

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 ▪ 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
State: ID Zip: 83616	State: ID Zip: 83714
Tel.: (208) 939-7447	Tel.:
E-mail: markleebutler@gmail.com	E-mail:

PROPERTY AND VARIANCE REQUEST INFORMATION

Site address:
520 E 47th St

Subdivision Name: FARVIEW ACRES SUB NO 03	Lot: 07 & 08	Block: 22
Tax Parcel Number: R2134523060, R2134523062 R2134522961, R2134522981, R2134522911	Zoning: C2 & R-3	Total Acres:
Existing Use: R2134523011 PICK-A-PART JALOPY JUNGLE	Floodplain: yes no	
Proposed Use: JALOPY NO CHANGE - PICK-A-PART JUNGLE	Surrounding Uses: 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:

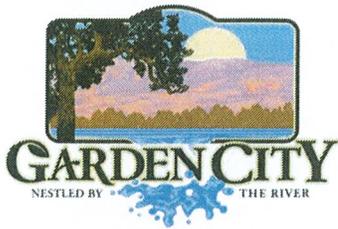
- 8 1/2" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings,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



VARIANCE	
Permit info:	VARFY2019-2
Application Date:	5/30/2019
Rec'd by:	MK
FOR OFFICE USE ONLY	

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Address: P.O. BOX 314	Address: 520 E 47th St
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State: ID Zip: 83616	State: ID Zip: 83714
Tel.: (208) 939-7444	Tel.:
E-mail: markleebutler@gmail.com	E-mail:

PROPERTY AND VARIANCE REQUEST INFORMATION

Site address: 520 E 47th St		
Subdivision Name: FARVIEW ACRES SUB NO 03	Lot: 07 & 08	Block: 22
Tax Parcel Number: R2134523060, R2134523062 R2134522961, R2134522981, R2134522911	Zoning: C2 & R-3	Total Acres:
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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?

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Land Consultants Inc.

P.O. Box 314 - - - Eagle, Idaho 83616 - - - Phone 208-939-7444 - - - email: 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. 47th 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.

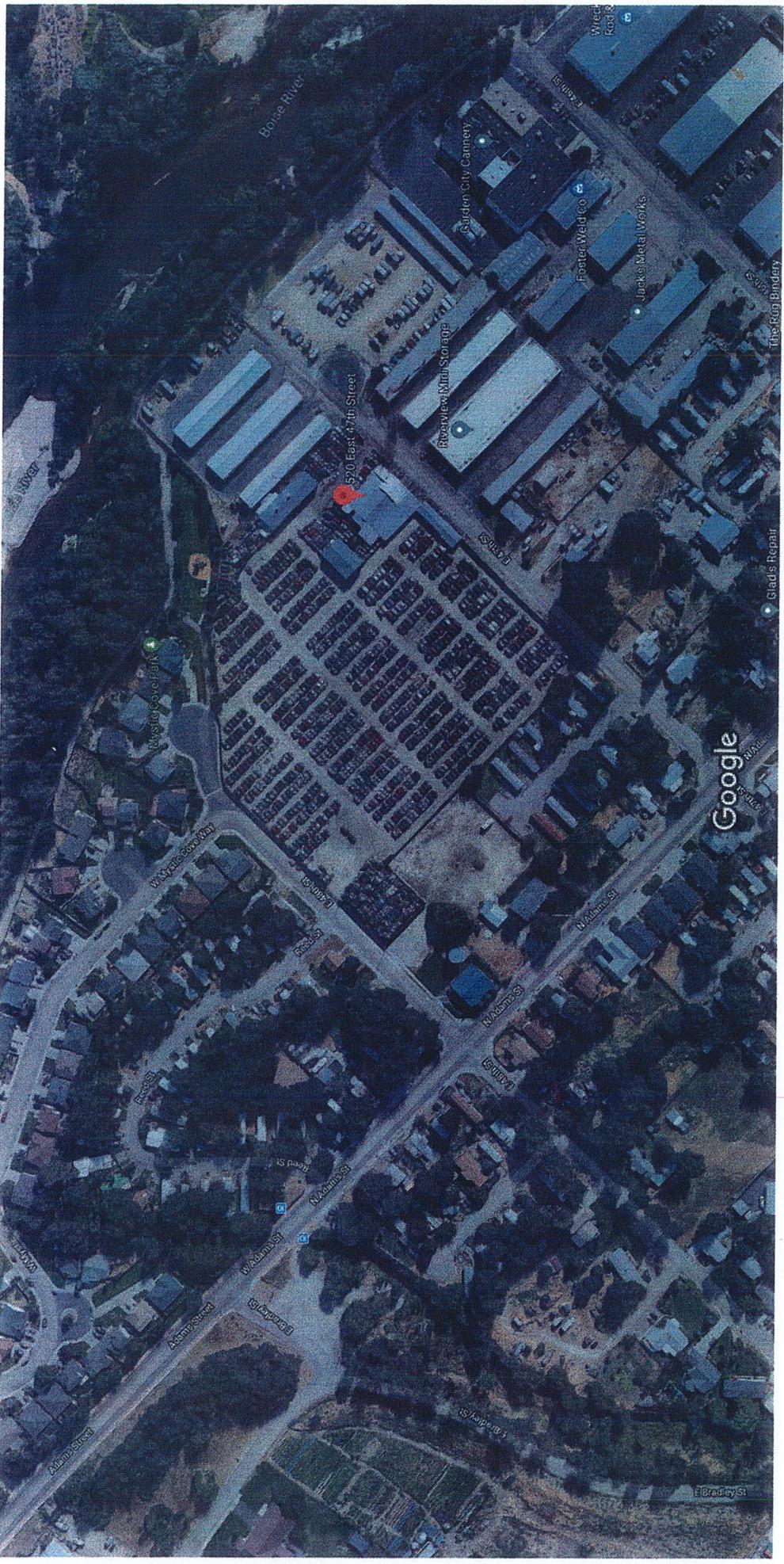
The variance is the minimum relief necessary to allow reasonable use of the subject property because other screening methods take away property from the stacking area rendering it unusable for the business operation.

