

# THOMPSON, ASHCRAFT AND BURNHAM

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August 18, 1995

To the ZONING ADMINISTRATOR, and  
the BUILDING INSPECTOR, GARDEN CITY IDAHO.  
City of Garden City  
201 East 50th  
Garden City, Idaho 83714

Gentlemen:

## Introduction

This Zoning Permit and Building Permit Application is submitted by and on behalf of Dillon Auto Parts, Incorporated, a corporation licensed and authorized to do business in the state of Idaho. The Applicant seeks to erect a building at 520 East 47th Street, Lot 9, Block 22, Fairview Acres Subdivision Number 3, Garden City, Idaho.

James Calderwood Burnham, of the law firm of Thompson, Ashcraft and Burnham, has been retained to represent the Applicant as the Agent / Attorney. Please direct all correspondence to him at the above address and/or facsimile number.

This letter shall constitute the "detailed letter explaining the proposed action and use" as required by the **Instructions** on, and in support of, the completed Zoning Permit Application submitted herewith. Further, this Application is made in accord with Garden City Ordinance Number 443, as amended and provided for in Title 8 of the Garden City Code.

Please process this Application pursuant to Section 8-3-2 of the Garden City Code. Pursuant to page 2 of the Zoning Permit Application form, please have staff notify the Agent / Attorney, in writing, of a requirement for any additional permits or information, as indicated on the form, or otherwise.

Attached as **Exhibit A** is the completed Zoning Permit Application form.

Attached as **Exhibit B** is the "evidence of proprietary interest" and the change of name of

the owner of the subject property.

Pursuant to a telephone conference with Garden City staff on August 17, 1995, a check in the amount of **\$25.00** is enclosed for processing of this Zoning Permit Application. In addition, pursuant to Garden City Code Section 7-1-1:C, a check in the correct amount will be sent as a building permit fee upon receipt of the zoning permit and placard. Please contact the Agent/Attorney in writing if additional amounts are required.

Attached as **Exhibit C** are two (2) sets of detailed plans on 8.5 by 11 inch paper in addition to the two (2) sets of typical architectural size plans. Portions of these plans (previously submitted to and rejected by the City) have been redacted to comport with this Application and the proposed use. Specifically, references to "storage" and "warehouse" and "C-2" (as a Zoning District) have been deleted. The deleted information was previously included by the Architect, at the suggestion of Garden City staff and/or the Garden City Zoning Administrator. The Agent / Attorney is responsible for the redactions. The area plan (Master Plan) is provided for City convenience and orientation only, and no reference thereon to landscaping, land exchanges, turn-arounds or other matters irrelevant to this Zoning and Building Permit Application are to be deemed part of this application.

#### **Present Use**

The existing use of the property is Automotive Wrecking and Retail Store and Services. Specifically, the property is used in the dismantlement, cleaning and testing of two (2) or more used motor vehicles, and the sale of dismantled and partially dismantled vehicles or their parts. Storage activities are incidental to inventory for sale and no "storage," per se, occurs on the property. Retail Services are offered, in that customers place orders for new, remanufactured and used automobile parts which are then obtained by the Applicant. These activities have been ongoing since 1963.

The Applicant presently operates a commercial business on Lots 4, 5, 6, 7, 8, 9, 29, 30, 31, and the north-west third of Lot 32, Block 22, Fairview Acres Subdivision Number 3, Garden City, Idaho. It is the Applicant's contention that the subject area is not currently zoned pursuant to Garden City Ordinance or the Idaho Code. See documents attached as **Exhibit D**.

With the exception of the north-east ends of Lots 8 and 9, all of the property fronting on East 47th Street, East 48th Street, and all property adjacent to the properties which border Lots 4, 31, and the north-west third of Lot 32, are encompassed by a solid, eight foot (8'), sight-obscuring fence made of vertical wood slats. Said fence is approximately one thousand, four hundred ninety feet (1,490') long and was erected in response to the demands of Garden City, Idaho. Said 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.

As to subsection D of the cited section, the Applicant placed the above referenced fence at the insistence of Garden City and with no requirement for a specific landscaping layout. The existing landscaping is "appropriate with the surrounding area." The Applicant further contends that,

to the extent 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 any additional landscaping. Nor is the existing commercial use going to be "changing to another commercial use." Finally, the proposal does not establish any "new commercial use."

The northern border of the subject property is enclosed with approximately four hundred twenty one feet (421') of eight foot chain link fence topped with barbed wire. Said fence is adjacent to a solid, sight-obscuring wall of dense vegetation as high, or higher, than the fence itself.

