

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	PUDFY2021-0001
)	
Extension Request)	FINDINGS OF FACT,
116, 118, and E. 33 rd Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on November 13, 2023. The City Council reviewed the request. Based on the evidence presented, pursuant to Garden City Code § 8-6-A. 8 and § 8-5B-6, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The requestor is Jeff Hatch with Hatch Design Architecture.
2. The property owner is Bulick Michael Kirk Trust.
2. The location of the project is:
 - a. 116 E. 33rd Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541190. LOT 9 BLK 33 FAIRVIEW ACRES SUB NO 5
 - b. 118 E. 33rd Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541200. LOT 10 BLK 33 FAIRVIEW ACRES SUB NO 5
 - c. E. 33rd Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541210. LOT 11 BLK 33 FAIRVIEW ACRES SUB NO 5
3. The subdivision processed as a Planned Unit Development, file, PUDFY2021-0001 was approved September 13, 2021, for 14 units. The approval was valid for one year.
4. On September 26, 2022, the City Council granted a one-year extension of the project.
5. On September 12, 2023, the applicant requested a secondary extension of the file PUDFY2021-0001 in writing noting:
 - a. One of the partners passed away. The estate was in probate and had to be closed before any projects could be started. Idaho State Probate No.CV01-22-12428.

6. The City Council considered request on November 13, 2023.

7. The following standards in the Garden City Code apply to this proposal:

Standards	Compliant	Conclusions
GCC 8-5B-6 Term of Subdivision Permit	N/A	Not applicable with an extension approval.
GCC 8-6A-8 Expiration of Approvals	Yes	<p>1. Good Cause exists for the request:</p> <p><u>Explanation:</u> Good Cause does exist in that there has been a delay due to the property being in probate.</p> <p>2. The application and or applicable city regulations have not changed.</p> <p><u>Explanation:</u> The city regulations have changed but the application has not changed, therefore this requirement is met.</p> <p>3. There has not been change in the neighborhood, plans or policies that affect the compatibility of the project:</p> <p><u>Explanation:</u> There has not been change in the neighborhood, plans or policies that affect the compatibility of the project.</p> <p>4. The property appears to be compliant with codes and laws:</p> <p><u>Explanation:</u> There are no current open code enforcement cases at the subject property.</p> <p>5. It is in the City's best interest to grant the extension:</p>

		<u>Explanation:</u> As this application meets the findings, it is in the City's best interest to grant the extension.
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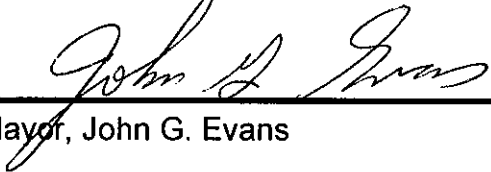
CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes the application **does** meet the standards of approval under § 8-6-A. 8 and § 8-5B-6

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Approve** this request for an extension of the building permit.

1. This approval is for a **one-year** extension to **September 13, 2024**.
2. Final decisions may be subject to judicial review pursuant to the Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
3. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

 <hr style="border: 1px solid black;"/>	November 13, 2023 <hr style="border: 1px solid black;"/>
Mayor, John G. Evans	Date