: Jenah Thornborrow, Chris Samples

#### III. CHANGES TO AGENDA - ACTION ITEM

- A. SUBFY2019 – 4 and SUBFY2019 – 5 were moved to the consent agenda to be continued to a date certain of September 16, 2019 due to noncompliance with required property posting requirements pursuant to GCC 8-6A-7.
- B. Commissioner Page recused himself from the hearing, noting conflicts of interest with VARFY2019 – 2 and SUBFY2017 -1, and left the hearing.

#### IV. CONSENT AGENDA – ACTION ITEM

- A. July 17, 2019 Minutes
- B. **SUBFY2019 - 4:** Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of a preliminary plat subdivision located on 34<sup>th</sup>, 35<sup>th</sup>, and Carr Streets. The subdivision is proposed within the 34<sup>th</sup> Street Specific Area Plan. **Staff recommends a continuance to a date certain of September 18, 2019 due to noncompliance with required property posting requirements pursuant to GCC 8-6A-7.:** Continued
- C. **SUBFY2019 -5:** Gary Asin is requesting approval of a two lot combined preliminary/final plat subdivision located at 3588 N. Prospect Way, Ada County Parcel Number R9242370040. The property is described as Lot 4, Block 1, Waterfront District Subdivision. **Staff recommends a continuance to a date certain of September 18, 2019 due to noncompliance with required property posting requirements pursuant to GCC 8-6A-7.:** Continued
  - i. Commissioner Brown moved to approve the consent agenda.
  - ii. Commissioner Pelton seconded.
  - iii. The motion was approved unanimously.

#### V. OLD BUSINESS – ACTION ITEM

#### VI. PUBLIC HEARINGS – ACTION ITEM

- A. **VARFY2019 – 2**: Mark Butler of Land Consultants, Inc. is requesting a variance to the fence height requirements of Garden City Code 8-4A-3 for a new 12-foot-high privacy fence at 520 E. 47<sup>th</sup> Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33-acre site.
- i. Mark Butler presented the proposed variance.
  - ii. Staff Chris Samples presented the staff report.
  - iii. Debbie Jo Pelton and declared a conflict of interest, recused herself, and left the room.
  - iv. Public testimony was received in support from:
    1. Jason Jones who questioned as to whether the property was out of compliance with City Code, noted that he had filed code enforcement complaints against other properties for fencing and screening compliance, that City property and ACHD property are not complying with screening requirements, and that the property is within code and the owner is being nice to the neighbors
  - v. Public testimony was received in opposition from:
    1. Tracy Bradshaw as president of the Mystic Cove HOA, that the proposal is opposed due to the fence transition height between the existing fence and the new fence, that there is debris from the use on the sidewalk and street, and that internal procedures for the use should be changed to stack cars to 8' in height
  - vi. Mark Butler provided rebuttal testimony, noting that the design review application denial will be appealed, that the fence variance is the solution that his client wishes to pursue, that the screening was requested by Connie Sol with Code Enforcement, and that the new fence would help keep debris inside the yard.
  - vii. Public testimony was closed.
  - viii. Commissioner Rasmussen noted his opposition to the variance and that there was not an undue hardship and noted finding 4 specifically failing due to a lack of undue hardship.
  - ix. Commissioner Brown noted his support for the variance. He cited his previous customer use of vehicle wrecking yards and their need to have vehicle stacking areas. He noted the use has not changed, but the neighborhood has. He noted that stacking areas are difficult to move.
  - x. Chairman Kennedy noted that a variance may not be the most appropriate way to establish a grandfather right to a particular stacking height. He noted that the property owner should consider directly appealing any code enforcement citations to determine if the stacking height is grandfathered. He noted that no other fence in the City is 12' in height and noted a previous owner in 1995 noted in documentation on the record that landscaping was not needed to screen vehicles.
  - xi. Commissioner Brown moved to approve the application in accordance with the draft findings of fact, conclusions of law, and decision.
  - xii. A second on the motion was not received. The motion died for a lack of a second.
  - xiii. Commissioner Rasmussen moved to deny the application based on the application not meeting the required findings, specifically noting a lack of undue hardship (finding 1) and noting finding 4.
  - xiv. A second on the motion was not received. The motion died for a lack of a second.
  - xv. The application was denied due to a lack of a motion.

- B. SUBFY2017-1/PUD2013-2:** Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.
- i. James Page declared a conflict of interest, recused himself, and left the room.
  - ii. Todd Weltner presented the proposed changes. Todd presented an additional exhibit consisting of a survey of Greenbelt patrons favoring the wall.
  - iii. Staff Chris Samples presented the staff report.
  - iv. Public testimony was received in support from:
    1. Bryan Foerster who noted that non typical developments need non typical approaches, that the wall serves as a retaining wall, that negative perception of the wall is not correct, that landscaping softens the wall, and that the design is positive.
    2. Troy Little who noted that the wall fits along the river and if there was significant negative opposition, it would be an issue.
    3. Kim Trout, who noted he was the attorney for the applicant, but supports the proposal personally and indicated that the wall looks natural along the river, that it is a terrific addition to a terrific development, and noted the lack of opposition
    4. Bryce Vetter in support who noted that the project has taken a long time to complete, that the wall exceeds expectations, and he is excited to see the project move forward
    5. Jim Neill who noted that the wall is within the scope of the approval, that an amendment is not necessary and a waste of time, that the developer's wall solves aesthetic and structural problems, that the wall provides a safety barrier, and looks better than other fencing options.
    6. Jason Jones who noted that the wall does not affect Greenbelt users, that the wall has a positive look and is well received, is a huge improvement to the area, and could help support a future levy system along the Greenbelt.
    7. Chris Riordan in support, but did not wish to testify
    8. Kristin Jones in support but did not wish to testify. Written letter provided to Commission in support of project.
  - v. Public testimony was received in neutral from:
    1. Victor Myers, who did not note opposition to the wall
    2. Andy Haws, who did not note opposition to the wall
  - vi. Public testimony was received in opposition from:
    1. Nancy Baskin, who testified on behalf of herself and her husband Tom Baskin, that she was not against the project but that rules were not followed, that the 3' setback is in conflict with the 6.5' buffer area of the Greenbelt Easement, that no objection was raised concerning the easement when the project was approved, that the wall should be reviewed as it was noted as "TBD" on the plans, that the wall's height violated code, that the wall's 2' setback violates the 3' setback required by the conditions of approval, that she objects to when there are violations to the development code, that she disputes the accuracy of the applicant's survey of Greenbelt patrons, and that self created problems are not hardships.

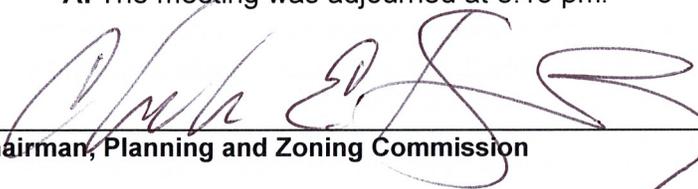
- vii. Todd Weltner provided rebuttal testimony, reemphasizing his arguments and noting the wall could help with flood control.
- viii. Public testimony was closed.
- ix. Commissioner Rasmussen noted that the wall was originally approved at a 3' setback but was built to 2'. He noted his support for the amendments.
- x. Commissioner Pelton noted her support for the amendments but noted that safety lighting could bring attention to the fence and wall.
- xi. Chairman Kennedy noted that lighting was outside the purview of the Commission in this matter.
- xii. Commission Brown noted his support for the amendments. He indicated that the wall was necessary to solve an engineering problem. He indicated a 2' setback was not a significant change. He felt shrubs were an appropriate solution to provide landscaping along the Greenbelt.
- xiii. Chairman Kennedy noted the wall was consistent with and superior to the original approval.
- xiv. Commissioner Rasmussen moved to recommend approval of the proposed amendments as presented.
- xv. Commissioner Pelton seconded.
- xvi. The motion carried unanimously.

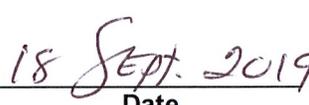
#### V. DISCUSSION

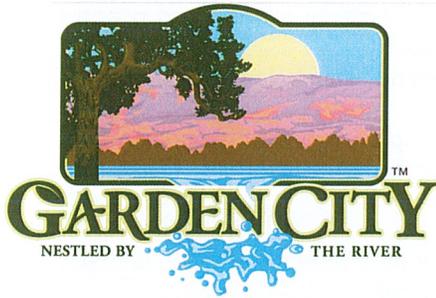
A. The Commission discussed concerns with property posting signs not being completed as required. Staff noted that applicants are repeated reminded of the requirement verbally, in writing, and electronically. The Chairman suggested that a hearing should have to be completely re-noticed if a sign is not posted.

#### VI. ADJOURNMENT – ACTION ITEM

A. The meeting was adjourned at 8:15 pm.

  
Chairman, Planning and Zoning Commission

  
Date



## CITY OF GARDEN CITY

6015 Glenwood Street ☐ Garden City, Idaho 83714  
Phone 208/472-2900 ☐ Fax 208/472-2998

### MINUTES Design Committee

3:00 PM

Monday, August 19, 2019  
Mayor's Conference Room – City Hall  
6015 Glenwood Street, Garden City, Idaho

---

#### I. CALL TO ORDER

- A. The meeting was called to order at 3:00 pm.

#### II. ROLL CALL

- A. Appointed Members: Derek Hurd, Maureen Gresham, Brett Labrie
- B. Planning Official: Jenah Thornborrow
- C. Planner: Chris Samples
- D. Absent: None

#### III. ACTION ITEM - CHANGES TO AGENDA

- A. DSRFY2019 – 17: The applicant has requested a continuance to a date certain of September 3, 2019 to have the matter heard along with minor planned unit development application MPUDFY2019 – 3.

#### I. CONSENT AGENDA- ACTION ITEM

- A. Minutes of August 5, 2019 Hearing
- B. Continuance of DSRFY2019-17 to a date certain of September 3, 2019.
  - i. Committee member Gresham moved to approve the consent agenda.
  - ii. Committee member Hurd seconded the motion.
  - iii. The motion carried unanimously.

#### II. OLD BUSINESS-ACTION ITEM

- A. SUBFY2017-1/PUD2013-2: Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.
  - i. Todd Weltner presented the proposed amendments.
  - ii. Staff Chris Samples presented the staff report.
    - i. Late exhibits: Written comments from Nancy and Tom Baskin, Gary Asin, Nathen Fox, and Troy Little; Applicant's PPT
    - ii. Clarification of two decisions on this matter
  - iii. Public testimony was received from:
    - a. Victor Meyers in opposition. Issue of cutting off part of overhang, more of a physical issue. Alleged physical trespass from water draining from the roof. Still having water issues on site. Lawsuit

- filed by applicant. Setback encroachments alleged and alleged that drainage is affected to his property.
- b. Jason Jones in favor (written), does not wish to testify. Comments read into record.
  - c. Tom Baskin in opposition. Testifying on behalf of himself and his wife Nancy Baskin. Noted written comments in record. Noted four points.
    - i. Sees fence posts that are not noted in conditions of approval. Fence posts located along wall. 6.5' setback from paved edge of green belt.
    - ii. Height of wall within setback. Conditions set forth clearly in May 2017 required a 3.5' tall wall. Proposal exceeds height. City's directive is unambiguous. Intent was clear applicant was to return to have wall reviewed.
    - iii. Setback requirement not ambiguous, as noted in May 2017 decision. Setback was specified. Some places wall is closer than 2' or at 2'. Setback must be honored or actions of city council are denigrated.
    - iv. Curious of the role of the green belt easement in discussion. Not mentioned in May 2017 decision. No provision in green belt easement to have fences and walls. Paved surface can be placed in 6.5' buffer required by easement.
    - v. Additional point: Wall inconsistent with other walls along Greenbelt. No existing wall is over 3.5'.
  - d. Meagan Griffin in opposition, written comment provided. Comments read into record.
  - e. Andy Haws, attorney for Victor Meyers Investments, in opposition. Referenced exhibit on page 8.1.6 (applicant's page #). Measurement on lot 18 inconsistent between original plans and actual placement. Lot 18 allegedly built a foot into the adjoining property. Cites ongoing litigation of alleged physical trespass. Drainage system is different than what was approved because lot 18 is not placed correctly.
  - f. Hannah Ball provided testimony in support of the proposed modifications. Supports wall height, placement, and design. Does not feel there is a hazard to public. Supports applicant's project.
  - g. Bryant Forester in support of project. Pleased with project development, with accommodating neighbor's needs, and with his ability to work through problems.
- i. Todd Weltner provided rebuttal testimony:
    1. Notes ongoing litigation.
    2. Previous pre-app noted solution to lot 18 encroachment. No encroachment or drainage problems noted.
    3. Read attorney's comments into record. Disputes Tom Baskin's comments. Encroachment into Greenbelt not correct.
    4. Feels wall is upgrade to area, landscaping helps mitigate look of wall.
    5. Baskin's letter mentions that we are the developer that cut trees down. We are not that developer.
  - ii. Chairperson Thornborrow read written comments from Gary Asin, Tom and Nancy Baskin, Nathen Fox, and Troy Little into record.
  - iii. Public testimony was closed.
  - iv. Committee member Hurd moved to approve the Design Review amendments except fence related.
  - v. Committee member Labrie second the motion.
  - vi. The motion carried unanimously.
  - vii. Committee member Gresham noted in previous meeting that rock wall was not what was in line with what was previously approved. Causes problems along Greenbelt, such as eyes on street, ability to maneuver, and within setback.

- Problem with 6' wrought iron fence. Don't agree with fence and wall location. Recognizes work put into wall, but rules have not changed. Suggests alternative such as terracing rock wall. Placement as installed not appropriate.
- viii. Committee member Hurd agreed with need for terracing of wall. Objection to wrought iron fence encroaching further into Greenbelt. Rock wall terraced back has natural look, but wrought iron fence does not. See 6' wrought iron placed at appropriate distance given height.
  - ix. Committee member Labrie agreed with committee member Hurd. 6' wrought iron not appropriate. Landscaping elements for rock wall previously discussed to help soften wall and to make it more natural looking. Landscaping mitigation would be appropriate and needed to make it look more natural. More information on Greenbelt landscaping may be needed. Would recommend approval of wall with additional landscaping to soften it.
  - x. Committee member Gresham clarified her opposition, indicated that the wall does not make for a safe Greenbelt, removes eyes from street, potential safety hazard. The 3.5' height and associated setback is for those reasons. Indicated opposition to wrought iron fence if 3' setback not met.
  - xi. Committee member Labrie moved to recommend the wrought iron fence along Greenbelt be approved if it meets the setback and height restrictions, side yard setback.
  - xii. Committee member Hurd Seconded.
  - xiii. The motion carried unanimously.
  - xiv. Committee member Gresham moved to recommend denial of the requests related to the rock wall. of the PUD amendments, consisting of the wall height, wall setback, and the substitution of trees for shrubs along the Greenbelt.
  - xv. No one seconded the motion. Motion dies
  - xvi. Committee member Hurd indicated he was comfortable with landscape features as shown, if the rock wall steps back from the Greenbelt. The landscaping along there will further soften it.
  - xvii. Committee member Hurd moved to recommend approval of the rock wall height and setback and the landscaping changes as presented.
  - xviii. Committee member Labrie seconded.
  - xix. The motion carried with two votes in favor from Hurd and Labrie and one in opposition Gresham.

#### **G. NEW BUSINESS – ACTION ITEM**

- a. DSRFY2019-16: Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47th Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site.
  - i. Mark Butler presented the proposal.
  - ii. Committee member Labrie: Is what is in the PPT not what is being proposed?
  - iii. Mark Butler defers to architect.
  - iv. Rebecca Kent: The fence is proposed to be gunmetal grey. Clarifies elevation in PPT. Verticals to face street. Pole side will not be visible to public. Trim along bottom of fence.
  - v. Staff Chris Samples presented the staff report.
    1. Late Exhibit: Public comment from Mystic Cove HOA; Applicant PPT
  - vi. Public testimony was received from:
    1. Laurie Allison in opposition. Question concerning corner of fence. Corner comes down City property to 48<sup>th</sup> Street to existing gate. From the gate to City Park, does that remain wood?
      - a. Written comment read into record.
    2. Jason Jones in favor. Applicant cited on shielding code. 8' fence height is max allowed. How can applicant get cited on 8' fence? I reported GCPD to GCPD for the same issue, no resolution provided.
    3. Debbie Jo Pelton in opposition. Question concerning placement. Going down from park south past the gate to SW corner, there is a large

- difference, 2' in height. Will this height difference be addressed? Erosion has significantly impacted the height of the fence, inside property.
- vii. Mark Butler provided rebuttal testimony.
    - 1. Scope limited to area from gate to City Property.
    - 2. Was not aware of erosion issues.
    - 3. Feels metal looks better than wood.
    - 4. Comprehensive plan should be set up to improve things in City.
    - 5. No plan to replace entire stretch with metal.
    - 6. Erosion from flooding a year ago possible, but not aware of specific locations. Owner amenable to maintenance concerns.
  - viii. Public testimony was closed.
  - ix. Committee member Labrie felt there were some issues with material. Overall aesthetic of something that is industrial, it's something the Design guidelines have moved away from industrial metal look. Material along sidewalk is very cold and gives industrial feel. Material needs to be more in line with design review guidelines. Transition from this material back to wood could impact streetscape. Something to soften the look of the fence is needed, regardless of material. Landscaping buffer could soften look, so a required LS buffer is more of a reason to not have that material.
  - x. Committee member Gresham indicated material could look better than wood fence, but creates disparity in material transition. Gresham felt that if codes were complied with, it would look even better. Gresham indicated that there was no reason to approve it.
  - xi. Committee member Hurd indicated he does not mind industrial look as an aesthetic. Half wood and half metal doesn't appear to work. Sheet metal is prohibited unless it is adorned and make it a feature. He indicated he couldn't support as presented.
  - xii. Committee member Labrie felt there is other opportunities and ways to achieve what they want to achieve.
  - xiii. Committee member Gresham indicated that a metal fence with a decorative element may have garnered more consideration from her.
  - xiv. Committee member Gresham moved to deny the proposed fence material.
  - xv. Committee member Hurd second the motion.
  - xvi. The motion carried unanimously.
- b. DSRFY2019-17: Pam Gaines with neUdesign Architecture is requested Design Review approval of a pre-application request for an eight unit single family housing development

located at 404 E. 49th Street, Ada County Parcel # R7334160441. The property is within the R-3 Medium Density Residential zoning district.

- i. The matter was continued to a date certain of September 3, 2019 at the request of the applicant.
- c. BLDFY2019-0132 and BLDFY2019-0149 - Appeal: Kim Spears is appealing an administrative decision to require a de-attached sidewalk for two single family detached homes located at 306 and 308 E. 35th Street (Ada County Parcel Number R2734540401).
- i. Kim Spears presented the appeal.
  - ii. Maureen Gresham recused herself due to personally knowing the applicant.
    1. Additional exhibits presented: Photos; These exhibits were not provided during original application or in appeal application.
  - iii. Staff Chris Samples presented the staff report.
  - iv. Kim Spears provided rebuttal testimony.
  - v. Committee discussion:
  - vi. Chairperson Thornborrow clarified the role of the Committee in an appeal. The Committee is reviewing staff's decision to deny a sidewalk waiver. Thornborrow further clarified that the Sidewalk Policy lists requirements.
  - vii. Committee member Hurd requested clarification of where the beginning of the requirement improvements was measured from. Measurements were from property line out.
  - viii. Appellant Spears noted the location in photos she provided to Hurd.
  - ix. Committee member Hurd requested clarification on whether sidewalks can be on subject property.
  - x. Chairperson Thornborrow indicated sidewalks could.
  - xi. Committee member Labrie felt there was nothing in the record that would constitute a waiver.
  - xii. Committee member Hurd indicated that ACHD requires a road width and back from that rather than the property line for a landscape strip.
  - xiii. Committee member Labrie indicated that there is always a first property to develop a sidewalk.
  - xiv. Committee member Hurd requested clarification on whether the original decision was made prior to the adoption of the 34<sup>th</sup> Street Streetscape Plan.
  - xv. Chairperson Thornborrow indicated that it was approved prior to the Plan's adoption.
  - xvi. Committee member Labrie requested clarification on how the next property would be affected by the Plan's adoption.
  - xvii. Chairperson Thornborrow indicated that the next properties would deviate from the appellant's requirements due to the Plan's new requirements.
  - xviii. Committee member Hurd moved to deny the appeal.
  - xix. Committee member Labrie second the motion.
  - xx. The motion carried unanimously.