The north-east border of Lot 9 abuts a solid, sight-obscuring metal building owned by the adjacent property owner.

The north-east ends of Lots 8 and 9 have buildings erected thereon which provide a solid, sight-obscuring barrier.

Lots 4, 5, 6, 7, 29, 30, 31, and the north-west third of lot 32 currently contain inventory for sale. This inventory consists of dismantled automobiles. This inventory is maintained out-of-doors.

Lots 8 and 9 currently contain automobiles, out-of-doors, intended for dismantling and stocking with inventory for sale.

The south-east portion of Lots 7 and 8 currently contain buildings. The building on the south-east end of lot 7 contains inventory for sale. This inventory consists of new, remanufactured, and used automobile parts. This inventory differs from the out-of-doors inventory in that it is generally smaller, easier to shelve, and better kept from exposure to the elements.

The extreme south-east end of the building which is located on the south-east end of Lot 8 contains customer sales, waiting, and office space. The middle area of this building contains inventory for sale which is similar to that which is found in the building on the south-east end of Lot 7.

The north-west end of the building which is located on the south-east end of Lot 8 contains work bays. The work which is conducted in these bays involves the dismantlement, cleaning, testing and itemizing of automobile parts which are currently stored on Lot 9 and the north-west end of Lot 8. Depending upon the size of the parts involved, the weather, and other contingencies, some initial dismantlement may occur on Lot 9 and the north-west end of Lot 8. Once the initial dismantlement is done, the parts are then brought into the above referenced bays for final work.

The work bays are not adequate in size, technology, or location to meet the needs of the Applicant. The Applicant needs more room for indoor dismantlement, cleaning, and testing. Additional room is needed for the equipment utilized in conducting those activities. The Applicant needs indoor facilities for these activities. The Applicant seeks to enhance automobile part cleaning abilities in furtherance efficiency, protection of property values, and protection of the Applicant's

environment.

The Applicant also seeks to remove, and possibly replace the existing buildings on the south-east end of Lots 7 and 8.

All of the above-mentioned buildings are interconnected and accessible from the main store front on the south-east end of Lot 8.

An additional building lies north-west of the main building on Lot 8. This building contains inventory for sale, similar to that which is contained in the other existing buildings.

Approximately seventy five to eighty percent (75% - 80%) of the Applicant's business involves the sale of used automobile parts. Approximately twenty to twenty five percent (20% - 25%) of the Applicant's business involves the sale of new or remanufactured automobile parts. The Applicant orders, buys, and sells automobile parts, on its own behalf, and at customer request.

### **Proposed Action**

The Applicant proposes to construct a building on Lot 9, Block 22, Fairview Acres Subdivision Number 3. The Plans for this building are attached as Exhibit C.

### **Proposed Use**

The proposed building will be used to remedy the above referenced inadequacies which are inherent in the existing work bays. Specifically, the building will be used to conduct work involving the dismantlement, cleaning, testing and itemizing of automobile parts which are currently stored on Lot 9 and the north-west end of Lot 8. Depending upon the size of the parts involved, the weather, and other contingencies, some initial dismantlement may occur on Lot 9 and the north-west end of Lot 8. However, such out-of-doors work should be substantially reduced through use of the new building and the equipment therein. Once the bay work is completed, the Applicant intends to inventory the parts in the same manner as is currently done.

The Applicant does not intend to hire additional employees. The employees who currently work in the existing work bays will be transferred to the new building. As provided for in the plans, an employee break room and bathroom facilities will be part of the new building. The Applicant does not expect the proposed action to result in an increased number of Applicant or customer trips into and/or out of the area. The proposed action is expected to result in greater efficiency, economy, convenience and safety only.

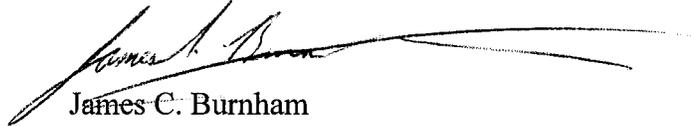
### **Application**

The Applicant hereby respectfully requests the issuance of a Zoning Permit, a Zoning Placard and a Building Permit. The Applicant also request that the Administrator return one copy of the enclosed typical architectural size plans with his signature thereon.

In the event that this Application is denied, please provide a copy of the denial and a written statement of reasons, within the applicable time period, to the Agent / Attorney.

Very truly yours,

THOMPSON, ASHCRAFT and BURNHAM

A handwritten signature in black ink, appearing to read "James C. Burnham", with a long, sweeping horizontal flourish extending to the right.

James C. Burnham  
Agent/Attorney