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.

Google Maps 520 E 47th St



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

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 48th 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.

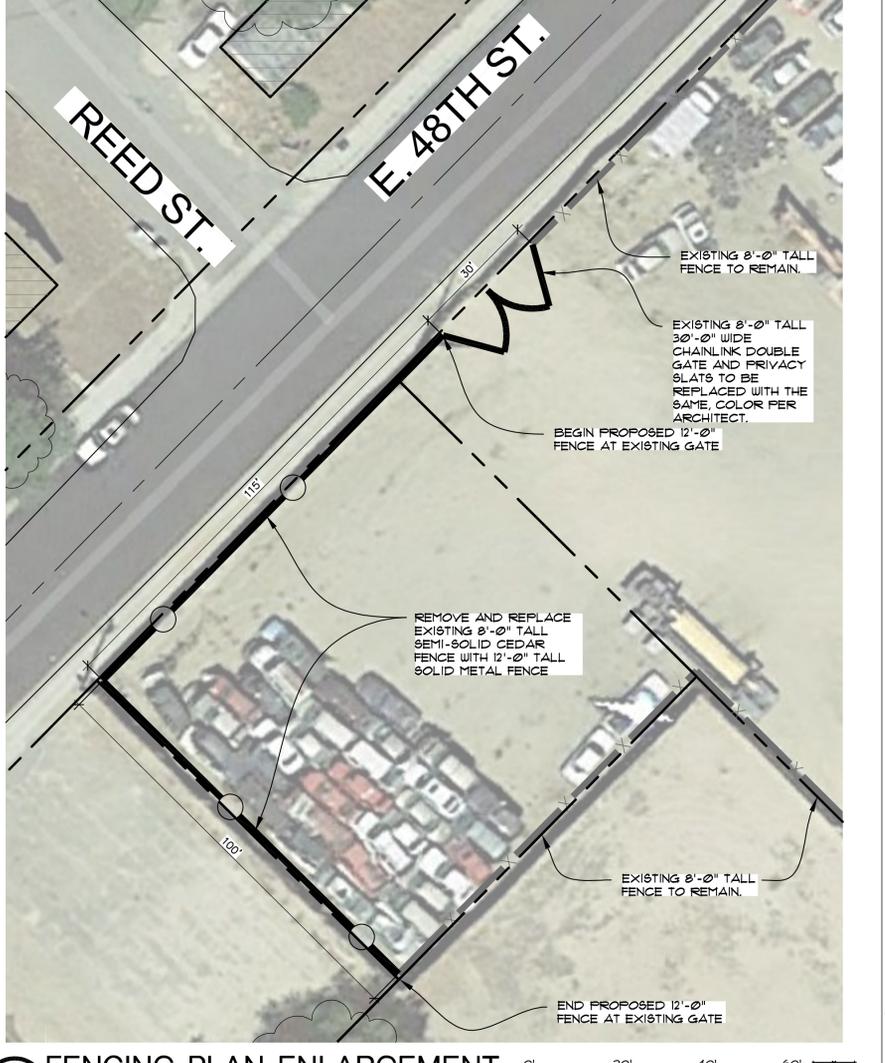
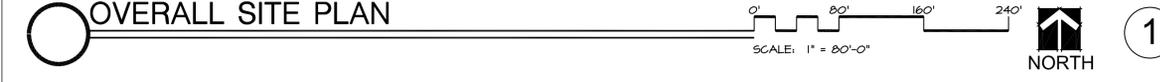
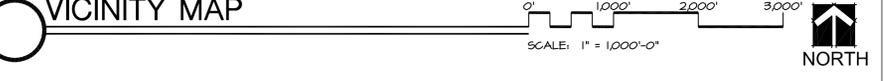
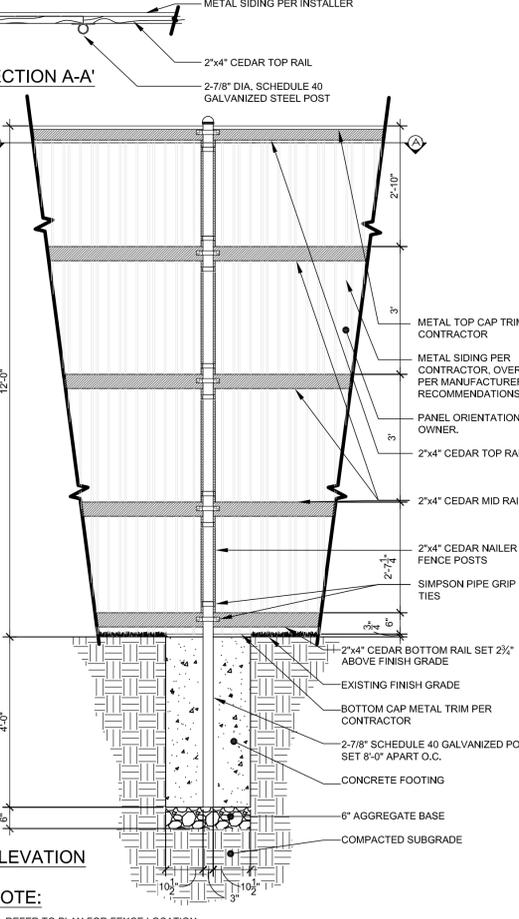