## H. PRE-APPLICATION CONFERENCE

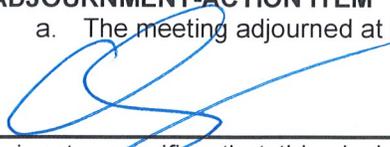
### I. DISCUSSION

### J. ADJOURNMENT-ACTION ITEM

- a. The meeting adjourned at 5:10 pm.

---

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee.

 9/20/19



## CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone 208/472-2900 □ Fax 208/472-2998

### ~ AGENDA ~

#### Planning & Zoning Commission

6:30 PM

Wednesday, August 21, 2019

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

#### I. CALL TO ORDER

#### II. ROLL CALL

A. L. Kent Brown; Chuck Kennedy; Debbie Jo Pelton; James Page, Kent Rasmussen

#### IV. CHANGES TO AGENDA - ACTION ITEM

#### V. CONSENT AGENDA – ACTION ITEM

A. [July 17, 2019 Minutes](#)

#### VI. OLD BUSINESS – ACTION ITEM

#### VII. PUBLIC HEARINGS – ACTION ITEM

- A. [VARFY2019 – 2](#): Mark Butler of Land Consultants, Inc. is requesting a variance to the fence height requirements of Garden City Code 8-4A-3 for a new 12-foot-high privacy fence at 520 E. 47<sup>th</sup> Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33-acre site.
- B. [SUBFY2019 - 4](#): Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of a preliminary plat subdivision located on 34<sup>th</sup>, 35<sup>th</sup>, and Carr Streets. The subdivision is proposed within the 34<sup>th</sup> Street Specific Area Plan. **Staff recommends a continuance to a date certain of September 18, 2019 due to noncompliance with required property posting requirements pursuant to GCC 8-6A-7.**
- C. [SUBFY2019 -5](#): Gary Asin is requesting approval of a two lot combined preliminary/final plat subdivision located at 3588 N. Prospect Way, Ada County Parcel Number R9242370040. The property is described as Lot 4, Block 1, Waterfront District Subdivision. **Staff recommends a continuance to a date certain of September 18, 2019 due to noncompliance with required property posting requirements pursuant to GCC 8-6A-7.**
- D. [SUBFY2017-1/PUD2013-2](#): Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.

#### VIII. DISCUSSION

#### IX. ADJOURNMENT – ACTION ITEM



## CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone 208/472-2900 □ Fax 208/472-2998

### AGENDA Design Committee

3:00 PM

Monday, August 19, 2019

Mayor's Conference Room – City Hall  
6015 Glenwood Street, Garden City, Idaho

- 
- I. **CALL TO ORDER**
  - II. **ROLL CALL**
    - A. Appointed Members: Maureen Gresham, Brett Labrie, and Derek Hurd
    - B. Planning Official: Jenah Thornborrow
    - C. Planner: Chris Samples
  - III. **CHANGES TO AGENDA-ACTION ITEM**
  - IV. **CONSENT AGENDA- ACTION ITEM**
    - A. [Minutes of August 5, 2019 Hearing](#)
  - V. **OLD BUSINESS-ACTION ITEM**
    - A. [SUBFY2017-1/PUD2013-2](#): Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.
  - VI. **NEW BUSINESS-ACTION ITEM**
    - A. [DSRFY2019-16](#): Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47<sup>th</sup> Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site.
    - B. [DSRFY2019-17](#): Pam Gaines with neUdesign Architecture is requested Design Review approval of a pre-application request for an eight unit single family housing development located at 404 E. 49<sup>th</sup> Street, Ada County Parcel # R7334160441. The property is within the R-3 Medium Density Residential zoning district.
    - C. [BLDFY2019-0132 and BLDFY2019-0149 - Appeal](#): Kim Spears is appealing an administrative decision to require a de-attached sidewalk for two single family detached homes located at 306 and 308 E. 35<sup>th</sup> Street (Ada County Parcel Number R2734540401).
  - VII. **PRE-APPLICATION DISCUSSIONS-ACTION ITEM**

**VIII. DISCUSSION**

**IX. ADJOURNMENT-ACTION ITEM**



# CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone (208)472-2921 □ Fax (208)472-2926

**File Number:** DSRFY2019-16/VARFY2019 - 2  
**For:** Fence Material Design Review/Height and Setback Variance  
**Location:** 520 E. 47<sup>th</sup> Street Garden City, Idaho  
**Applicant:** Mark Butler  
**Report Date:** 8/14/2019



Garden City Design Committee  
Garden City Planning and Zoning Commission  
Staff Contact: Chris Samples

**City of Garden City  
Staff Report**

## **A. Project Overview**

**Project Description:** Mark Butler of Land Consultants, Inc. is requesting a design review to approve sheet metal as a fencing material and variance to the fence height and setback requirements of Garden City Code 8-4A-3 for a new 12-foot-high privacy fence at 520 E. 47th Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33-acre site.

### **Proposed Scope of Work**

Request	Code Standard	Notes
Design Review Committee approval of sheet metal as a fence material	8-4A-3E: Sheet metal prohibited unless Design Review Committee approval granted	None
Variance to allow a 12' fence height in front setback along E. 48 <sup>th</sup> Street and to allow 12' fence height within side setback	8-4A-3C-1: 3.5' maximum fence/wall height in front setback 8-1C-3: Up to an 8' fence height allowed for screening	None
Variance to allow a 0' setback for fences exceeding 3.5' in height	8-4A-3D-1: 10' minimum setback for fences/walls exceeding 3.5'	None

### **Required Decisions**

The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	August 19, 2019
Variance	N/A	Planning and Zoning Commission	August 21, 2019

**Standards for Review:** Standards for review of this application are:

Design Standards – Fence Material	
Standard	Staff Comments
8-4A-3E-1 Fences and Walls – Prohibited Fencing Materials	Potential noncompliance with findings 1 and 2

Variance Standards – Fence Height and Setback	
Standard	Staff Comments
8-6B-9 Variance	Potential noncompliance with all required findings

**Policies and Studies:** No policies or studies were reviewed for this request.

**Agency Comments:**

Agency	Comment Summary
ACHD	Fence must be located outside of right of way
ITD	No objection

**Public Comments:** None received.

**Exhibits:** [Link](#)

1. Application Materials
2. Combined Design Review and Variance Staff Report
3. Draft Design Review Legal Findings
4. Draft Variance Legal Findings
5. City Council Hearing Minutes dated November 12, 1986
6. Letter from Robert Unger, Public Works Director dated November 14, 1986
7. Undated letter from Trusty Auto Parts in response to November 14, 1986 Robert Unger Letter
8. Garden City Code 8-7-5 in effect on November 14, 1986 (Ordinance 443)
9. Zoning Certificate 95-08-10 – Letter of Intent dated August 18, 1995
10. Garden City Code 8-7-5 in effect on August 18, 1995 (1988 Code)
11. Agency Comments

## **B. Design Review**

1. Decision Maker: Design Committee
2. Standards for review:

DESIGN STANDARDS	
City Code	City Standards/Staff Comments

<p><b><u>GCC 8-4A-3E-1 Fences and Walls – Prohibited Fencing Materials</u></b></p>	<p>Sheet metal fencing or other like unsightly materials are prohibited by this section unless the Design Committee determines the material meets the findings of this section. The findings are analyzed below.</p>
<p><b>Finding 1</b></p>	<p>Finding: Implement the vision as set forth in the Comprehensive Plan</p> <p>Analysis: The application was submitted prior to the July 22, 2019 adoption of the Comprehensive Plan Update and has vested rights to the previous Comprehensive Plan. The previous plan will be reviewed for this analysis.</p> <p>The applicant’s letter of intent cites Objective 2.4 (Improve the appearance of street corridors) and Action Step 2.4.1 (Developing new street standards for adjacent land uses) as justification for compliance with this finding. The applicant further indicates that the fence “would create a softer transition by creating a visual separation...” and “We are only raising the privacy screening, and providing a far more durable materials, to protect the transition sightline”.</p> <p>The applicant’s letter of intent also cites Objective 10.6 (Continue to support commercial and industrial land uses) and Action Step 10.6.1 (Creation of a Bradley Technology District around 50<sup>th</sup> and Bradley Streets) to justify compliance with this section. The applicant indicates that the site is located near the proposed district and that “the comprehensive plan clearly encourages this area’s industrial and commercial land use and should not limit them as they seek to be good neighbors”.</p> <p>However, the proposed material appears to conflict with the following provisions of the Comprehensive Plan:</p> <p style="padding-left: 40px;"><i>a. Objective 1.4: Create a premier destination place to live, work and recreate.</i></p> <p>The proposed material depicted in the applicant’s materials does not appear to be intended to support this objective. The proposed sheet metal does not appear to differ than any other commonly available sheet metal material, which in turn detracts from this</p>

	<p>objective and does not implement the vision of the Comprehensive Plan.</p> <p><i>b. Objective 2.4: Improve the appearance of street corridors</i></p> <p>The intent of including sheet metal as a prohibited material without Design Committee approval was to improve the appearance of properties and especially along street corridors. The proposed material does not appear unique in comparison with other common sheet metal materials and detracts from this objective.</p>
<p><b>Finding 2</b></p>	<p>Finding: Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section</p> <hr/> <p>Analysis: The proposed sheet metal material does not appear to comply with either provision of this finding.</p> <p>The proposed material does not appear to provide significant creativity and uniqueness and it appears the intent is to merely evade the provisions set forth in this section. The proposed material does not appear to demonstrate the fence is an established icon that enhances the community's assets as noted in the finding. Garden City Code does not define the terms "creativity", "uniqueness" and "icon". Pursuant to GCC 8-1A-5 (Interpretation), the Merriam Webster Dictionary definitions shall be utilized.</p> <p><i>a. Creativity: the quality of being creative</i></p> <p><i>b. Creative: having the quality of something created rather than imitated</i></p> <p><i>c. Icon: Emblem, symbol</i></p> <p>The term "uniqueness" does not have a definition in the Merriam Webster dictionary. The closest term is "unique"</p> <p><i>d. Unique: being without a like or equal,</i></p>

	<p style="text-align: center;"><i>distinctively characteristic</i></p> <p>The proposed material does not appear to have the quality of something created but is instead a common sheet metal. The proposed material does not appear to be not unique among sheet metal materials. Absent creativity and uniqueness, the proposal could be intended to evade the provisions of this section. The proposed material does not appear to be an established icon that enhances the community's assets more than a complying fence material.</p>
<p><b>Finding 3</b></p>	<p>Finding: Demonstrate that is constructed of professional and durable materials, and are not intended to be of temporary nature</p> <p>Analysis: The proposed material appears to be a professional and durable material and does not appear to be temporary in nature.</p>

- c. The Design Committee may take one of the following actions:
  - a. Approve the application as presented;
  - b. Approve the application with conditions;
  - c. Request the applicant return with revised materials for additional review;
  - d. Deny the application.

**C. Variance**

- 1. Decision Maker: Planning and Zoning Commission
- 2. Standards for review:

<b>VARIANCE STANDARDS</b>	
<b>City Code</b>	<b>City Standards/Staff Comments</b>
<p><b><u>GCC 8-6B-9 Variance</u></b></p>	<p>To approve a variance request, the Commission must determine the request meets the findings of this section.</p>
<p><b>Finding 1</b></p>	<p>Finding: 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 Implement the vision as set forth in the Comprehensive Plan;</p> <p>Analysis: The applicant has requested the variances</p>

	<p>to screen the stacking of cars 12' in height and to address alleged code enforcement violations. The applicant's letter of intent argues the variances meet this standard because of ongoing Code Enforcement actions from alleged complaints and the City is enforcing GCC 8-1C-3 (Property Maintenance Standards). The applicant contends the enforcement of this standard creates an undue hardship since the standard's adoption on 5/14/2012 was well after the alleged 50+ year establishment of the use. The applicant does not list a specific and unique size, shape, topography or location of the subject property to support the variance.</p> <p>The application does not indicate the justification for the 0' setback variance.</p>
<p><b>Finding 2</b></p>	<p>Finding: The need for the variance is not the result of actions of the applicant or property owner;</p> <p>Analysis: The applicant's letter of intent argues that "the need for the variance is not the result of actions of the applicant or property owner, but is a result of Garden City attempting to appease a neighbor (or neighbors) by implementing a code adopted decades after the establishment of the use. However, the record does not appear to support out this claim.</p> <p>a) 1986 Rezone and CUP</p> <p>A zoning map amendment and conditional use permit was approved on November 12, 1986 to expand the existing wrecking yard use to include lots 4 and 5, Block 22, Fairview Acres Sub No. 3. According to the November 12, 1986 City Council Minutes, the conditional use permit was approved with the condition that the use comply with GCC 8-7-5 (noted as article 11, section 16 of Ordinance 443 in the minutes). GCC 8-7-5 in effect at this time required a 6' fence to screen wrecking yards.</p> <p>A letter to the property owner at that time from Robert Unger, Garden City Public Works Director dated November 14, 1986 informed the owner of the approval and stated "This office is prepared to allow a variance on the</p>

fence requirements, to read 8 feet, instead of 6 feet, upon written request for you". An undated letter written in response to this letter requested a variance for an 8' fence, which includes the properties under the current variance request. While no record of an approved variance was found, the property owner at that time did not request a 12' height variance.

b) Zoning Permit 95-08-10

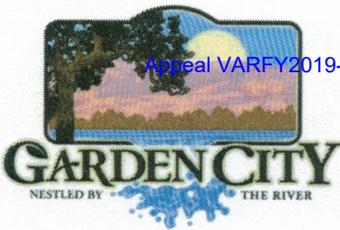
Zoning permit 95-08-10 was applied for on August 18, 1995 to construct a support building for the wrecking yard use. The zoning permit's letter of intent was drafted by the property owner's legal counsel and documents the existing conditions of the site and includes the property under the variance request. This letter notes that an 8' vertical wood fence was erected along most of the property, including the property under the current variance request, and that the fence "...complies with the Performance Standards, Supplemental Provisions, Unique Land Uses, Wrecking Yard at Garden City Code Sections 8-7-5 Wrecking Yard A, B, C and D'." GCC 8-7-5 was amended as part of a substantial code update with Ordinance 528 on August 9, 1988 to allow 8' fences for wrecking yard uses. This was in effect on August 18, 1995.

Further, to address whether additional landscaping was required, the letter states "The Applicant further contends that, to the extend the Garden City Code provides that the area be 'completely enclosed' and that no visibility of automobiles or equipment may be visible or exceed the height of the fence, and, further, to the extent that it was Garden City that initially mandated the current fence, the Applicant need not provide additional landscaping". The zoning permit's letter of intent represented that the 8' fence screened automobiles from view and no additional landscaping would be needed. The property

	<p>owner did not identify a need to stack vehicles over the 8' fence height or request a variance to 12' in height.</p> <p>Based on the documentation noted above, the use does not appear to have historically stored wrecked vehicles in stacks over 8' in height from at least the year 1986. Approving the variance would appear to represent an expansion of an existing non-conforming use. To expand a nonconforming use, a conditional use permit is required pursuant to GCC 8-1B-3 (Nonconforming Uses).</p> <p>The application does not indicate the justification for the 0' setback variance.</p>
<p><b>Finding 3</b></p>	<p>Finding: The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;</p> <p>Analysis: The applicant's letter of intent substantiates the height variance meets this finding, stating "City representatives have stated that they believe that screening the stacked cars is in the best interest of the community and neighborhood and the applicant is willing to do so to be a good neighbor as proposed within this application".</p> <p>However, this statement does not appear to address impacts from the variance to the health, safety, or welfare of the community neighborhood.</p> <p>The application does not indicate the justification for the 0' setback variance.</p>
<p><b>Finding 4</b></p>	<p>Finding: The variance is the only reasonable alternative to overcome the undue hardship;</p> <p>Analysis: As noted in this report and regarding the height variance, the applicant does not appear to substantiate an undue hardship (finding 1) or appear to substantiate the undue hardship was not the result of the actions of applicant or property owner (finding 2).</p> <p>The application does not indicate the justification for the 0' setback variance.</p>

<b>Finding 5</b>	<p>Finding: The variance is the minimum relief necessary to allow reasonable use of the subject property</p> <p>Analysis: As documented in the analysis for finding 2, previous applications have shown the applicant has not historically stacked vehicles over the 8' fence height. It appears the property owner already enjoys reasonable use of the subject property. As noted above, an expansion of the nonconforming use can be requested through a conditional use permit.</p> <p>The application does not indicate the justification for the 0' setback variance.</p>
------------------	---

3. The Planning and Zoning Commission may take one of the following actions:
  - a. Approve the application as presented;
  - b. Approve the application with conditions;
  - c. Request the applicant return with revised materials for additional review;
  - d. Deny the application.



# VARIANCE

Permit info: \_\_\_\_\_  
 Application Date: \_\_\_\_\_ Rec'd by: \_\_\_\_\_  
 FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921  
 ▪ [www.gardencityidaho.org](http://www.gardencityidaho.org) ▪ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

APPLICANT	PROPERTY OWNER
<b>Name:</b> MARK L BUTLER	<b>Name:</b> Dillon Boise LLC
<b>Company:</b> LAND CONSULTANTS INC	<b>Company:</b> Dillon Boise LLC
<b>Address:</b> P.O. Box 314	<b>Address:</b> 520 E 47th St
<b>City:</b> EAGLE	<b>City:</b> Garden City
<b>State:</b> ID <b>Zip:</b> 83616	<b>State:</b> ID <b>Zip:</b> 83714
<b>Tel.:</b> (208) 939-7447	<b>Tel.:</b>
<b>E-mail:</b> markleebutler@gmail.com	<b>E-mail:</b>

**PROPERTY AND VARIANCE REQUEST INFORMATION**

**Site address:**  
520 E 47th St

<b>Subdivision Name:</b> FARVIEW ACRES SUB NO 03	<b>Lot:</b> 07 & 08	<b>Block:</b> 22
<b>Tax Parcel Number:</b> R2134523060, R2134523062 R2134522961, R2134522981, R2134522911	<b>Zoning:</b> C2 & R-3	<b>Total Acres:</b>
<b>Existing Use:</b> PICK-A-PART JALOPLY JUNGLE	<b>Floodplain:</b> yes	<input checked="" type="radio"/> no
<b>Proposed Use:</b> NO CHANGE - PICK-A-PART JUNGLE	<b>Surrounding Uses:</b> Light Industrial & Residential	

**Description of the requested variance:**  
 A Variance request to allow a 12-ft high metal fence on the front property line and along the southwest side of a portion of the subject property as shown on the accompanying Fencing Plan site map.

