



DEVELOPMENT SERVICES DEPARTMENT

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File: HISTFY2021-0001
Date: June 24, 2021
Reviewer: Hanna Veal, Associate Planner

Supplemental Material

The configuration of the building built in 1982 (based on the 1986 building permit) does not appear to be multi-tenant or industrial in nature, but rather an office building that appears to be for an individual user. Additionally, there is no indication that the addition is intended to be for more than one tenant, or industrial in nature.

The plans that are included in the 1986 remodel appear to add a “shop”, as noted on the plans, component to the existing structure consisting of two offices, a reception area, conference room, and associated restrooms. The plans are titled by the architect, Jerrie Wolfe & Associates. Architects, as “Office-Shop Building for Bob Ramsey”.

Mr. Butler states that the site originally was and continued to remain a “Light Industrial” use. This specific use did not exist in the Garden City 1979 code book, however it does state that within the Urban Zoning District there was an industrial district that consisted of “commercial operations of a primarily nonretail nature, having an emphasis on the production, processing or storage of material goods.”

Ordinance 416, adopted July 29th 1980, and in effect in 1982, identified Shop for a building contractor and Garage, Service Station (allowing for servicing and repair) as separate uses. The Garage, Service Station required a conditional use permit.

There is no conditional use permit that was granted in 1981, 1982, 1985 or 1986 (per review of the Planning and Zoning Commission minutes), and therefore the use would have a) been a permitted use; or b) not legally established.

Provided that Gardener Maintenance was the tenant that first occupied the structure and did so until 1994, there is no documentation of that tenant that has been identified, or what that use might have been classified as under the code in affect at the time.

Action Steel Builders would have annulled any previous use as it was classified as a professional and personal services use preceding the 2008 business compliance document.

The Garden City Utility Billing Department has records that the utility accounts for the subject address were Action Steel Builders with a start date of June 13, 1995. The account then was under Robert Ramsey starting on June 29, 2009, Brilliant Services September 29, 2010, and then

Wilson's RV (trash only) with a start date of November 10, 2015 (current) and Robert Ramsey for sewer and water on July 31, 2019 (current),

Ada County Assessor's records extend to 2004. According to the Assessors website, Action Steel Builders INC operated at 200 E. 45th Street. From 2009 through 2015 it shows the property as being Action Steel Builders – Vacant. In 2016 the Assessors website identifies a new tenant as RV repair.

Google Maps has Street view images from 2007 to 2019. The Street view imagery is too blurry to identify any business signs, however, 2011 imagery shows "Brilliant Services LLC" and "RV Improvements" signs. The 2018 and 2019 imagery show similar signs stating RV Winterizing and RV Parts and Service. There are no sign permits on file with the City, nor were any submitted with the application.

Action Steel Builders has a business compliance for "Professional and Personal Services". Brilliant Services LLC, a previous tenant, was a cleaning company classified as a "Service Provider" use. There is no certificate of occupancy for the current use of Wilson's RV. Wilson's RV would be considered a "Vehicle Repair" use. This site has seen a change of at least three different uses since its construction, all of which have no similarity to that of the desired legal non-conforming use of "Light Industrial".

According to the history submittal by the applicant, there is no indication that there was ever more than one user of the site at a time until 2012 when purportedly occupied by Wilson's RV and Brilliant Service at the same time.

The current use being that of Nelson's RV, clearly advertises itself as RV repair on their signs. RV repair falls under the use of "Vehicle Services" defined by current Garden City Code as:

"The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing, or straightening the body and/or chassis of vehicles or steam cleaning of vehicles."

By allowing Nelson's RV to operate out of the structure since 2012 (per Mr. Butler's letter), the property effectively abandoned any nonconforming rights for the use of previously establish use of personal and professional Services.

The claim that the use has not changed in character since the construction of the building in 1982 is not supported by the submitted documents, and thus cannot be determined as a legal nonconforming use. Even if the site has continued to operate in the same manor, or particular character, the tenants have not lawfully been occupying the space as there are no certificates of occupancy or additional business compliance documents.

Documentation:

The following documentation was provided by the applicant:

- Nonconforming Status Determination Application
- Letter addressed to Mark Jones, Development Services Code Enforcement
- List of 200 E. 45th Street Documents
- Garden City Building Permit dated September 7, 1982.
- Business Compliance (BUS2011-00020)
- Email
- Elevations and Floor Plans

- Building Permit Application dated May 9, 1986.

Other documentation reviewed:

- Current Title 8 Garden City Code
- Title 8 of Garden City Code 2004
- Garden City Code 1979
- Planning and Zoning Minutes 1981-82
- Planning and Zoning Minutes 1985-86
- Ada County Assessors Website
- Google Earth and Google Maps Street view imagery