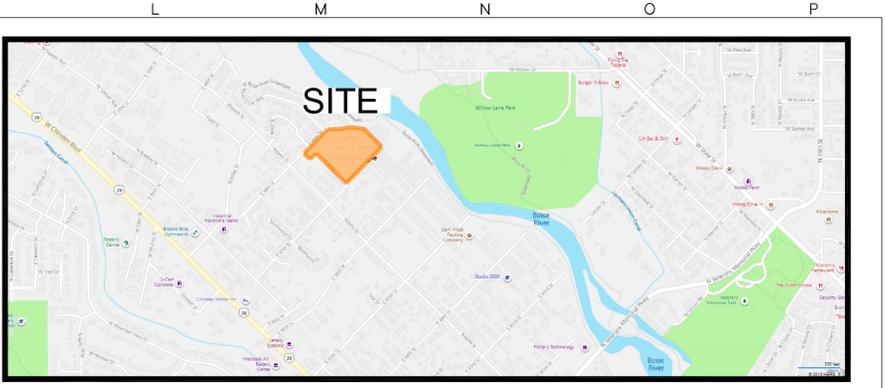
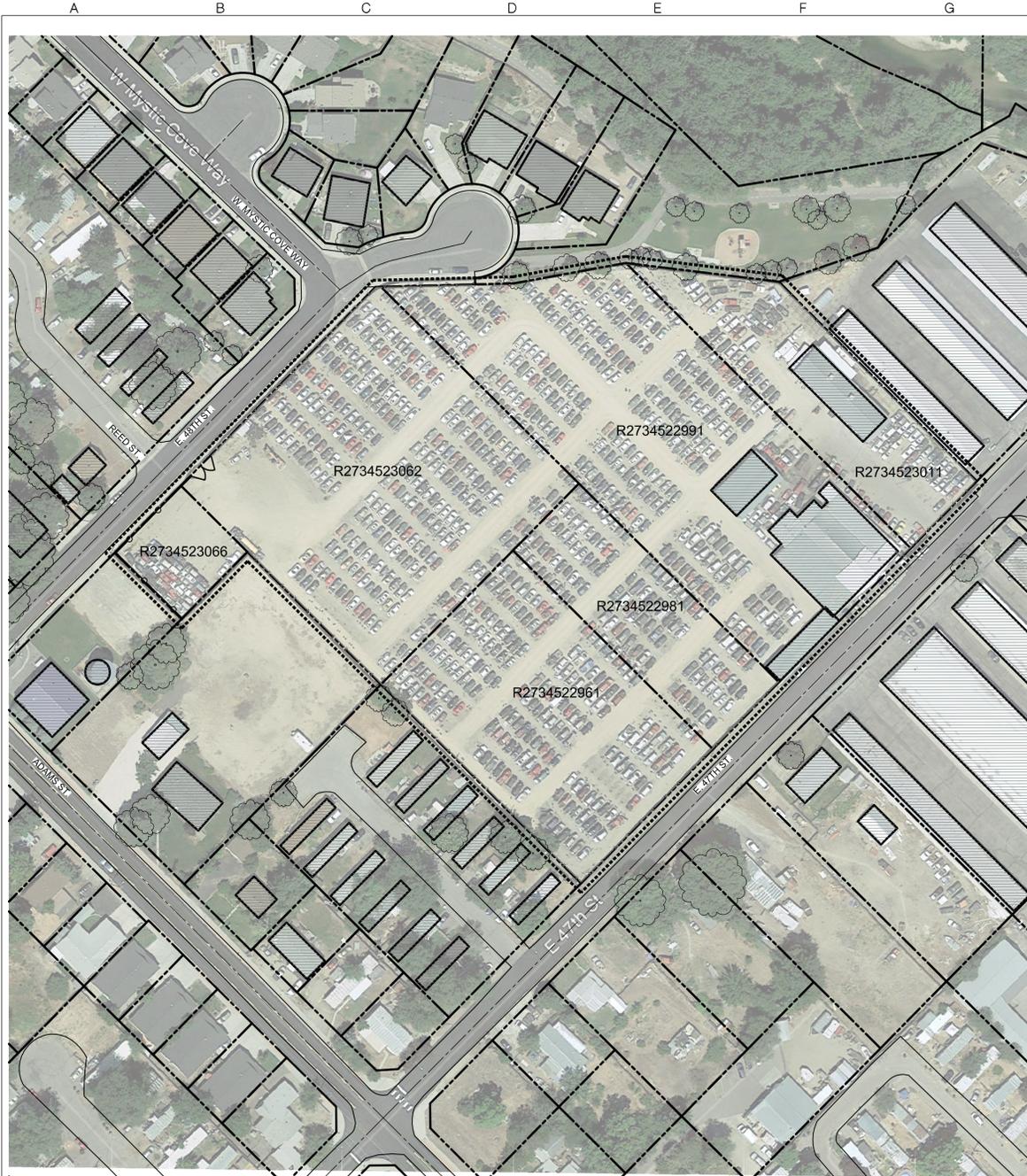
The meeting will be held on Thursday, March 21st, 2019 at 6:30 pm inside the Jalopy Jungle building located at at 520 E 47th Street Garden City, Idaho.