**How is the property deprived, by a 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)?**  
 See attached Variance Justification letter.

**How does the need for a variance not result from the actions of the applicant or property owner?**  
 See attached Variance Justification letter

How will granting a variance not unreasonably diminish either the health, safety or welfare of the community or neighborhood?

See attached Variance Justification letter

Why is a variance the only reasonable alternative to overcome the undue hardship?

See attached Variance Justification letter

Why is a variance the minimum relief necessary to allow reasonable use of the subject property?

See attached Variance Justification letter

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.

M. A. J. Butler 5/27/19      [Signature] 5/28/19  
Signature of the Applicant (date)      Signature of the Owner (date)

**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
- Site Plan
- Approved Addresses
- Waiver Request of Application Materials

**PLEASE CHECK THE FOLLOWING:**

**INFORMATION FOR COMPLIANCE STATEMENT AND STATEMENT OF INTENT:**

- 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
- 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

**INFORMATION REQUIRED ON NEIGHBORHOOD MAP:**

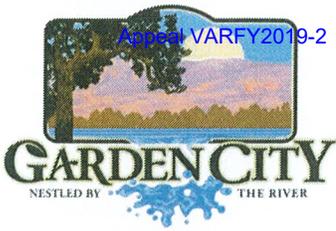
- 8 1/2" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelope

**INFORMATION REQUIRED ON SITE PLAN:**

- 24" x 36" size minimum
- 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 WAIVER REQUEST OF APPLICATION MATERIALS:**

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



Annual VARYFY2019-2 70

VARIANCE	
Permit info:	VARYFY2019-2
Application Date:	5/30/2019
Rec'd by:	MK
FOR OFFICE USE ONLY	

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921  
 ▪ [www.gardencityidaho.org](http://www.gardencityidaho.org) ▪ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

APPLICANT	PROPERTY OWNER
<b>Name:</b> MARK L BUTLER	<b>Name:</b> Dillon Boise LLC
<b>Company:</b> LAND CONSULTANTS INC	<b>Company:</b> Dillon Boise LLC
<b>Address:</b> P.O. BOX 314	<b>Address:</b> 520 E 47th St
<b>City:</b> EAGLE	<b>City:</b> Garden City
<b>State:</b> ID <b>Zip:</b> 83616	<b>State:</b> ID <b>Zip:</b> 83714
<b>Tel.:</b> (208) 939-7444	<b>Tel.:</b>
<b>E-mail:</b> markleebutler@gmail.com	<b>E-mail:</b>

**PROPERTY AND VARIANCE REQUEST INFORMATION**

<b>Site address:</b> 520 E 47th St		
<b>Subdivision Name:</b> FARVIEW ACRES SUB NO 03	<b>Lot:</b> 07 & 08	<b>Block:</b> 22
<b>Tax Parcel Number:</b> R2134523060, R2134523062 R2134522961, R2134522981, R2134522911	<b>Zoning:</b> C2 & R-3	<b>Total Acres:</b>
<b>Existing Use:</b> PICK-A-PART JALOPY JUNGLE	<b>Floodplain:</b> yes <u>no</u>	
<b>Proposed Use:</b> NO CHANGE - PICK-A-PART JUNGLE	<b>Surrounding Uses:</b> Light Industrial & Residential	

**Description of the requested variance:**  
 A Variance request to allow a 12-ft high metal fence on the front property line and along the southwest side of a portion of the subject property as shown on the accompanying Fencing Plan site map.

**How is the property deprived, by a 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)?**  
 See attached Variance Justification letter.

**How does the need for a variance not result from the actions of the applicant or property owner?**  
 See attached Variance Justification letter

How will granting a variance not unreasonably diminish either the health, safety or welfare of the community or neighborhood?

*See attached Variance Justification Letter*

Why is a variance the only reasonable alternative to overcome the undue hardship?

*See attached Variance Justification Letter*

Why is a variance the minimum relief necessary to allow reasonable use of the subject property?

*See attached Variance Justification Letter*

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.

*Mark R Butler* 5/27/19      *[Signature]* 5/28/19  
Signature of the Applicant (date)      Signature of the Owner (date)

**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
- Site Plan
- Approved Addresses
- Waiver Request of Application Materials

## **PLEASE CHECK THE FOLLOWING:**

### **INFORMATION FOR COMPLIANCE STATEMENT AND STATEMENT OF INTENT:**

- 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
- 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

### **INFORMATION REQUIRED ON NEIGHBORHOOD MAP:**

- 8 1/2" 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 envelope

### **INFORMATION REQUIRED ON SITE PLAN:**

- 24" x 36" size minimum
- 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 WAIVER REQUEST OF APPLICATION MATERIALS:**

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

## Land Consultants Inc.

P.O. Box 314 - - - Eagle, Idaho 83616 - - - Phone 208-939-7444 - - - email: [markleebutler@gmail.com](mailto:markleebutler@gmail.com)

May 27, 2019

Garden City Development Services Department  
Attn: Chris Samples  
6015 Glenwood Street  
Garden City, ID 83714

RE: Variance for property addressed as 520 E. 47<sup>th</sup> Street

Dear Mr. Samples,

On behalf of my client we are submitting a variance request to allow a 12-foot high metal privacy fence on the front property line and along the southwest side of a portion of the subject property as shown on the accompanying Fencing Plan site map, privacy fence detail and letter for Design Review.

Herein we address the findings required per Garden City Code Section 8-6B-9 "E" Required Findings (our justification for the findings are in italics):

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);

*The subject property is currently under misdemeanor complaint by the Garden City Code Enforcement Division because they want the car stacking area, which has been part of the use of the site for over 50 years, now to be screened from view from the street.*

*The subject property would be deprived, by provision of this title - specifically the enforcement of Garden City Code Section 8-1C-3 Property Maintenance Standards adopted by the City on May 14, 2012, of rights and privileges enjoyed legally by other legal non-conforming properties in the vicinity and under the applicable zoning district because of the location of the subject property nearby homes built in the area in the last few years for which apparently a neighbor (or neighbors) has complained and subsequently the City has tried to appease the neighbors by attempting to enforce a code adopted decades after the use was established (a finding of undue hardship);*

2. The need for the variance is not the result of actions of the applicant or property owner;

*The need for the variance is not the result of actions of the applicant or property owner but is a result of Garden City attempting to appease a neighbor (or neighbors) by implementing a code adopted decades after the establishment of the use.*

3. The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;

*The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood because City representatives have stated that they believe that screening the stacked cars*

*is in the best interest of the community and neighborhood and the applicant is willing to do so to be a good neighbor as proposed within this application.*

4. The variance is the only reasonable alternative to overcome the undue hardship;

*The variance is the only reasonable alternative to overcome the undue hardship since the City will not acknowledge the legal non-conforming rights of the property owner and since the owner will not give up land by putting the privacy fence further back into the property because it will render the area of car stacking unusable for the business operation.*

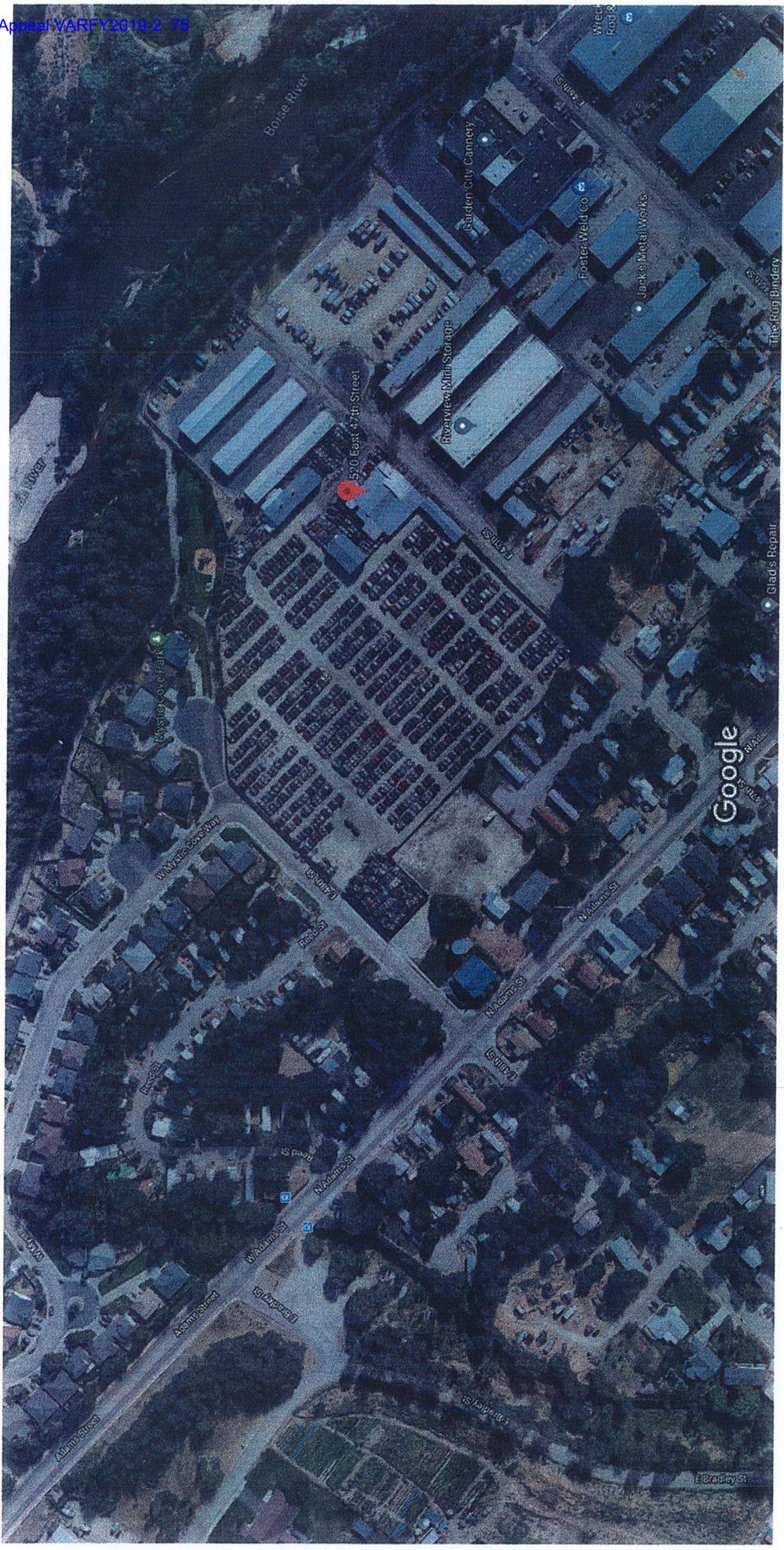
5. The variance is the minimum relief necessary to allow reasonable use of the subject property.

*The variance is the minimum relief necessary to allow reasonable use of the subject property because other screening methods take away property from the stacking area rendering it unusable for the business operation.*

Thank you and we look forward to your consideration.

A handwritten signature in black ink that reads "Mark L. Butler". The signature is written in a cursive, flowing style.

Mark L. Butler, Land Consultants Inc.



Imagery ©2019 Google, Map data ©2019 Google 100 ft

# Land Consultants Inc.

P.O. Box 314 - - - Eagle, Idaho 83616 - - - Phone 208-939-7444 - - - email: [markleebutler@gmail.com](mailto:markleebutler@gmail.com)

March 6, 2019

Dear Neighbor,

Garden City Code requires an opportunity for a meeting between the applicant of a development application proposal and the owners of property within a three hundred foot (300') radius of the exterior boundary of the site proposed for development. The meeting shall occur prior to formal submittal of the applications to the City.

This letter is such notice of an opportunity to review and discuss the proposal – a Variance request to allow a 12-foot high fence to help block visibility of stacked vehicles in a wrecking yard (Jalopy Jungle) from East 48<sup>th</sup> Street, Garden City.

Property address is 520 East 47th Street, Street Garden City, Idaho.

This is not a public hearing; public officials will likely not be present. If you have any questions regarding this Garden City Code required neighborhood meeting contact the Planning Division of the Development Services Department at 208-472-2921.

The purpose of the meeting is to review and provide comments regarding the proposal.

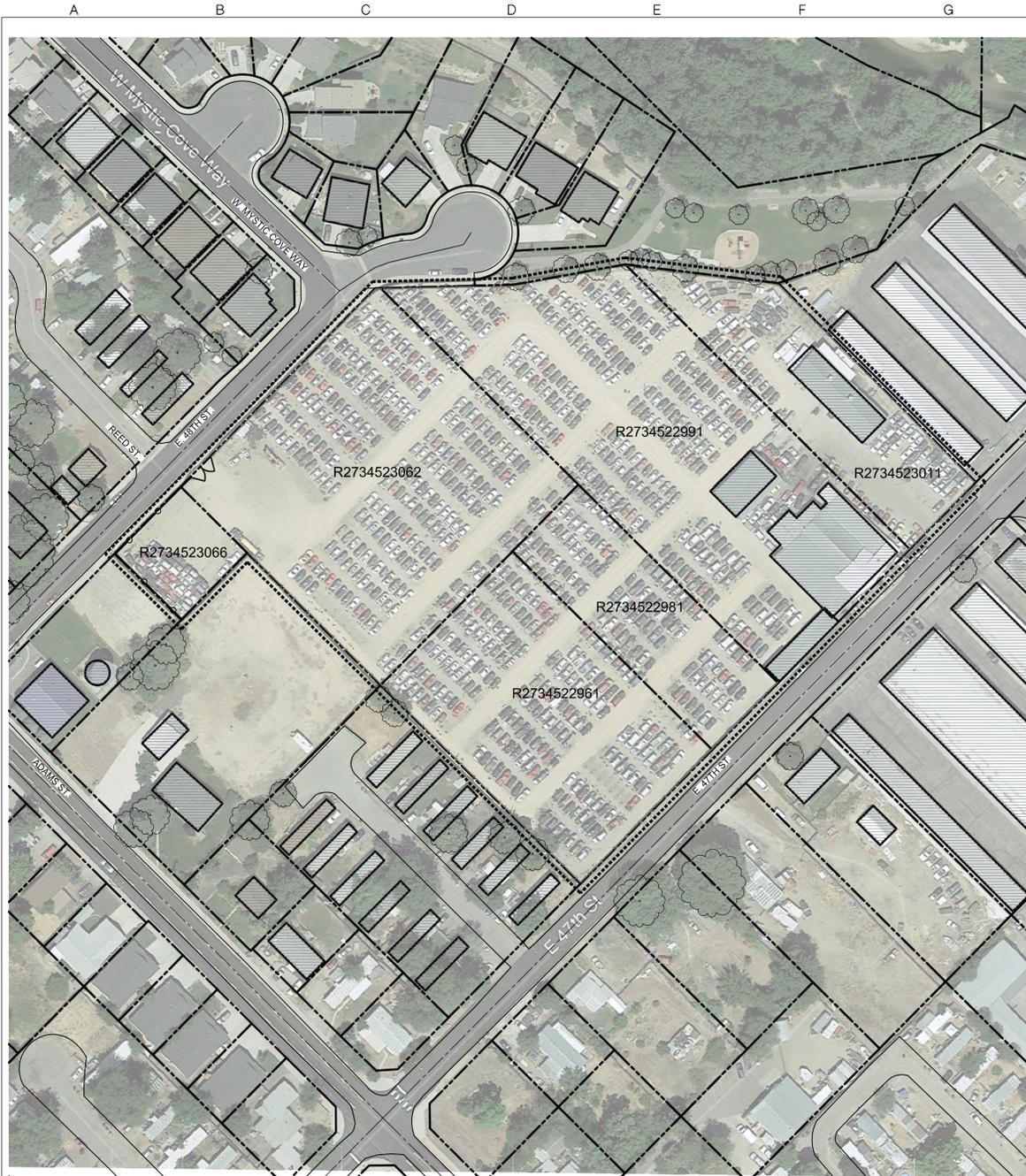
**The meeting will be held on Thursday, March 21<sup>st</sup>, 2019 at 6:30 pm inside the Jalopy Jungle building located at at 520 E 47th Street Garden City, Idaho.**

We look forward to seeing you and answering any questions you may have.

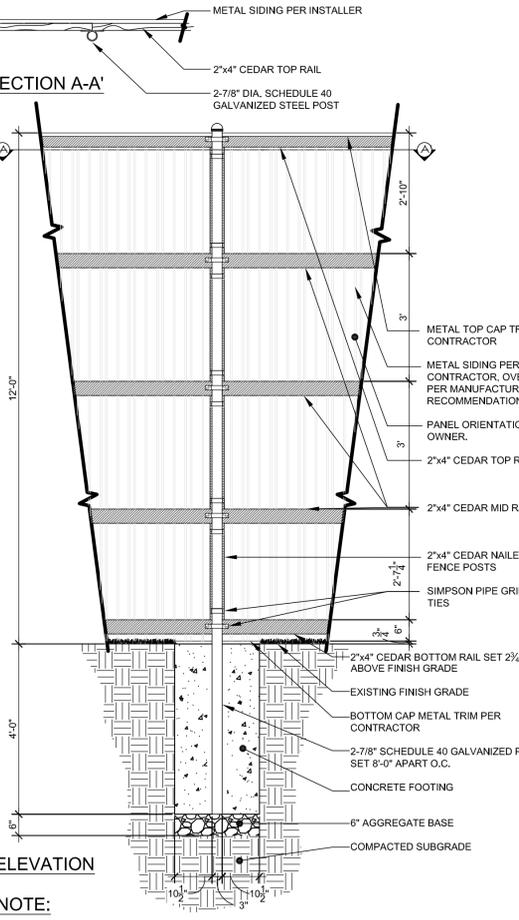
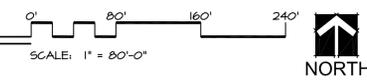
Sincerely,



Mark L. Butler, LCI



OVERALL SITE PLAN



PANEL FENCE

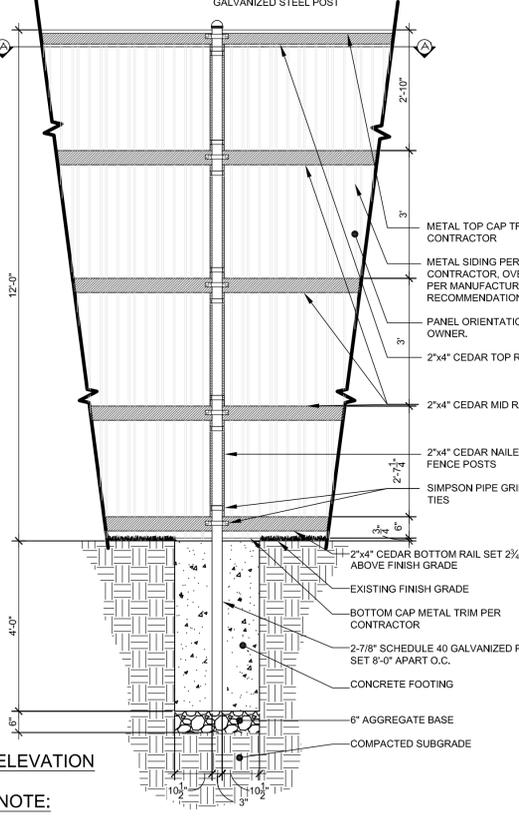
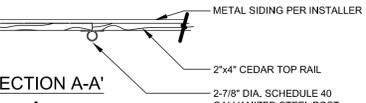


NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

**LEGEND:**

	EXISTING 8 FOOT CEDAR FENCE (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
	EXISTING 8 FOOT CHAINLINK GATE WITH PRIVACY SLATS
	PROPOSED 12 FOOT SOLID SCREEN FENCE VERTICALLY ALIGNED METAL ROOFING PANELS WITH 2 1/8" SCHEDULE 40 POSTS AND FIVE HORIZONTAL CEDAR RAILS. (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
	PROPERTY LINE
	EDGE OF PAVEMENT
	ROADWAY CENTER LINE
	EXISTING BUILDINGS
	EXISTING TREES

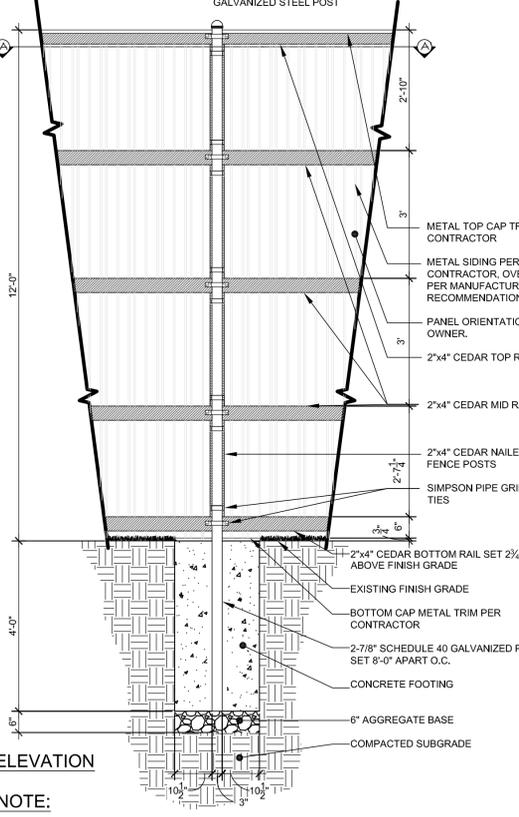
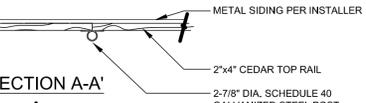
1



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

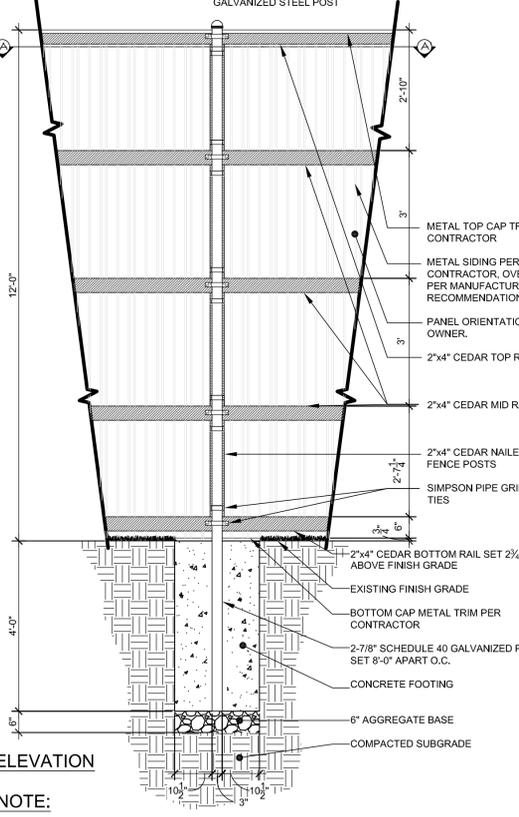
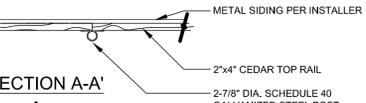
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

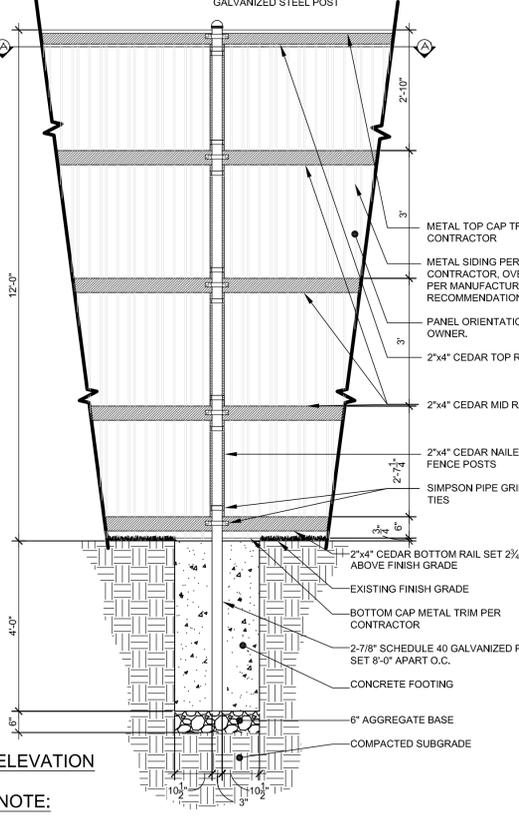
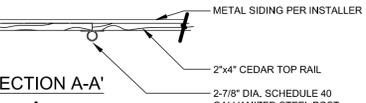
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

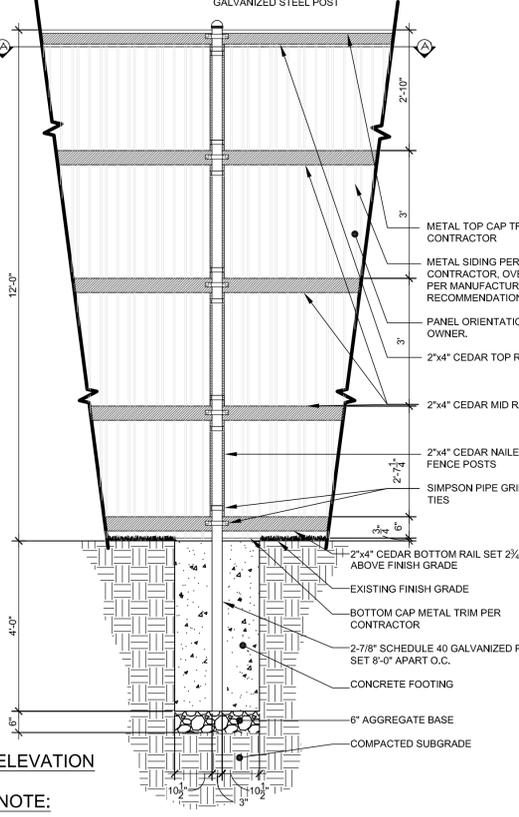
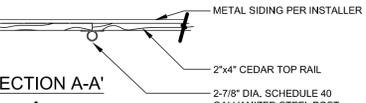
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

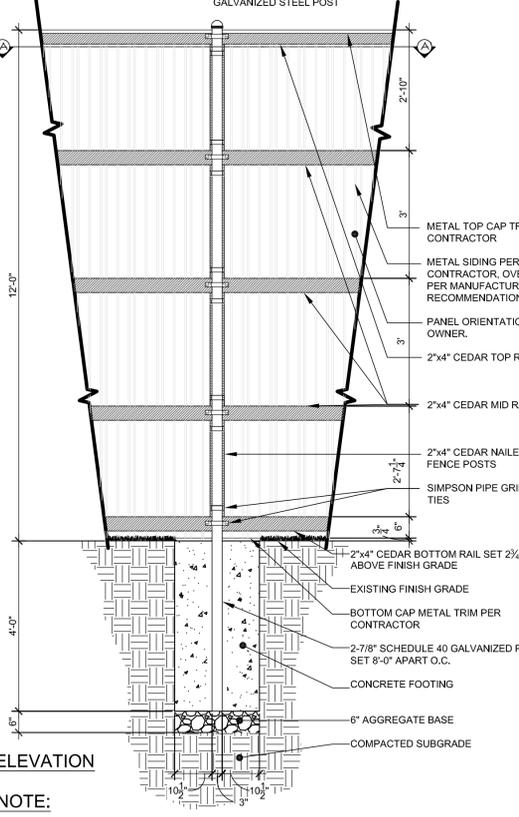
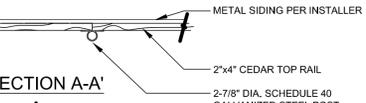
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

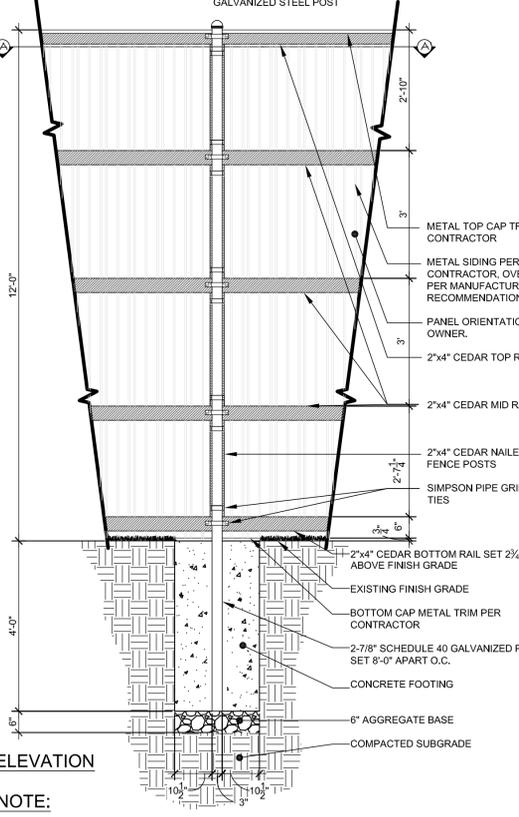
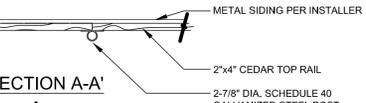
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

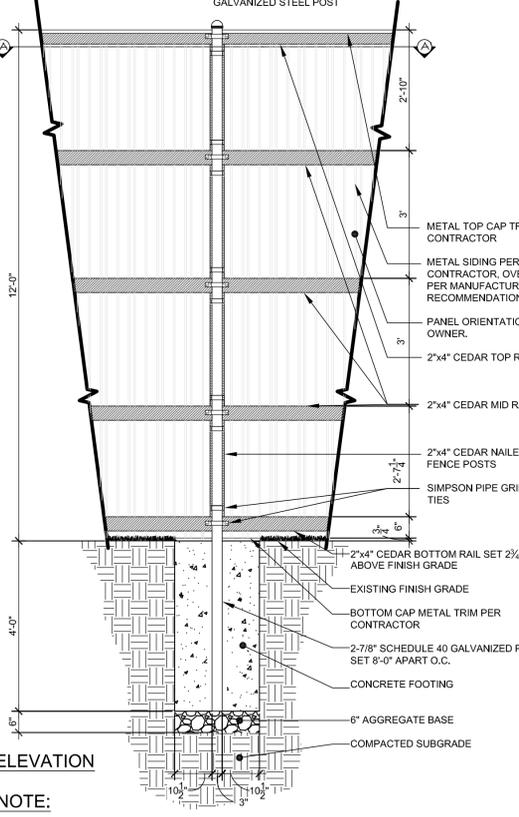
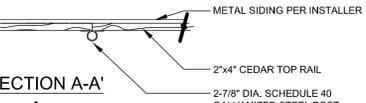
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

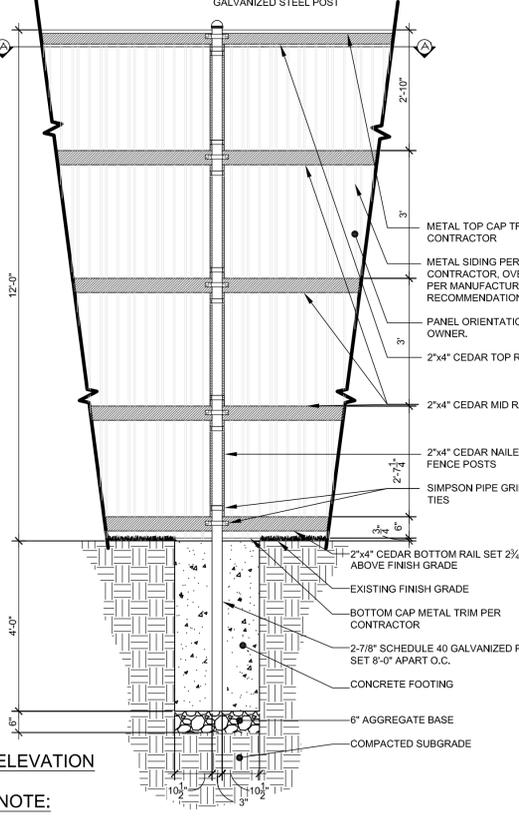
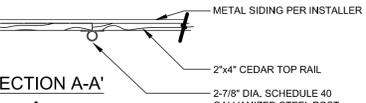
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

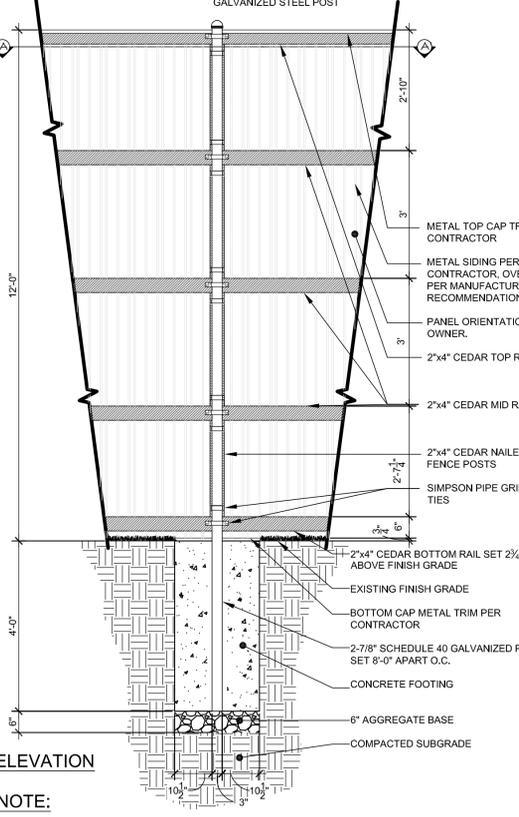
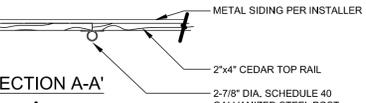
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

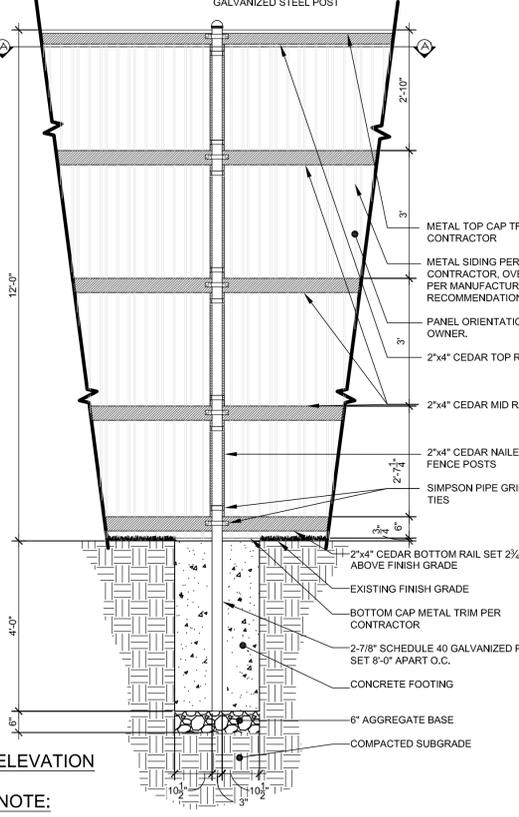
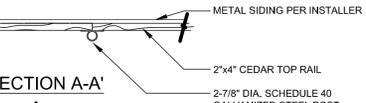
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

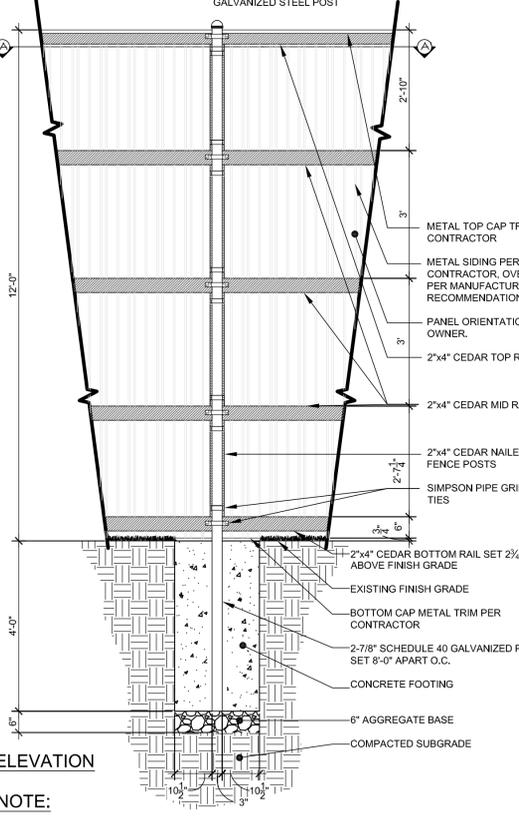
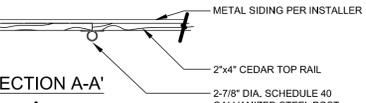
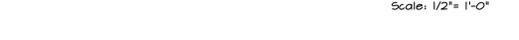
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

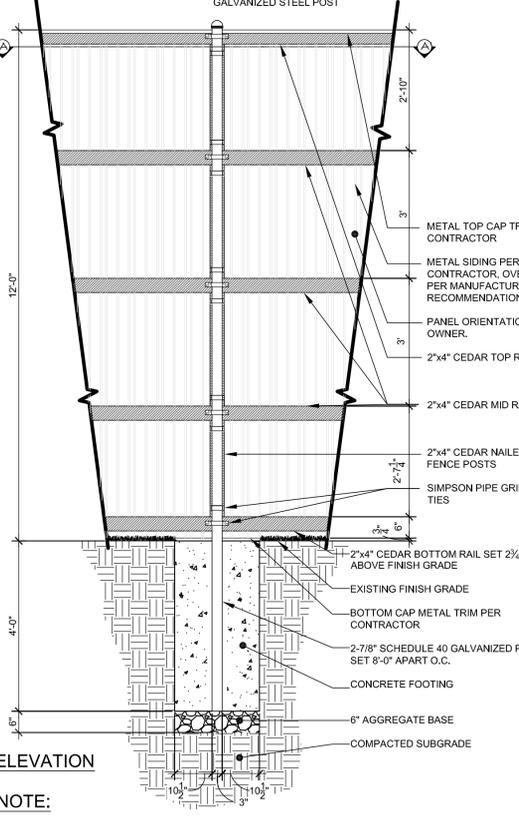
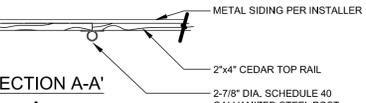
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

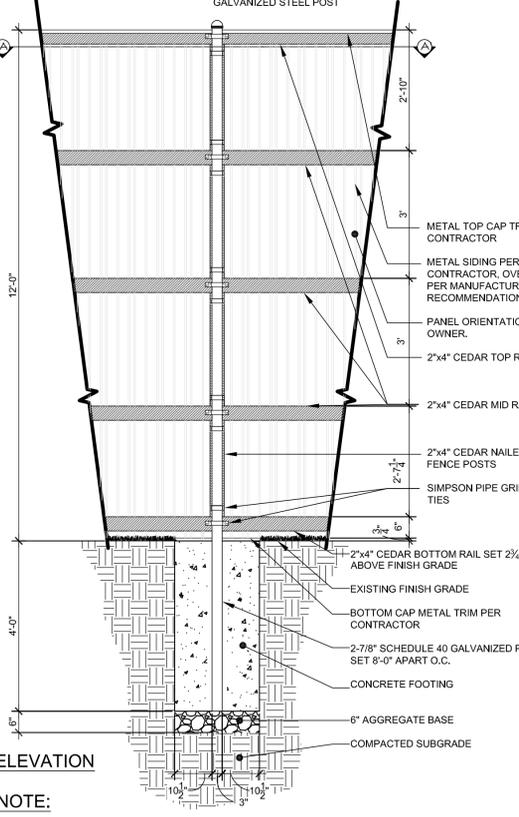
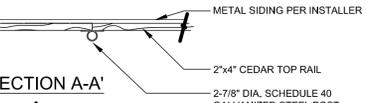
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

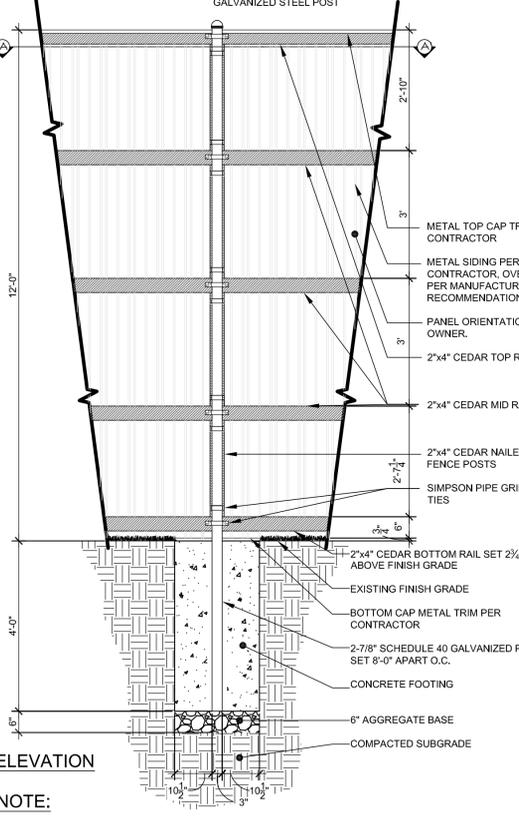
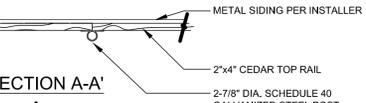
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

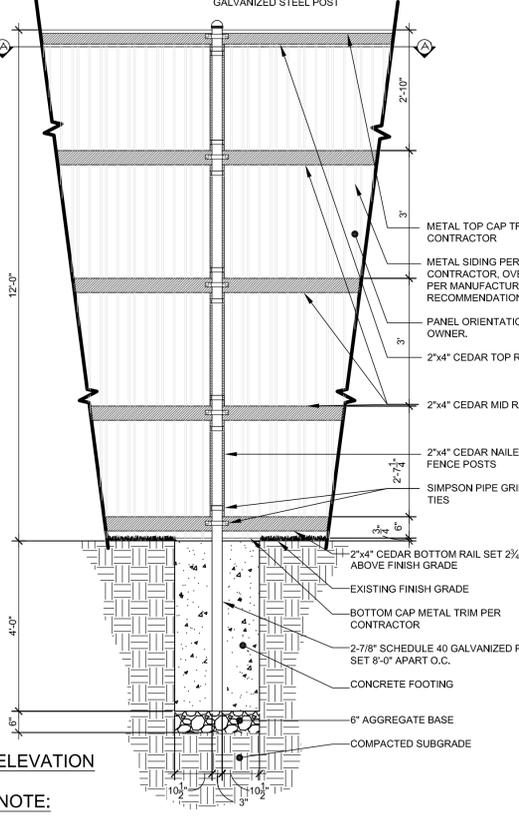
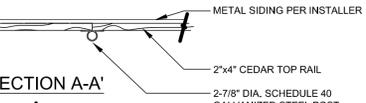
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

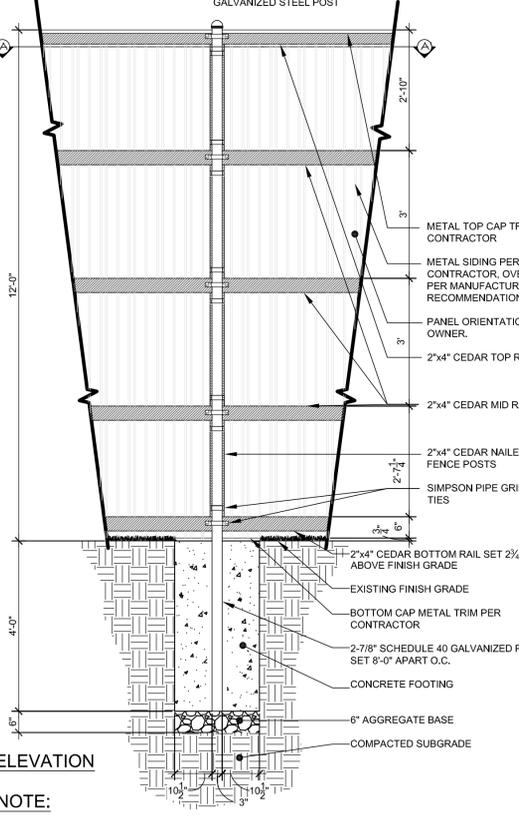
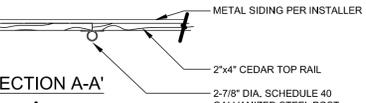
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

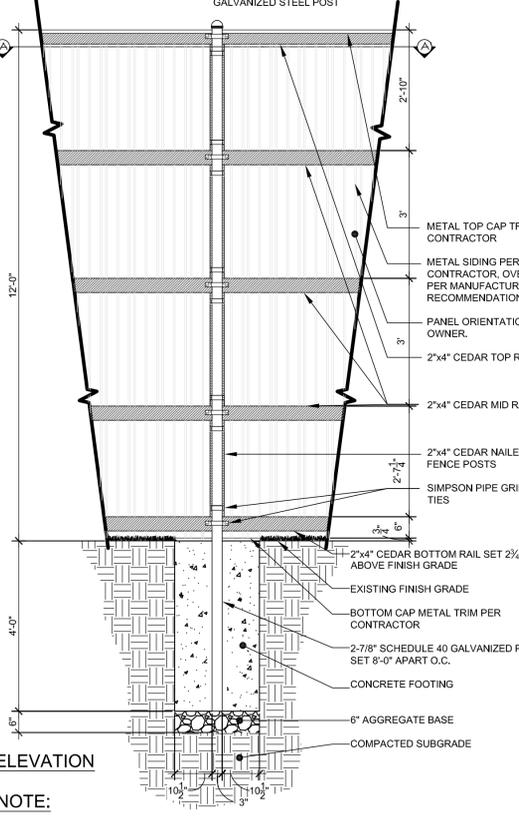
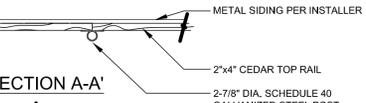
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

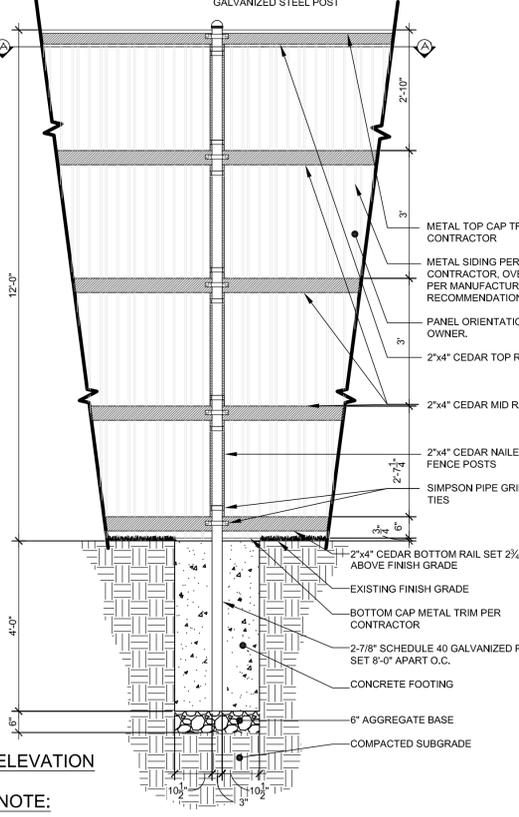
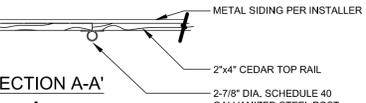
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

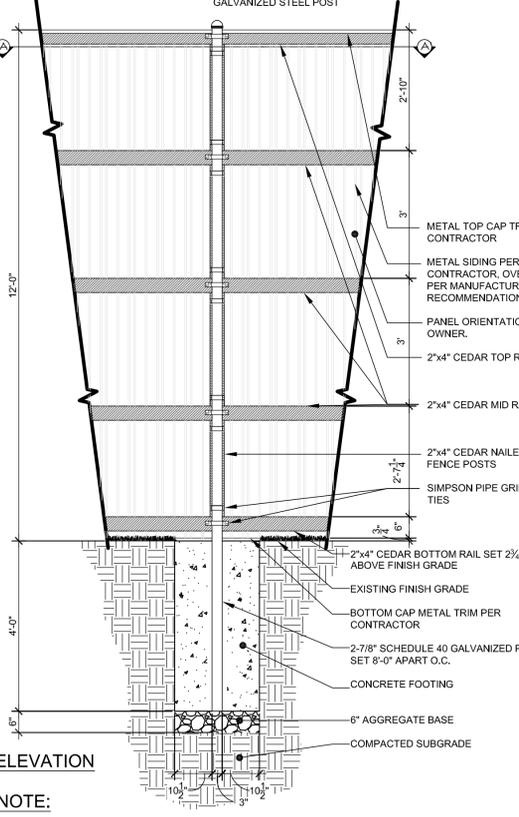
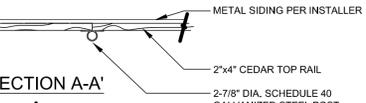
PANEL FENCE



ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

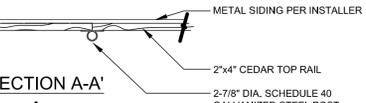
PANEL FENCE



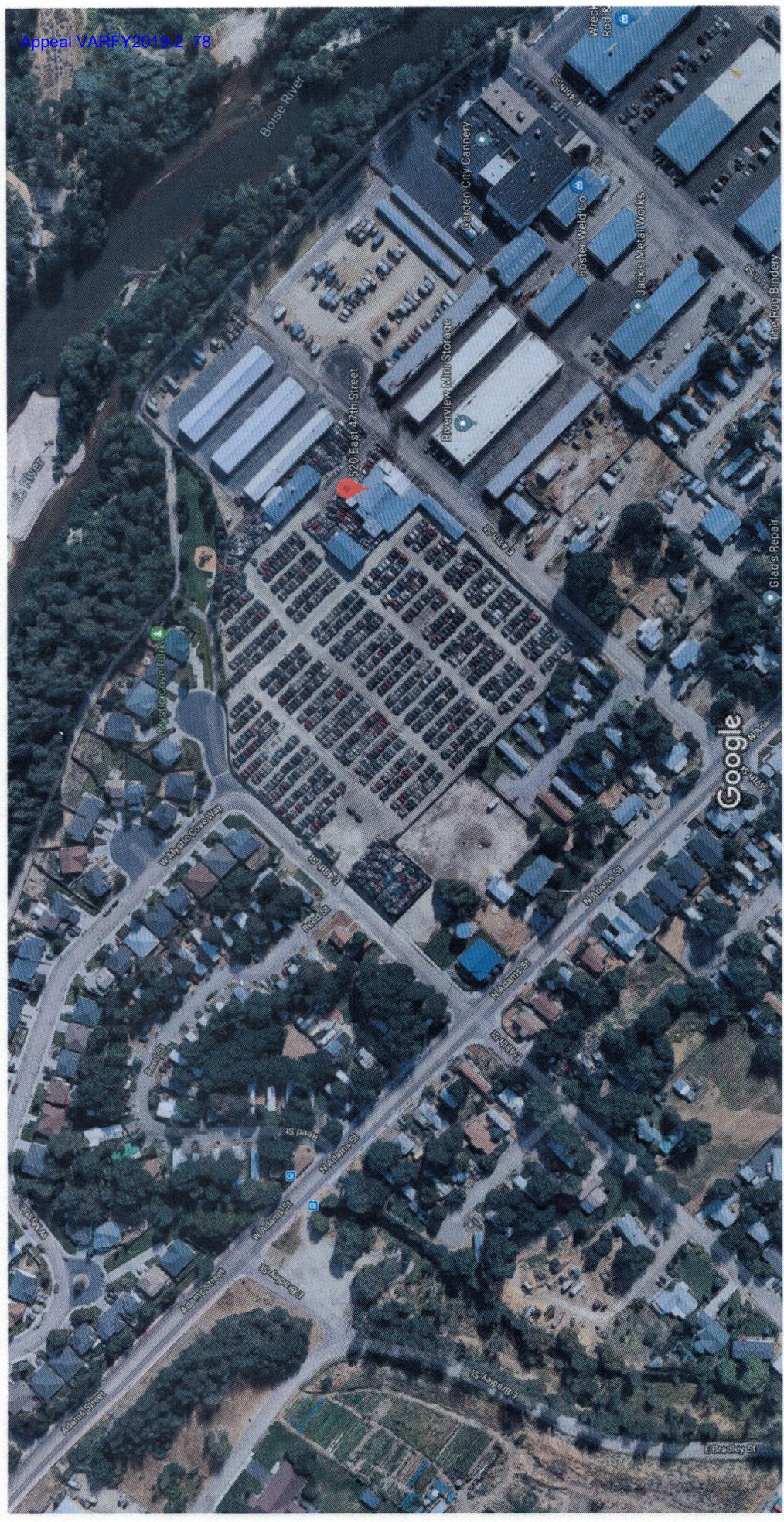
ELEVATION

NOTE:  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

PANEL FENCE



Appeal VARYF2019-2 78



Imagery ©2019 Google, Map data ©2019 Google 100 ft



**DESIGN REVIEW**

Permit info: \_\_\_\_\_  
 Application Date: \_\_\_\_\_ Rec'd by: \_\_\_\_\_  
 FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921  
 ▪ [www.gardencityidaho.org](http://www.gardencityidaho.org) ▪ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

APPLICANT		PROPERTY OWNER	
Name:	MARK L BUTLER	Name:	DILLON BOISE LLC
Company:	LAND CONSULTANTS INC.	Company:	DILLON BOISE LLC
Address:	P.O. BOX 314	Address:	520 E 47th ST
City:	EAGLE	City:	GARDEN CITY, ID
State:	ID	State:	ID
Zip:	83616	Zip:	83714
Tel.:	(208) 939-7444	Tel.:	
E-mail:	markleebutler@gmail.com	E-mail:	

**PROPERTY AND DESIGN INFORMATION**

This application is a request to:  Construct New  Addition  Subdivision

NEW FENCE ALONG NORTH WEST CORNER OF PROPERTY

Site Address:

520 E 47th GARDEN CITY, ID 83714

Subdivision Name:

FARVIEW ACRES SUB NO 03

Lot:

07 & 08

Block:

22

Tax Parcel Number: R2734523066, R2734523062

R2734522961, R2734522981, R2734522991

Zoning:

C-2 & R-3

Total Acres:

Proposed Use: R2734523011

NO CHANGE - AUTO PARTS

Floodplain:

Yes

No

PICK-A-PART JALOPY JUNGLE

**OBJECTIVES 8-4C**

1. How does the design of the structure advance an urban form through its relationship to the street, the pedestrian and adjacent properties?
2. How does the design maximize the opportunities for safe and comfortable pedestrian accessibility and minimize the effects of parking and vehicular circulation?
3. What are the building materials?
4. What are the existing notable site features and how does the design respect them?
5. Is the building consistent with the adopted streetscape?

**Bike and Pedestrian:** How have bike and pedestrian circulation been arranged with respect to adjacent facilities, internal circulation, and potential vehicular conflicts? Is there sidewalk? How far away are the nearest transit facilities and is there safe and comfortable access to the facilities?

**Parking and parking lot standards:** Is there a tree provided for every 5 parking stalls? Is there bike parking provided? Is the parking adequately screened from adjacent uses and the street? Is there any stall that is located more than 100' from a shade tree?

**Community Interaction:** How does the development incorporate into the envisioned neighborhood? How does the proposed project support a compact development pattern that enables intensification of development and changes over time? How does the proposed design support a development

pattern in nodes rather than strip commercial along arterial corridors? How does the project promote a place where people want to be? If not exempt 8-4G sustainability, how many points will the project have, as totaled from the sustainability checklist?

**Landscaping:** Is there more than 5% of the site dedicated to landscaping? Is there one class II or III tree provided for every 50' of street frontage? Will any trees be removed from the site? What kind of irrigation will be provided? Is the landscaping compatible with local climatic conditions?

**Building Design:** How does the building provide visual interest and positively contribute to the overall urban fabric of the community? What is the Floor to Area ratio? Is there relief incorporated into facades and or rooflines greater than 50'? What are the setbacks? How are the outdoor service and equipment areas screened? If there are multiple structures, are the setbacks consistent? Are there any "green building" concepts are incorporated into the project?

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.