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

Sincerely,



Mark L. Butler, LCI



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:

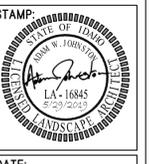
- EXISTING 8 FOOT CEDAR FENCE (SHOWN 1'-0" OFF PROPERTY LINE FOR GRAPHIC CLARITY)
- EXISTING 8 FOOT CHAINLINK GATE WITH PRIVACY SLATS
- PROPOSED 12 FOOT SOLID SCREEN FENCE VERTICALLY ALIGNED METAL ROOFING PANELS WITH 2 1/8" SCHEDULE 40 POSTS AND FIVE HORIZONTAL CEDAR RAILS. (SHOWN 1'-0" OFF PROPERTY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

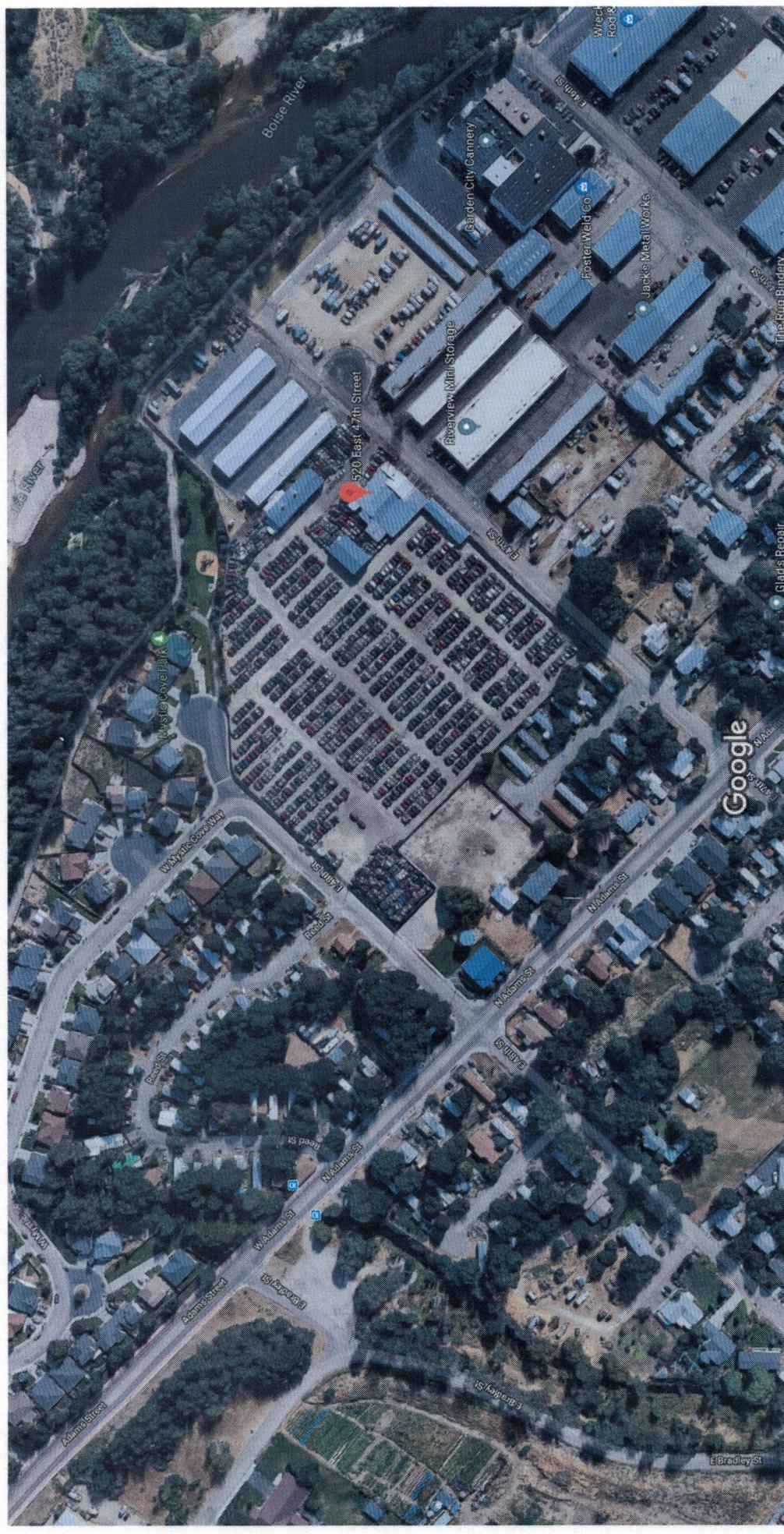
REVISIONS:

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



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