Mark J Butler 5/28/19      [Signature] 5/28/19  
Signature of the Applicant      (date)      Signature of the Owner      (date)

**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
- Site Plan
- Landscape Plan
- Schematic Drawing
- Lighting Plan
- Topographic Survey
- Grading Plan
- Will Serve Letter \*\*If required, must submit a Fire Flow Request
- Ada County Approved Addresses
- Waiver Request of Application Materials
- Affidavit of Legal Interest
- Sustainability Checklist *\*if applicable*

## PLEASE CHECK THE FOLLOWING:

### INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Statement explaining how the proposed structure(s) is compliant with the standards of review for the proposed application
- 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
- NA  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
- NA  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.
- NA  The site plan shall demonstrate safe vehicular access as required in 8-4E-4
- Driveways, access to public streets, parking with stalls, loading areas.
- Sidewalks, bike and pedestrian paths.
- Berms, walls, screens, hedges and fencing.
- Location and width of easements, canals, ditches, drainage areas.
- NA  Location, dimensions and type of signs.
- Trash storage and mechanical equipment and screening.
- NA  Parking including noted number of regular, handicap and bike parking as well as dimensions of spaces and drive aisles depicted on plan
- NA  Log depicting square footage of impervious surface, building and landscaping
- Location and height of fences and exterior walls
- Location and dimensions of outdoor storage areas
- NA  Location of utilities and outdoor serviced equipment and areas
- NA  Location of any proposed public art, exterior site furniture, exterior lighting, signage

**INFORMATION REQUIRED ON LANDSCAPE PLAN:**

- Scale the same as the site plan.
- NA  Type, size, and location of all existing and proposed plants, trees, and other landscape materials.
- NA  Size, location and species of existing vegetation labeled to remain or to be removed.
- NA  All areas to be covered by automatic irrigation, including location of proposed irrigation lines.
- NA  Cross section through any special features, berms, and retaining walls.
- NA  A plant list of the variety, size, and quantity of all proposed vegetation
- NA  Log of square footage of landscaping materials corresponding to location
- NA  Locations and dimensions of open space and proposed storm water systems

**INFORMATION REQUIRED ON SCHEMATIC DRAWINGS (ELEVATIONS):**

- Scale not less than 1/8 inch = 1 foot (1/8" = 1')
- Floor plans; elevations, including recorded grade lines; or cross sections that describe the highest points of all structures and/or buildings, showing relationship to recorded grade existing prior to any site preparation, grading or filing
- Decks, retaining walls, architectural screen walls, solid walls, and other existing and proposed landscape features shall be shown in elevations and sections with the details to show the completed appearance of those structures
- Overall dimensions of all proposed structures
- Specifications on exterior surface materials and color
- Sample materials (as determined by the staff)

**INFORMATION REQUIRED ON LIGHTING PLAN:**

- NA  11" x 17" size minimum
- NA  Location, type, height, lumen output, and luminance levels of all exterior lighting
- NA  Refer to Garden City Code 8-4A-6 for outdoor lighting requirements
- NA  Location of municipal street lights

**INFORMATION FOR TOPOGRAPHIC SURVEY:**

- NA  The topographic map is a map of the application site and adjoining parcels prepared by an engineer and/or land surveyor, and at a scale of not less than one inch (1") to twenty feet (20').
- NA  If the site has been known to have been altered over time, then the applicant shall provide evidence of the natural topography of the site

**INFORMATION REQUIRED ON GRADING PLAN:**

- NA  11" x 17" size minimum
- NA  Scale not less than one inch equals twenty feet (1" = 20')
- NA  Two foot (2') contours for the entire proposal site
- NA  One foot (1') contours for details, including all planimetric features
- NA  Existing site features, including existing structures, trees, streams, canals, and floodplain hazard areas
- NA  Existing easement and utility locations
- NA  Approximate limiting dimensions, elevations, and finish contours to be achieved by the contemplated grading within the project, showing all proposed cut and fill slopes, drainage channels, and related construction; and finish and spot grade elevations for all wall and fence construction, and paved and recreational surface
- NA  Slope and soil stabilization and re-vegetation plan, including identification of areas where existing or natural vegetation will be removed and the proposed method of re-vegetating. Show all areas of disturbance and construction fencing location; re-vegetation is required for all disturbed areas
- NA  Proposed storm water systems

**INFORMATION REQUIRED MASTER SIGN PLAN:**

***\*Required for developments of two or more buildings:***

NA  Location, elevations, and materials of proposed signage

**INFORMATION REQUIRED FOR IRRIGATION/DITCH INFORMATION FORM:**

***\*Required if irrigation canal/irrigation ditch runs through property or along property lines:***

NA  Letter from company indicating approval

**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.

May 27, 2019

Garden City Development Services Department  
Attn: Chris Samples  
6015 Glenwood Street  
Garden City, ID 83714

RE: Design Review for new privacy fence at property addressed as 520 E. 47<sup>th</sup> Street

Dear Mr. Samples,

On behalf of my client we are submitting a design review request for a 12-foot high privacy fence on the front property line and along the southwest side of a portion of the subject property as shown on the accompanying Fencing Plan site map. An accompanying application for a variance has been submitted. See attached variance justification letter.

Garden City code does not allow unsightly fencing materials such as unsightly sheet metal, unless an application is made to design review committee and the committee finds the fence to be compliant with all of the following:

**1. Implement the vision as set forth in the comprehensive plan;**

*2.4 Objective: Improve the appearance of street corridors.*

*Action Steps: 2.4.1 With the appropriate transportation agency, develop new streetscape standards for state highways, major arterials, collectors, and **local streets**. The standards should address:*

**adjacent land uses;**

*vehicular, pedestrian and bicycle needs;*

*lighting; and*

*landscaping and trees.*

*There is a desire for a transition from the longtime established use to the fairly new residential neighborhood developed a few years ago. The fence would create a softer transition by creating a visual separation. The 12-foot high privacy fence is replacing an existing eight foot high wood fence and does not affect any other site features. We are only raising the privacy screening, and providing a far more durable material, to protect the transition sightline.*

*The privacy fence will enhance pedestrian and drivers view by screening the car stacking area which has been a part of the use established decades ago.*

**10.6 Objective: Continue to support commercial and industrial land uses.**

*Action Steps: 10.6.1 Consider the creation of a "Bradley Technology District" around 50th and Bradley streets. Exclude non-commercial uses from the district to encourage the area as center for industry.*

*This site is located near the proposed "Bradley Technology District." The comprehensive plan clearly encourages this area's industrial and commercial land use and should not limit them as they seek to be good neighbors.*

2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section;

*In this case we propose a well-designed, high quality metal fence (see attached exhibit). It is not unsightly.*

3. Demonstrate that it is constructed of professional and durable materials and is not intended to be of temporary nature.

*This durable privacy fence will not only provide desired screening of the Jalopy Jungle car stacking area from the surrounding neighborhood, but it is a strong material that will ensure the fence remains an asset to the neighborhood and will not get worn down like wood.*

Thank you and we look forward to your consideration.

A handwritten signature in cursive script that reads "Mark L. Butler".

Mark L. Butler, Land Consultants Inc.

May 27, 2019

Garden City Development Services Department  
Attn: Chris Samples  
6015 Glenwood Street  
Garden City, ID 83714

RE: Waiver Request of Application Materials for Design Review Application

Dear Mr. Samples,

We request a waiver for the following application materials:

**Lighting Plan** – The existing site lighting will not be affected but the proposed site improvements.

**Topographic Survey** – The site is relatively flat, and no topography will be affected by the proposed site improvements.

**Grading Plan** – Not applicable. We are not proposing any changes to the existing site grading.

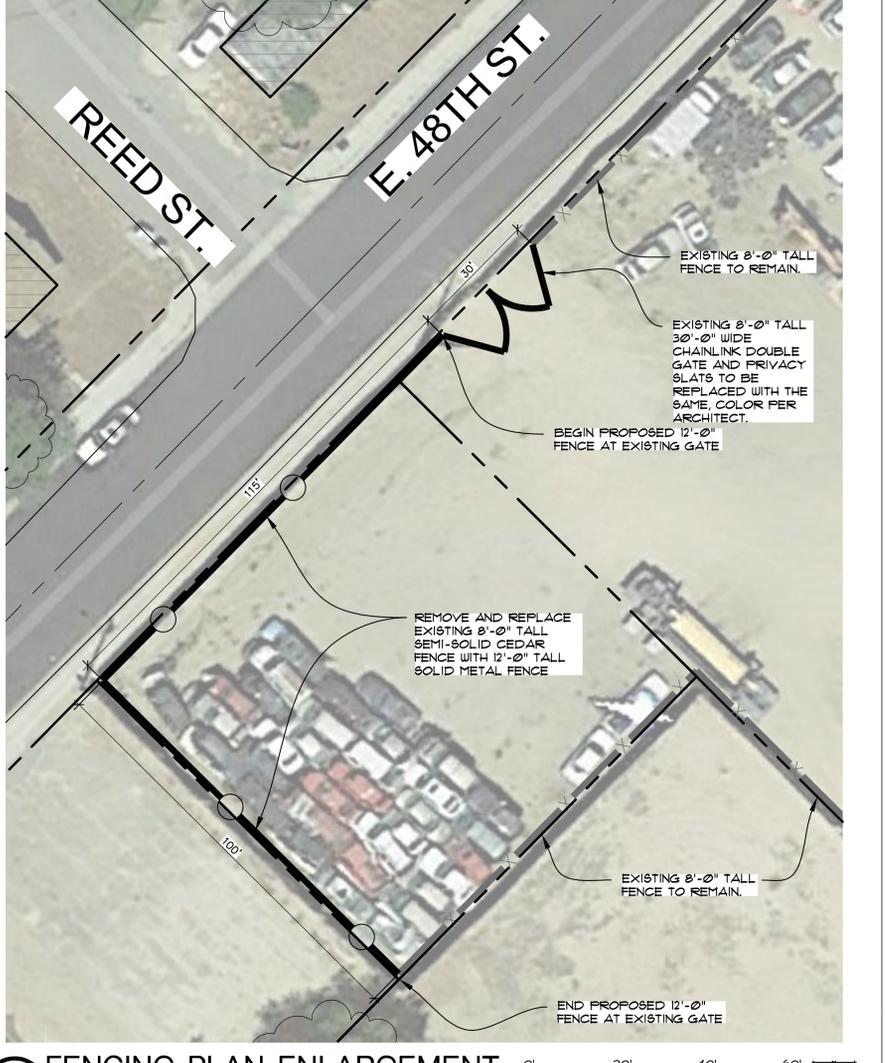
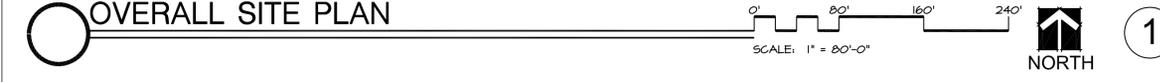
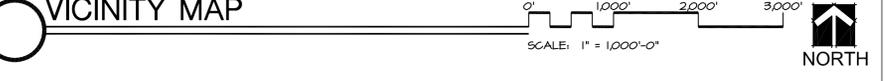
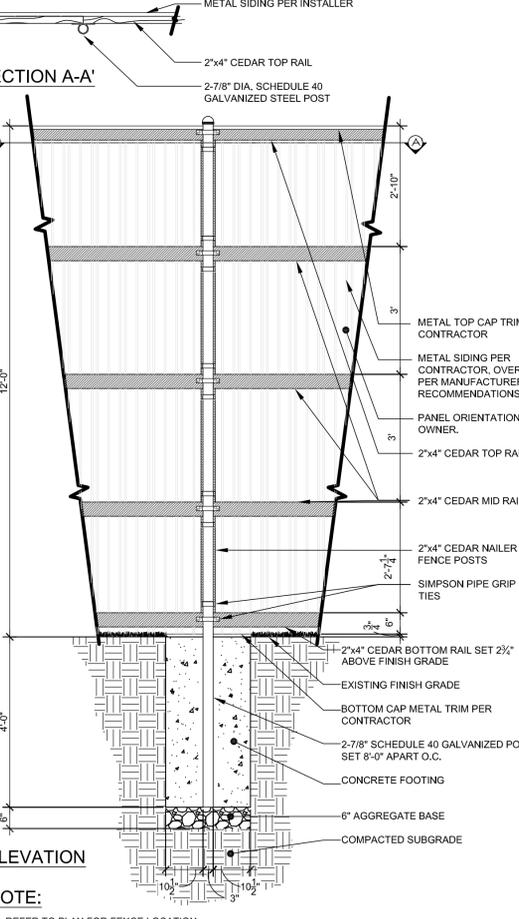
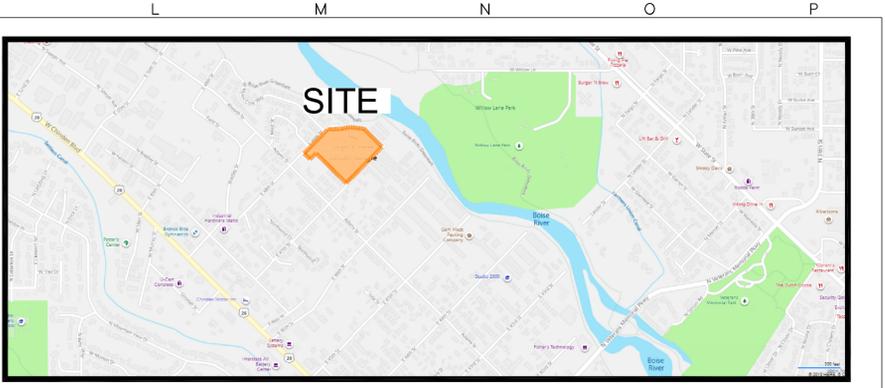
**Will Serve Letter** – All utilities are existing. The proposed site improvements will not require an increase in services.

**Ada County Approved Addresses** – The addresses are existing. We are not adding new addresses.

**Sustainability Checklist** – Not applicable. No building improvements.

Sincerely,

  
Mark L. Butler, LCI



**PROJECT SITE DATA:**  
CONSTRUCTION SITE LOT INFORMATION:

PARCEL #: R2734523066  
ZONING: R-3  
ACRES: 0.22  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: W 1/3 OF LOT 32 BLK 22

ADDITIONAL ADJACENT JALOPY JUNGLE PROPERTIES INFORMATION:

PARCEL #S: R2734523062  
ZONING: C-2  
ACRES: 2.04  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: LOTS 29 TO 31 INC BLK 22

PARCEL #S: R2734522981  
ZONING: R-3  
ACRES: 1.36  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: LOTS 04 & 05 BLK 22

PARCEL #S: R2734522981  
ZONING: C-2  
ACRES: 0.69  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: LOT 06 BLK 22

PARCEL #S: R2734522991  
ZONING: C-2  
ACRES: 2.333  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: LOTS 07 & 08 BLK 22

PARCEL #S: R2734523011  
ZONING: C-2  
ACRES: 0.842  
SUB: FAIRVIEW ACRES NO 03  
LEGAL: LOT 09 BLK 22

**LEGEND:**

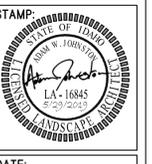
- EXISTING 8 FOOT CEDAR FENCE (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
- EXISTING 8 FOOT CHAINLINK GATE WITH PRIVACY SLATS
- PROPOSED 12 FOOT SOLID SCREEN FENCE VERTICALLY ALIGNED METAL ROOFING PANELS WITH 2 1/8" SCHEDULE 40 POSTS AND FIVE HORIZONTAL CEDAR RAILS. (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
- PROPERTY LINE
- EDGE OF PAVEMENT
- ROADWAY CENTER LINE
- EXISTING BUILDINGS
- EXISTING TREES

**NOTE:**  
1. REFER TO PLAN FOR FENCE LOCATION.  
2. COLOR PER ARCHITECT.

**OWNER**  
PICK-A-PART JALOPY JUNGLE  
520 E 47TH ST,  
GARDEN CITY, ID 83714  
(208) 321-7721

**LANDSCAPE ARCHITECT:**  
SOUTH BECK AND BAIRD  
2002 S. VISTA AVENUE  
BOISE, IDAHO 83705  
(208) 342-4811  
(208) 342-2999

**CONTRACTOR:**  
FRONTIER FENCE COMPANY  
P.O. BOX 9306  
BOISE, IDAHO 83707  
(208) 344-5817



DATE: 5/29/2019

**SOUTH BECK & BAIRD**  
South Landscape Architecture P.C.  
Dba South Beck & Baird Landscape Architecture P.C.  
2002 S. Vista Ave  
Boise, ID 83705  
208-342-2999 Office  
CALL 24 HOURS DAILY  
FOR A FREE CONSULTATION  
WWW.SBANDB.COM  
S@SBANDB.COM

REVISIONS:

**FENCING PLAN**  
**Pick-A-Part Jalopy Jungle**  
**520 E 47TH ST, GARDEN CITY, IDAHO 83714**

DRAWN BY: A.W.J.  
CHECKED BY: A.W.J.  
PROJECT NUMBER: 19-020  
SHEET:

**L1.00**

SOLID METAL SCREEN FENCING EXHIBIT

With the intent of being good neighbors, this application is proposing improvements to the existing fence.



**From:** [planning](#)  
**To:** [Christian Samples](#)  
**Subject:** FW: GC19-0023/ DSRFY2019-16/ VARFY2019-2  
**Date:** Wednesday, July 31, 2019 1:19:54 PM  
**Attachments:** [image001.png](#)

---

**From:** Dawn Battles <[Dbattles@achdidaho.org](mailto:Dbattles@achdidaho.org)>  
**Sent:** Tuesday, July 30, 2019 3:58 PM  
**To:** 'markleebutler@gmail.com' <[markleebutler@gmail.com](mailto:markleebutler@gmail.com)>  
**Cc:** [planning@GARDENCITYIDAHO.ORG](mailto:planning@GARDENCITYIDAHO.ORG)>  
**Subject:** GC19-0023/ DSRFY2019-16/ VARFY2019-2

This email is in regards to the request located at 520 E. 47<sup>th</sup> Street which also includes parcel numbers R2734523066, R2734523062, R2734522961, R2734522981 and R2734523011. ACHD requires the new fence to be located outside of the right-of-way. Please let me know if you have any questions.

Thanks,

***Dawn Battles  
Planner***

Ada County Highway District  
Tel: 208.387.6218  
[dbattles@achdidaho.org](mailto:dbattles@achdidaho.org)

*"We drive quality transportation for all Ada County-Anytime...Anywhere!"*

***We are located at 1301 N. Orchard Street, Suite 200.***



---

**Total Control Panel**

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) Message Score: 1 High (60): **Pass**  
From: [dbattles@achdidaho.org](mailto:dbattles@achdidaho.org) My Spam Blocking Level: High Medium (75): **Pass**  
Low (90): **Pass**

[Block](#) this sender  
[Block](#) achdidaho.org

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [planning](#)  
**To:** [Christian Samples](#)  
**Subject:** FW: DSRFY2019-16, VARFY2019-2  
**Date:** Monday, August 12, 2019 3:29:15 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

---

**From:** D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Sent:** Monday, August 12, 2019 3:01 PM  
**To:** planning <planning@GARDENCITYIDAHO.ORG>  
**Subject:** DSRFY2019-16, VARFY2019-2

Good afternoon,

ITD has received application DSRFY2019-16, VARFY2019-2 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

---

**From:** planning <[planning@GARDENCITYIDAHO.ORG](mailto:planning@GARDENCITYIDAHO.ORG)>  
**Sent:** Tuesday, July 16, 2019 4:50 PM  
**Subject:** [EXTERNAL] City of Garden City - Agency Notice

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

CITY OF GARDEN CITY AGENCY NOTICE

THE FOLLOWING ITEMS WILL BE CONSIDERED IN A QUASI JUDICIAL HEARING AT GARDEN CITY IDAHO:

- A. SUBFY2017-1/PUD2013-2: Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714. Application materials can be found here: [Link](#)
- B. SUBFY2019 - 4: Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of a preliminary plat subdivision located on 34<sup>th</sup>, 35<sup>th</sup>, and Carr Streets. The subdivision is proposed within the 34<sup>th</sup> Street Specific Area Plan. Application materials can be found here: [Link](#)
- C. SUBFY2019 -5: Gary Asin is requesting approval of a two lot combined preliminary/final plat subdivision located at 3588 N. Prospect Way, Ada County Parcel Number R9242370040. The property is described as Lot 4,

Block 1, Waterfront District Subdivision. Application materials can be found here: [Link](#)

- D. DSRFY2019-16:/VARFY2019 - 2 Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47<sup>th</sup> Street, Ada County Parcel R2734522991. The variance is requested to exceed the fence height requirements of Garden City Code 8-4A-3. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site. Application materials can be found here: [Link](#)

NOTE: Please send comments to Garden City Development Services by **Wednesday, August 12, 2019**. If you do not respond by this date it will be considered "No Comment." It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or Development Services Department, 6015 N. Glenwood St., Garden City, Idaho 83714.



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](http://www.gardencityidaho.org) e: [csamples@gardencityidaho.org](mailto:csamples@gardencityidaho.org)



---

Total Control Panel

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) [Remove](#) this sender from my allow list

From:

[d3development.services@itd.idaho.gov](mailto:d3development.services@itd.idaho.gov)

You received this message because the sender is on your allow list.

**From:** [planning](#)  
**To:** [Christian Samples](#)  
**Subject:** FW: Concerns about Jalopy Jungle's Fence request  
**Date:** Monday, August 19, 2019 10:29:58 AM

---

---

**From:** Mystic Cove Board <mysticcovehoa@gmail.com>  
**Sent:** Sunday, August 18, 2019 10:03 PM  
**To:** planning <planning@GARDENCITYIDAHO.ORG>  
**Subject:** Concerns about Jalopy Jungle's Fence request

To whom it may concern,

I am the President of the Mystic Cove Homeowner's Association. We are a neighborhood of 66 homes on Mystic Cove Way between 48th and 49th.

We understand that Jalopy Jungle is requesting an exception from Garden City to change their fence from the regulated 8 feet to a 12 foot metal fence due to receiving City Code violations for stacking cars over the height of the fence. I am unable to attend the August 19th design due to short notice and prior work commitments, please consider the following information as you deliberate Jalopy Jungle's request.

Mystic Cove homeowners would like to go on record as being **against this proposal** some of the reasons are stated below:

- the metal fence will look cold and institutional
- the production at the salvage yard will stay the same and will have potential to increase
- The stacked cars will still be viewable when driving south from Mystic Cove Way
  - Note: The 8 foot fence could appear higher in some areas if Jalopy Jungle paved the first few feet of their property to match the height of the sidewalk.

Other concerns:

- Jalopy Jungle does not proactively take responsibility for its impact to the neighborhood.
  - Jalopy Jungle does not maintain and repair the existing fence appropriately
    - replacing damaged slats with wrong sized boards, non fencing materials, or not at all.
  - The business does not meet ACHD requirements of pavement 30 feet into property at exits.
    - This is creating mud tracking onto the sidewalk and street and impacting our storm drains.
  - The business does not maintain it's sidewalk on 48th.
    - Jalopy jungle cleaned the sidewalk in April, upon our feedback. This is the only time they have cleaned the sidewalk to our knowledge (I have resided here since 2006).
      - This impacts our children walking to the bus stop. Snow does not get cleared, debris from cars and debris from flooding (present for 2 years).
  - Will the minor improvements made since April, such as debris and car sight over fence continue or is it actions to help the approval process?

We took pictures of the area March 21, 2019 and again August 17, 2019:

Here is the iCloud link to pictures taken March 21, 2019:

[https://www.icloud.com/photos/#09bSnXdbr9zErgo2\\_-j0LzoAg](https://www.icloud.com/photos/#09bSnXdbr9zErgo2_-j0LzoAg)

Here is the iCloud link to pictures and video taken August 17,

2019: <https://share.icloud.com/photos/0WMmG66-atG21-mqUI98YcgAg>

We ask that Garden City require Jalopy Jungle to abide by not just the city code for fencing, but all other codes as well.

We care about our community and welcome businesses who are engaged and supportive of the area in which they operate.

Sincerely,  
Traci Bradshaw  
President, Mystic Cove HOA

---

**Total Control Panel**

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

Message Score: 1

High (60): **Pass**

From: [mysticcovehoa@gmail.com](mailto:mysticcovehoa@gmail.com)

My Spam Blocking Level: High

Medium (75): **Pass**

Low (90): **Pass**

[Block](#) this sender

[Block](#) gmail.com

*This message was delivered because the content filter score did not exceed your filter level.*



**From:** [planning](#)  
**To:** [Christian Samples](#)  
**Subject:** FW: Lack of Public Hearing Notices on 48th  
**Date:** Wednesday, August 21, 2019 11:39:40 AM

---

---

**From:** Mystic Cove Board <mysticcovehoa@gmail.com>  
**Sent:** Tuesday, August 20, 2019 2:23 PM  
**To:** csamples@gardencity.org; planning <planning@GARDENCITYIDAHO.ORG>  
**Subject:** Lack of Public Hearing Notices on 48th

Garden City Commissioners.

As Mystic Cove HOA's President, I have received a number of concerns about the lack of notice regarding Jalopy Jungle's hearings scheduled for this week. When I share the reason for no postings on 48th was due to no room on Jalopy Jungle's property, the homeowners then ask a variation of: "Why didn't they place the notices in the lot next to Jalopy Jungle? The city used this area for sand bagging 2 years ago?"

Please see attached image. I thought you should be aware of this concern.

Thank you for your time,  
Traci Bradshaw

---

**Total Control Panel**

[Login](#)

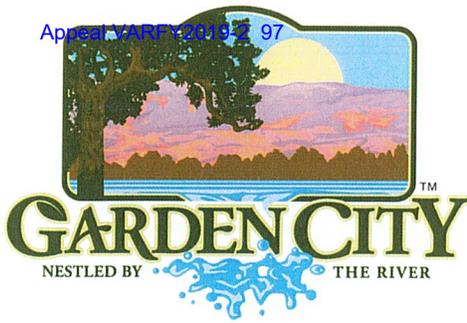
To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) Message Score: 57 High (60): **Pass**  
From: [mysticcovehoa@gmail.com](mailto:mysticcovehoa@gmail.com) My Spam Blocking Level: High Medium (75): **Pass**  
Low (90): **Pass**

[Block](#) this sender

[Block](#) gmail.com

*This message was delivered because the content filter score did not exceed your filter level.*





# CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2996

## PUBLIC HEARING SIGN-UP SHEET

### You must sign up to testify – or submit comments

Agenda Item # or name: VARFY2019 – 2 - Fence

Date: 8/21/2019

**PLEASE PRINT LEGIBLY**

Name: Jason Jones

Physical Address (City & State of residence, not PO Box):

208 E 33rd St  
Garden City, ID 83714

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Choose one:**  Support the application       Neutral       Oppose the application

Do you wish to testify?  Yes       No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

---



---



---

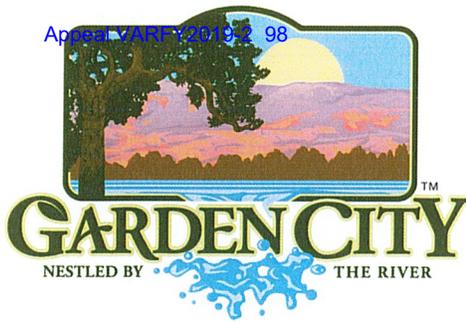


---



---

\_\_\_\_\_  
Written Signature (only if not testifying)



# CITY OF GARDEN CITY

6015 Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2996

## PUBLIC HEARING SIGN-UP SHEET

### You must sign up to testify – or submit comments

Agenda Item # or name: VARFY2019 – 2 - Fence

Date: 8/21/2019

**PLEASE PRINT LEGIBLY**

Name: Traci Bradshaw

Physical Address (City & State of residence, not PO Box):

4799 W. Mystic Cove  
Garden City, ID 83714

Voluntary Information	
<i>Please check the following boxes if applicable:</i>	
<input type="checkbox"/> American Indian or Alaskan Native	
<input type="checkbox"/> Asian	
<input type="checkbox"/> Black or African American	
<input type="checkbox"/> Hispanic or Latino	
<input type="checkbox"/> White	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
Disabled	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Choose one:** \_\_\_\_\_ Support the application      \_\_\_\_\_ Neutral      X Oppose the application

Do you wish to testify?      \_\_\_\_\_ Yes      \_\_\_\_\_ No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

---



---



---



---



---

\_\_\_\_\_  
Written Signature (only if not testifying)

**From:** [planning](#)  
**To:** [Christian Samples](#)  
**Subject:** FW: Concerns about Jalopy Jungle's Fence request  
**Date:** Monday, August 19, 2019 10:29:58 AM

---

---

**From:** Mystic Cove Board <mysticcovehoa@gmail.com>  
**Sent:** Sunday, August 18, 2019 10:03 PM  
**To:** planning <planning@GARDENCITYIDAHO.ORG>  
**Subject:** Concerns about Jalopy Jungle's Fence request

To whom it may concern,

I am the President of the Mystic Cove Homeowner's Association. We are a neighborhood of 66 homes on Mystic Cove Way between 48th and 49th.

We understand that Jalopy Jungle is requesting an exception from Garden City to change their fence from the regulated 8 feet to a 12 foot metal fence due to receiving City Code violations for stacking cars over the height of the fence. I am unable to attend the August 19th design due to short notice and prior work commitments, please consider the following information as you deliberate Jalopy Jungle's request.

Mystic Cove homeowners would like to go on record as being **against this proposal** some of the reasons are stated below:

- the metal fence will look cold and institutional
- the production at the salvage yard will stay the same and will have potential to increase
- The stacked cars will still be viewable when driving south from Mystic Cove Way
  - Note: The 8 foot fence could appear higher in some areas if Jalopy Jungle paved the first few feet of their property to match the height of the sidewalk.

Other concerns:

- Jalopy Jungle does not proactively take responsibility for its impact to the neighborhood.
  - Jalopy Jungle does not maintain and repair the existing fence appropriately
    - replacing damaged slats with wrong sized boards, non fencing materials, or not at all.
  - The business does not meet ACHD requirements of pavement 30 feet into property at exits.
    - This is creating mud tracking onto the sidewalk and street and impacting our storm drains.
  - The business does not maintain it's sidewalk on 48th.
    - Jalopy jungle cleaned the sidewalk in April, upon our feedback. This is the only time they have cleaned the sidewalk to our knowledge (I have resided here since 2006).
      - This impacts our children walking to the bus stop. Snow does not get cleared, debris from cars and debris from flooding (present for 2 years).
  - Will the minor improvements made since April, such as debris and car sight over fence continue or is it actions to help the approval process?

We took pictures of the area March 21, 2019 and again August 17, 2019:

Here is the iCloud link to pictures taken March 21, 2019:

[https://www.icloud.com/photos/#09bSnXdbr9zErgo2\\_-j0LzoAg](https://www.icloud.com/photos/#09bSnXdbr9zErgo2_-j0LzoAg)

Here is the iCloud link to pictures and video taken August 17,

2019: <https://share.icloud.com/photos/0WMmG66-atG21-mqUI98YcgAg>

We ask that Garden City require Jalopy Jungle to abide by not just the city code for fencing, but all other codes as well.

We care about our community and welcome businesses who are engaged and supportive of the area in which they operate.

Sincerely,  
Traci Bradshaw  
President, Mystic Cove HOA

---

**Total Control Panel**

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

Message Score: 1

High (60): **Pass**

From: [mysticcovehoa@gmail.com](mailto:mysticcovehoa@gmail.com)

My Spam Blocking Level: High

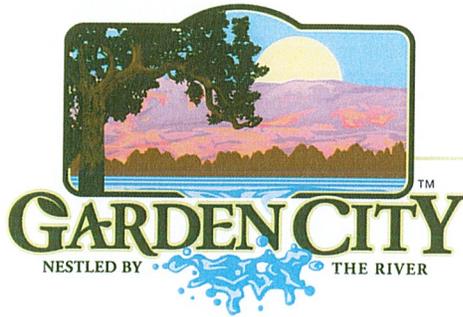
Medium (75): **Pass**

Low (90): **Pass**

[Block](#) this sender

[Block](#) gmail.com

*This message was delivered because the content filter score did not exceed your filter level.*



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – DESIGN REVIEW** RE: DECISION OF THE DESIGN COMMITTEE OF THE CITY OF GARDEN CITY DENYING **DSRFY2019 – 16** REQUESTING THE APPROVAL OF A FENCE MATERIAL TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

YOU ARE HEREBY NOTIFIED as the appellant that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

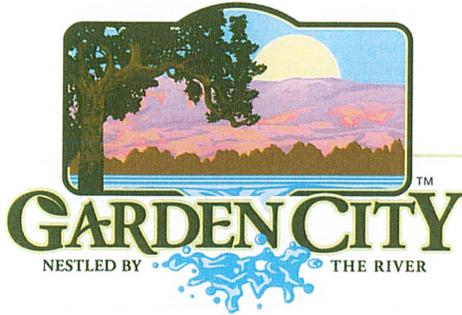
The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** You have appealed the decision and determinations made by the Design Committee relative to the application and interpretation of the Garden City Code Title 8.

This appeal will be on the record of the decision maker.

Dated this 20<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Elizabeth Schenstrom", written over a horizontal line.

Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – VARIANCE** RE: DECISION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF GARDEN CITY DENYING **VARYFY2019-2 FOR A VARIANCE TO GARDEN CITY CODE 8-4A-3 AND 8-1C-3** TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

---

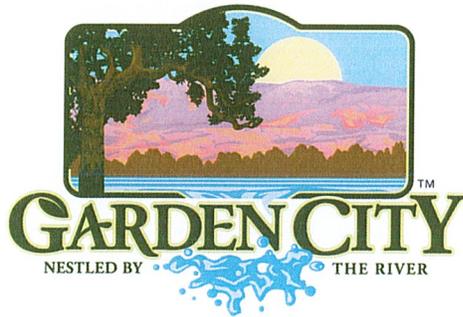
YOU ARE HEREBY NOTIFIED as the appellant that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** You have appealed the decision and determinations made by the Planning and Zoning Commission relative to the application and interpretation of the Garden City Code Title 8.

This appeal will be on the record of the decision maker.

Dated this 20<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – DESIGN REVIEW** RE: DECISION OF THE DESIGN COMMITTEE OF THE CITY OF GARDEN CITY DENYING **DSRFY2019 – 16** REQUESTING THE APPROVAL OF A FENCE MATERIAL TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

APPEAL OF **520 E. 47<sup>th</sup> Street – VARIANCE** RE: DECISION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF GARDEN CITY DENYING **VARYFY2019-2** FOR A VARIANCE TO GARDEN CITY CODE **8-4A-3 AND 8-1C-3** TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

---

YOU ARE HEREBY NOTIFIED as an interested party that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** The decision and determination made by the Design Committee relative to the application and interpretation of the Garden City Code Title 8 has been appealed.

This appeal will be on the record of the decision maker.

Dated this 20<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Elizabeth Schenstrom", is written over a horizontal line.

Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department

**From:** [planning](#)  
**Subject:** City of Garden City - Agency Notice  
**Date:** Tuesday, July 16, 2019 4:49:57 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

## CITY OF GARDEN CITY AGENCY NOTICE

THE FOLLOWING ITEMS WILL BE CONSIDERED IN A QUASI JUDICIAL HEARING AT GARDEN CITY IDAHO:

- A. SUBFY2017-1/PUD2013-2: Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714. Application materials can be found here: [Link](#)
- B. SUBFY2019 - 4: Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of a preliminary plat subdivision located on 34<sup>th</sup>, 35<sup>th</sup>, and Carr Streets. The subdivision is proposed within the 34<sup>th</sup> Street Specific Area Plan. Application materials can be found here: [Link](#)
- C. SUBFY2019 -5: Gary Asin is requesting approval of a two lot combined preliminary/final plat subdivision located at 3588 N. Prospect Way, Ada County Parcel Number R9242370040. The property is described as Lot 4, Block 1, Waterfront District Subdivision. Application materials can be found here: [Link](#)
- D. DSRFY2019-16:/VARFY2019 - 2 Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47<sup>th</sup> Street, Ada County Parcel R2734522991. The variance is requested to exceed the fence height requirements of Garden City Code 8-4A-3. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site. Application materials can be found here: [Link](#)

NOTE: Please send comments to Garden City Development Services by **Wednesday, August 12, 2019**. If you do not respond by this date it will be considered "No Comment." It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or Development Services Department, 6015 N. Glenwood St., Garden City, Idaho 83714.



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](http://www.gardencityidaho.org) e: [csamples@gardencityidaho.org](mailto:csamples@gardencityidaho.org)



# Idaho Statesman

Keeping you connected | IdahoStatesman.com

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
264046	0004301378	LEGAL NOTICE OF PUBLIC HEARINGS PURSU	NO. # VARFY2019 - 2:	\$55.88	2	2.22 In

**Attention:** Christian Samples

GARDEN CITY CITY OF  
6015 GLENWOOD ST  
GARDEN CITY, ID 837141347

**LEGAL NOTICE OF PUBLIC HEARINGS**

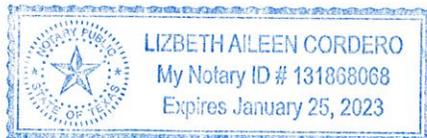
PURSUANT TO ESTABLISHED PROCEDURE, NOTICE IS HEREBY GIVEN THAT THE GARDEN CITY PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING AT 6:30 PM MONDAY, AUGUST 21, 2019, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

**VARFY2019 - 2:** Mark Butler of Land Consultants, Inc. is requesting a variance to the fence height requirements of Garden City Code 8-4A-3 for a new 12-foot-high privacy fence at 520 E. 47th Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33-acre site.

We are pleased to make reasonable accommodations for members of the public who are disabled or require special assistance. For those requiring special arrangements for any meeting, please contact our office at 472-2921, at least 72 hours prior to the time of the meeting. Due to sunshine laws it is requested that the applicant and public do not contact the decision makers directly. All documentation and comments should be submitted through staff or at the Public Hearing.

0004301378-01

*Legal Notices*  
220-80-0083-640-00



VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

1 Insertions

Beginning issue of: 07/19/2019

Ending issue of: 07/19/2019

*V Rodela*

(Legals Clerk)

On this 19th day of July in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Lizbeth Aileen Cordero*

Notary Public in and for the state of Texas, residing in Dallas County

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

# Idaho Statesman

Keeping you connected | IdahoStatesman.com

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
264046	0004301340	LEGAL NOTICE OF PUBLIC HEARINGS PURSU	DSRFY2019-16	\$98.00	2	4.78 In

**Attention:** Christian Samples

GARDEN CITY CITY OF  
6015 GLENWOOD ST  
GARDEN CITY, ID 837141347

**LEGAL NOTICE OF PUBLIC HEARINGS**

PURSUANT TO ESTABLISHED PROCEDURE, NOTICE IS HEREBY GIVEN THAT THE GARDEN CITY DESIGN COMMITTEE WILL HOLD A PUBLIC HEARING AT 3:00 PM MONDAY, AUGUST 19, 2019, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

**DSRFY2019-16:** Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47th Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site.

**SUBFY2017-1/PUD2013-2:** Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.

THE FOLLOWING ITEM, IN ADDITION TO BEING HEARD AT THE DESIGN COMMITTEE MEETING OF AUGUST 19, 2019, WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY PLANNING AND ZONING COMMISSION AT 6:30 PM WEDNESDAY, AUGUST 21, 2019 AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO:

**SUBFY2017-1/PUD2013-2:** Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.

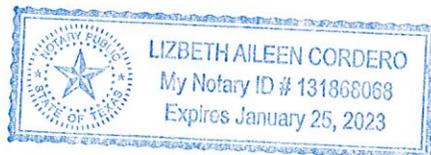
THE FOLLOWING ITEM, IN ADDITION TO BEING HEARD AT THE GARDEN CITY PLANNING AND ZONING COMMISSION MEETING AUGUST 19, 2019, WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY COUNCIL AT 6:00 P.M. MONDAY, SEPTEMBER 9, 2019, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO:

**SUBFY2017-1/PUD2013-2:** Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.

We are pleased to make reasonable accommodations for members of the public who are disabled or require special assistance. For those requiring special arrangements for any meeting, please contact our office at 472-2921, at least 72 hours prior to the time of the meeting. Due to sunshine laws it is requested that the applicant and public do not contact the decision makers directly. All documentation and comments should be submitted through staff or at the Public Hearing.

0004301340-01

Legal Notices  
220-80-0083-640-00



VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

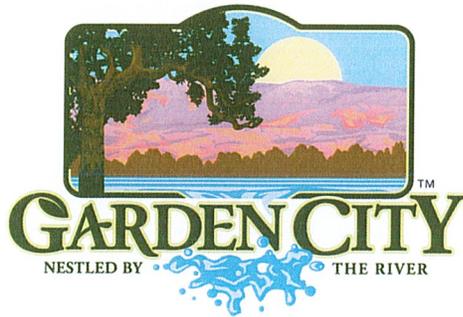
1 Insertions  
Beginning issue of: 07/19/2019  
Ending issue of: 07/19/2019

\_\_\_\_\_  
(Legals Clerk)

On this 19th day of July in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

\_\_\_\_\_  
Notary Public in and for the state of Texas, residing in Dallas County

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – DESIGN REVIEW** RE: DECISION OF THE DESIGN COMMITTEE OF THE CITY OF GARDEN CITY DENYING **DSRFY2019 – 16** REQUESTING THE APPROVAL OF A FENCE MATERIAL TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

APPEAL OF **520 E. 47<sup>th</sup> Street – VARIANCE** RE: DECISION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF GARDEN CITY DENYING **VARYFY2019-2** FOR A VARIANCE TO GARDEN CITY CODE **8-4A-3 AND 8-1C-3** TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

---

YOU ARE HEREBY NOTIFIED as an interested party that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

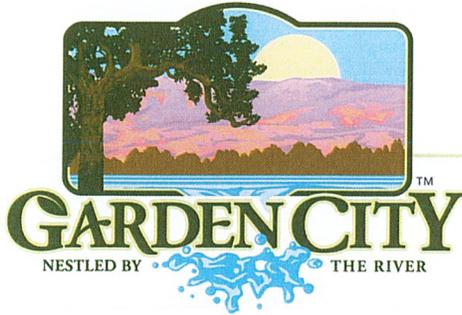
The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** The decision and determination made by the Design Committee relative to the application and interpretation of the Garden City Code Title 8 has been appealed.

This appeal will be on the record of the decision maker.

Dated this 20<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Elizabeth Schenstrom", written over a horizontal line.

Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – VARIANCE** RE: DECISION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF GARDEN CITY DENYING **VARYFY2019-2 FOR A VARIANCE TO GARDEN CITY CODE 8-4A-3 AND 8-1C-3** TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

---

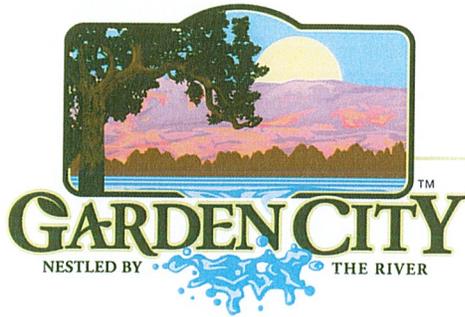
YOU ARE HEREBY NOTIFIED as the appellant that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** You have appealed the decision and determinations made by the Planning and Zoning Commission relative to the application and interpretation of the Garden City Code Title 8.

This appeal will be on the record of the decision maker.

Dated this 20<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department



6015 N. Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2900 • Fax 208/472-2998

**APPEAL PURSUANT TO THE  
Garden City Code Title 8**

BEFORE THE CITY COUNCIL OF THE CITY OF GARDEN CITY.

APPEAL OF **520 E. 47<sup>th</sup> Street – DESIGN REVIEW** RE: DECISION OF THE DESIGN COMMITTEE OF THE CITY OF GARDEN CITY DENYING **DSRFY2019 – 16** REQUESTING THE APPROVAL OF A FENCE MATERIAL TO BE LOCATED AT 520 E. 47<sup>TH</sup> STREET GARDEN CITY, IDAHO, 83714.

YOU ARE HEREBY NOTIFIED as the appellant that an appeal hearing will be held before the City Council at the Garden City, City Hall, Council Chambers, on the **14<sup>TH</sup> day of October, 2019, at 6:00 pm.**

The hearing is to be held pursuant to **Section 8-6A-9 of the Garden City Code.** You have appealed the decision and determinations made by the Design Committee relative to the application and interpretation of the Garden City Code Title 8.

This appeal will be on the record of the decision maker.

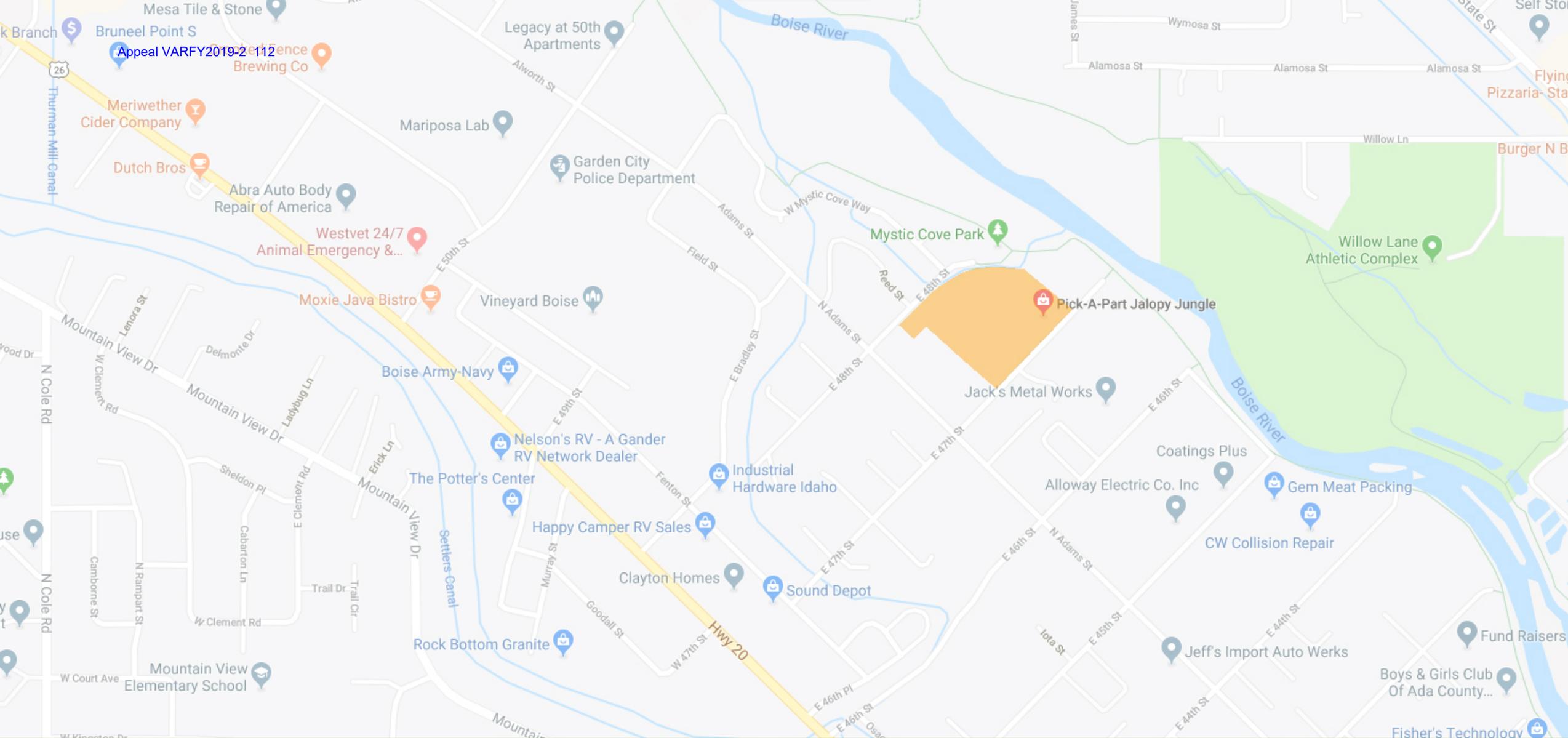
Dated this 20<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Elizabeth Schenstrom", written over a horizontal line.

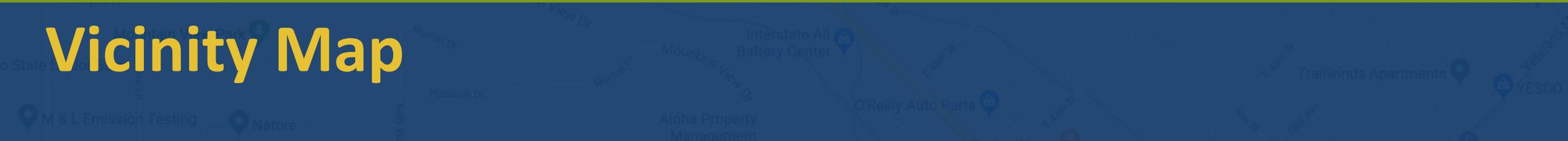
Elizabeth Schenstrom  
Data Management Specialist  
Development Services Department

# Proposed Fence Improvement



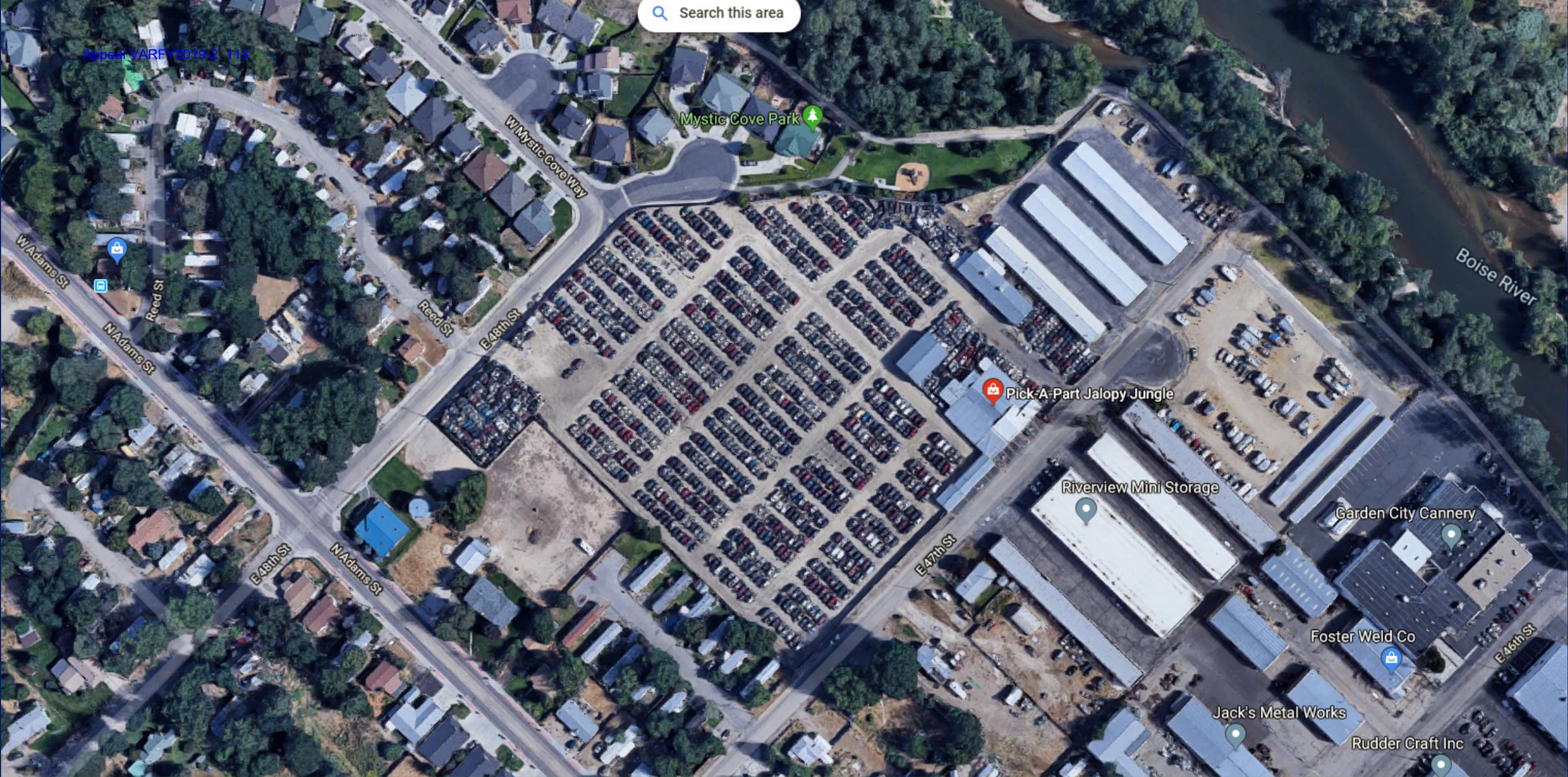


# Vicinity Map



Search this area

Appeal VARY2019-2 113



# Aerial Photo

- ▶ We are requesting a 12-foot high privacy fence on the front property line and along the southwest side of a portion of the subject property as shown on the accompanying Fencing Plan site map.
- ▶ *In this case we propose a well-designed, high quality metal fence (see exhibit). It is not unsightly.*
- ▶ *This durable privacy fence will not only provide desired screening of the Jalopy Jungle car stacking area from the surrounding neighborhood, but it is a strong material that will ensure the fence remains an asset to the neighborhood and will not get worn down like wood.*

## Project Overview

## Implement the vision as set forth in the comprehensive plan;

2.4 Objective: *Improve the appearance of street corridors.*

Action Steps: 2.4.1 *With the appropriate transportation agency, develop new streetscape standards for state highways, major arterials, collectors, and **local streets**. The standards should address:*

**adjacent land uses;**

*vehicular, pedestrian and bicycle needs;*

*lighting; and*

*landscaping and trees.*

*There is a desire for a transition from the longtime established use to the fairly new residential neighborhood developed a few years ago. The fence would create a softer transition by creating a visual separation. The 12-foot high privacy fence is replacing an existing eight foot high wood fence and does not affect any other site features. We are only raising the privacy screening, and providing a far more durable material, to protect the transition sightline.*

*The privacy fence will enhance pedestrian and drivers view by screening the car stacking area which has been a part of the use established decades ago.*

10.6 Objective: **Continue to support commercial and industrial land uses.**

Action Steps: 10.6.1 *Consider the creation of a “Bradley Technology District” around 50th and Bradley streets. Exclude non-commercial uses from the district to encourage the area as center for industry.*

*This site it located near the proposed “Bradley Technology District.” The comprehensive plan clearly encourages this area’s industrial and commercial land use and should not limit them as they seek to be good neighbors.*

# Comprehensive Plan Compatibility



OVERALL SITE PLAN

**PROJECT SITE DATA:**

**CONSTRUCTION SITE LOT INFORMATION:**

PARCEL #S: R2734523066  
 ZONING: R-3  
 ACRES: 0.22  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: W 1/2 OF LOT 32 BLK 22

PARCEL #S: R2734523082  
 ZONING: C-2  
 ACRES: 2.04  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: LOTS 29 TO 31 INC BLK 22

PARCEL #S: R2734522981  
 ZONING: R-3  
 ACRES: 1.36  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: LOTS 04 & 05 BLK 22

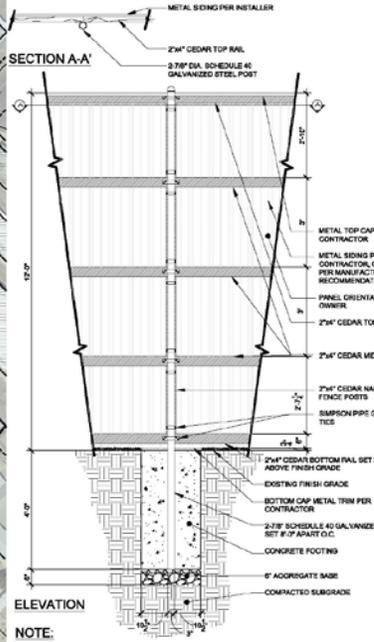
PARCEL #S: R2734522981  
 ZONING: C-2  
 ACRES: 0.69  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: LOT 08 BLK 22

PARCEL #S: R2734522991  
 ZONING: C-2  
 ACRES: 2.333  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: LOTS 07 & 08 BLK 22

PARCEL #S: R2734523011  
 ZONING: C-2  
 ACRES: 0.842  
 SUB: FAIRVIEW ACRES NO 03  
 LEGAL: LOT 09 BLK 22

**LEGEND:**

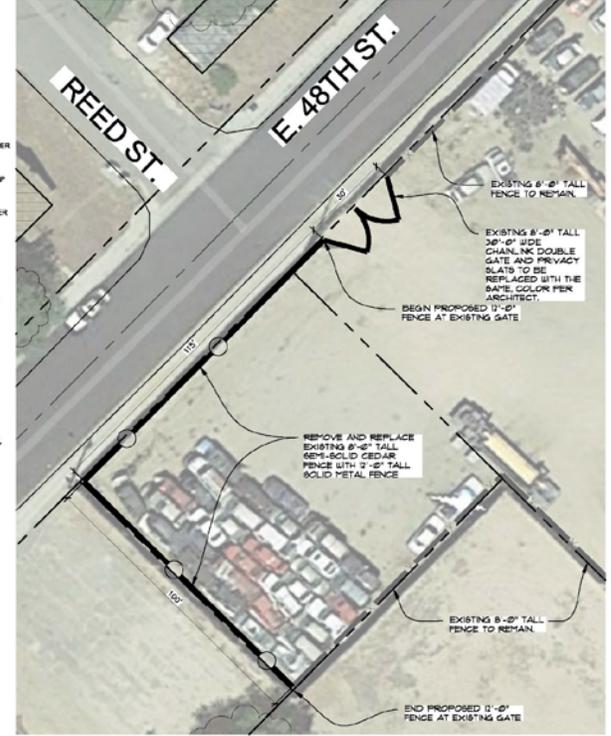
- EXISTING 8 FOOT CEDAR FENCE (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
- EXISTING 8 FOOT CHAIN-LINK GATE WITH PRIVACY SLATS
- PROPOSED 12 FOOT SOLID SCREEN FENCE VERTICALLY ALIGNED METAL ROOFING PANELS WITH 2 1/8" SCHEDULE 40 POSTS AND FIVE HORIZONTAL CEDAR RAILS. (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
- PROPERTY LINE
- EDGE OF PAVEMENT
- ROADWAY CENTER LINE
- EXISTING BUILDINGS
- EXISTING TREES



PANEL FENCE



VICINITY MAP



FENCING PLAN ENLARGEMENT

**OWNER**

PICK-A-PART JALOPY JUNGLE  
 520 E 47TH ST,  
 GARDEN CITY, ID 83714  
 (208) 321-7721

**LANDSCAPE ARCHITECT:**

SOUTH BECK AND BAIRD  
 2002 S. VISTA AVENUE  
 BOISE, IDAHO 83705  
 (208) 342-4811  
 (208) 342-2999

**CONTRACTOR:**

FRONTIER FENCE COMPANY  
 P.O. BOX 9306  
 BOISE, IDAHO 83707  
 (208) 344-6817



DATE: 5/19/2018

**SOUTH BECK & BAIRD**  
 Landscape Architecture P.C.  
 2002 S. Vista Ave  
 Boise, ID 83705  
 (208) 342-2999  
 www.southbeckandbaird.com

REVISIONS:

**FENCING PLAN**  
**Pick-A-Part Jalopy Jungle**  
 520 E 47TH ST, GARDEN CITY, IDAHO 83714

DRAWN BY: A.W.J.  
 CHECKED BY: A.W.J.  
 PROJECT NUMBER: 19-0202  
 SHEET:

**L1.00**



# Site Photos



# Site Photos



# Fence Exhibit

# Thank you

LAND CONSULTANTS INC.

